

Summary of Writings on Adoptee Rights as a Human Rights Issue and Communications by Rudy Owens on the Issue and with the Donaldson Adoption Institute (DAI)

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Author: Rudy Owens

Author Websites: <http://rudyowensblog.com>, www.howluckyuare.com

The DAI published its new adoptee rights campaign on May 17, 2017. Note the similarities to my emails and writings below, such as use of “group of people”—not an original idea in law, but the framing seem oddly similar in the context of the DAI’s campaign, <http://www.adoptioninstitute.org/50-states-1-movement-restore-adoptee-rights/>:

This is a human rights violation that creates inequality for an entire group of people. ... Yet the most severe outcome rests in the fact that a fundamental human right is being denied to an entire group of people. There is no other circumstance in which we forbid people the right to know the truth of their origins, except for those who were adopted after they were born.

Rudy Owens’ email to the DAI asking if the DAI has a policy statement on the issue of adoptees’ legal access to their original birth records as a human rights issue: Feb. 15, 2016:

Dear DAI: I found some of your reports recently as research for a book I'm writing. As an adoptee who has found his parents, but is still not allowed to get his birth certificate (yes, that is my reality), I appreciate that you have made clear statements calling for open state records. ...

That said, has your organization made any published statement regarding wider legal theory regarding basic human rights of adoptees or any legal argument indicating we have a form of legal discrimination that withholds basic or human rights granted to hundreds of millions of Americans, while limiting those rights to others (adoptees)?

I didn't see a clear statement embracing that perspective of rights and law. If you have one, I'd like to reference it, along with your statements I've found in your reports.

I've seen your clear statement about “open records.” However, saying you want open records is not a moral statement or a statement that acknowledges a much stronger concept of justice and rights. Those are moral matters, and on matters of morality, clarity of language is the tool, and intent behind the language the foundation. So I'd like to read where you stand in forms of your position statements. If you can share a link, I'd really appreciate it.

...

FYI, you can read my analysis of the legal and clearly moral and rights issue surrounding adoption on my policy blog. Thanks. <http://inwonderandwander.rudyfoto.com/2016/01/15/how-legalized-discrimination-against-adoptees-and-birth-parents-took-root-in-post-war-america/>

After a few emails in between, I received this reply on March 11, 2016. At this time, the DAI never promoted the legal concept of adoptees’ access to their true birth records as a human rights issue nor had any campaign similar to the work of Bastard Nation or a clearly stated policy position:

DAI believes that an adopted persons right to access their original birth certificate is fundamentally a civil and human rights issue. Your question below though is a complicated one and not one that I think I could succinctly answer in this email. I recognize you are already familiar with DAI's work on open records <http://adoptioninstitute.org/impact/issue-areas/>; I would also suggest reviewing research and writings by scholars such as Elizabeth Samuels and Wayne Carp as you further explore this aspect of the argument to restore to adopted persons the right to their original birth certificate.

Rudy Owens' reply to the DAI the same day, March 11, 2016:

Thanks for your reply and letting me know the DAI's position re adoptee's access to their original birth documents that are denied to them in a majority of U.S. states.... I am quite familiar with Carp and Samuels, and in fact I wrote a detailed story on Samuels' pathbreaking research on my blog post I shared earlier, which I hope you and some of your staff have time to review.
<http://iwonderandwander.rudypoto.com/2016/01/15/how-legalized-discrimination-against-adoptees-and-birth-parents-took-root-in-post-war-america/>.

It includes research that shows actions against adoptees amounts to continued legalized discrimination against a class of people on the basis of their status as being adopted. The larger issue of rights is akin to what many leading global health and public health experts say is a universal right to health care, not say the ability to have health insurance (the U.S. approach now). ... A useful way to consider the legal discrimination framework is to put this in the context of the Universal Declaration of Human Rights, by the United Nations, which states: "Article 7. All are equal before the law and are entitled without any discrimination to equal protection of the law." Clearly, the statutes of about 2/3rds of all states should be seen as a violation of a universal principal of human rights, which therefore necessitates doing the moral and right thing to address the problem. And some say there is greater moral duty by those in positions of power to do the right thing (something many faith leaders says on many issues).

Rudy Owens' book excerpt from *You Don't Know How Lucky You Are*, posted on his book website: <http://www.howluckyuare.com/chapter-7-legalized-discrimination-adoptees/> (published in December 2016):

In a much broader human rights framework beyond the U.S. Constitution, singling out adoptees for different treatment by state laws—as practiced throughout the United States—can also be seen as a denial of basic human rights.

Rudy Owens' article excerpt from "How legalized discrimination against adoptees and birth parents took root in post-War America," which credits other authors of these legal ideas, on his policy blog at <https://rudypowensblog.com/2016/01/15/how-legalized-discrimination-against-adoptees-and-birth-parents-took-root-in-post-war-america/> (published in January 2016):

This legal practice is particularly ironic because the movement to make adoption records more secret from adoptees, depriving them of basic human rights, came at a time when voting rights, civil rights, gay rights, disability rights, and women's rights were expanding for all Americans from the 1950s onward. ... This is information that I am entitled to as a human right, though most states had made that right illegal.