

# H-Net Reviews

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E. Wayne Carp. *Adoption Politics: Bastard Nation and Ballot Initiative 58*. Lawrence: University Press of Kansas, 2004. xvi + 238 pp. \$29.95 (cloth), ISBN 978-0-7006-1305-2.

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## Adult Adoptees, Birth Records, and Politics

In 1975, English adoptees received the right to learn the names of their birth parents when they became eighteen. Similar laws have passed in New Zealand, several other European countries, and in parts of Canada and Australia. Yet in the United States, such rights are available without qualification to adult adoptees only in Alaska and Kansas, which never closed their records, and Alabama, New Hampshire, and Oregon, which opened them very recently. Wayne Carp's earlier book, *Family Matters: Secrecy and Disclosure in the History of Adoption* (1998), surprised many readers by showing that this information had been available to most adult adoptees in the United States in the first part of the twentieth century, and explored the political and ideological struggles through which records were sealed and in a few cases re-opened.[1] In *Adoption Politics: Bastard Nation and Ballot Initiative 58*, Carp continues the story, focusing on the Oregon grassroots open records initiative of 1998, which gained adoptees the right to receive their original birth certificates at the age of twenty-one.

While *Family Matters* made extensive use of such records as the archives of the Children's Home Society of Washington and the Social Welfare Archives of the University of Minnesota, *Adoption Politics* involves many more interviews with those who participated in the political and legal struggle, on both sides, and analyzes even their e-mail messages to each other. This is living history. In *Family Matters*, Carp criticized the use by the adoption rights movement of the argument that closed records are psychologically damaging, on the grounds that it is unproven and stigmatizes all adoptees: the advocacy group

Bastard Nation (BN), heavily involved in the Oregon initiative, avoids this argument and makes its case largely in terms of adoptees' rights to legal equality, and Carp claims that this orientation contributed heavily to the initiative's success. The larger and older American Adoption Congress, more willing to compromise, is more interested in reunions and emotional support for adoptees and others, and more willing to use psychological arguments. Bastard Nation is a young, irreverent, internet-savvy organization whose use of humor, as Carp says, "embrace[s] the ribald or scandalous with a verve absent from other movement groups" (p. 26). Its webpage went up on June 16, 1996, and immediately began to receive more than a thousand hits a month. The newsletter, *Bastard Quarterly*, publishes not just legislative information, but also Bastard Jokes, Bastard Recipes (e.g. Bunch-a-Bologna Sandwich, Chopped Files on Toast, Clam-up Chowder—names contributed by the same Helen Hill who would lead the Oregon initiative battle) and even a Bastard Cheer. Sensitive to media opportunities, BN staged a positive picket at showings of the film *Secrets and Lies* to publicize England's open records law, which permitted the difficult reunion it portrayed. Even more publicity resulted when the film won five Oscar nominations in 1997, and Mike Leigh and Brenda Blethyn showed up at BN's demonstration at the Oscars.

Carp provides a detailed picture of the campaign, complete with narrative drive and suspense: how the initiative got qualified; how the voters' pamphlet was written; what sort of publicity each side sent out and to whom; how alliances formed; where, when and why ads

and newspaper coverage appeared; and, perhaps most importantly, what arguments both sides used in the court challenge after the initiative passed and in the debate over the amendment that provided for a contact veto but required health information. He also personalizes the campaign by providing a great deal of information from several activists' biographies, often in their own words, and even their photographs. Carp shows Oregonian adoptee and art teacher Helen Hill coming to the first Bastard Nation conference in 1997, and after hearing Randy Shaw, author of *The Activist's Handbook* (1996), talk about the ballot initiative, thinking it might work in Oregon. Hill became the chief petitioner, but Carp stresses the importance of her collaboration with legally trained and politically experienced Shea Grimm, a founding member of Bastard Nation. In 1993, Grimm created the first known adoptee rights website; she "was one of the first to see the potential power of the Internet to spur adoption reform" (p. 43).

Carp wants his book to be, among other things, a guide for activists, and he also shows how history can be relevant in current struggles. The discovery publicized in his own previous book, the fact that American adoption records had been open to adoptees in the earlier twentieth century, becomes one of the arguments cited on behalf of the open records initiative in court. And the vexed historical question of whether birth mothers were promised that no one would ever know about their child's birth, as well as the legal question about the status of such promises if they were made, also figure in those arguments. Amazingly, Carp did not find privacy for birth mothers explicitly used in legal arguments as a reason for sealing birth records until 1979, though social workers had discussed this issue earlier (p.16)! This is congruent with the findings of Elizabeth Samuels that the majority of state sealing of birth records to adoptees took place in the 1970s and later, the very time that memoirs recounting the efforts of adoptees to find their birth parents were first receiving significant attention.[2] Samuels's research suggests, perhaps, that adoptees could often see their birth records so long as there were not many trying to do so and their searches did not receive much publicity.[3]

Many birth mothers, Carp shows, supported the Oregon open records initiative and said that they were not promised secrecy from their children; a few, speaking anonymously against the initiative, said those promises *were* made. On the other side, the presiding judges and prevailing lawyers argued that there was no one qualified to be a party to such a promise, and that state adop-

tion laws had been changed several times without issues of promises and retroactivity being raised. There is no fundamental constitutional right to an anonymous adoption, said the final legal decision (p. 152). And the earlier Oregon law that seemed to create that right, passed in 1957, gave as rationale the possibility of "heartbreak" for adoptive parents, not for birth parents (p.12). Nevertheless, today's continuing or resurgent belief in the stigma of having a child out of wedlock is apparent in the Oregon compromise by which birth parents were allowed to register a preference against contact, but had to verify that they had also filed an updated medical history with an adoption registry (a file open to adoptees, maintained by either a private adoption agency or a state).

This campaign was an unusual one in many ways. Oregon is an initiative-friendly state with many voters willing to take risks. Helen Hill is a charismatic, dedicated, and pragmatic activist who just happened to have inherited enough money to fund it. The opposition underestimated her and refused help from Bill Pierce's National Committee for Adoption. Hill outspent them twenty to one. Carp says this, plus superior organization and use of the media, meant that the pro-reform side was actually the Goliath, not the David, in this battle (p. 49).

Carp believes that the messages of this campaign for future open-record activists are several. Use a civil rights approach—people will respond to arguments about equality, even if the reform does not directly benefit them. Use the internet to communicate quickly and build *esprit de corps*. Finally—and here he is giving a message different from the usual Bastard Nation position—be willing to compromise. Recognize that many of those who cannot endorse all your demands may actually have much common ground with you. Many of those who wanted a contact preference statement for birth mothers in Oregon declared that openness about adoption records is preferable in general. Carp recommends the amended Measure 58 as a model for other states.

Though his book is more about the reform movement than the opposition, Carp tries to be fair to people on both sides, many of whom opened their memories and personal archives to him. William Deras, head of the anti-initiative Concerned Adoption Professionals, for example, "was less a true believer than a concerned adoptive parent and a dedicated citizen who used his legal skills to oppose an initiative he strongly disagreed with" (p. 79). In a few places Carp's biases show, but he usually gives enough information to allow the reader to make some corrections to them. For example, while Carp questions

the validity of the argument that closed-record adoption is psychologically damaging, especially the way that argument is made by Betty Jean Lifton, he notes how influential Lifton's *Twice Born* was for Helen Hill and to Thomas McDermott, the attorney for Measure 58 and an adoptive father. Hill had strongly identified with Lifton's memoir about her life experience as an adoptee and her difficult search for her birth parents, and McDermott had found it useful in understanding his son.[4]

One of the touchiest issues in this history is the relationship of adoptees and birth mothers, since the main argument against the initiative was that some birth mothers would be damaged by openness. During the campaign, Bastard Nation was accused of hostility to birth mothers. Carp's position on this charge is not entirely clear. Probably his most considered opinion is found in the endnotes, where he says that "virulent anti-birth mother beliefs had no place in an organization where birth mothers—including Linda Corbin, Jane Edwards, Teri Leber, and Mary Anne Cohen, for example—were both members and respected leaders" (p. 195). But elsewhere he claims that Bastard Nation ignored the opposition's argument about confidentiality partly because of "BN's dislike of birth mothers" (p. 109). Sometimes the evidence for dislike could be the result of identity politics, in this case the view that opening records to adoptees was a battle in which adoptees had to speak for themselves. Electoral success, however, required that others speak for them as well: Carp notes a full page ad with five hundred birth mothers' names and statements, gathered by Helen Hill, and the photo of five of them, taken by birth mother Delores Teller of the Oregon Adoptive Rights Association and the American Adoption Congress, that ran just before the initiative. The view that the interests of adoptees and birth mothers are usually opposed is mistaken. Many birth mothers would be very happy to see their adult adopted-away children, and would like to have laws that would provide mothers with access to records, as is now the case in England and New Zealand.[5]

Considering the number of cases since Oregon where open records proposals have been legislatively defeated or amended away from their reforming potential, it seems that the movement is a David, not a Goliath, in the United States. However, in recent years, records have been opened in New Hampshire, and another initiative is gathering support in New York. Bastard Nation, the American Adoption Congress, and regional affiliates continue to struggle. Carp's research should be helpful to future activists as well as to scholars trying to understand a social change movement much less visible to the

general public than most. Adoption often receives sentimental coverage from the mass media, but its political and psychological complexity gets little attention in journals of opinion. The absence of access to original birth records is, of course, generally a less material inequality than those experienced by members of other minority groups.[6] However, it is still an inequality, which can be intensified by such issues as genetic disease or growing up in a time and place where heredity is stressed. And, as Carp and Samuels show, this is not an unchangeable age-old inequality but one constructed recently, without adequate public discussion.

Adoptees' information rights are much more emotionally loaded than information issues such as the right to one's credit or medical records, because of the involvement with intimate family relations. We could think of this campaign as analogous to the campaign to define some forms of parental corporal punishment as child abuse, another campaign which also depended on both psychological and rights arguments. But the debate over birth records is uniquely complex because it involves the rights of "children" who have reached adulthood and parents who have relinquished parenthood, and some in each category prefer the right to contact or at least knowledge, while others prefer privacy. However, future scholars might usefully study the controversy with some awareness of parallel strategic problems of other movements. For example, the question whether it is better to argue for rights of a subordinate group as a self-evident justice issue or to use the argument that some of the group's members have been damaged by usual practices has confronted feminist and gay activists. The charge that adoptees who want open records dislike birth mothers could be compared to the charge that feminists are man-haters, a charge made by the likes of Rush Limbaugh but not taken seriously by scholars. Contrast of U.S. law and history on adoption matters with those of other countries would reveal more about the specificity of American attitudes. Currently one of the scholars leading in the effort to place adoptee rights argumentation in the context of other issues of difference is the sociologist Katarina Wegar, who was, not coincidentally, adopted in Finland, where records have long been open to adult adoptees. [7]

#### Notes

[1]. E. Wayne Carp. *Family Matters: Secrecy and Disclosure in the History of Adoption*. Cambridge, Mass.: Harvard University Press, 1998.

[2]. Elizabeth J. Samuels, "The Idea of Adoption: An

Inquiry into the History of Adult Adoptee Access to Birth Record,” *Rutgers Law Review* 53 (Winter 2001): pp. 367-436. Searching adoptees often want information about both birth parents; however, the opposition focuses on protecting mothers, perhaps because, in a country where the double standard is officially seen as a regrettable relic of the past, protecting them is an easier cause to champion than protecting birth fathers.

[3]. From Children’s Bureau figures quoted in Carp, *Family Matters*, we can estimate that there were less than 8,000 non-relative adoptions annually in 1937, 25,000 in 1945, 45,000 in 1955, and 710,000 in 1965 (p. 29). Displacement during World War II contributed to the supply by increasing the illegitimacy rate, and the domesticity boom after the war increased the demand by infertile couples. Thus significantly larger numbers of adoptees came of age and began to inquire about their birth information in the 1970s.

[4]. Betty Jean Lifton, *Twice Born: Memoirs of an Adopted Daughter* (New York: McGraw Hill, 1975). Carp neglects to identify her as an adoption therapist; empha-

sizing her connections to “the East Coast intelligentsia,” he errs in referring to her as “raised in New York City” (p. 21). This book discusses her childhood in Illinois and Ohio.

[5]. Samuels cites statistics compiled by confidential intermediary programs in Tennessee which show that 95 percent of birth parents want to be contacted (p. 420).

[6]. In most states in the 1960s, adoptees could still inherit from intestate birth parents, according to Samuels (p. 396). Financial inheritance was not discussed at all during the Oregon initiative campaign. Generally adoptive parents are more financially privileged than birth mothers. Open records are sought for other kinds of inheritance issues, not for money.

[7]. Katarina Wegar, *Adoption, Identity, and Kinship: The Debate over Sealed Birth Records* (New Haven: Yale University Press, 1997). I also attempt such analysis in Marianne Novy, *Reading Adoption: Family and Difference in Fiction and Drama* (Ann Arbor: University of Michigan Press, 2005).

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