pact's point of view
The newsletter for adoptive families with children of color

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Bastard Nation - What's In a Name

by Damsel Plum

Bastard Nation is an international organization dedicated to equal rights and dignity for all adopted adults. Those not familiar with sealed records laws are often surprised to learn that adult adopted people in all but two states in the U.S. (Alaska and Kansas) are forbidden to have access to their original birth certificates the way every other adult citizen can. Depression-era laws mandate that adopted people's birth certificates be falsified and sealed, allegedly to protect adopted people from the shame of their "illegitimate" or bastard heritage. This is true even in open adoptions and in stepparent adoption.

In Scotland, adopted people's records have been open since 1930. In England, they have been open since 1976. Australia, New Zealand, France, Norway, Finland, Israel, Mexico and many other nations have open records for adult adopted people. Why are they still sealed in most of the U.S. and Canada?

Well-funded lobbies representing certain adoption agencies and lawyers think they have a vested interest in keeping adopted people's records closed. They are going from state to state trying to pass a "Uniform Adoption Act" which would seal adopted people's records for 99 years, and would in some cases make searching a felony for adopted people and birth parents. It is part of Bastard Nation's mission to stop this legislation from happening.

Adopted people's birth records are sealed due to an unspoken, unacknowledged attitude of SHAME towards adoption. I call this the "shame sham" behind sealed records. There are a number of conventional rationales for falsifying and sealing adopted people's birth certificates.

1. They are sealed to protect the birth parent (from the SHAME of an unwanted birth coming back to haunt her.)

2. They are sealed to protect the adopted people (from the SHAME of being reminded that one was born of an unwanted pregnancy.)

3. They are sealed to protect the adoptive parents (from the SHAME of their own infertility.)

In reality, there shouldn't be anything shameful about adoption, and the government certainly has no business codifying shame in adoption. Sealed records preclude the possibility of removing the specter of shame. The government has no business denying people their rights because it might shame or embarrass someone.

What is Bastard Nation's message exactly? We have been greatly misunderstood by those who would like to pigeonhole us into whatever enemy role suits their personal interests. We've been labeled anti-adoption, anti-birth mother, anti-reunion, whiners, professional victims — you name it. None of these correctly describes us. Bastard Nation's only unifying concepts are those of being for dignity, equal rights under the law, and providing a forum for the entire spectrum of the adult adopted person's experience. Otherwise, the opinions on adoption issues of our individual members vary greatly. We have searchers and non-searchers alike among our ranks, domestic, international, transracial, happily and unhappily adopted or "reunited" adopted people. Some adopted members are also birth parents or adoptive parents. Many adoptive and biological parents and relatives are members who support us in our mission. In this way we are unlike other adoption reform organizations — we are truly a "big tent" without a whole truckload of associated positions on adoption and adoption reform. We have one big issue; all the other issues we deal with are directly born out of it: equal rights and dignity for adult adopted people.

The media like to play up sensational and rare instances of lunatics trying to track down their birth children or birth parents, wreaking havoc on their lives. Thanks to this misrepresentative portrayal of adoption, the American public is kept in the dark about the real issue regarding sealed records for the millions of adopted peoples: civil rights.

Bastard Nation explodes the myth of shame by reclaiming the word "bastard." We make fun of the unspoken shame, joke about illegitimacy, tell the untold tales of our sisters and brothers which the media have not been willing to tackle. We give adopted people a place to come and express themselves, share their experiences, read about others like (and unlike) themselves, find free search and reunion support if they want it, and learn how to fight for their rights as adult adopted individuals. Our website is updated each week and we have a special members e-mail list and IRC chat room. Off-line, we publish a quarterly publication, "The Bastard Quarterly," which is dedicated to equal rights and the entire spectrum of the adult adopted person's experience. Local Bastard Nation meetings and events are held nationwide. It is time to get

humane laws enacted in each state and province of the U.S. and Canada, allowing adult adopted persons access to their records.

The following is a Bastard Nation position for adoptive and potential adoptive parents.

Eight Common Misconceptions about Open Records for Adult Adopted peoples: Why They're Good for Adoptive Families.

1. Open Records is the same as Open Adoption. NO! Open Records is NOT the same as Open Adoption. Open Records refers to an adult adopted people having equal access to legal documents which pertain to him or her, including original birth certificate and adoption decree. In contrast, open adoption refers to an arrangement for raising an adopted child. Open records is entirely about adults, and supporters of open records are not necessarily supporters of open adoption.

2. Open Records will threaten my relationship with my adoptive child. NO! Having access to records for adult adopted people does not threaten parent-child relationships. With open records, nothing is changed during the years while the adopted people is a child under the care of her adoptive parents. Whether the relationship becomes better or worse when the adopted people is an adult depends a lot more on how parents raise their children as members of an adoptive family rather than on whether the adult adopted people has access to birth records.

3. Open Records will cause a birth parent to try to reclaim my child. NO! Open Records are for adult adopted peoples who have reached the age of majority. Most birth parents are not interested in attempting to rewind the clock and reconstruct a lost relationship. Open Records will impinge upon a birth parent's privacy. NO! Birth parents do not sign a contract guaranteeing them anonymity; neither do adoptive parents. Many birth parents aren't even aware that adopted people birth records are sealed and amended. Federal appellate court rulings have decided that there is no constitutional right to privacy from the person to whom one gave birth.

4. Open Records will lead to a rise in abortion. NO!

5. This myth has been perpetuated by anti-open records organizations and sold as a scare tactic to unsuspecting Christians and potential adoptive parents. The available evidence in fact contradicts these spurious claims. The fact is that in nations where adoption records have been open for decades, such as Great Britain, studies have shown that there has been no increase in abortion due to open records; if anything, rates have lowered. Birth mothers are less likely to abort when records are open.

6. Only ungrateful, maladjusted adopted peoples need to search. NO! Ever since Alex Haley, genealogy has captured the fancy of American culture. Why is this yearning such a natural and popular thing for the rest of us, but when it comes to adopted peoples it's pathological? Many high achieving, well-adjusted adopted peoples have a desire to search at some time in their lives. Having respect for this natural desire will only bring you and your child closer together. On the other hand, if your child does not desire to search, you should not push the issue. The issue is respect. It should be the choice of the adult adopted people.

7. Open Records is a dangerous, radical experiment. NO! Actually, maintaining sealed records is the experiment. Adopted people records were sealed based on a once-fashionable, highly ideological conception of adoption as starting with a clean slate, a belief that is widely acknowledged today to be bankrupt. The same concept that justified closing records also justified not telling the adopted person he was adopted. Adopted people records have never been sealed in the state of Kansas. Records have been unconditionally open in Scotland since 1930, in Great Britain since 1976, in New Zealand since 1985 and in Alaska since the 1980s. Many nations do not seal adopted people records at all, among them France, Mexico, Norway and Israel.

8. Open Records will cause fewer adoptions. NO! Studies indicate that the rate of adoption is not adversely affected when adoption records are open to adults. This is another baseless scare tactic. In Great Britain and elsewhere, more adoptions took place after records were opened than did before.

Support Equal Rights and Dignity for Adult Adopted People. Thank you.

Damsel Plum is the Co-founder and Publications Chair for Bastard Nation. She lives in San Rafael with her husband and two young children. To find out more about how to help get constitutional open records laws passed, contact Bastard Nation at (415) 435-7960 . Visit our website at http://www.bastards.org/