



Episode 4: Bastard Nation finds its voice

Accompanying episode blurb.

Jenna Spinelle: My aunt, Peg, is adopted. I found that out by putting my foot in my mouth one Thanksgiving at her house when I was about 13. We were talking about siblings who look alike, and I asked why Peg and her sister, Carol, didn't look anything alike, or like either of their parents for that matter. Anyway. First an awkward silence feller on the dinner table. Then, Peg told me that both she and Carol were adopted. My uncle was the only other person in the family who knew.

Spinelle: Peg and Carol never felt a need to talk about it because they didn't see being an adoptee as part of their identities. Neither had ever met their birth mothers or really searched for them. Some adoptees, like my aunt, Peg, may have chosen not to look for their birth parents. She felt fine with what she did and didn't know. But for other adoptees, searching for one's birth parents is a much needed part of a larger journey to understand their identity.

Spinelle: And one reason they have that option is because of the fight for open birth records by activist groups like Bastard Nation. In Oregon specifically, Bastard Nation launched a ballot initiative in 1998 to give adoptees 21 years and older access to their original birth certificates. One book I read described this as the first political initiative campaign conducted from the internet. Many of today's successful initiative campaigns take the organizing power of the web for granted. Bastard Nation had to pave their own way.

Spinelle: This is When The People Decide. I'm Jenna Spinelle. Helen Hill was the driving force behind the initiative that would change the lives of adoptees in her home state of Oregon. She was adopted by a wealthy family in Kansas City, Missouri, shortly after her birth in 1955. Here she is in a documentary about her initiative called Measurable Rights.

Helen Hill: ... 11, 12 years old. I grew a bit taller. And I was in our library. I see this book up there that I hadn't never noticed before. And I brought it down and I read it, and I knew right then that that's what I've been looking for.

Spinelle: It was a book to help parents talk to their children about their adoptions. Helen says she went in the other room where her parents were sitting, her dad watching TV, her mom knitting in her chair, and said, "What is this book on adoption doing in the library?" Her mom said, "You are adopted. You knew that. Go to bed."

Hill: These people were strangers that lied to me. And I was a stranger and my body was a strange body. Where did it come from? And it's just like the floor fell away from me.

Spinelle: Adoption remained a taboo subject with her parents, but her desire to find her roots grew stronger as she left home and started college. She discovered that because her original birth certificate was sealed, she had to go through an underground network of adoption searchers to find and her birth parents. One day she got a call from the people who had been searching, that they'd found her birth mother.

Hill: And I had to wire money before they would tell me if she was even dead or alive.

Spinelle: She wired the money.

Hill: Finally, the call came about 10:00 that night after the wire transfer had gone through and all that, that yes, she was alive and living in Des Moines and she had five children and she was a [inaudible 00:04:06] and art psychotherapist, and she went to Albuquerque. All this stuff about her was pretty overwhelming. And they gave me her phone number. Well, it was too late to call that night. And boy, I went to sleep. My dreams were incredible. So, I knew that the next day I was going to be speaking to my mother.

Spinelle: Helen wrote out how she'd introduce herself to the woman on the other end of the line. Her birth mother listened to her say when and where she'd been born, and replied, "I love you." Helen went on to meet her. They didn't end up having a strong relationship per se, but Helen still felt she'd done the right thing. She said in the documentary that the experience gave her heart and mind the resolution she needed.

Hill: Not because I've gotten to meet my birth mom, but because I'd had the opportunity to resolve a whole bunch of stuff, empty stuff in my inside. And I couldn't just rest with that until I did something to help other people do that too.

Spinelle: Standardized birth certificates weren't really a thing in the US until about the 1930s. During the progressive era of the early 1900s, child welfare reformers were working to remove the stigma of illegitimacy for kids born out of wedlock. They wanted to protect both the unwed mother and the child by making birth records confidential, and eliminating the word "illegitimate" from birth certificates.

Spinelle: But "confidential" for them didn't mean fully sealed. Those involved in the adoption could still access these records. This is how it mostly worked until the 1950s when a movement to seal adoptions picked up steam. States and adoption agencies had different reasons for secreting away the details of adoptions. Some wanted to protect birth mothers from the shame of a pregnancy out of wedlock, which was looked down upon. Sealed records would mean that shame would be sealed away too.

Spinelle: But some legislators were concerned that if the records stayed open, birth mothers would harass adoptive families. At that time social workers thought women who had children out of wedlock were mentally unsound. When the Child Welfare League of America published its Standards for Adoption Service in 1958, it said that unwed mothers have "serious personality disturbances, and need help with their emotional problems."

Spinelle: American society, during this time, was big on the nuclear family units. There wasn't a lot of room in that picture for the complicated relationships around adoption. Any adoptee, even an adult adoptee, who went looking for their birth parents must be unhealthy, and it meant the adoption process had failed.

Spinelle: In Oregon, lawmakers decided to take away adoptee's access to their original birth certificates in 1957. Helen was born in 1955, so she never knew things any other way. When she found out she was adopted, the idea was still shrouded in secrecy, stigma and shame. Then, as an adult, she decided to do something about it with the support of Bastard Nation, the activist group she joined. Helen told me how she organized to get adoptees the right to their original birth certificates in Oregon via a ballot initiative.

Hill: It really does take someone so dedicated to head it up, with that kind of time and energy and a bit in their pocket, which was me.

Spinelle: I can't imagine how confusing this whole process of finding out you're adopted must be. We have more openness about adoption now and less stigma. For the members of Bastard Nation, finding each other helped. Helen found this community online at the dawn of the World Wide Web.

Hill: You have to have quite an imagination to remember what the early infancy of the internet was like, because now it's just so pervasive, and you can organize online so easily. But back then it was just becoming a thing. I remember hearing the word "webpage" and thinking it had something to do with spiders.

Spinelle: The internet was key to the formation of Bastard Nation.

Hill: Adoptees had been some of the first people to realize how useful that World Wide Web could be for registries, for exchanging information, for people trying to find each other in reunion, and all of that. So, we were already all over it.

Ron Morgan: Bastard Nation was almost completely online, which at the time was revolutionary.

Spinelle: That's Helen's friend, Ron Morgan. He was one of Bastard Nation's executive committee members in the 90s, but he never benefited from the campaign in Oregon. He also found his birth parents, but in his state of California, adoptees are still restricted from accessing their original birth certificates.

Morgan: My birth records are still sealed by the State of California. I want them.

Spinelle: Ron came to appreciate how useful the internet was for bringing adoptees together.

Morgan: Adoptees don't live in communities like other populations. There aren't adoptee factories. You can't go and unionize adoptees at their place of work. You have to find them. And initially, the place where you could converse with other adoptees online was in the news groups, the Usenet groups, and there was one called Alt.Adoption, and that's where we all met each other.

Spinelle: Out of Alt.Adoption was born Bastard Nation, whose website went live on June 16th 1996. They said they were reclaiming the badge of "bastardry", and they'd rescue it from the gutter. They declared that they'd make the word something they could be proud about. They'd take it back from those who attempted to "shame us for our parents marital status at the time of our births." They reached people via email lists, and formed chapters in Seattle, the San Francisco Bay area, Philadelphia, Texas, and Ohio.

Spinelle: Bastard Nation was a radical organization in that they rejected compromise. They wanted adult adoptees to have access to their original birth records, period. In their very name, they were shaking the stigma associated with adoption. Helen said she liked its irreverence and how it empowered instead of degraded. Helen and Ron first met in 1997.

Morgan: The first time we got together in person was at a national conference, the Bastard Nation, first national conference in Chicago. Helen's a force of nature. She owns a cabin on the Oregon coast, it's a beautiful cabin, and raises sheep.

Spinelle: "Or at least she did in the 90s," says Ron. They bumped into each other on the shuttle from the airport.

Morgan: So, here we are in the shuttle bus going to the hotel for the conference, and she's wearing an outfit that's complete made of clothing that she knitted from her own wool. And a very striking woman, had very long black wavy hair, intense gaze, very focused.

Spinelle: Not only was this the first time a lot of the folks at Bastard Nation met in person, it would also would be the catalyst for Helen's campaign.

Morgan: One of our guest speakers, actually our keynote speaker, was a person named Randy Shaw.

Spinelle: Randy Shaw had just published a book called The Activist's Handbook. In it he described the ways average folks could influence politics. Ron remembers this talk vividly. He was already politically active, lobbying for open records with Bastard Nation.

Morgan: And he gave a talk about activism and how to organize people and whatnot, and one of the questions that he asked, and it was a very open question, because he didn't know the answer, it was, "Have you guys ever tried to run a ballot initiative?" And we were. "Whoa. No, we haven't." We've been, up until that point, working in state legislatures, lobbying, being citizen lobbyists, and with a mixed bag of results. It was a tough go.

Spinelle: For Helen, it was like a light bulb had turned on. She felt certain she could do something like this back home in Oregon.

Hill: We've just always been a state where you could dream about accomplishing things as an average citizen. It just seemed entirely doable to me.

Spinelle: Helen new Oregon was an initiative-friendly state. Between 1990 and 2014, Oregon held the record nationwide for having the most initiatives. Back home, Helen said she just needed one other person to start a petition committee. So, she roped in her 18 year old daughter as treasurer. She told her three children she would be embarking on a new journey, and that they'd have to forget about that mom who would make fresh cookies for them after school. She was on a mission.

Spinelle: First, she had to figure out how to frame the issue. Because it's such a sensitive topic shrouded in stigma, it was important for her to be clear. "Access to original birth certificates," that was it. Soon, her gut gave her the answer. Frame it as a civil rights issue.

Hill: And I felt in my core that it was. Why were we being denied something on the basis of the circumstances of our birth that everyone else could walk into a bureau of vital statistics office and get.

Spinelle: But she got a lot of pushback, even from close advisors who did not think this was the right track.

Hill: But if you don't frame it as a civil rights issue, everybody was going to assume it was just about riling out that birth mother. It's just a straight "open up our birth certificates" campaign would be seen as us forcing ourselves into unwanted relationships with people that didn't want us in the beginning. So, I didn't want to go there. It's never been about that. It really is about dignity.

Spinelle: They were walking a tricky line. Adoption is a personal topic. The right to one's birth certificate, a basic right. Here's Ron again.

Morgan: We tried to downplay the search and reunion narratives, the heart or the emotional part of it, because you can really get tangled when you present the issue that way. And indeed, the opposition, that was what they used. They used emotional arguments.

Spinelle: But it is an emotional topic. As Helen, Ron and the volunteers that hit the streets to get signatures soon discovered, it was hard to separate the personal from the political.

Hill: We thought, "Oh, we could do this. We'll just assemble an army of people in the triad," which is the adoptive parents, the birth mother and the adoptee. But it turns out it's really hard for people to stand on the street corner and try to get signatures on something that has been a traumatic issue for them. And, oh my, my God, the amount of stories that people want to tell you. And there's such important stories for them to tell, that everybody ... I feel everybody has some adoption history in their family, even if it was back in the day, or whatever.

Hill: That's what made it really hard to collect a lot of signatures. You'd be out there and you just end up just talking to people about their lives for a day, and maybe you'd have 20 signatures at the end of it.

Spinelle: The campaign was hitting a crisis point. Volunteers, even Helen, were getting discouraged. Helen even recalled someone saying to her that her mother had given her away for a reason. She heard similar stories from other volunteer signature gatherers. It had a chilling effect on recruiting more volunteers, and it hampered the actual amount of signatures they were getting. Not enough signatures, no ballot initiative. So, Helen and her team decided they'd pay for signature gatherers. She used some of her own money, along with donations.

Hill: I'd go to my mailbox and it would be full of checks and envelopes with \$5 bills in them. And there was a huge response. I donated money of my own. I had some inheritance from my father. I threw that in because my father himself was adopted. And in some ways I felt ... And he didn't know until basically at the very end of his life, and I think it broke his heart.

Spinelle: Helen contributed about \$120,000 of her own money to the campaign, out-spending the opposition 20-1. Ron says it didn't bother him that they paid people to gather signatures. He didn't feel it compromised their campaign.

Morgan: And to tell you the truth, personally, once she told me to dropped that bomb, I was, "Yes, let's do it." I was not so much concerned about the grassroots provenance as I was about winning. And I knew that if we did not go down that path, we weren't going to get on a ballot, and it would just be a footnote somewhere.

Spinelle: The campaign revved back up.

Speaker 4: What do we want?

Speaker 5: Open records!

Speaker 4: When do we want it?

Speaker 5: Now!

Speaker 4: What do we want?

Speaker 5: Open records!

Speaker 4: When do we want it?

Speaker 5: Now!

Spinelle: On July 9th 1998, Helen's campaign organization announced their measure, Measure 58, qualified for the November ballot in Oregon. Bastard Nation turned in over 86,000, signatures about 13,000 more than required. But the fight to get it passed into law had just begun. They had to win the votes in November next. And Helen recalls that their civil rights framing was continually being challenged.

Hill: I'll never forget, I was on The Today Show with Matt Lauer, and they were at my house, at dawn. I had little earphones in. And I'm looking down the barrel of this camera, it felt like the barrel of a gun. Then, his opening line to me is, "So, how do you feel about the fact this measure could ruin the lives of all these women who gave their

babies up in good faith?" There's no way that you can answer it. Finally, I got it. No, don't answer that question. That's a ridiculous question. Just go right into the civil rights issue.

Spinelle: When debating Measure 58, the rights of birth mothers to maintain confidentiality came up often in media coverage.

Hill: I guess they thought it tugged at the heart string. They were really capitalizing on that, that struggle between the perceived between birth mothers who gave away a baby and then that child wanting to find them. And they really ramped up that perceived conflict.

Spinelle: Several editorials said Measure 58 would shatter promises made to birth mothers who had been told that no one would ever find out they'd placed a child in adoption. Opponents of the measure expressed concerns about protecting birth mothers who had gotten pregnant as the result of rape. The measure was even presented sometimes as an abortion question, "Would women choose abortion over adoption more now if they knew birth certificates would be unsealed?" At each turn, proponents of the measure tried to zero back in on the rights of the adult adoptees to know where they came from. Here's Ron again.

Morgan: Bastard Nation's standpoint was very simple. We believe we have a right to our unaltered birth records, with no limitations. Nobody gets to say, "No." It's ours. It's my birth record. I want it. I don't care why I want it. It has nothing to do with search and reunion. We're not stalkers, we're not psychopaths trying to wreck your life. We just want our information. We want to be treated like everybody else.

Spinelle: Opposition to Measure 58 wasn't just editorials and interviews on the media. Birth parents and adoptive parents had real concerns. Attorney, Warren Deras, helped lead the opposition to the measure. He had two adopted daughters himself. Warren is a staunch Conservative who eventually settled in Portland where he made a name for himself in Oregon's Republican Party. When he became involved in the campaign against Measure 58, he was working for the Oregon Department of Justice, and doing election law work on the side. He also argued in favor of the birth parents' confidentiality.

Warren Deras: Birth parents were surrendering a child for adoption, and one of the things they got in exchange was a promise that their identities would not be revealed so that they could go on with their lives.

Spinelle: Warren felt that it was unfair for this agreement to be thrown out the window.

Deras: Not only with that they have it upended, but many of them would not know they were exposed to it being upended. So, it would be a great surprise to them. And second, it would not necessarily be done with any intermediate involved who might smooth out the process. It was a matter of they're being exposed to the risk of getting a phone call one day from somebody saying, "Hi, mom."

Spinelle: Warren also saw things from his personal point of view, the adoptive parents. He recognized that there was a growing movement towards open adoption, but it usually involved an agreement between adoptive and birth parents on how involved

birth parents would be in the adoptees' lives. Warren felt Measure 58 took that agreement off the table and opened the door to unexpected surprises for birth parents.

Deras: You have people that get at odds with their parents, and in their minds, they think, "Well, there's this perfect birth parent out there, and I can get in touch with her and everything will be better," and that's not necessarily, or even likely what's going to happen.

Spinelle: Measure 58, of course, was for adoptees at the age of consent, 21 and over, adults. Both sides seemed to agree though that it was a deeply personal matter, and that bringing it out into the open had the potential to cause pain to all involved.

Deras: It's hard to take an issue like that onto the political stage and say let's solve it here, my way.

Hill: There are some things that everyone should have the right to know, such as when, where, and to whom we were born. These are some of the 1000s of Oregonians who are denied access to their original birth certificate by current Oregon Law. Measure 58 would restore the right of adopted adults to access their original birth certificate if they choose. This November, vote "Yes" on Measure 58.

Spinelle: In July 1998, four months before the election, another player entered the scene, Dolores Teller, the president of the Oregon Adoptive Rights Association, or OARA. They're a search and reunion organization, the side of the equation that Helen and Ron often tried to de-emphasize. Dolores provided a counter narrative to Warren who was arguing that open records would hurt birth mothers. She said, "Instead, it could end the shame associated with adoption."

Spinelle: Teller was a birth mother who was reunited with her adopted child after 14 years, and talked openly about the shame associated with doing the search. She used her story to rally for other birth mothers to be part of a full-page newspaper ad supporting the campaign, giving interviews to CNN and NPR, and worked behind the scenes with organizations that had concerns about the initiative. It took all these players, pro and con, to get everyone to November 1998, in a packed ballroom at a seedy hotel in Portland, Oregon, where Helen and Ron were waiting for the results of the election.

Hill: It was a cool old place called the Mallory Hotel. It was is really old, but it wasn't the Hilton. Let's just say that, where all the big campaigns were ensconced that night. So, we're over at the Mallory ...

Morgan: I'm feeling like an aneurysm waiting to happen. That's what I'm feeling like.

Hill: We hit 52, 53%. We knew we'd won.

Morgan: And Helen was beside ourself. That's the culmination of a year, basically, of working on this issue.

Hill: They called us pretty early. They called it for us pretty early. And the news cameras were there. And somebody put a feathered bow on me.

Spinelle: Measure 58 passed with 57% of the votes. Still, it would take another two years and extensive legal battle and a decision from the US Supreme Courts for a conclusion that upheld the measure in Oregon State Law. The lawsuit was from seven anonymous birth mothers citing their right to confidentiality.

Hill: Once the people pass an initiatives petition, once they vote for something, then the state of Oregon represents that struggle, that they uphold that. So, we got immediately slapped with the anonymous birth mothers' lawsuit and different things, and it went up to the Oregon Court of Appeals and then up to the Supreme Court, but it got upheld all the way around. And I think winning by such a substantial margin really helped us.

Spinelle: It's not clear that the margin of victory influenced the lawsuit's outcome, but one of the judges who weighed in said that the court should only stay up in if the people were silent, which they certainly were not on this issue. Just nine other states give adoptees fully unrestricted access to their original birth certificates. Most of them did so through their legislatures. Only in Oregon did it happen through ballot initiative, at least so far.

Spinelle: Which gets me to some observations about Helen's approach. Is the ballot initiative the right way to tackle such personal issues? Bringing this personal issue to the public sphere in this way contributed to the wider conversation that was changing the social perceptions of adoptees. As Helen wrote in a commentary piece 20 years after the initiative passed, adoptees' birth certificates had been sealed in part to protect children born outside of wedlock. But Bastard Nation had turned that concept on its head. These children, now adults, did not feel that stigma.

Spinelle: The campaign Helen waged was one of the first to use the internet as an organizing tool. It shows how important the media is too. She was trying to get on the front page of the newspaper, today's organizers would be trying to go viral on social media. But there are some things that have changed since Helen's campaign. The initiative industry is worth millions of dollars. Helen refused to do polling. She told me they had limited resources, and so she opted to use those to pay signature gatherers.

Hill: I just said no to polling. I was, "What's that gonna show us? If it shows us we're doing great, then we'll, we'll ease off the gas. If it shows us we're doing terrible, we'll, I don't know, we'll get discouraged." It didn't make sense to me.

Spinelle: But if you don't have polling, how do you know this is an issue people care about? It's something Warren reflected on when recalling his efforts to oppose the measure without any polling data.

Deras: I didn't have a clue what to expect in terms of the voter response. It's something that's going to happen and there's nothing much I can do about it.

Spinelle: It raises a big question for our series. Are ballot initiatives fair, the best way to govern, especially when it's about something that impacts people so personally?

Deras: I've got a lot of reservations about the whole initiative process. I prefer the legislative process myself. I frankly think most of the things that come through the initiative process should not come through the initiative process, that they should be

handled by the legislative process with hearings and balanced consideration, and not the hyperbole that's inherent in the political process.

Spinelle: Or is addressing a personal issue exactly the kind of policy that should be engaged with a tool like the ballot initiative? Ron thinks so.

Morgan: For difficult social issues I think it's an interesting pathway, and more reflective of the people's will than you'll get in the legislature, sometimes.

Spinelle: Ron transitioned from being a building contractor to a professional organizer in 2001, three years after the success of Measure 58.

Morgan: And as such, I've been involved in a ton of ballot initiatives, either proposing them or opposing them. It's a good way to work around an intractable legislature. There are political dynamics in legislatures that can make it impossible to get certain things passed. And it's a blessing and a curse.

Spinelle: We'll continue digging into this quandary, who decides, in the second half of the series.

Spinelle: When The People Decide is produced by LWC Studios and the McCourtney Institute for Democracy at Penn State. The podcast is reported and hosted by me, Jenna Spinelle. Our producer is Paulina Velasco, Jen Chien and Veralyn Williams edited this episode. Cedric Wilson mixed it. Fact checking by Mark Betancourt. Special thanks to Wayne Carp for writing the book Adoption Politics, which is how I found this story.

Spinelle: Thank you to Helen Hill, Ron Morgan, Shay Grim, Marley Griner, and everyone at Bastard Nation who helped me with research for this episode. And finally, a huge thank you to Paul Fournier for letting us use the audio from his documentary, Measurable Rights, which you can find on the Bastard Nation website, bastards.org. Follow When The People Decide on Apple Podcast, Spotify, or wherever you listen to your favorite podcasts. I'm Jenna Spinelle, thanks for joining us.

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