Review Essay

Adoption, Blood Kinship, Stigma, and the Adoption Reform Movement: A Historical Perspective

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Katarina Wegar, *Adoption, Identity, and Kinship: The Debate over Sealed Birth Records.* New Haven and London: Yale University Press, 1997. xv + 169 pages. $30.00 cloth.

I. Introduction

Adoption touches upon almost every aspect of American society and culture and commands our attention by the enormous number of people who have a direct, intimate connection to it. Some experts put the number as high as six out of ten Americans (Thomas Foundation for Adoption & Evan B. Donaldson Adoption Institute 2002:5). Others estimate that about one million children in the United States live with adoptive parents, and that between 2% and 4% of American families include an adopted child (Stolley 1993).

According to partial estimates, in 1992 there were 126,951 domestic adoptions; 58% were non-kinship adoptions (Flango & Flango 1995).[1] Partially because of the dearth of healthy white infants available for adoption, 18,477 adoptions in 2000 were intercountry adoptions, slightly more than half coming from Russia and China (U.S. State Department 2002). In short, adoption is a ubiquitous institution in American society, creating invisible relationships with biological and adoptive kin that touch far more people than we commonly imagine.

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[1] Unless otherwise indicated, the term "adoption" in this essay refers to non-kinship adoptions.

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Adoption is also one of the most controversial issues in the United States. Recent articles have accused prospective American adoptive parents of being complicit in Cambodian black market baby-buying rings (Corbett 2002; Sine 2002).[2] In 1994, Congress enacted the Howard M. Metzenbaum Multiethnic Placement Act (Pub. L. No. 103-382), with the intention of prohibiting adoption agencies from using race or national origin as a basis to deny or delay the placement of a child in transracial adoptions.[3] Many adoption activists commonly believe that adoption is a system that causes pain and lifelong suffering to all the parties involved (Verrier 1993). In 1995, the Florida Supreme Court upheld the constitutionality of a Florida law banning gays from adopting (Gibson 1999).

One of the most contentious topics affecting all members of the adoption triad—birth parents, adoptees, and adoptive parents—is whether to open adoption records to adoptees. This was not always the case, however. As late as the 1950s, most Americans would not have considered the subjects of adoption or closed records controversial. In fact, most Americans viewed them solely in positive terms because they seemed to solve many social problems. Single women escaped the stigma of having a child out of wedlock and were able to get on with their lives, which usually meant getting married. Children escaped the stigma of illegitimacy and found a good home with two loving parents. Childless couples found a solution to the problem of their infertility.

Another fact was certain: In the 1950s, most Americans, social workers in particular, did not anticipate any ethical or moral problems with this arrangement. Sealed adoption records protected everyone. Somehow, social workers failed to anticipate the nature of human development. Adopted children grew up, and many of them, especially women, wanted to know something about their biological families. Many also wanted to meet their birth parents, usually their mothers.

When adoptees discovered that adoption records were sealed, they plunged into the political process to change this practice. Thus, in the early 1970s, the adoption reform movement began—with the principal goal of abolishing the practice of sealing adoption records. However, opposition from birth mothers sprang up almost immediately. Most unwed mothers in the 1950s had relinquished their children for adoption. They believed that they were providing a better life for their babies and

[2] For a defense of Cambodian adoptions, see the letters written by adoptive parents at New York Times on the Web Forums >Magazine> Reader Discussion: "Where Do Babies Come From?" http://forums.nytimes.com/webin/WebX?50@.f2cdb23 (17 June 2002).

[3] For statements by critics that the law has been a failure, see U.S. House of Representatives (1998).

that they could avoid society's condemnation of having a child out of wedlock. They had received promises of confidentiality from adoption agencies that their identities would be kept secret. Many of them kept their secret from their husbands and subsequent birth children.

Activists in the adoption reform movement have pursued their agenda of gaining access to adoption records through lawsuits, state legislation, and ballot initiatives. Except for their 1998 success in Oregon, with Measure 58 (1999 *Or. Laws*, ch. 2, §1), which gave adult adoptees access to their original birth certificates, for the most part, the result of reformers' lawsuits has been failures in the courts and a failure to open adoption records unconditionally. The reason for their lack of success is that, at the heart of the adoption reform movement, there exists an ethical and moral dilemma: Whose rights are pre-eminent, those of adopted adults or those of birth parents? States have tried to accommodate both parties: adult adoptees, who want unrestricted access to the information in their adoption records, and birth parents, who have been promised confidentiality by private adoption agencies.

In this short book of approximately 48,000 words, Katarina Wegar, assistant professor of sociology at Old Dominion University when *Adoption, Identity, and Kinship* was written, undertakes the ambitious task of investigating the historical, psychological, social, cultural, and gender issues surrounding the debate over sealed adoption records or what she refers to as "the search movement." *Adoption, Identity, and Kinship* consists of an introduction and five chapters. The book begins with a historical overview of adoption from the Roman Republic to modern America and a historical and legal overview of the sealed adoption records debate from its emergence in 1917 to the late 1980s.

In chapter 3, Wegar reviews 60 years of the theoretical perspectives of adoption. She finds that instead of presenting "the structure of adoption as a social institution" (1997:xii), this research has often depicted adoptive families as deviant and pathological. Moreover, Wegar argues that some adoption activists have accepted the clinical findings of psychiatrists, who blame adoptees' problems on individual pathology—"adopted child syndrome" or "genealogical bewilderment," for example—rather than on social and cultural causes. In chapter 4, Wegar analyzes the rhetorical role and characteristics of autobiographies written by prominent search movement activists. A principal theme of reframing the issue of confidentiality into one of secrecy, struck a chord with the culture at large.

Wegar is convincing when she relates that these activists made their claims for open records in moral terms. These terms included "the significance of truth and personal authenticity, the significance of individual freedom and the right to (if not the

moral obligation to) self-discovery, and the inviolability of the blood relation" (xiii). Chapter 5 examines media coverage found in fiction, such as in the mystery novels of P. D. James and in public forums, such as talk shows, "Donahue," for example.

In chapter six, entitled "Conclusion: Adoption in Context," Wegar critiques a feminist perspective on adoption. She compares the debate concerning whether adoptees should be allowed to search for family members to similar contentious debates over the meaning and nature of motherhood and whether a feminist "critique of motherhood as a patriarchal institution" (123) is useful. Wegar upbraids feminists for seldom recognizing "the problematic situation of adoptive mothers from a gender perspective"(124–25). Instead, Wegar insists, feminists have only viewed adoptive mothers from their class position.

At stake in the adoption reform movement is whether adopted adults, in order to reunite with their families of origin, should have access to their adoption records without a court order and without permission of their birth parents. Wegar who was adopted in Finland, is an advocate of opening the records. She believes "it is both inconsistent and unfair to deny this information to adoptees who want it" (1997:123). For Wegar, "the choice to search or not to search must ultimately reside with the adult adoptee, who had no say in the original adoption agreement" (134–35).

She was compelled to write *Adoption, Identity, and Kinship* because "of her concern that the goal to allow adoptees to choose the amount of information they want about their biological kin might be subverted by the means used to achieve this goal" (xi). Wegar also states that her motivation included her discovery of the paucity of sociological studies of adoption, which she attributes to sociologists' lack of interest. She believes this is the case because of their tendency to define the American family as a natural or biological arrangement, to view adoption as the solution to a social problem rather than the social problem to be solved, and to their association of adoption with the field of "social welfare" rather than to the fields of "family" and "kinship."

Three interlocking theses run throughout *Adoption, Identity, and Kinship.* First, the neglect of the social and cultural context of adoption, which in turn has "contributed to a pathologizing view" (60). This neglect by sociologists, according to Wegar, reflects and reinforces "a family ideology that defines adoptive bonds as inherently inferior to biological kinship" (60). Second, Wegar criticizes the emphasis that American society and search activists place on blood ties, which results in homogenizing individual adoptees experiences while stigmatizing them as pathological (123). Third, that "race and class, along with gender, age, family structure, and sexual preference, are major structuring principles in the American adoption system" (36). Consequently,

Wegar states, the "main objective of this book is to examine adoption and adoptees as socially and culturally constructed categories and to . . . consider the place of these categories in the sealed records debate" (3).

Wegar insightfully identifies the search movement or as activists also refer to it, the adoption reform movement as one of the new social movements, which in contrast to older social movements, normally ignited by economic grievances, "express[es] changes in attitudes and values relating to the quality of life, individual self-realization, and human rights" (8). Search members are involved in reclaiming "a self robbed of its identity[,]" and aspire "to name themselves" (Wegar, quoting Laraña et al. 1994:7, 10).

Wegar provides no illustrations of these phenomena; however, the radical Internet-based adoption rights organization, "Bastard Nation," is a perfect example. This group took its name from the signature line of one of its founders. "Marley Elizabeth Greiner, Citizen, Bastard Nation" (Greiner 1996). Greiner believed that adoptees had been bastardized by a society and an adoption system that "refused to recognize our full humanity and citizenship simply because of the dirty little secret of our birth. Our invisible, yet very real community was bonded by the legal denial of identities, our birth records, our heritage, and our genetic histories. Bastard Nation was our native land" (Greiner 1997:4).

Sometime later, in its mission statement, Bastard Nation elaborated on the meaning of its name. It had "reclaimed the badge of bastardy" from those who had attempted "to shame [them] for [their] parents' marital status at the time of [their] births." Defiantly it continued, "We see nothing shameful in being adopted, nor in being born out of wedlock, and thus we see no reason for adoption to continue to be veiled in secrecy through the use of the sealed record system and the pejorative use of the term bastard" (Bastard Nation 1997:16).

II. Methodological Flaws in *Adoption, Identity, and Kinship*

Wegar is much less successful in recounting the history of adoption and the sealing of adoption records, which considerably weakens her main points. Wegar's fundamental problem here is her failure to conduct primary, i.e., original, research but to rely instead on authorities who write about subjects outside their field of expertise. In this case, Wegar relies on the history written by social workers, psychiatrists, and sociologists, who have also never looked at primary documents themselves. These non-historians cite books written by authors in their own field, perpetuating the same inaccurate historical accounts. Moreover, ordinary voices are not heard. The adult adopted person's voice is

missing from this book, as is the birth mother's. Wegar has not interviewed any of search movement's leaders or members, but instead relies solely on the movement's published writings from the 1970s. This omission is not a fatal flaw. Nevertheless, it skews her understanding of the movement's rhetoric and ideology. It also disregards the opinions of "second-generation" adoption reform leaders from the 1980s and early 1990s, such as Jane Nast, Joe Soll, and Kate Burke, for example, whose emphasis was quite different.

III. History of the Sealed Adoption Records

Wegar correctly dates the origins of the policy of sealing adoption records to 1917. In that year lawmakers enacted the Minnesota Children's Code, the first law containing a clause making adoption court records confidential (1917 *General Laws of Minn.*; Ma 1948). However, she repeats the common error that the statute "prohibited disclosure of identifying information to those concerned" (Wegar 1997:25). In fact, for a century after the enactment of the earliest adoption law in America, the Massachusetts Adoption Act of 1851, adoption records—birth certificates and court and agency records—with a few exceptions,[4] were open to inspection by members of the adoption triad (Carp 1998).

The story of how they were sealed is a complicated one. In fact, adoption records were sealed twice during the 20th century. The first time this occurred, birth parents, adoptees, and adopters, as noted above, were not prohibited from viewing their records. Lawmakers stated explicitly that the goal of Minnesota's sealed adoption law was to keep the public from seeing them. Because of the stigma that surrounded adoption and illegitimacy during the first quarter of the 20th century, they wished to prevent the potential for blackmail from those who would threaten adoptive parents with the revelation that a child was adopted, or stop nosy neighbors from discovering a child's illegitimacy, for example. Instead, with a few exceptions, the confidentiality clauses in the 24 states that had enacted them by 1941 specifically exempted from their laws "parties in interest" (birth parents) and "parties of record" (adoptive parents and adoptees) (Colby 1941:5). Twenty-four other states had not enacted adoption laws with confidentiality clauses. In those states, court records were easily available to the public and the adoption triad. Thus, overall, adult adopted persons had little difficulty accessing their adoption court records.

[4] By the mid-1930s, four states had sealed their adoption court records: California (1935), New York (1935), Oregon (1939), and Maryland (1939). Social workers then began discriminating against providing birth mothers access to adoption agency records (Leavy 1948; Carp 1998).

Similarly, before the 1950s, adopted adults also had little difficulty in accessing their records from adoption agencies. State statutes remained silent on the regulation of adoption agency records, by default leaving it to the discretion of the agencies' directors. In the early 20th century, social workers began keeping detailed records of adopted children for the sole purpose that they might return to adoption agencies one day to recover their social histories and make contact with their families of origin. For the next half-century, social workers cooperated with birth parents and adult adoptees who had returned to agencies requesting both non-identifying and identifying information (Carp 1998). The Children's Home Society of Washington, for example, even conducted searches for adoptees who were looking for original family members.

Wegar also assumes that birth certificates have always been sealed and were only accessible to adoptees by a court order. However, an investigation of the origins and purposes of birth certificates reveals that it was not until the mid-1950s that legislators, social workers, vital statisticians, or U.S. Children's Bureau officials, for instance, suggested that an adult adopted person should be denied access to his or her original birth certificate. Originally, the amended birth certificate, whereby the adopted child is issued a second birth certificate and the original one is sealed, was first publicly proposed in a paper delivered at the American Public Health Association's annual meeting in 1930 by two vital statistics officials (Howard & Hemenway 1931). Their stated purposes were to increase the statistical accuracy of birth records and to promote the welfare of illegitimate and adopted children, not, as Wegar asserts, to ensure the family privacy of adoptive parents (1997:84).

By 1948, nearly every state had enacted sealed birth certificate statutes. There is no evidence, however, that child welfare or public health officials ever intended that issuing new birth certificates to adopted children would prevent them from gaining access to the originals. On the contrary, the two vital statisticians specifically recommended that birth records of adopted children "be seen by no one except the adopted person when of age or by court order" (Howard & Hemenway 1931:643). In 1949, U.S. Children's Bureau experts agreed and echoed local state officials. They declared that the right to inspect or secure a certified copy of the original birth certificate "should be restricted to the registrant if of legal age; or upon court order" (Huffman 1949: 352).

Having established that adoption records were sealed from adoption triad members, Wegar has suggested a variety of motivations for this action. She claims that, as sociologist Viviana Zelizer (1985:28) "has noted, the implementation of sealed records regulations marked a cultural shift from economically

motivated adoptions to sentimental adoptions." This is inaccurate. Zelizer nowhere mentions the issue of sealed adoption records in her book. Wegar, using social workers Gonyo and Watson's (1988) work, goes on to declare that, beginning in the 1920s, professional adoption workers promoted sealed records because the promise of secrecy would increase their client base and raise the status of their profession (Wegar 1997:28). But the timing is off, and, in fact, the exact opposite is true. To achieve professional recognition in the 1920s, adoption workers followed social worker Mary Richmond's pathbreaking casework methodology, which called for the collection of innumerable facts about the unwed mother. They did so primarily because they believed adopted adults would eventually return to the agency and request this family information. As a result of diligent casework, professional adoption workers regularly violated the confidentiality of their clients by interviewing family members, friends, and employers, inadvertently revealing the client's circumstances.

Commercial adoption agencies, such as Chicago's Cradle Society and Missouri's Willows, staffed by amateurs, catered to unwed mothers, however, by asking few questions and keeping no records (Carp:1998, 621–62, 67–68, 111,n12). Eventually, in 1937, the Child Welfare League of America (CWLA), the leading private adoption organization in the nation, became alarmed that the failure of professional adoption agencies to respect clients' confidentiality was driving them to the commercial agencies (Child Welfare League of America 1937). Consequently, the next year, the CWLA's Board of Directors issued for its member agencies' guidance, ten safeguards, or "Minimum Standards in Adoption." One standard stated that "the identity of the adopting parents should be kept from the natural parents"; a second that "the adoption proceedings be completed without unnecessary publicity" (Child Welfare League of America 1938). Although these standards would benefit adoptive parents also, they were exactly what many unwed mothers were looking for and why they had been bypassing CWLA member agencies for commercial ones. Only at the beginning of the baby boom, starting in the mid-1940s, did adoption agencies began to use secrecy as a promotional tool to attract adoptive parents as clients (Morlock 1945).

Starting erroneously with the assumption that adoption records were sealed from adoptees beginning in 1917, Wegar then wrongly concludes that, by the late 1940s, sealed adoption laws "had become the rule rather than exception" in America (1997:25). At least one other scholar has incorporated Wegar's inaccurate chronology into her own work (Samuels 2001:374), but the assumption that the records were closed before 1950 is common (Kadushin & Martin 1988:581; Müller & Perry 2001:6; Modell 2002:72, n1). Certainly, one cannot make blanket statements about when adoption records were sealed. Each type of

record had its own complicated history and timing that explains why and when it was closed to adoptees for the first time (Carp 1998). Whereas, for example, only a majority of court records had been sealed by 1948 (Leavy 1948:18), as late as 1960 twenty states had statutes that permitted adult adoptees to inspect their birth records (Samuels 2001). Adoption agencies were still releasing information that adult adoptees could use to locate their birth families as late as the early 1970s (Carp 1998).

For Wegar, however, the belief that the records were sealed in the 1940s necessarily leads her into misdating the origins of the search movement. Here she again relies on secondary sources—the work of two professors of sociology from Nassau Community College, William Feigelman and Arnold R. Silverman (1983)—instead of conducting primary research. In their view, the origin of the search movement was grounded in the following: the 1950s civil rights movement; the increase in children's rights, which "encouraged the recognition of the rights of adopted children to fuller disclosure of information about themselves"; and the movement of ethnic groups toward searching for an ethnic identity and their "roots" (1983:19–20). Although the work of Feigelman and Silverman is not without merit, it does not provide any evidence to support this interpretation.

IV. History of the Search Movement

A. Origins

Particularly wrongheaded about Feigelman and Silverman's view is their grounding the sealed adoption records movement in the 1950s civil rights movement. This leaves a 17-year gap between *Brown v. Board of Education* (1954) and the publication of Florence Fisher's, *The Search for Anna Fisher* (1973), the autobiographical narrative that marks the beginning of the search movement. A better explanation for the reason the movement did not emerge until the early 1970s is that adoption records were not sealed in the vast majority of states before then. The search movement needed the long-term precondition of the buildup of a critical mass of adult adoptees who had grown up in a world of sealed adoption records. This occurred in the 25 years following World War II. Unlike their pre-World War II counterparts, this group of adult adoptees were denied easy access to their adoption records (Carp 1998).

An intermediate precipitant of the search movement included the trends of the 1960s: grassroots protest movements, sexual experimentation, sexual freedom, and the rise of rights-consciousness. The era began with the civil rights movement, the campaign against poverty, the Vietnam War, campus unrest and

New Left student protests, and the growth of a "counterculture" during the Kennedy and Johnson administrations. By the late 1960s and early 1970s, "identity politics" and the rise of the new social movements overshadowed earlier liberal movements. Racial, ethnic, gender, and sexual orientation self-interest groups organized to gain political legitimacy, economic power, and cultural authority in the Black Power, Native American rights, feminist, and Gay Liberation movements (Anderson 1999; Steigerwald 1995; Farber 1994). Also of particular importance was the sexual revolution, in which people challenged many of the 1950s' sexual taboos.

By the late 1960s, the stigma of having a child out of wedlock or being a child born out of wedlock had greatly lessened. Indeed, in the youth counterculture's philosophy, unrepressed sexuality "represented both a personal act of liberation and a form of radical politics" (Miller 1996:206). By the beginning of the 1970s, many adult adoptees viewed their adoptive status in terms of liberation and rights, not shame and fear. The emphasis of 1960s' protesters on "rights" also initially provided the search movement with an important strand of its ideology: that adoptees had a right to access their records. The Supreme Court reinforced this "rights" ideology by its decision on the expansion of individual rights. The Warren Court's landmark decisions on voting, school prayer, criminal rights, libel law, pornography, and school and housing segregation signaled that "a Rights Revolution was at hand" (Patterson 1996:568; Morgan 1991; Burns 1990).

Finally, there was the immediate trigger that set off the search movement. In 1971, the movement's most vocal and visible leader emerged: Florence Ladden Fisher, a New York City homemaker. After a traumatic but successful 20-year search for her birth parents, Fisher founded the Adoptees Liberty Movement Association (ALMA). Along with aiding adult adoptees who were searching for their birth parents, ALMA's principal goals were "to abolish the existing practice of 'sealed records,'" and to secure the "opening of records to any adopted person over eighteen who wants, for any reason, to see them" (Nemy 1972:22; Fisher 1973:203). With the popular success of *The Search for Anna Fisher* (1973), a book recounting the dramatic story of her success in reuniting with her birth family, Fisher became the movement's undisputed leader and the head of the nation's largest and most influential adoption search group. ALMA's example sparked the creation of hundreds of other such groups across the United States, Canada, and the United Kingdom (Carp 1998). The "first generation" of the adoption rights movement was thus characterized by small, isolated groups involved in personal search and reunion activities with charismatic leaders like Fisher, whose ideology revolved around adoptee rights.

B. Legislative Activism and Constitutional Rights

Initially, adoption search organizations, as new social movements, neither lobbied state legislatures nor filed "rights-based" lawsuits to repeal the sealed adoption records statutes. Adoption activist leaders concentrated on organizing at the grassroots and aiding adoptees in their search for their birth parents. Indeed, before May 1977, as Florence Fisher noted, ALMA had "never advocated any legislative change" to state laws because if they tried "to change the law State by State the adoptees who are being hurt by the present laws would all be dead and buried before the States would open up unconditionally" (Fisher 1976:2).

Instead, ALMA favored challenging the constitutionality of the sealed adoption law in the U.S. Supreme Court and having the Justices declare all state laws sealing adoption records unconstitutional. By late 1975, Fisher was contemplating such a federal lawsuit in anticipation of an appeal to the U.S. Supreme Court. It was not until May 1978, however, that ALMA filed a class-action federal lawsuit in the U.S. District Court for the Southern District of New York against the state's sealed adoption records law (Fisher 1976). The District Court dismissed ALMA's suit on the merits. On appeal, in *ALMA Soc'y v. Mellon* (1979), the United States Court of Appeals for the Second Circuit considered for the first time the constitutional arguments of adult adoptees and dismissed the case on its merits (Allen 1980:723). Thus *ALMA* exemplifies the search movement's wide-ranging and creative legal arguments based on "rights" and the court's reasoning for rejecting those arguments and upholding the State's interest in keeping the records sealed.

ALMA Soc'y v. Mellon challenged the validity of New York's sealed adoption records law on the basis that adoptees were constitutionally entitled to the information contained in the adoption records, without showing "good cause." This constitutional right to know one's origins, *ALMA* claimed, was to be found in the First, Thirteenth, and Fourteenth Amendments (U.S. Const.). Sealing adoption records, *ALMA* argued, prevented adoptees from acquiring useful information and ideas (such as knowledge of their birth parents), a penumbral right the Supreme Court had recognized as being within the protection of the First Amendment (Poulin 1987–1988:406).

A second constitutional argument gave a novel twist to the Thirteenth Amendment, which prohibited not only slavery and involuntary servitude but also badges or incidents of slavery. According to *ALMA*'s brief, one of the five badges or incidents of slavery the amendment's framers had in mind was the severing of the parental relationship, depriving the children of slaves the care and attention of their parents. *ALMA* drew the analogy that the State preventing adult adoptees from communicating with

their birth parents was like that of antebellum slave children being sold before they were old enough to remember their parents. *ALMA* argued that because New York's sealed adoption records law prevented them from ever knowing their "natural origins," it had abolished their relation with their birth parents. Like slave children, adult adoptees were prohibited from communicating with their birth parents and were thus forced to wear a badge of slavery (Poulin 1987–1988:406–7; Levin 1979:509–10).

A third constitutional argument alleged that sealed adoption rights violated the Fourteenth Amendment in two ways: It infringed on the fundamental right of privacy, which included the right to know one's origins, and it violated the Fourteenth Amendment's equal protection clause by creating a suspect class, which deprived adult adoptees of an information right that nonadopted persons possess. *ALMA*'s claim that adoptees were treated as a suspect class rested on earlier Supreme Court decisions recognizing persons born out of wedlock as a quasi-suspect class. Any legislation affecting them was entitled to strict judicial scrutiny, which meant that any state legislation interfering with their rights had to be narrowly constructed and justified by a compelling state interest (Allen 1980:731; Poulin 1987–1988:398).

In denying *ALMA*'s First Amendment argument, the Appeals Court for the Second Circuit held that adult adoptees had no "fundamental" right to learn the identities of their birth parents. Instead, the adoptees' right to that knowledge had to be balanced against the birth parents right of privacy. To maintain this balance, the Court sided with the adoptive parents, the "family unit already in existence"(*ALMA [1979]* at 1232).

The Court also found no merit in *ALMA*'s invocation of the Thirteenth Amendment badges or incidents of slavery position. It reasoned that if it allowed *ALMA's* "absolutist view," it would render the Fourteenth Amendment's due process and equal protection clauses superfluous, which it could not permit. As the Second Circuit dryly put it, "We are appropriately reluctant to reach such a result." Moreover, the Court pointed out that it was not New York State's sealed adoption statute that deprived adoptees of their birth parents, but the adoption statute itself, which *ALMA*'s brief did not challenge. The Second Circuit ruled that *ALMA*'s Thirteenth Amendment argument was "misdirected" (*ALMA [1979]* at 1237–39).

Finally, the Court rejected *ALMA*'s Fourteenth Amendment claim that adoptees were denied equal protection because adoptees were like persons born out of wedlock. It stated that the analogy was false: Sealed adoption statutes bore no relationship to illegitimacy. Adoptees shared none of the social stigma or legal liabilities that rendered illegitimacy a quasi-suspect classification and thus were not entitled to strict scrutiny (at 1233–36). Although the Appeals Court for the Second Circuit rejected

ALMA's claim, it subjected the New York adoption records statute to a closer inspection and found that the records served compelling state interests. In particular, the law sealing the records was directly related to the important state policy of encouraging the adoption of abandoned and neglected children. The Second Circuit reasoned that because secrecy protected the privacy of both adoptive and birth parents, it encouraged the use of regulated adoption institutions without fear of interference or disclosure, thus promoting the best interests of the children, the principle underlying the adoption laws. The Court concluded that the encouragement of adoption and the protection of birth parents' privacy were compelling state reasons justifying sealed adoption records and overrode the adult adoptee's right to know (at 1235).

At the time Wegar published her book, the Second Circuit Court's constitutional refusal to repeal sealed adoption laws still had not been controverted or overturned by federal courts or the U.S. Supreme Court.[5]

C. From Rights to Psychological Need

Their inability to gain access to adoption records by claiming constitutional rights led a "second generation" of search leaders to abandon arguments based on rights and embrace one based on psychological need. This notion first gained prominence in the 1970s from the work of three adoption researchers, Arthur Sorosky, a child psychiatrist, and two social workers, Annette Baran and Reuben Pannor. They quickly became the intellectual leaders of the search movement, demonstrating an uncanny knack for using the mass media as a research database, as well as for advocacy and self-promotion. Wegar mentions them only twice, in passing, but the influence and ubiquity of Sorosky and associates' studies on the search movement and legal cases cannot be overemphasized. No other body of work treating the search movement would be so universally cited as representing an accurate portrait of the psychological dynamics of adult adoptees and birth parents searching for their biological relations.

Between 1974 and 1978, Sorosky, Baran, and Pannor published eleven articles and a book (Sorosky et al. 1978; Carp 1998). In one year alone, January 1974 to January 1975, they published four articles, three of which appeared in the social work journals *Social Casework* (Pannor et al. 1974), the *Journal of Youth*

[5] However, in *Doe v. Sundquist* (1999), the Tennessee Supreme Court, reversed the U.S. Court of Appeals for the Sixth Circuit Court, which had rejected the plaintiff's birth parents' claims that Tennessee's new open adoption records law was unconstitutional because it violated their right of privacy, their "familial privacy," their right to reproductive privacy, and their claim that the law violated a right to prevent disclosure of confidential information (Sandine & Greenman 2001:65–67).

and Adolescence (Sorosky et al. 1974), and the *Journal of Jewish Communal Service* (Pannor et al. 1974). The fourth appeared in the mass-circulation magazine *Psychology Today* (Baran et al. 1975), insuring wide dissemination of their findings.

The articles contained virtually the same information, often with identical wording. All advocated opening the adoption records, either by refuting the unfounded fears of birth parents, adult adoptees, and adoptive parents or by trumpeting the positive results of a policy of searching and open records. Singlehandedly these researchers provided the search movement and other proponents of open adoption records with language and arguments that bore the incontestable cachet of social science and medical authority.

Addressing the motivation of adopted adults who searched for their birth parents, Sorosky, Baran, and Pannor removed the stigma from searching by discovering that a mere 4 percent of searchers in their sample of 50 adoptees conformed to the "standard psychiatric assumption that the search for the natural parent was a search for love and affection" (Baran et al. 1975:42). Instead, their evidence demonstrated that for most adopted persons searching for one's birth parents stemmed from "an innate curiosity about their genealogical past" (Baran et al. 1974:532). The desire for background information was "ubiquitous to all adoptees" because adoptive parents either withheld genealogical information from them or revealed the adoption late in the child's life, thereby shocking and confusing them (Pannor et al. 1974:193). Searching was also triggered by life-cycle events such as marriage, the birth of the adoptee's first child, or the death of an adoptive parent that produced a feeling of genealogical bewilderment.

Sorosky and his associates qualified their argument by noting two exceptions to their benign theory of universal adoptee search motivation. They admitted the existence of obsessive and neurotic adoptee searchers and identified what they labeled "quasi-searching," the practice by adolescent adoptees who were merely acting out. But they left the distinct impression that these searchers were a small minority who could be safely ignored. According to the researchers, what most concerned adopted persons who searched for biological family members—their "uppermost consideration"—was "the need to establish a clearer self-identity" (Baran et al. 1975:42). Not only was searching not a sign of mental instability, the adoption researchers reported, the overwhelming majority of adult adopted persons in their study "personally benefited from the reunion" and felt more "whole and integrated as individuals" (Pannor et al. 1974:194).

Sorosky and his team presented a much less benign interpretation of why adoptees searched in professional psychiatric journals. These articles are significant not only for what they said but

also for what they omitted from the social work journals and mass-market magazines. Completing a review of the psychoanalytic literature on the incidence of identity conflicts in adopted persons, Sorosky, Baran, and Pannor found that they fell into four categories: "a) disturbances in early object relations; b) complications in the resolution of the oedipal complex; c) prolongation of the 'family romance' fantasy; and d) 'genealogical bewilderment.'" (Sorosky et al. 1975:19). Two years later, the researchers expanded on their findings. Adopted adolescents were now held to be more prone than non-adopted adolescents to aggressive, sexual, identity, dependency-independency, social, and future conflicts. They also were said to be uniquely prone to develop symptoms of an "adoption syndrome," which included genealogical bewilderment, compulsive pregnancy, the roaming phenomenon, and the search for biological relatives (Sorosky et al. 1977).

In their articles, Sorosky, Baran, and Pannor were responsible for providing the search movement with its most persuasive psychological rationale: adopted persons searched because there was something psychologically wrong with them. With the publication of the book, *The Adoption Triangle* (1978), their articles were cogently brought together. Their position on adoptees' need to search became tremendously influential in the search movement as well as with the public, social workers, and lawmakers.

D. Legislative Activism

Armed with the psychological need arguments of Sorosky and his associates, adoptees on an individual basis began to challenge sealed adoption records in state courts. Almost without exception, access to these records may be obtained only by court order that requires a showing of "good cause" or a "compelling reason." However, there is no clear definition of the good cause standard.

At one extreme, in 1980, a Missouri appellate judge ruled against opening the adoption records of James George, a thirty-three-year-old adopted adult who was dying of leukemia. George's one chance of survival was to find a suitable bone marrow donor, which in medical terms meant a donor from his immediate biological family. The judge contacted the alleged natural father, who denied paternity and refused to be tested for compatibility. There the matter ended. The Missouri appellate court rejected his application to see his records, holding that the increase in his chances of survival, even if he could find his birth parents, was too slight to justify opening the records (*In Re* Application of George). At the other extreme, some state judicial deci-

sions declared psychological need or curiosity as sufficiently compelling to trigger the good cause standard (Arndt 1986).

Relying on Crane (1986) Wegar concludes that "adoptees have been more successful in broadening the definition of 'good cause' . . . than in challenging the constitutionality of sealed records laws" (1997:33). Although this is technically accurate, it misses the larger point that, in light of the 30-year history of the search movement, its constitutional arguments have generally been rejected in state and federal courts and have persuaded few state courts to authorize access to adoption records for good cause.

Thwarted in the state and federal courts in their effort to gain adoptee rights, and blaming it partially on the multiplicity of search groups, second-generation search movement leaders in 1979 formed a national umbrella organization, the American Adoption Congress. Consequently, during the 1980s and 1990s, a small revolution occurred among state lawmakers. They began to pass statutes that both facilitated searches and preserved the privacy of triad members.

By far the most common legislative reform lawmakers embraced in order to satisfy the privacy rights of adoptees and birth mothers was the "voluntary adoption registry," where both parties register their names with the state, consent to a meeting, and are informed of a match. Less common was the "confidential-intermediary system," in which a court-appointed intermediary acted as a neutral go-between for the adult and the birth parents. This person was permitted to read the adoption file, locate the birth parents, and inquire whether they were interested in meeting the now-grown child they had relinquished for adoption. By 1998, 25 states had established formal or informal voluntary adoption registries, and an additional 17 states had confidential-intermediary systems in place (Hollinger 2000, appen. 13–A).

On paper these laws seemed to be the perfect solution to the problem of privacy for birth mothers and justice for adoptees, but in practice the adoption registries and confidential-intermediary systems have proven to be cumbersome, expensive, and ineffective (Carp 1998; Cahn & Singer 1999).

V. Autobiographies

Adoptee autobiographies mobilized the search movement. The media has been attracted to them for their cultural resonance and their human interest potential. The most influential one was *The Search for Anna Fisher* (1973). Fisher had been adopted as an infant, but that fact was kept from her until she became a young adult. During a long and frustrating search for her birth parents, lawyers, doctors, the clerk of New York's Surrogate Court, and the nuns of St. Anthony's Hospital denied knowl-

edge about the identity of her family. She finally located her mother after 20 years of searching (Fisher 1973). Since Fisher's, there have been literally dozens of other autobiographies (Melosh 2002).

According to Wegar, these "counternarratives" to the positive image of adoption presented by adoption agencies and child welfare organizations have served many purposes. They have exposed injustices, provided searchers with motivation and identity, made searching culturally acceptable to the public, and have provided a "voice" for adoption activists. Search activists, including birth mothers, organize their meetings around storytelling, and newsletters report regularly on successful reunions. Nevertheless, Wegar asserts that search narratives, by phrasing these struggles in terms of the ethos of individual freedom, choice, and self-fulfillment, reinforce "the dominant cultural characterization of adoption as an inferior family form" and tend "to reinforce the social stigmatization of adoption" (1997:76). The autobiographies also make universal claims concerning human nature, whether it is the inviolability of the biological bond—one of the basic tenets of American family ideology—or the difficulty of motherhood for all female members of the adoption triad. Wegar finds fault with this universalizing tendency. Although Wegar says that adoptees share "some components of adoption" (she does not identify them), she roundly criticizes adoption activists and adoption researchers for suppressing "differences among adoptees—that is, the heterogeneity of their social and psychological experiences" (1997:96). Wegar denies there is a generic adoption experience, in one adoption activist's words, "the adoption experience," because "it fails to recognize experiential diversity and positional meaning" (96). She fears that such a universalizing tendency reinforces the cultural stigma of adoption and infertility and will alienate potential members from joining the adoption reform movement.

VI. Methodological Issues with Adoption Studies

A. Searchers Versus Non-Searchers

Certainly, Wegar is correct that the search movement's emphasis on the sacred bond of blood reinforces the cultural norm that adoption is an inferior form of kinship. However, she provides no evidence that this factor prevents adoptees from joining the movement. In addition, her phrasing of the search movement's problem in recognizing "experiential diversity and positional meaning" is opaque. What Wegar objects to is that the universalizing of adoptees search experiences is based on self-selected and unrepresentative studies or on public accounts of adoptees themselves. The question that needs to be answered is,

What about the large majority of adoptees who do not want to search? In fact, only a minority of adoptees search for their birth parents (Kadushin & Martin 1988:583–84). Although the numbers are contested (they range from a low of 1% to a high of 35%), an overwhelming majority of adoptees who do not have "genealogical bewilderment," who do not feel that searching is innate or that secrecy is some form of emotional abuse, have no interest in searching for their birth parents.

This difference between searching and non-searching adoptees has to be explained because it seriously undermines the search movement's reliance on the ideology of psychological need. One argument put forth by adoption activist Betty Jean Lifton is that because non-searchers accept society's taboo against discovering who gave birth to them, they are more passive, self-denigrating, less inquisitive, and more oppressed by internalized guilt than are searchers (1988). Although she cites no clinical or theoretical evidence to support her interpretation, Lifton asserts that non-searchers' behavior represents temporary psychological defenses. She salvages the universal nature of the adoptee experience by asserting that although these adoptees are not searching now it "does not mean they will not be searching in the future" (Lifton 1988:78). However, a study of searching and non-searching adult adoptees, published before Lifton's book, sought to answer whether there were differences in adopted adults' self-concepts, their attitudes toward adoptive parents, and their experience of adoption revelation (the circumstances under which, and time when, they were told of their adoption). The researchers found that "nonsearchers had more positive self-concepts than searchers" in areas of self-esteem, identity, and physical self. They also had more positive attitudes toward their adoptive parents, and they had a more positive adoption revelation (Aumend & Barrett 1984:254).

B. Sampling Problems in Studies of the Psychological Health of Adoptees

The most pernicious universalizing tendency has been the result of psychiatric studies that stigmatize adult adoptees for having a greater incidence of psychological pathology than non-adopted persons have (Ingersoll 1997). These studies are rife with methodological problems. Since no national databank of adoption exists, and researchers are usually not allowed to examine sealed adoption records, it is impossible for them to draw a random, representative sample. The result is that most studies of adoptees psychological problems are highly select nonclinical samples, or at best, small clinical samples. Almost none of them have matched control groups, which are extremely difficult to create (Borders et al. 1998).

At the extreme end of the spectrum are studies that label adoptees as universally prone to "adopted child syndrome." This is allegedly marked by a cluster of behaviors, such as theft, pathological lying, learning disabilities, fire setting, promiscuity, defiance of authority, preoccupation with excessive fantasy, lack of impulse control, and running away from home. David Kirschner, a clinical psychiatrist who coined the term in 1978, has, as late as 1990, qualified his findings as atypical of adoptees in general and has noted that "there were millions of adopted children who grow up normally and do not become mass murderers" (1978:7; 1990).[6] But it was Betty Jean Lifton who popularized the concept by asserting that "most adoptees exhibit" some of the traits of the adopted child syndrome "as a result of their confusion of their heritage." Drawing on Kirschner's work, Lifton (1986:27) publicly linked closed adoption records with the most infamous serial killers in American history (all of whom had been adopted), citing the likes of "David Berkowitz ('Son of Sam'), Kenneth Bianci ('the Hillside Strangler'), Joseph Kalinger ('the Philadelphia Shoemaker'), and Gerald Eugene Stano (who killed 32 people in Florida)." Her effort to gain adoptee-access to their sealed adoption records by suggesting the harmful psychological effects of sealing them inadvertently stigmatized all adoptees as serial killers.

VII. Recent Studies in Adoption and the Psychological Health of Adoptees

Wegar deplores unscientific social science studies that universalize adoptees' psychological experiences for their tendency to "decontextualize the research subjects' experiences and consequently to define adoptive kinship as intrinsically different, defective, and pathogenic from blood relations" (1997:46). She appears to endorse the multidimensional approach to the issue of adoptees' mental health, David Brodzinsky's (1990, 1993) stress and coping model. However, Wegar fails to discuss earlier studies that did contextualize adoptees social experiences. Many have found a number of positive aspects about adoption, demonstrating, for example, that two out of every three adoptions have been judged "unequivocally successful," while more than four out of five were in the successful range. Only 16% were judged to be unsuccessful (Kadushin & Martin 1988). As for adoptee's long-term psychological adjustment, studies prior to *Adoption, Identity, and Kinship* have revealed that adoptees have more psychological and school-related behavior problems than non-adopted chil-

[6] In 1992, Kirschner published an article that implicated all adoptees in the "adopted child syndrome" and made no mention of the atypicality of his subjects.

dren, but none of the behaviors were extreme (Kadushin & Martin 1988).

Research published after Wegar's book has drawn on the U.S. National Survey of Families and Households data set to conduct random, matched control-group studies of adopted and non-adopted children to test the idea that adoptees are at psychological risk. The study found that adoptees were not at risk for any of the psychological variables for which they were tested, and "there were no significant differences between their behaviors and characteristics and those of the matched group of biological children" (Borders et al. 1998:240). Other methodologically sophisticated studies have complicated the picture of universal adoptee' psychological health. They found that, although the average (mean) differences between the adopted and non-adopted may be small, there may be large differences at the tails of outcome variable distributions (Haugaard 1998). One recent study has confirmed this observation. It found that adopted adolescents were at higher risk than non-adoptees for psychological and behavioral problems, including problems in school achievement and psychological health, as well as problems with substance use and abuse, fighting, and lying to parents (Miller et al. 2000).[7]

At stake here for Wegar is her thesis, "race and class, along with gender, age, family structure, and sexual preference, are major structuring principles in the American adoption system" (1997:36). This thesis is worthy of a large book in itself. Unfortunately, Wegar asserts the proposition rather than proves it. For example, on the issue of class she relies only on Mary Kathleen Benet (1976), whose professional credentials, listed on the book's jacket cover are that she "lives in France and is the author of *The Secretarial Ghetto*." Wegar approvingly quotes Benet's assertion, "Although adoption early became law in the United States, it was only practiced by the white ruling group—and the agencies were created by, and intended to serve, this group" (Benet 1976:70). Benet provides no evidence for this statement, and it is not accurate. In the first 60 years after the Massachusetts Adoption Act was passed—and 24 other states had followed suit—middle-class farmers were the most common petitioners for a decree of adoption (Holt 1992:55–56; O'Connor 2001:101, 173–74). Recent research (Carp & Leon-Guerrero 2002), found that, instead of serving a "white ruling group," or even the wealthy, the Children's Home Society of Washington increasingly placed a major-

[7] In contrast, using England's National Child Development Study, researchers found "adoptees performed more positively than nonadopted children from similar birth circumstances on childhood tests of reading, mathematics, and general ability, and retained this advantage in school-leaving and later adult qualifications" (Maughan et al. 1998:669).

ity of its children with middle-class adoptive parents with incomes below or slightly above the median of white American families.

Similarly, Wegar's discussion of the idea that race structures the American adoption system is underdeveloped and rests on little evidence. There is no question that the problem of racial discrimination in American society affects adoption and foster care placement. Concerning transracial adoption and self-identity, which Wegar mentions, the issue is not the differences between adoptees but the similarity between African-American children who have been raised by blacks and those who have been raised by whites. Wegar ignores three decades of empirical longitudinal research demonstrating that transracial adoptees thrive in white homes and, when grown, have a strong sense of their black identities (Simon & Altstein 1977, 1981, 1991; Simon et al. 1992). This pattern of undeveloped analysis and little research is also noticeable for the concepts of age and family structure.[8] Nor does she ever discuss the issue of sexual preference and adoption.

VIII. Recent History of the Adoption Reform Movement

Events in the adoption reform movement have outpaced the chronology presented in *Adoption, Identity, and Kinship* published in 1997 and from subtle clues probably written in the early 1990s. In 1996, the "third generation" of the movement was born, exemplified by the activism of Bastard Nation. This group consciously differentiated itself from mainstream adoption groups by its radicalism and refusal to compromise. Behind its creation lies decades of adoptees' intense frustration with the movement's lack of progress in securing open records. Bastard Nation's primary goal was "the opening of all adoption records, uncensored and unaltered, to an adoptee upon request, at age of majority" (1997:16). This group's disgust with decades of the reform movement's pragmatic tactics, seeking legislated adoption registries, led it to declare in its mission statement that it did not support "mandated mutual consent registries or intermediary systems in place of fully open records, nor any other system that is less than access on demand to the adult adoptee, without compromise, and without qualification" (Bastard Nation 1997:16). Legislative "compromises," such as the creation of adoption registries and confidential-intermediary systems, contributed to "the psychology of self-defeatism in adoption reform" (Plum 1997:1).

These mechanisms had forfeited adoptees' rights in favor of systems that were understaffed, ineffective, and costly to adoptees. Ideologically, Bastard Nation was also at bitter odds with

[8] One of the few studies that has looked at family structure and adoption found that "while complicating the dynamics of adoptive family life," it "plays a minor role in adoption adjustment" (Brodzinsky & Brodzinsky 1992).

mainstream adoption activist organizations. These groups, such as the American Adoption Congress, sought to open adoption records to relieve, what they viewed as, the psychological damage caused by adoption. They wished to facilitate reunions between adoptees and members of their birth families. Bastard Nation's leaders, however, emphatically denied the cogency of the view that adoptees' psychopathology underpinned their desire to open adoption records. They pointed out that many adoptees were happy to have been adopted; others did not desire to search. They blamed the entire panoply of compromise legislation and its supporting ideology on birth parents and birth mothers, who have offered "disclosure vetoes and confidential intermediary systems if they could be proffered but an ounce of access" (Plum 1997:1). In its place, Bastard Nation co-founder Damsel Plum declared, "open records is about rights, not about wounds, nor about facilitating reunions, which the government has no business doing anyhow," consciously harkening back to the earlier dominant strand of adoptee "rights" ideas of Florence Fisher that had been eclipsed and forgotten almost 25 years earlier (Plum 1997:1).

Bastard Nation put its civil rights ideology into practice in 1998 by successfully running a ballot initiative, Measure 58, in Oregon. It permitted adult adoptees to access their original birth certificates—with no exceptions. The initiative brooked no compromise with birth mothers who had been promised confidentiality. Although Measure 58 advocates ran on a platform of "equal rights," the campaign revolved around the right to privacy for birth mothers. Within days of its passage, the opposition to this initiative challenged its constitutionality through legal appeals and prevented it from going into effect for a year and a half. Finally, in May 2000, Sandra Day O'Connor, acting for the U.S. Supreme Court, refused to hear the opposition's appeal from the Oregon's Supreme Court, and Measure 58 became the law in Oregon (Carp forthcoming).

The passage of Measure 58 was a milestone in the history of the adoption reform movement. It was the first time in U.S. history that an initiative to restore the right of adopted adults to request their original birth certificate had been attempted and had been victorious. It was the first time that a sealed adoption records law had been repealed in the United States. It also demonstrated that, at least in Oregon, the public supported opening records to adult adoptees. Oregon now joined two other states, Kansas and Alaska, in permitting adult adoptees unconditional access to their original birth certificates. Measure 58 was also groundbreaking because it framed the issue of adoption reform in terms of civil rights and equal protection of the law rather than in terms of adoptees' psychological needs or medical

necessity. It also has the potential to revolutionize the movement by serving as a model for other states.

A month later the Alabama legislature opened its state's adoption records. Moreover, in the aftermath of Measure 58, there have been no reports that adoptees have disturbed or harassed birth mothers, thus providing experiential evidence that opponents' fears of such laws are unfounded (Carp forthcoming).

IX. Conclusion

Wegar is certainly correct that, in the dominant view of American society, kinship is defined by blood, thus consigning adoption to a stigmatized form of kinship. Still, Americans may be willing to expand their definition of kinship. A recent California Supreme Court decision may signify a new trend in ruling on a custody hearing. It recognized a non-biological father as the legal parent (Janofsky 2002). Similarly, the American Academy of Pediatrics recently announced its support for the right of gay men and lesbians to adopt their partner's children (American Academy of Pediatrics 2002).

Wegar's criticism of adoption activists for being complicit in inadvertently spreading the stigmatized view of adoption, although intellectually insightful, is less useful in the political arena. The politics of adoption are no longer confined to social work journals,[9] but are taking place in the streets, in the courts, and especially in halls of legislatures. In the last, it is not the language of blood kinship or identity that permeates the debates, but the language of equality. The opposition arguments, *pace* Wegar, are not mirror images of those of the search movement; instead, they are based primarily on retroactivity—the promises of confidentiality adoption agencies had made decades ago to unwed single women who relinquished their children with the expectation that their identities would never be revealed. Lawmakers and judges today at the beginning of the 21st century wrestle with the question of whether the state has a legal or moral obligation to honor these retroactive promises as they decide whether to enact open-records legislation.

The future of the adoption reform movement is hard to predict. Bastard Nation's success with Measure 58 appears to have been unique, owing as much to having outspent a weak opposition as to its superior leadership and the element of surprise—factors that are unlikely to be present again (Carp forthcoming).

[9] E.g., between 1988 and 1998, *Child Welfare*, one of the most influential journals among professional social workers, published 490 articles, only two of which advocated opening sealed adoption records (Sachdev 1989, 1992). In general, during this period, *Child Welfare* articles were increasingly concerned with issues of child sexual abuse and foster care.

Not surprisingly, adoption activists have mounted initiative drives since 1998. Although they have led campaigns urging lawmakers to enact laws to open adoption records in California, New Hampshire, Missouri, Washington, New Jersey, Georgia, and Louisiana, they have met with success only in Alabama (Bastard Quarterly 2001). In practice, politics is not beanbag, as they say, and often a bill is passed not on its inherent merits but on the whims of powerful committee chairs; the possibilities for killing state legislative bills are endless (Francis 1989). And although the trend today in adoption and the adoption reform movement is toward openness, if the immediate past is any indication of the future, it appears that the pace of adoption reform—adoption records opened unconditionally—will be slow.

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