

# The Adoptee Rights Initiative, 20 years on

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Twenty years ago, a rag tag team of political neophytes came together to make Oregon legislative history. In the process, they ignited a firestorm of controversy in Oregon and across the country, challenged decades of secrecy and shame, and unlocked the long sealed birth certificates of thousands of Oregon adult adoptees.

The sealing of adoptees' birth certificates began back in the 1950s as a way to protect children born outside of marriage from the stigma of illegitimacy. "Bastard" was often the word stamped across the original certificate that listed the name of the true birth mother and father. An amended certificate was created at the time the child was adopted into a conventional family. The amended certificate stated the names of the adoptive parents as the true biological parents. The original birth certificate, or OBC, was then deep-sixed in the State archives in Salem to be opened only, and rarely, by court order.

The sealing of the OBCs of illegitimate children was originally intended as a compassionate gesture of protection from a life-long stigma that could prevent them from marrying, getting a decent job or being accepted in society. Through the years, however, our views of birth outside marriage have drastically changed. According to 2015 data from the Pew Research Center, birth rates for unmarried women are now over 43 percent, compared to 5 percent in 1960. Even though the disgrace of birth outside marriage has largely diminished, (although to this day, the word bastard is still a stinging insult), the birth certificates of adoptees continue to be sealed in most states.

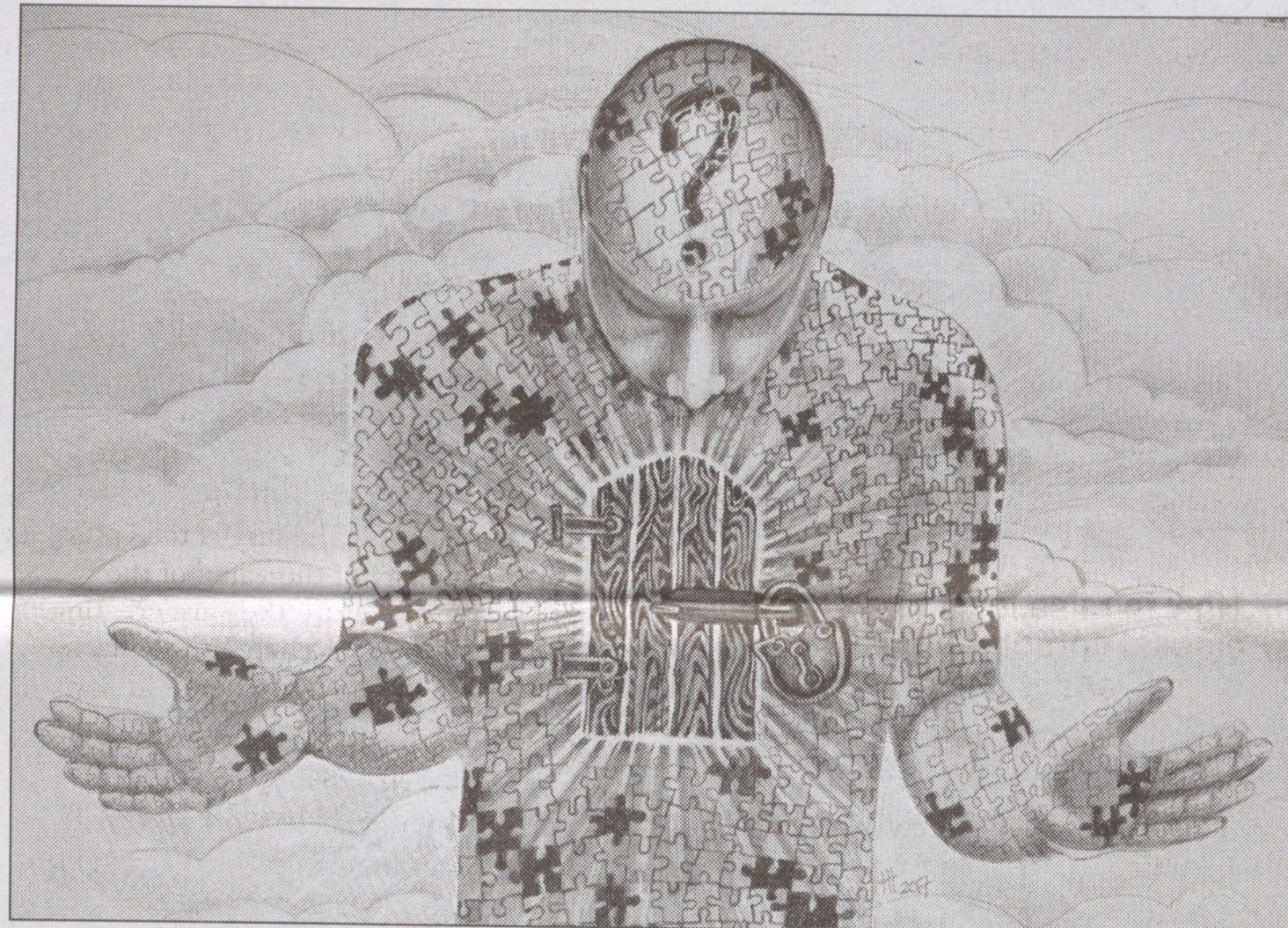
In November of 1997, a loosely organized coalition of Oregon "bastards", birth mothers and adoptive parents (known as the adoption triad) decided to use the initiative process to overturn the Oregon statutes that required the sealing of adoptee's OBCs, and allow adult adoptees age 21 and older to access them without a court order. I was the Chief Petitioner for that ballot initiative, which came to be known as Measure 58. I was adopted as an infant, my OBC is still sealed somewhere in Missouri.

There had been many failed attempts nationwide to introduce a bill to open the sealed records of adoptees, but it proved impossible to ask a legislator to carry water on a largely unknown but potentially contentious issue advantageous to so few constituents. The public generally views adoptees' desire for the OBC as an invasion of the birth mother's privacy at best, at worst, a ticket to hunt down a defenseless woman and expose a wasp's nest of secrets that should remain hidden.

For those of us in the early adoptee rights movement, however, the desire for access to the OBC was never about exposing identities or forcing contacts, but about rewriting an archaic statute held over from a repressive era when illegitimate births were shameful. Many of us had long been frustrated with the "pass the Kleenex," hand-wringing culture of adoption support groups focused on search and reunion and

the emotional morass of hit or miss registries. Meeting after meeting involved a roomful of discouraged members tearfully lamenting the difficulty of obtaining information. There were a few searchers with smuggled DMV databases and an underground search network of strategically placed clerical moles, but it was expensive, unreliable and, to be honest, humiliating. Why should we have to beg, buy or steal our own vital information, information that is readily available to every other citizen? Why should our true identity be a State secret? Can we not be trusted with our own information? Instead of complaining, it was time to act.

When we formed the political action committee, we decided to take a radical departure from the usual emphasis on the



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need to know birth facts for medical, emotional and psychological reasons, and present the measure as a pure civil rights issue. We were warned this would be a grave mistake, but we persevered and, in retrospect, I believe this was the reason we succeeded. It was clearly an abrogation of civil rights to deny a class of citizens access to their own vital information based on the circumstances of their birth, but would the voting public see it that way?

All we needed was 120,000 signatures for our simple measure to be placed before the Oregon voters. It seemed doable; it was 1997, the miraculous World Wide Web was brand new, and there was already a network of triad members connected through this thing called the internet. We optimistically hoped it would help us assemble an instant statewide army of signature gatherers.

Adoptees and birth mothers had been among the first to recognize the potential of the web as a tool for matching those searching for each other. With the privatization of the internet in the mid 1990s, triad members seized and filled the ponderous mIRC and HTML chat rooms that were springing up long before Facebook

and other social network sites revolutionized how we organize to find each other. Bastard Nation was perhaps one of the earliest activist organizations to form exclusively on the Internet, using the Usenet newsgroup alt.adoption. Those were heady days as we realized the embryonic possibilities of online political activism. It might take three hours to download a song, but sitting in our homes across the country we could brainstorm strategies at light speed on actions such as mass burnings of amended birth certificates, building solidarity with adoptees in other countries and framing letters to newspapers and legislators. The process of toppling the closed record system and ending years of shame and secrecy had begun.

Using the direct route of the initiative system had never been tried before, but it

made sense to take the issue out of the hands of reluctant elected representatives and bring it straight to the people. However, we had no idea how much work this would involve. There were the massive piles of signatures which proved impossible to get on our own steam (we ended up paying for most of our signatures), inscrutable filing rules and regulations, fundraising, publicity and an ad campaign to organize and, our most difficult challenge, combatting a negative media

image.

Once we succeeded in turning in our signatures and were officially on the ballot, print, radio and television media insisted on presenting the issue as a sensational struggle of adoptees hellbent on destroying the privacy of their birth mothers. As the voting deadline drew near, even Governor "Dr. No" Kitzhaber came out against Measure 58, as did the Oregon Civil Liberties Union, Catholic Charities, numerous adoption agencies and adoption attorneys. The issue seemed to explode overnight and we were unwittingly, and sometimes unwillingly, placed in the glare of

the media spotlight. There was a constant whirlwind of press both in Oregon and across the country and in Europe as well. Rolling Stone Magazine, the New York Times, Newsweek, Time, France's Le Nouvelle Observateur, Talk of the Nation, The Today Show; it was hard to keep up with the frenzy of interviews. And nearly all wanted to frame the debate as one of birth mother privacy versus adoptees desire to know.

The issue was and is much more complex. At stake in a closed record system is not only the falsified history of adoptees and the sexual shaming of birth mothers, but also the collusion of the State in protecting the secrets a long dominant patriarchal structure wishes to hide. Deep sixing the record of an unwanted pregnancy can absolve responsibility for the man, but it increases the lifelong shame and burden on the woman. What we as adoptees wanted more than anything was an end to the era of shame and secrecy, both for ourselves and for the women who bore us.

The debate grew unexpectedly bitter and dangerous. I received death threats and also anonymous, dark warnings that the Catholic Church would stop at nothing to end our effort in order to protect the secret identities of the many "priestly babes," babies fathered by priests. It was a time for strength and fortitude. In the end, Measure 58 won a convincing 53 percent of the popular vote in the 1998 gubernatorial election, but it took a year and a half of challenges that played out in the Court of Appeals, the Oregon Supreme Court, and all the way up to the U.S. Supreme Court until it was finally allowed to go into effect.

As of June of 2000, Oregon adoptees age 21 and older have been able to obtain their original birth certificates, with no exceptions. Birth mothers may attach a Contact Preference Form if they wish, stating if they do or do not want contact or if they want contact through an intermediary. As of 2017, there have been 12,512 sealed birth certificates requested, 11,953 have been opened and issued by the Oregon Bureau of Vital Statistics. Sometimes, as in the case of foundlings, there is simply no original birth certificate. There have been 699 Contact Preference Forms submitted by birth mothers. Of these, 575 requested contact, 37 asked for contact through an intermediary, and 87 requested no contact. Since Oregon's successful Measure 58, seven more states now have open records; Alaska, Alabama, Hawaii, Kansas, Maine, Rhode Island and New Hampshire.

And for all the controversies and dire warnings, it has been peaceful since Measure 58 went into effect. Nearly twelve thousand adult adoptees and counting have been restored the civil right to their vital information, and all parties now have the freedom to make their own respectful decisions regarding contact, or no contact, and the nature of their personal relationships without the State in the middle.

That is how a free society works, and it works well that way.