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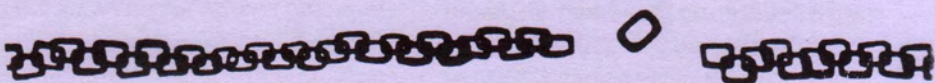
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ISSUE 20 · JULY/AUGUST 1992 · JANINE BAER, EDITOR

Blended Identity

Elizabeth Min

Interviewed by Holly Near



THIS INTERVIEW IS EXCERPTED FROM A LONGER VERSION IN **VARIED VOICES**, THE NEWSLETTER OF REDWOOD CULTURAL WORK, SPRING 1992 AND IS REPRINTED HERE BY PERMISSION. SINGER/ACTOR HOLLY NEAR IS THE FOUNDER AND OUTGOING ARTISTIC DIRECTOR OF REDWOOD CULTURAL WORK, A PROGRESSIVE MUSIC COMPANY BASED IN OAKLAND. ELIZABETH MIN IS REDWOOD'S NEW ARTISTIC DIRECTOR AND WAS PREVIOUSLY ARTISTIC DIRECTOR OF THE OAKLAND YOUTH CHORUS. SHE WAS ALSO FOUNDER OF THE BAY AREA WOMEN'S PHILHARMONIC.

HOLLY NEAR: *I'd like you to talk about some doors that you have passed through to get where you are today. What are your family traditions, your root connections? What got you into music — thinking the way you think — living where you live?*

ELIZABETH MIN: (Laughing) I've spent thousands of dollars in therapy on those subjects.

HN: *Were you raised in California?*

EM: No, I was raised in Colorado — born in Minneapolis. I was adopted — a fact I found out just a little more than a year ago — so at the moment I am engaged in a birth parent search. I've located my birth mother and she's about to become a real person to me at any

moment.

HN: *Do you know her heritage, where she comes from?*

EM: She's of English, French, and German descent. My father is Javanese and an Indonesian citizen. She's from the U.S. but he's never been here. They met in Europe after World War II when she worked with the Quakers and he was a student. He eventually returned to Indonesia to work in agriculture. I have one letter from her where she chronicles their relationship, describing how they were very much in love, but when she found herself pregnant in Europe in 1953 — I was born in 1954 — she said it was such a heady experience, traveling and working in different places in post-war Europe, that she just had to go home and get grounded. She couldn't deal with going to live in Indonesia right after the revolution. He really wanted to get married, but she just couldn't do it. At the time, she was 24 and he was 32 and he didn't speak much English so they communicated mainly in German.

HN: *And then you were adopted by people over here who lived in Minneapolis?*

EM: No, they lived in Colorado. My adopted father was Hawaiian and Ko-

rean and my adopted mother is Caucasian. They were looking for mixed-race children to adopt.

HN: *That's lot of new information to take in. You have to tell me how much of this you don't want printed because it's so new. It means so much to so many people.*

EM: Yes, I've thought about this and decided it's something personal that I would like to share. Not just the whole search for my own identity, which is another story for another time, but the whole mixed race thing, which for me personally is a really big issue. The more I delve into this whole adoption thing, the more I find especially people of color discovering their blended heritages. With one foot in one culture and the other in another — where do we fit? What does this mean about being an American?

HN: *Do you think there's something strange about living in America that actually makes for both confusion of identity but also an acceptance of mixed identity, as opposed to if you lived in a very identifiable culture and you were the outcast? This country is considered such a melting pot of cultures even though it is not an equitable one.*

EM: I think it's an accepted thing for people of mixed European ancestry.

over...

My whole life I've heard white people say, "Well everybody's a mixture of something." But for blended people of color, it's a matter of invisibility and acceptance in the culture.

HN: What did you think you were?

EM: I always checked "other" on forms because nobody ever told me what I was — the shame was pretty deep. All I could really go on was how I was treated, and I knew I was treated differently than white kids, that was very clear. When I began playing the piano in public at about age 8, people started telling me that I had an Asian name, or they would say, "Are you Japanese or Chinese or what?" That was just like a piece of information to me. "Oh, I'm Asian; OK." So, I knew that I was different from kids around me, although I went to a very racially mixed school system in elementary school . . . very very diverse.

There were a lot of Mexican kids. And African-American kids, and Puerto Rican kids, but not any other Asians.

HN: So people probably assumed you were Mexican, except for your name?

EM: Yes. That's often been the case. Even when I lived in Mexico, until about thirty minutes into the conversation (laughing).

HN: How does that affect your music?

EM: In my work as a conductor it's been an innate thing with me — I always want to explore the putting together of various elements and seeing what new whole is created. I guess it's true that in my work as a conductor, "blending" is a major part of what I've been doing.

HN: Do you feel that because people applied an Asian stereotype to how they saw you, that stereotyping is what directed you towards classical music,

the way black kids sometimes feel they get pushed into sports?

EM: No, although I remember a teacher of mine saying "since you want to be a musician, it's good you're Asian — all the most famous classical musicians are either Asian or Jewish." That kind of talk went right over my head. It wasn't until much later that I even understood what she was talking about.

HN: Stereotypes add so much confusion for people, because there's often something in a stereotype one can extract pride from, right? There's absolutely no reason why a black kid can't feel proud about being a great basketball player or dancer. And there's no reason why an Asian community can't feel really proud of how many Asian musicians have surfaced.

EM: Yes, I find that in my work with Oakland Youth Chorus. I spend a lot of time with the group I direct there — Vocal Motion — they're 14 to 21 years in age, all very bright and talented, and from all different types of backgrounds — economic, social, racial. The Asian kids and the black kids really talk about this issue. We'll be riding in the van to a concert somewhere, and they get deeply into this whole discussion. It usually comes up around school — one of the Asian kids is particularly strong in math, and one of the black kids will say, "Why are Asian kids so good in math?" Another Asian will say, "I'm not, I'm being tutored in it." They get deeply involved in trying to figure out why these differences appear to be going on. They haven't come up with a solution yet, though I'm waiting. If anybody can figure it out, they can.

HN: Do you think that along the way you connected any kind of expression of humanitarianism to wordless music? What is your emotional connection to what you played? As you devel-

oped as a person and started to have a world view and politics, how did you connect that to being an artist, a conductor — not only in your childhood but also as an adult?

EM: Since I was a musician from such a young age, music was always an extremely emotional thing for me. It was my personal expression — where the real power of the self came from. Because of the restrained atmosphere in which I grew up, I didn't express raw out-and-out emotion in other ways. Playing and real hard-core classical repertoire when you're 10, 11, and 12 is very, very powerful. It's very emotional and taps into deep, deep feeling — the connections of the harmonies and melodies, the different styles and just the absolute power and timelessness of the music itself. It's also a very physical kind of thing. The music I've always liked best is most grounded to dance, the more physical, rather than the more cerebral, intellectual side of classical music. I would express lots of emotions, the whole range. Sometimes I would perform and people would say, "Oh, that was so beautiful," and I'd be thinking, God, that was total out-and-out anger. I was just tearing the hell out of the piano, how did they miss it?

HN: Very few people have an easy time saying that rage is beautiful. Maybe what they meant to say was, "I find rage, when it's not violent, passionate." We don't have a language for it, especially for women who let strength and power and resistance show.

HN: Some people are still fantasizing about the '60s (laughing). We are also walking proof about why working with children is so important. If you graduated from high school the year I started Redwood. . .

EM: Yes, when I was a freshman in college, you gave an anti-war concert where I went to college. I remember thinking, "wow, that's really right-on." And Jeff Langley was such a great piano player, I really clued into him. I've thought about that a lot — that was twenty years ago!

HN: And the generation you're working with at the Oakland Youth Chorus — these are the ones who will be the directors of our non-profits, the teachers in our schools, the health care workers, the lawyers who are doing pro bono work for poor people.

EM: And are they mad. Maybe they're even madder than we were.

HN: I think they're more angry. Or maybe mad about different things.

EM: They feel more ripped off, I think, than we did. They feel let down.

HN: It's going to be an extraordinary next twenty.

EM: Yes, I'd like the twentieth [anniversary of Redwood] to really be something that can nurture all of us as we reflect on the last twenty and get prepared to renew ourselves for the next twenty years, because, let's face it, we need to keep going and we need to keep renewing our strength. The battle is deep and long at this point. ▲

TO OBTAIN A CATALOG OF THE MUSIC FROM REDWOOD CULTURAL WORK, WRITE TO: REDWOOD CULTURAL WORK, P.O. BOX 10408, OAKLAND, CA 94610, OR CALL 1-800-888-7664.

HOLLY NEAR WILL PERFORM HER AUTOBIOGRAPHICAL PLAY FROM AUGUST 2 THROUGH SEPTEMBER 27, 1992 IN LOS ANGELES AT THE MARK TAPER FORUM.



▲ CHAIN LETTER ▲

April 27, 1992

Dear Janine,

I just received the latest issue of *Chain of Life* (#19) in the mail today and read it through cover to cover, as I always do, including your editorial. As an adoptee, a feminist, and a Ph.D. biologist, I think *Chain of Life* is the best thing going. For me, it is both a mirror (where I see my own identity and ongoing issues confirmed and reflected back to me) and a lens (through which I clarify my analysis and understanding of the adoption process). I am dismayed to learn C.O.L. may be forced into irregular publication due to a financial crunch. Please accept this modest donation to help cover the costs of production and distribution.

I am sick to death of adoption being used as a weapon in the ongoing assault on reproductive rights and choices. And I am even more disgusted at the only representation of adoptees I see in the mainstream press: the grateful infant. (In the next pro-choice rally I attend, I'm planning to carry a sign that reads, "Adoptees Have Abortions Too!")

Please keep up the good work.

Sandra Steingraber
Chicago, IL

RESOURCES & NEWS

▲ "After the Reunion: What the Talk Shows Never Tell You" is a lecture/ workshop led by birth mother Ronda Slater who is also performing "A Name You Never Got" this July. This one-time workshop will be held **August 2** from 2 to 5 pm in Berkeley at St. John's Presbyterian Church, 2727 College Avenue (free parking). Cost is \$15. Call (510) 654-5264 for more information.

▲ **Birthparent Connection (BC)**, is a new national organization formed recently. BC wants to obtain accurate information about the views of birthparents, and will act as an information and referral service with a tri-yearly newsletter. In order to be accessible to everyone, dues are only \$5. a year. Write: Birthparent Connection, P.O. Box 230643, Encinitas, CA 92024-0643. (information from the Spring 1992 Washington Adoption Rights Movement newsletter, Mediator.)

▲ **The American Adoption Congress** will be having its Southwestern Regional Conference (which includes all of California) in Simi Valley, just north of Los Angeles, on October 23, 24, and 25. For more information, write to Curry Wolfe, P.O. Box 643, Encinitas, CA 92024.

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▲ **American Adoption Congress Conference.** Mark your 1993 calendar for the AAC's national convention, to be held April 1-4 in Cleveland, titled "New Horizons in Adoption." AAC's address is 1000 Connecticut Ave., N.W., Suite 9, Washington, DC 20036.

▲ **Then prepare for 1994:** A California meeting of American Adoption Congress representatives decided that to push for open records at this time would be futile. After the November 1992 elections, we can get to know our new legislators and their positions. "Open Records is not a dead issue, it is only temporarily on hold. Mark your calendars for May 9, 1994," for "a **POWER march on Sacramento**" says AAC's southwestern regional newsletter.

▲ The state of New Hampshire is the only state in the U.S. that refuses to allow **foster homes in which there are "homosexual adults"** living in the household. **P-FLAG** (Parents and Friends of Lesbians and Gays) has an article in its Summer 1992 news publication by a woman whose home was rejected as a foster home because the woman and her husband have a gay son and lesbian daughter, either of whom would be welcome to live at the family home if they chose to return. Wrote Elizabeth Janeway, "I realized how well in all other respects we fit the desired mold for foster parents."

P-FLAG has an excellent quarterly newspaper for \$5 per year. Write: Federation P-FLAG, P.O. Box 27605, Washington, DC 20038. (202) 638-4200

▲ **Richard Rouillard**, editor-in-chief of the successful gay and lesbian news magazine **The Advocate**, took his last name from his birth mother, according to *San Francisco Examiner's* IMAGE magazine article by Cynthia Robins (May 24, 1992). Rouillard was born in 1950 to a French Catholic flight

attendant and was raised Jewish by parents who did not tell him he was adopted until he was twelve. Richard tried to overdose with pills at the ages of 13 and 14, because he was gay and his parents pressured him to act more masculine.

▲ **Pact - An Adoption Alliance, Inc.** is a national non-profit organization helping American-born children of color find permanent, nurturing, culturally competent homes. They serve infants, birth parents, and adoptive parents in both independent and agency-assisted adoptions. They believe that same-race adoptions are preferable, but transracial placements also work; and that children of color deserve the benefits of independent adoption rather than foster care placement. In a Pact adoption, birth parents and adoptive parents choose one another.

The first issue of Pact's newsletter (Spring 1992) contains twenty-three pages of articles about transracial adoption. A subscription to the quarterly newsletter can be obtained for a \$25. donation from: Pact, 3315 Sacramento St., Suite 239, San Francisco, CA 94118.



"The only essential thing any society must do to stay alive is to have children. Yet in no society in the world is having and raising babies given priority. . . . Poor women, who especially need help raising children, are doubly blamed. Nobody asks, 'Where are the fathers?' or 'Where are the 75 percent of divorced men who pay no child support?' How is a divorced woman supposed to raise children and have a job? Isn't she doing the most important work of our society?"

— Marilyn French, author of *The War Against Women*; responding to Dan Quayle's criticism of single mothers interviewed by *The San Francisco Chronicle*, June 12, 1992.



anonymous

FEEDBACK

from subscription renewal forms

I would like Chain of Life to include more. . .

- in-depth reports on adoption issues for the gay and lesbian community who choose to adopt
- on international adoption, cultural comparisons of adoption
- foreign adoption issues (Anne Mi Ok's style is wonderful), especially scams; lack of getting identifying birth parent information intentionally. Adoption in other countries and changes coming about.
- Lesbian-centered news items and articles. I have seen a gradual dilution of the lesbian content in the past year.
- info on lesbians' adoptive kids (local agencies absolutely "frigid" on this)

and less. . .

- anti-adoption or "adoptism" articles
- about men!

I have liked . . .

- Nancy Verrier's article and What's Wrong with Surrogacy
- Hawaiian adoption article, articles on the pain of adoption
- everything — well done newsletter
- the full report on the New Zealand experience with open records was very helpful [in issue #7]
- father articles (reunion story; sperm donors)
- news of other organizations
- the recognition of the connectedness of a variety of issues re: progressive family politics

and disliked . . .

- long, unedited chain letters
- over-emphasis on Lesbianism/gay

continued. . .

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necessarily living with them; to some extent it's an alternative to adoption. Gay teen suicide, while not about adoption, is definitely about child welfare ["Feminist Adoption Reform and Child Welfare Newsletter"].

Although the banner at the top of the newsletter doesn't say so, I am committed to focusing on lesbian and gay children, adults, and families as one of the

newsletter's major subtopics.)

Other comments. . .

- You do good work - don't give up.
- [I would like] some information (and your ideas) on changing the present form of adoption to something more humane. In the present political and social regressive times, how can any progressive ideas receive the support needed for a positive change (example, Reagan's and Bush's judge appointees)
- Can't believe that it's been a whole year. *Chain of Life* looks like it's thriving. Sign me up.
- Janine, your layout is wonderful. It's unusual to have such high quality in a small one-person newsletter. Keep up the good work.
- I am renewing for another year, but feel increasingly distressed over the diminution of lesbian news, and the concomitant increase in news about men (as if we can't read about

men anywhere else in this world, right?) It makes me wonder whether the editor has found her "exceptional man," and then promptly abandoned all her woman-identified sisters.

Editor's comments: Abandonment of anyone is not on my agenda, which is why I have made an attempt to include rather than exclude people of all affectional preferences, genders, and sides of the triad. I am very interested in publishing articles by self-identified lesbians, but these have not been submitted very often. Any original article that provides a progressive, feminist perspective on adoption is welcome for consideration.

- Nice to see me in your demographics — others in IN read this since I share! We are self-inseminated lesbian moms in the midwest!

I may be interested in writing an article for Chain of Life on the following topic. . .

- the connection between dissociative defenses and adoption — I am a clinical psychologist
- Suggestions to *Chain of Life* for the following topic — Model legislation being drafted on adoption laws (nationally and internationally). [See article on page 6 of this issue.] Child Welfare League in Washington, D.C. is in on the process.
- self-insemination by known donor (your newsletter helped me choose this option)

As of July 3, 1992, *Chain of Life* has 102 paid subscribers, 11 of which expire with this issue. Please use the enclosed flyer to tell your friends, family, and support group members about *Chain of Life*, or to subscribe yourself. Note that the sliding scale has slid upwards a little, to \$12 to \$18, with \$15 as the average subscription cost.

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issues that are not really germane to adoption issues. For example, Issue 19, p. 5, BANGLE news item and gay teen suicide item, etc. Although these items are of interest to gays/lesbians, they aren't in general interest category as it relates to adoption issues. Since you call the newsletter "Feminist Adoption Reform and . . .", on the same theory you could justify including news items on wage disparity between men and women, or unnecessary mastectomies, or gender discrimination in the military; the list is endless. I think it is better to focus on adoption issues. Gay and lesbian issues are fine, as long as they relate to adoption. Otherwise, the newsletter loses focus, and the tidbits become mere fillers.

Editor's note: the BANGLE item, about a gay teachers group, does relate to adoption reform because teaching is a way to be involved with children without

Some Thoughts About the Uniform Law Committee's First Draft of its Records-Access Provision

A Commentary by Carol Komissaroff

This article was first published in Quest: The Newsletter of KinQuest Inc., March 1992, and is included here with permission of the author.

The committee seated by the National Conference of Commissioners on Uniform State Laws to draft a Model Adoption Act has finally circulated a draft provision regarding adoption records access. As a practical matter, it should be noted that this is a "first" draft which is likely to change significantly over time. Keeping that in mind, these are some of my first impressions.

As a threshold matter, "records" are defined as virtually anything that turns up on paper. The draft provides that these "records" may be seen by any party or his or her attorney right up until the time the adoption is finalized. Then, they are sealed for 72 or 99 years.

On its face, this provision means that birth parents and adoptive parents apparently can see anything they want in the files before the adoption takes place (which isn't true now) and the children and grandchildren of adoptees can also have access to the records a century into the future. But the person most interested in their contents may not see them at all, unless he or she survives long enough. Mind you, every decade finds us living longer, but if that were the "rule" right now, male adoptees and left-handed people would pretty much be left out in the cold.

But that is not the concern the Committee is trying to meet. The Committee wants the records to be sealed long enough for the principal players to have died. There isn't much risk of a

72-year-old adoptee finding birth parents living, and even less of a risk if the term is 99 years.

In the meantime, adoptees who are 18 or 21 (they haven't decided), and married or pregnant minors, may request a report containing health, genetic, and social information about original family members, edited to take out all of the names.

In order to get identifying information, there must be a waiver of confidentiality in the file. The waiver works both ways – both birth parents and adoptees (18 or 21) may place such a waiver in the file. In fact, so may adoptive parents, birth siblings, and birth grandparents. Of all of the provisions, this is the most even-handed, practical, and least expensive.

The absence of such waivers means that it's intermediary time. A court petition will trigger a search to ascertain whether the person sought will consent to the release of his or her "name or identity" (what?) to the petitioner. The costs of the search will, of course, be borne by the petitioner.

The Committee wants the records to be sealed long enough for the principal players to have died.

If the intermediary finds a file with a consent in it somewhere, that intermediary shall (may?) help the petitioner search for that person. If the intermediary finds a refusal to authorize the release of identifying information, the intermediary will report that fact to the petitioner, and no search will be undertaken.

There's also a category of document permitting a party to register "undecided" as an option. In that case, the intermediary will search and contact the undecided person to find out just what, if anything, that undecided person is willing to reveal about him or herself.

If the person sought is deceased, the petitioner may ask the court to hold a "good cause" hearing with respect to whether or not to give the petitioning person identifying information.

The intermediary has a year to find the person sought, a time which may be extended. If the intermediary is unable to find the person sought, the court may release, or decline to release, the information sought subsequent to a "good cause" hearing.

At a "good cause" hearing, the Court will consider such things as: (1) the reason why the information is sought, (2) whether there is some other way to satisfy the inquirer without releasing identifying information, (3) whether the person sought is deceased, (4) the preferences of the adoptee, the adoptive parents, the adoptee's parents at birth and other members of the adoptive family and birth families, and the likely effect of disclosure on these individuals, (5) the age, maturity, and expressed needs of the adoptee, (6) the report or recommendation of a confidential intermediary or other "evaluator" appointed by the court to assess the request for identifying information (read: "mental health professional"), and (7) "any other factor" the

continued. . .

court wishes to consider (read: judicial bias, State "public policy").

The proposed law says that "primary consideration to the best interest of the adoptee" shall be the main focus. However, any fool can see that the deck is stacked against disclosure by everyone else's interests and opinions, including distant relatives not asked their opinions in other contexts (marriage, divorce, whether or not to join the army). How many thousands of dollars in legal fees and costs must a petitioner spend to hear that somebody (perhaps his birth grandmother, or his adopted aunt) has registered a "preference" that the information not be disclosed?

until you hit the "good cause" hearing, the provisions are fairly even-handed, if a little archaic

Wouldn't it be nice to see some exceptions here? How about something like, "hurt feelings" and "embarrassment" do not constitute sufficient reasons to deny a petitioner's request? Wouldn't it also be nice if outsiders opinions about whether or not the petitioner might feel "rejected" or "disappointed" would similarly be considered unacceptable prejudices insufficient to deny a petitioner's request? Wouldn't you also like to get the "mental health professionals" out of our lives? If it's "healthy" to want to know the information in those files, why should we (and our motives) have to be "evaluated" to get it?

Finally, an adoptee or adoptive parent who files a petition may also ask the court to authorize the release of a certified copy of the adoptee's original certificate of birth, but the Committee can't decide whether or not the factors considered should be the same, or different from those listed

above.

The adult adoptee can also ask for a "decree of adoption" listing the date and place of the adoption, the date of birth of the adoptee, the names of the adoptive parents and the adopted name of the adoptee. Gee, thanks. That's a relief.

I must not try to be so snide. The Committee obviously is trying to improve the situation for adoptees who can't even find out where they were born, let alone whether they are really Italian (as they were told) or Lebanese (as they look). And, all in all, until you hit the "good cause" hearing, the provisions are fairly even-handed, if a little archaic and out-of-step with contemporary reality.

I must also try to remember that these intermediary systems are "better" than no system at all, but experience has demonstrated that they are extraordinarily time-consuming and expensive. In some places, requests for information are backed up virtually into the next century. Funding the bureaucracy is also a problem. If it is funded by the government, it is subject to the vicissitudes of government funding. If it is funded by contributions by the people seeking the information, it is financially out of reach for some of the people who need it the most.

If I were to design an efficient, fair system, it would be something like this:

- For adult adoptees, access to original birth certificates on demand, along with a "report" bearing the rest of the pertinent information in the file about the birth family.
- For birth parents, the opportunity to put in a file with the original birth certificate and "report" a letter explaining any reason the birth parent might have for wishing to defer or discourage contact.
- For everyone who was a "party" to the adoption, an opportunity to look

at all of the records pertaining to the adoption twenty-five years after the adoption took place. (Adoptees and adoptive parents can put their "contact" preferences in this file.) That gives all of us a quarter of a century to accommodate that reality, which ought to be enough.

No bureaucracy. No court costs. No searching expenses, except those an individual wishes to incur him or herself. More importantly, such a scheme would provide plenty of time for all parties to accommodate the likelihood of future contact among and between the families connected by adoption.

With the exception of individuals interested in family genealogy, the only people really interested in the information contained in adoption files are the parties to the adoption. I've never been able to think of any good reason why they shouldn't have it. Since this draft law is designed to be prospective (and not retrospective) in nature, why set up a contrary expectation when it no longer comports with contemporary adoption experience? ▲

Quest is a quarterly adoption newsletter that can be obtained from KinQuest, Inc., P.O. Box 873, Bowling Green Station, NY, NY 10274-0873.

If you receive this newsletter before July 18, you may still be able to get a ticket to "A Name You Never Got," Ronda Slater's one-woman performance about her experiences as a birthmother, including her reunion with her daughter. It's taking place in Berkeley at St. John's Presbyterian Church, 2727 College Ave. on July 10, 11, 17, and 18. The cost is \$15. Call 510-654-5264 to find out if there are any tickets available.

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Surrogacy Legislation in California

© by Jane Calbreath

State Senator Diane Watson, Democrat from Los Angeles, last year introduced Senate Bill 937 to the California legislature, which if passed would become the Alternative Reproduction Act of 1991. It was originated on behalf of Beverly Hills attorney William Handel, whose Center for Surrogate Parenting is the official sponsor of the bill. The *San Jose Mercury News* reported in February 1992 that Handel estimates 5,000 surrogate births have occurred in the U.S. in the last fifteen years, a quarter of them in California.

SB 937 would require a surrogate to be at least 21 years of age and to have already borne at least one child. It would permit advertising regarding surrogates, but only by physicians, attorneys, licensed mental health professionals, and organizations specializing in third party assisted reproduction. In the event of a dispute between the parties to the surrogate agreement, custody of the child would be awarded "in the best interest of the child." Psychological counseling 30 days prior to entering into the contract, and ending not earlier than two months after the birth, would be required for all [adult] parties. Payments made to a surrogate would be for the purpose of compensation for services, and would be paid at the time of filing the petition of adoption.

The infertile couple would take custody of the child immediately after the birth, regardless of whether the child suffers any physical or mental defects. The death of either of the intended parents prior to completion of the adoption would not alter the contract. If both the intended parents die before the birth of the child, the surrogate's consent to the termination of her parental rights would be voidable at her option. Upon completion of an adoption of a child, the adoption file would be closed permanently.

The current legal status of surro-

gate contracts varies widely in the U.S. In 1988, the New Jersey Supreme Court ruled that the \$10,000 contract between Mary Beth Whitehead and William Stern was unenforceable and called the arrangement "the sale of a child." Legislatures in many states are considering bills to ban commercial surrogacy contracts. Several others, including California, are considering laws to regulate it.

England banned commercial surrogacy arrangements in 1985, and France has deemed surrogacy contracts to be baby selling; agencies and individuals in France are subject to prosecution. In Germany, a court of appeals ruled a surrogacy contract void because it treated a child as merchandise.

In the U.S., the National Coalition Against Surrogacy points out the need for a federal law; otherwise baby brokers will try to skip to states where it is legal. A U.S. bill to ban surrogacy has been introduced at the federal level by Representative Barbara Boxer, California Democrat, and Henry Hyde, Illinois Republican. Representative Boxer said, "We must end the practice of profiting from people's desperation. In the case of surrogacy, there is a desperate, childless couple and a surrogate mother desperate for money." Representative Hyde believes, "By reducing childbearing to an occupation, surrogacy arrangements attack the essential human dignity of every person" (*N.Y. Times*, Feb. 2, 1989).

Of special concern are the implications of surrogacy for women. What does it say about the role of women? Surrogacy reinforces the still prevalent cultural stereotype that values women primarily for their physiology and reproductive capacity. The practice of surrogacy further denigrates the infertile woman. And it bears a close relation to prostitution, since the act of men buying women for sex bears a striking resemblance to men buying women for reproduction. Surrogate

brokers are like reproductive pimps (Janice G. Raymond, "Women as Wombs, International Traffic in Reproduction," *Ms.*, May/June 1991, pp. 28-33).

"The language of dismemberment is important in constructing women's increasing alienation from their bodies and from motherhood" writes Robyn Rowland in a special *Ms.* Magazine issue titled "Women as Wombs." This alienation is especially noticeable in the language used in discussing surrogate motherhood. "In order to make it easier for society to accept seeing a woman torn away from a child she desires to keep, the surrogate industry, assisted by the medical establishment, has developed a variety of terms to describe this woman. She is called a 'host womb' . . . increasingly the term 'mother' is not used in the description of surrogates" (*Ms.*, May/June 1991, pp. 38-41).

It is my judgment that the arguments against the practice of surrogacy constitute a strong case. The practice is problematic from both a practical and a moral point of view. It encourages the objectification and commodification of women and children. I can only conclude that it should be prohibited at the federal level.

Editor's note: Although State Senator Watson has recently been busy attending to the aftermath of the Los Angeles riots in her South Central Los Angeles district, and hearings on SB 937 scheduled for this past May were postponed, it is possible that the bill will come up for a vote later this year. Californians may wish to write to your state senator with your views on this bill.

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