

ASSEMBLYMAN OTLOWSKI:

May we hear from Mr. Harold Cassidy?

HAROLD J. CASSIDY: I am an Attorney who has counseled the women of Concerned United Birth Parents and Origins, but I come here not as a lawyer, but as a witness to human suffering. In this forum, with this beginning inquiry, it is greatly less important what is presently the law than understanding what we ought to make it for the future.

We must begin by confessing to ourselves that our present system is nothing better than the first effort addressed to a highly complex set of human relationships, created by a society with little understanding of the experiences of the persons involved. Any action that is to be taken must be taken with a full and informed understanding of the experiences of the adoptees, the mothers, and the adoptive parents; and the solution must be a balancing and weighing of the appropriate considerations to the detriment of none.

The need for change in the law that we perceive is based on reality. I have seen the young mother whose instinct is to love and to keep a child, just as you and I and every adoptive parent wants to keep our children. But the difference between us is profound. The birth mother makes a sacrifice that we cannot even conceive of making – she surrenders a child out of total dedication to the welfare of that child because she is led to believe that that is the best course for her son or daughter.

We must accept the responsibility for this act because as a society, we are the ones who have urged the surrender. Our hypocrisy is in our punishment of the young mother. We condemn her to a lifetime of suffering in which, as she later learns, she mourns that child on a daily basis. The truth is that in her time of need, if we directed our energy and our resources in giving her support, rather than urging surrender, there would be much less need for adoption in the first instance. So we must

first, in our inquiry, understand the social context in which the surrender is made, and the role society plays in the decision-making process. We must also have the courage to understand and accept that surrender, in most instances, is an act of love and not an act of rejection.

I have seen the pain of a mother in South Carolina who tearfully calls me begging for help. She had surrendered her child two years earlier and she still cries daily. Ten days after she had signed a piece of paper she asked for the return of her baby. After she was refused – four days after she sought court intervention, but she will never see her child again.

What is it about this piece of paper that makes it so impenetrable, so above all present legal principles that apply to other documents? A system such as that must be held suspect. As a society, we must examine our conscience. We must be bold enough to inquire whether we are supplying homes for children who need them, or whether we are really supplying children to feed an adoption system. We must never lose sight of the fact that before any prospective adoptive parent ever sees the object of their later affection, the birth mother has loved that child to the point of her own total sacrifice.

I have seen the young woman from New York who surrendered her child in New Jersey. For her, all she ever wanted in return was the peace that comes with the knowledge that her child was well and being cared for. She asked for the right to know this from the beginning, but is compelled to sign the surrender document which denies her this right. She must live not ever knowing where her child is, whether he is adopted, or healthy, or happy; and she will always live never knowing whether what we told her was the truth – that her child was better off without her. I am at a loss to understand how we justify this cruelty. It is not because I am insensitive to the concerns of the adoptive parents. What I perceive is that we prefer to pretend that the mother does not exist, but even if we write this fiction into our statutes, we cannot erase the bonds of mother and child from

the minds and souls of the adoptees and their mothers.

We pretend that what is promised by birth mothers in the surrender document is made by free choice on the part of the mother. If we as a society insist upon holding birth mothers to that which is contained in a document, then it is our burden to see that the choice is truly a free one. If the mother wants the right to know the child as well, then we must give her the opportunity to bargain for the right. The burden is on us to build into the system all of the safeguards which are necessary to insure that the choices are indeed free and to give to the woman that which is at least minimal for the health of the mothers and the health of the adoptees.

We cannot explore in a couple minutes what the solutions must be. Though we support open records so adoptees and mothers may know each other, we urge that Mr. Burstein's bill not be released from Committee. We urge continued discussion and hearings and an opportunity to present a well-thought-out proposal that considers the needs not only of the adoptive parents, but those of the mothers and children.

Let us in the State of New Jersey work together, all of us, just as we have come together here today, to write a set of laws that would truly be a model code, with the end that, in the future, adoptees would recognize themselves not with the sense of having been rejected, but with the knowledge of what they truly are – people with parents who love them immensely, but who also were born to a mother whose love was so great that she made the greatest sacrifice for their welfare.