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Pam Hasegawa*



*The truth of his  
origin is the birth-  
right of every man.*

## "ALMA"

ADOPTEES' LIBERTY MOVEMENT ASSOCIATION

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### Adult Adoptees Sue to Unseal Records

On Monday, May 23, Florence Fisher, President of Adoptees' Liberty Movement Association (ALMA), and Professor Cyril C. Means, Jr., of New York Law School, counsel to ALMA, will file a class action suit in Federal District Court, Manhattan, challenging as unconstitutional New York's sealed records laws in regard to adult adoptees.

After filing, they will hold a press conference on Monday morning, May 23, at 10:30 a.m., at the Willkie Memorial Building of Freedom House, 20 West 40th Street, between Fifth and Sixth Avenues. Participating in the press conference, along with Florence Fisher and Professor Means, will be Judianne Densen-Gerber, J.D., M.D., F.C.L.M., psychiatric consultant to ALMA; Linda Cannon Burgess, former Executive Director of the Peirce-Marwick Adoption Service, Washington, D.C., author of The Art of Adoption; and Bertram E. Hirsch, staff attorney, Association on American Indian Affairs, Inc.

ALMA, an organization of adult adoptees, together with 19 individuals,\*

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\* The individual plaintiffs in the case are: Joyce Aaron, Eleanor Barron, Raymond Barron, Marilyn Beck, Susan Brody, Eileen Clarke, Ronnie Futrell, Pamela Hasegawa, Michael Hatton, Ricki Kaplan, Katrina Maxtone-Graham, Anita McCarthy, George Nestor, John Franklin Simmons, Joan Sommers, Clothilde Starke, Roberta Van Laven, Hope Wurmfeld, and Carl Zimmer.

all adult adoptees born or adopted in New York, will file the suit against the legal officials and adoption agencies having custody of their adoption records. Under existing New York law, the sealed records of adoption may be opened only upon court order on a showing of good cause. Such orders are extremely rare and proceedings to obtain them are long and costly. Thus far, a person's need to know the truth of his or her origin has not been deemed good cause. In no other instance in the law is a child bound after majority by what adults did to or for him during his minority.

The sealed records include: (1) the adoptee's original birth certificate, with the names of the natural parents on it (an altered certificate with adoptive parents' names on it is issued and becomes the official unsealed record); (2) the judicial adoptive papers, which cover other matters pertaining to the adoption (no substitute papers are drawn for them); and (3) the adoption agencies' own files.

ALMA and the individual plaintiffs are arguing for opening all sealed records, to adult adoptees only, on the basis of the Equal Protection Clause of the 14th Amendment: "nor shall any State . . . deny to any person within its jurisdiction the equal protection of the laws." Since, as a group, adoptees are treated differently from the rest of the population, this clause applies to them. There are four major points to their argument.

The first is that denying adoptees access to information about their origins causes them psychological pain, suffering, and damage, which is not experienced by non-adopted persons. Adoptees denied access to their roots experience much the same sort of inner pain which was often the lot of slaves before the Civil War, when they were sold, often in infancy, from one plantation to another, and thus separated from their natural parents.

The second argument is that an adoptee's true family medical history is locked into those sealed files. This subjects adoptees to less effective, and in some cases outright improper, medical treatment, and therefore places them in jeopardy of aggravated illness and even death.

Third, they are subjected to the danger of unwittingly committing incest with half-siblings, full siblings, parents or offspring, whose identity they do not know and whose consanguinity they do not suspect. Here it becomes obvious the sealed adoption records can result in much anguish to non-adoptees as well.

The fourth point is that sealing adoption records deprives adoptees of their First Amendment freedom of religion. Without access to his sealed records, an adoptee may believe he adheres to a religion whose tenets do not regard him as a member. An illustration is a child reared in an adoptive Jewish home whose natural mother was not Jewish. Records of pre-adoption baptisms are also sealed in agency files.

ALMA, the Adoptees' Liberty Movement Association, was founded in 1971 by Florence Fisher (author of The Search for Anna Fisher, Fawcett) to provide mutual assistance to other adult adoptees in their search, but primarily to abolish the sealed records laws. ALMA is made up of more than 7,000 members and maintains an international cross-indexed registry of birth, including adult adoptees, natural parents who have given children up for adoption, and adults who were foster children. The class action suit being filed today marks an important milestone in the lives of all these individuals, as well as the 5,000,000 other adoptees around the country.

ALMA has never advocated legislative change, believing it impossible to change the law state by state. Adoptees being hurt by the present laws

would all be dead and buried before the states would open up the sealed records unconditionally. They feel the present laws are so barbarous that the only acceptable change is to erase them from the statute books completely.

ALMA believes that an adult adoptee has a constitutional right to full and unconditional disclosure of all the information about his natural parentage, and intends that this suit establish this right on behalf of adult adoptees as a class. ALMA's motto is "The truth of his origin is the birthright of every man."