



Bastard Nation: the Adoptee Rights Organization

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LD1688: An Act To Protect Original Birth Certificates

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Submitted Testimony in Opposition

Submitted by

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Bastard Nation: the Adoptee Rights Organization is the largest adoptee civil rights organization in the United States. We support only full unrestricted access for all adopted persons, to their original birth certificates (OBC) and related documents. We are happy to join the Adoptee Rights Law Center, GLAD (GLBQ Legal Advocates and Defenders), and numerous individual adoptees to oppose LD1688.

Bastard Nation fully supported the 2008-2009 law that restored the right of OBC access to all Maine adoptees. Although we were not active on the ground in that campaign we kept in touch with OBC for ME, and sent support for the bill through distribution of Action Alerts, news stories, and blogs.

Maine's access law is now used as model legislation in current OBC access campaigns across the United States.

We are therefore puzzled and alarmed at LD1688. The bill is the antithesis of Maine's current OBC excellent access law and undermines the entire adoptee rights movement. Proponents claim the bill is an "equal rights" measure. We fail to see how equal rights are achieved by

taking a simple OBC (model of equal rights) and turning it into a bureaucratic mess that assails adoptee privacy and autonomy in the name of some undefined “equality.”

Bureaucratic Mess

Adoptees currently have two birth certificates: the OBC, the official record of the historical event of birth-- issued before the adoption was finalized,--and the Amended, (ABC) issued after it was finalized. A child made available for adoption but never adopted, or whose adoption is overturned or disrupted retains the OBC as permanent legal identifier, just as the not-adopted. In Maine it is available to all adoptees upon request at the age of 18. The OBC cannot be used for legal identification purposes.

The ABC is an altered birth certificate that changes the legal name and parentage of adoptees. It has always been available to adoptees and is the standard form of legal identification in the United States for them.

Adopted children and adults have little control over what has been done to their identities, histories, and personal narratives, via adoption. They certainly have no control over those institutions and agencies that maintain and manipulate that information. Maine’s current OBC access law gives adoptees a piece of personal ownership of their pre-adoptive lives, that they can control and are free to share or not share with anyone. The OBC acquisition is a private transaction between the adoptee and the state.

LD1688 abrogates that personal ownership and decision-making process. It creates a new all-in-one document that contains the original and adoptive name of the adoptee; identifying information of the birth and adoptive parents, and the date of adoption. Since the document is mandated by law to serve as an identifying document and the ABC is abolished,, the information it it is no longer private.

The “integrated” document is not a genuine birth certificate like the OBC in which the Adoptee Rights Movement is rooted. It is a sort of state-generated family history certificate *cum* property deed that privileges adoptive parent(s) who were not a party to birth and birthparent(s) who already appear on the OBC. Moreover, adoptees are trivialized by the document. Their original names (if they they exist) are relegated, like an afterthought, to the bottom of the document under “Comments.

The “integrated” document would serve as mandatory legal identification (as opposed to the current ABC) for anyone born and adopted in Maine after the effective date. The document would telegraph to anyone reading it that the holder is adopted. This does nothing to further adoptee rights, equality, dignity, and adoption normalization, Instead, it returns adoptees to documentary second class citizenship and renders them invisible,

Privacy and Segregation

Adoptee privacy and agency is not a small point. Despite media hype and the continued sentimentalization of adoption, adoption is still a stigmatized form of family building and adopted children and adults remain stigmatized as angry, dangerous, or just plain people with problems. Simply witness that 41 states still completely or partially seal our records and the struggle Maine activists had in passing OBC access ten years ago.

Birth certificates are the “breeder document” of all other public and private documents of identity. They are used to secure a Social Security number, to enroll children in school and any number of extra-curricular activities, qualify for public benefits such as SNAP, and public housing, and show a parental relationship between children and parent for various activities such as flying and out-of-country travel. Later in life birth certificates are needed to obtain (among others services and benefits) driver licenses, passports, voter registrations, marriage licenses, employment and job training, gun permits, utility subsidies, security clearances, bank accounts, military enrollment, and public and private disability and retirement benefits.

Unlike the current identity system, HB1888, will create an invasive document system open to public scrutiny. Over the years virtually dozens of “uninterested” strangers—school administrators, teachers, secretaries, data processors, coaches, bureaucrats and their underlings,—will have access to personal adoption information. Copies of the document will be tucked away permanently in the file cabinets in numerous offices around the state and country. Children especially will be open to gossip, invasive questions, pathologizing, teasing, and bullying. “Your mother didn’t want you!” and “Who are your real parents?” are two of the most popular ninner—ninnering adopted children and even adult adoptees are subjected to. If you doubt that, then you are not adopted and you don’t know how fast this kind of news travels. And do adoptees really want they guy at gun shop or the receptionist in HR to know private adoption information?

To top it off, while the “integrated” document might pass muster for certain services in Maine it is highly unlikely that it would pass federal standards. It is not a birth certificate,

Undermines the Adoptee Rights Movement

HB1688 undermines the Adoptee Rights Movement in two ways.

(1) As discussed above, the bill creates a “special” document meant only for adoptees and thus outing adoptees. Where once the OBC and its information was hidden from us by the state now our “vital information would be available, courtesy of the state, to dozens of pencil-pushing strangers and whomever they decided to tell.

Whether adoptees are happy or not about their status, they have the right to control their birth and adoptive information and who gets it. Proponents seem to want all adoptees to know they are adopted, through issuing this document, but it shows no concern that anybody else will know, too. This is not about maintaining secrets and shame in adoption. but about the state strong-arming adoptee information into the public sphere. Adoptees have a right to

their own state documents, but the state has no right to spread information from those documents around. Such actions destroy adoptee autonomy and agency.

(2) For decades the Adoptee Rights Movement has been adamant that the OBC and other documents are released only to the adoptee or the adoptee's legally designated representative. SH1688 turns that argument on its head by putting birthparent identities in the "integrated" document that every proverbial Tom, Dick, and Harry will read when an adoptee is required to present the document. This is not acceptable and a rejection of one of the core principles of the movement. If Maine permits this, it can cause problems with passage of OBC records access bills across the country.

Adoptees don't want this bill

The movement for HB 1688 is not led by adoptees. Instead it is being spearheaded by non-adopteess on a mission to fix something that isn't broken. We aren't sure why other than they want a piece of the adoptee ID pie. They are outliers in the Adoptee Rights Movement. If Monsanto decided to push a bill through the Maine legislature to support organic farming organic farmers would rightfully be suspicious and up in arms Same .with adoptees and this bill. We hate it!

We have held informal discussions with adoptees on social media about an "integrated" document and nearly everyone holds their nose. It is not something that adoptees want or need.

Here are four random comments from adoptees:

- Hope this never happens it is literally wiping out or erasing your identity! Why not remove my fingerprints too?!?!
- No. I don't want that and would not accept or use it. I'd rather live in a cardboard box with no official anything than have my OBC sullied and ruined in such a fashion. Concession is not change. It's discrimination designed to pacify.
- Nope. Adopting is just not the same as giving birth. And being adopted is not the same as being born. This is about parental needs for false equivalency at the expense of adoptee equality. Just notch our ears already. Jesus.
- I agree. This document is a different beast, though, a hybrid Frankenstein's monster. It would be unlike either an OBC or amended, having all of the info rolled into one, with your original name (if you had one) crossed out. Try going to a Homeland Security with that.

Conclusion

What adoptees want is the government held-copy of our birth. We want an us-centric birth certificate,, not one that features other players. We do not want the names of adoptive

parents who had nothing to do with the birth on the birth certificate. That doesn't even make any sense. We do not want add-ons or amendments. We do not want a whackadoodle certificate that singles us out and might not even be legal by federal standards.

We are not a footnote to our own births, We are not Comments.

If there is a desire or need by adoptees for an "integrated" certificate, we suggest that it could be an option for adoptees 18 and over as the ABC would be. Children should absolutely not be subjugated to the "integrated" document. Attorney Gregory Luce of the Adoptee Rights Law Center has drafted such a bill and has included it, we understand, with his own testimony today.

Implications for LD1688 have not been thought out by proponents

Please kill the bill before it gets any farther in the legislature.. Adoptees in the US have a hard enough time getting genuine access laws—such as already exist in Maine—passed. We do not have the time or desire to spend working on grotesqueries like LD1688. Maine has a great OBC access law that you should be rightly proud of. Please don't mess with it, Vote Do Not Pass!

Thank you.

Bastard Nation is dedicated to the recognition of the full human and civil rights of adult adoptees. Toward that end, we advocate the opening to adoptees, upon request at age of majority, of those government documents which pertain to the adoptee's historical, genetic, and legal identity, including the unaltered original birth certificate and adoption decree. Bastard Nation asserts that it is the right of people everywhere to have their official original birth records unaltered and free from falsification, and that the adoptive status of any person should not prohibit him or her from choosing to exercise that right. We have reclaimed the badge of bastardy placed on us by those who would attempt to shame us; we see nothing shameful in having been born out of wedlock or in being adopted. Bastard Nation does not support mandated mutual consent registries or intermediary systems in place of unconditional open records, nor any other system that is less than access on demand to the adult adoptee, without condition, and without qualification.