

Lorraine Dusky
Sag Harbor, New York

March 11, 2019

Dear New York State Senators and Assembly Members:

A true identity should be everyone's birth right as a matter of course. I write to ask you to **support the bills sponsored by Sen. Velmanette Montgomery (S3419), and Assemblyman David Weprin (A5494)**, which would allow adoptees to receive a certified copy of their birth certificate upon reaching the age of 18.

In 1966 I relinquished a daughter for adoption in Rochester, New York. At the time, I objected vigorously against the "forever" sealing of my daughter's birth record to my social worker. All to no avail; I had no choice but to go along. The law—the 1935 law—was the law, and I had no voice, no choice.

In 1976 I testified at the NY Joint Senate/Assembly Public Hearing on Sealed Adoption Records and Identity, chaired by Richard Gottfried and Joseph Pisani, and again at a hearing on the same issue in 2014.* Forty-three years later, Assemblyman Gottfried and I are still at it, for as you are aware, no progress at all had been made in New York to revoke sealed records in our state, while the world's attitudes about adoption and secrecy have taken a great leap forward toward openness.

In 1981, I paid some anonymous person \$1200 (roughly \$3,500 today) to locate my daughter, and to my astonishment, she had already been identified through the particulars that I put in my first memoir, *Birthmark* (1979). Soon I had her name, her family's name, address and phone number. I called a few days later and within ten minutes I was on the phone with my daughter, after speaking to her adoptive mother and father. My daughter had epilepsy and her parents and doctors had already been trying to find me. We had a 26-year relationship until my daughter's death in 2008.

My daughter had a daughter, and I am her connection to the only blood relatives she knows. She has moved to the same place where I grew up and they now live—the Detroit suburbs—where she teaches school, and is surrounded by her cousins, as well as aunts and uncles. They are not only her support system, she socializes with them frequently. They are artists and graphic designers; my granddaughter became an art teacher. Without my "breaking the law," she would have no kin. Her relationship with my daughter's adoptive family becomes more distant with each passing year; she has no connection at all to her biological father's family. Her father died several years ago; her mother died when she was sixteen. Yes, that is our personal story, but it is emblematic of what giving adoptees the right to know

who they were when they were born can do. In my granddaughter's case, that is a great deal of comfort and grounding.

Everyone's story is different, but everyone has a right to their own story.

Adoptees and first mothers in New York still are living with the burden of what is clearly failed social policy, one that promotes secrecy and lies. Sealed birth records place an undue psychological hardship on an entire class of people—the adopted. They live and die with a burden that the rest of us never have to even ask: Who was I when I was born? Or more simply: Who am I?

While legislators may see the justice and moral certitude to giving adopted people the right to their original birth certificates, it is women like myself—mothers who relinquished in another era—who are held up as the reason not to proceed. But we—unless adopted ourselves—have always known who we are; and the secrecy we were encouraged to fester is not a good enough reason in today's world to keep the records locked up from the very people they most concern. DNA results have opened a different alley for adoptees in search, but not for all, and besides, the adopted should not have to rely on an iffy route for honesty in their identities.

“Apart from slavery there is no other instance in our laws, or in any other jurisprudence in civilized system of jurisprudence, in which a contract made among adults, in respect of an infant, can bind that child once he reaches his majority,” wrote the late Cyril Means, the New York attorney who brought suit in the 1970s to unseal birth records for the adopted. While that lawsuit failed, other courts in the past have found—and unquestionably courts in the future will find—that the mother has no constitutional right to remain anonymous to her child, and thus the state has no obligation to keep her identity secret from her offspring.

Let me add something about that 1976 hearing that sears in my mind, and has been renewed in intensity since the movie, *Three Identical Strangers*, came out. The most virulent opposition of unsealing birth certificates at that hearing was the attorney for Louise Wise Adoption Services, Shad Polier. He was married to the daughter of Louise Wise.

Mr. Polier rattled on about the poor girls who gave up their children and who wish to go into hiding, using words such as disaster, havoc, pathology, and harmful. It's all in the record. Supposedly, the words all referred to the adopted. Yet, as we learn in *Three Identical Strangers*, Mr. Polier would have been aware of how the agency he represented was hiding how they had separated identical twins and triplets in some Nazi-like psychological experiment. If the records were opened then, all of this would have come out and destroyed Louise Wise Services—the havoc and disaster and harm would have been theirs. Incidentally, Louise Wise did go out of business after a couple of well-publicized lawsuits for

flagrant lies to their clients. The defamed Louise Wise agency is not unusual in how the adopted were treated as fungible parts to be moved around under the rubric of “doing good.”

I fervently hope that the new political climate in Albany will allow for the inequity of years of secrecy and stolen identities will come to an end in New York, and that S3419/A5494 without crippling amendments at last becomes law.

Let me end with a bit of history: In 1980, after numerous hearings around the country, the then U.S. Department of Health, Education and Welfare issued a Model Adoption Act stating:

There can be no legally protected interest in keeping one’s identity secret from one’s biological offspring; parents and child are considered co-owners of the information regarding the event of birth.... The birth parents’ interest in reputation is not alone deserving of constitutional protection.

Some provisions of the act were promulgated, but the late Sen. John Tower of Texas, an adoptive father, led the opposition to this provision and it died. But the words ring as true today as they did in 1980. It is time for the law to catch up with the world, and end the unequal treatment of the adopted.

Sincerely,

Lorraine Dusky • forumfirstmother@gmail.com

Author, hole in my heart: a memoir and report from the fault lines of adoption

