


**“Open Records”
versus
“Equal Access”
ReFraming Our issues**

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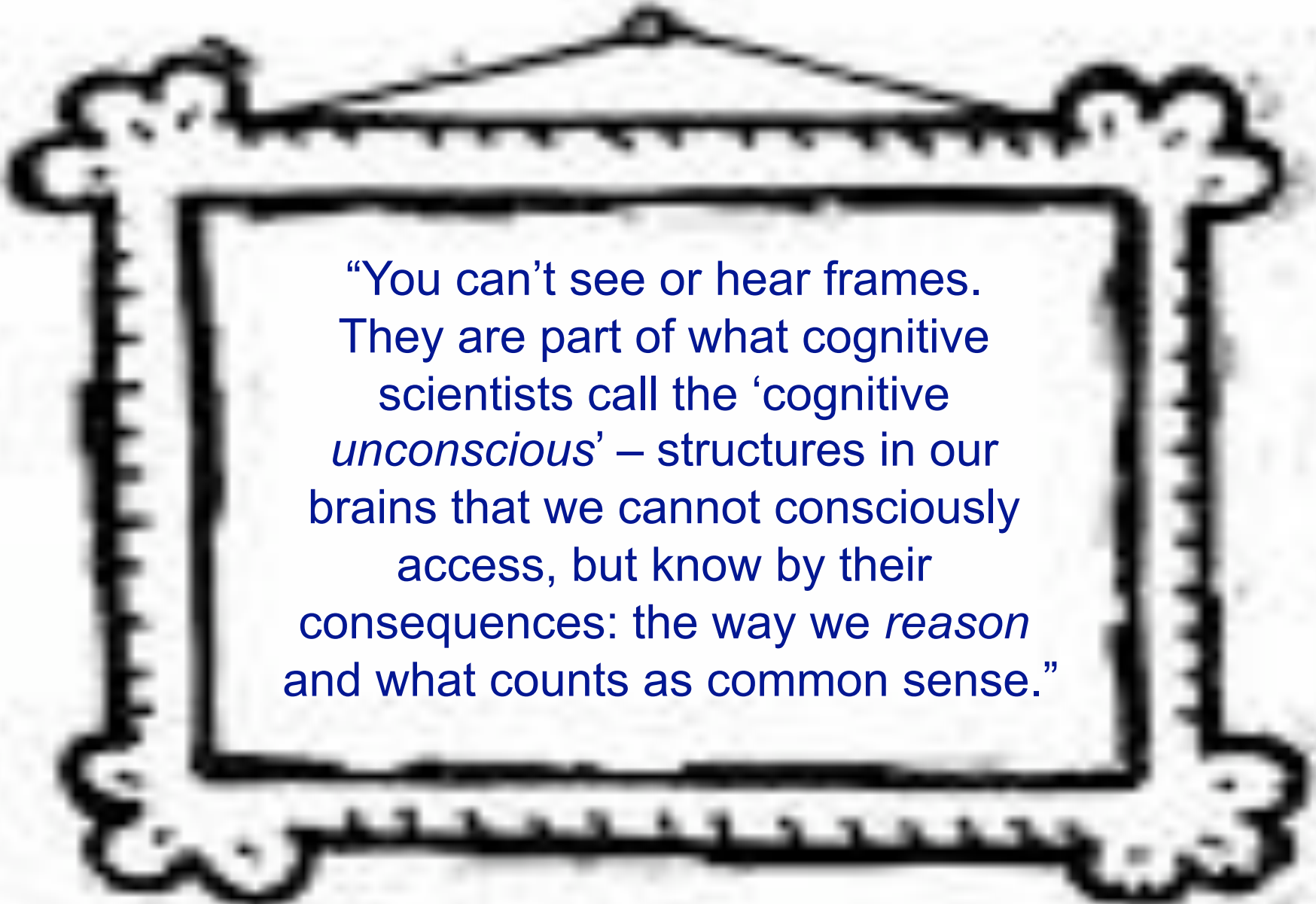
Presentation based on material previously presented by M. Riben:

- 1989. In the “Best Interest” of All: Equal Rights for Adopted-Separated Persons, *American Adoption Congress*, Region 3 Conference, *Inequality Must End*, October 1.
- 2006. “Dear Bastards: Demand Equality!” *Bastard Quarterly*, Bastard Nation, Vol. 8, No 1, Spring/Summer



Overview:

- What is “Framing”?
 - How does it impact an argument?
 - Dos and Don'ts of Successful Framing
- Current Frames and Language
- The "Open Records" Frame
 - Images Conjured
 - How well is it working?
- Adults Only?
- The "Equal Access" Frame
- Strategies
 - Recommendations for Advocacy
- Questions and Answers

A decorative, hand-drawn style frame with a scalloped border and a triangular pediment at the top, enclosing the text.

“You can’t see or hear frames.
They are part of what cognitive
scientists call the ‘cognitive
unconscious’ – structures in our
brains that we cannot consciously
access, but know by their
consequences: the way we *reason*
and what counts as common sense.”



Framing

The term “framing” was popularized by George Lakoff, UC Berkeley professor of linguistics, author of *Don’t Think of an Elephant: Know Your Values and Frame the Debate* (2004):

- **He who frames the issue, names the issue and controls the discussion.**
- The “other” is caught on the defensive.



Dr. Bridget Copley, the Mellon Post-Doctoral Fellow at the USC Linguistics Department

“If you frame the discourse in such a way that it encourages a certain way of thinking it is very difficult to get out of that way of thinking....

“...Society is being manipulated and numbed by language. Not only is language an excellent way to manipulate the listener, but there is no doubt that the language used by our opposition is intended to achieve that goal.”

- **Example:** The NCFA is now using the term “**mandatory open records**” implying people will be forced to meet those they do not care to.



Is Framing “*NewSpeak*” or “*Spin*”?

- To those of opposing views it is.
- Successful framing of an issue is not about creating jargon for the purpose of being intentionally misleading. It is forceful, straightforward, articulate, with moral conviction and without hesitation.
- Reframing requires a rewiring of the brain. It takes an investment of time, effort, and money to overcome existing frames such as myths about “open records” impinging on others’ rights.



An Example of Reframing

The Pro-Life movement framed the abortion argument to make it about life, death and murder.

In doing so, they take high moral ground and contain the debate to arguments about when life begins.

Pro-choice proponents, not allowing themselves to be painted as anti-life, reframed the argument making it about freedom to choose; a woman's right to personal health, family, and medical decisions...putting it in the realm of reproductive rights such as birth control.



R. Buckminster Fuller

*"You never change things by fighting the
existing reality.*

*To change something,
build a new model that makes
the existing model obsolete."*



Another Example of Reframing

Recently, same sex marriage has been reframed as “Marriage Equality.”

This shifted and refocused the *morality* of the the issue from one of “legitimizing” gay sex to ending discrimination against same sex couples and allowing equal access to resources, benefits and entitlements - in business and government - such as health care.

The “How Tos” of Framing

- Be proactive not reactive.
- Get your values out on your terms.
- Create talking points and sound bytes
- Articulate repeatedly the *moral and ethical basis*
- Keep them VALUE focused:

- equality
- truth
- justice
- human rights

- family
- ethics
- responsibility
- fairness

- honesty
- transparency
- authenticity
- integrity



“Don’ts” of Framing

- Do not use the opposition's language
- Correcting a lie with the truth or trying to negate false assertions keeps the argument in *their* frame
- Do not react, argue, or operate on the defensive
 - Reacting echoes and **ACTIVATES** the opposition’s frame and values.
 - Your message is not heard or, even worse, reinforces *their* ideas.





Framing is *not* Blaming

- It is convenient to blame our problems on the media.
 - The NCFA lies and uses Orwellian language to distort the truth, and the media have been lax, repeating their false allegations.
 - But it is not the job of reporters to make us critical thinkers. They simply report using the frames and language presented to them.

- **We *can*, however, establish and demand our own set of politically correct terms, not those set in place by those who profit from our separations**
 - We can control how and what we communicate and not operate within our opposition's frame.
 - We can correct those we are in contact with and those who interview us.

Current Frames & Language in Adoption Reform

THEIRS

Sealed Records

- Amended Birth Certificates
- Privacy
- Confidentiality
- Anonymity

OURS

Open Records for Adult Adoptees

- Original Birth Certificate



Long Journey

- Adoptees have been seeking, speaking and writing about “open records” almost since they were sealed.
- Jean Paten, adoptee and social worker founded Orphan Voyage in **1953** and wrote *The Adopted Break Silence* in 1954 and *Orphan Voyage* in 1968.
- ALMA (Adoptees' Liberty Movement Association) has been working on search, reunion and open records issues since **1971**.
- AAC (American Adoption Congress) was founded in **1978** as an umbrella for the myriad of local search, reunion and open records groups.
- In **1996** Bastard Nation became incorporated, making open records an issue of “rights” not search and reunion.



What's Been Accomplished?

- After fifty-six years of speaking out against sealed adoption records that experts agreed should not have been sealed to begin with - and which were never sealed to protect adoptees or the families they were born into...
- **FOUR STATES** have ended discrimination and **restored equal access**.
- **Less than one per decade:**
 - Alabama
 - Maine
 - New Hampshire
 - Oregon



Four others have **SOME** access with conditions and restrictions applicable only to adoptees:

- **Delaware** - **No-contact vetoes** are available to birth parents.
- **Kentucky** – with **permission of birth parents via intermediary**
- **Nebraska** – **over 25 with consent of birth parent; adoptive parent can override**
- **Tennessee** - **No-contact vetoes** are available to birth parents.

And, Two States were never sealed:

- **Alaska**
- **Kansas**



How Does Our “Success” Rate Compare?

- “Open Records”

- 4 states (plus 2 never sealed and 4 others with restrictions) since the 1950’s

- Other grass roots efforts:

- Legalized medical marijuana – 13 states since 1996
- Same sex marriage – 4 states just since 2003
- Another 7 have civil union

(as of April, 2009)

The "Open Records" Frame

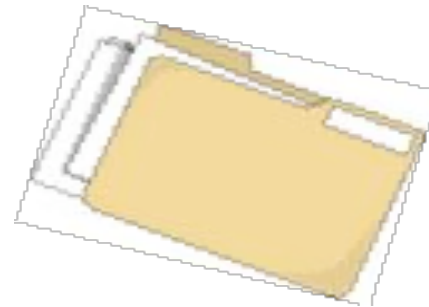
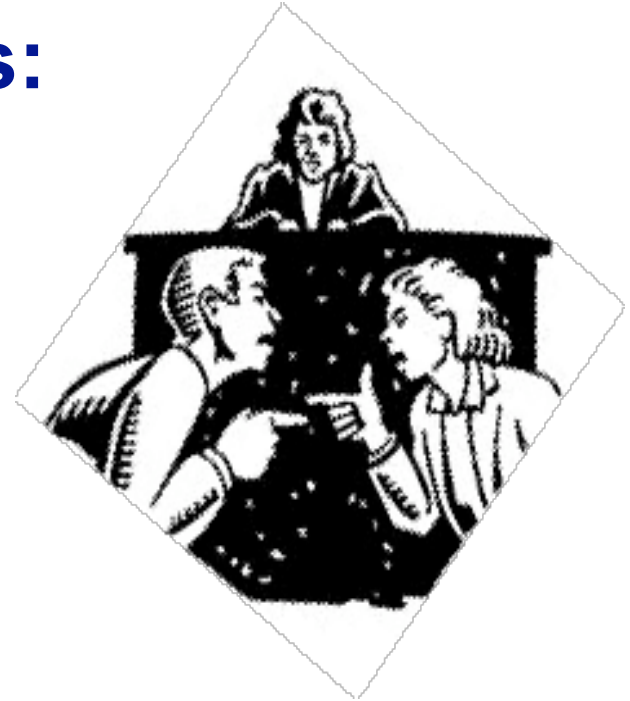
- Uses and activates the opposition's frame: 'sealed records'
- Sounds scary - like opening
 - Pandora's Box or
 - the notorious can of worms
- Implies records might be open to the public
- Suggests adoptees are seeking something "special"



The "Open Records" Frame

Invites arguments such as:

- violation of privacy
- conflict of "rights"
- alleged promises of confidentiality and anonymity
- under what conditions?
- what "protections"
 - Vetoes?
 - Consent?
 - Intermediaries?



Open *What* Records?

An “Open Records” frame is vague, unclear, and creates confusion

- What records would/should be available?
 - Court records?
 - Hospital records? Doctors’?
 - HIPPA protected records?

- Open to whom?
 - Attorneys’?
 - The adoptee’s? When?
 - Adoptive parents
 - Birth family?
 - Confidential intermediaries?



The “Equal Access” Frame

- Is simple, *clear, specific and unambiguous*
- Relies on the recognized and accepted value of equality
- Asks that adoption affected citizens have **the SAME RIGHT to *their own birth certificate* as all other citizens**
- **Restores** rights that were abrogated only since the 1940’s (in most states)
- Nothing more - and nothing less. Nothing “special.”



The “Equal Access” Frame

- Focuses the issue on values of **equality** and **human rights** which Americans hold in high regard
- Sets aside issues of search, reunion, emotions or even medical records which effects the rights of others and thus eliminates all discussion of *compromise* “solutions” such as intermediaries, vetoes, registries and waivers.
- Brings understanding and empathy to those separated by adoption as a discriminated against class of people.
- **Equality** is virtually impossible to argue against or compromise



Noam Chomsky

“Framing’ – [is] a style of speech wherein the speaker ‘frames’ his topic in such a manner that his or her statements are treated as *established fact*, and do not invite debate.”

Adults Only?

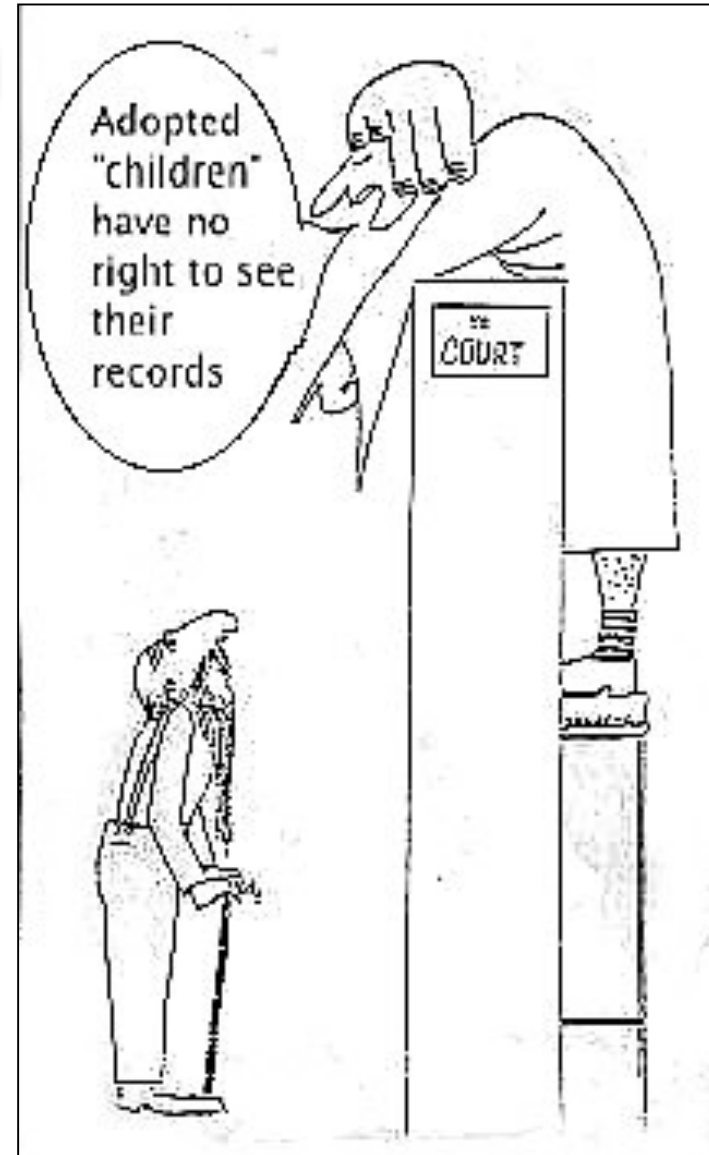
- “Open Records” for *adult adoptees* validates the opposition claim that there is something inherently dangerous in revealing the truth.



- Furthers the concept **that there is shameful and potentially dangerous that needs “protecting.”**
- Compromises our equality argument.
- **Why impose our own restrictions or conditions?**

When?

- *Equality* demands adoptees be given access to their birth certificate at whatever age non-adoptees in the same state have access.
- States such as Louisiana and Maryland have no age requirement, and for some it is 16. All states, ironically, require proof of identification.





Birth Certificates

- birth' certif"icate

<http://dictionary.infoplease.com/birth-certificate>

an official form recording the *birth* of a baby and containing pertinent data, as name, sex, date, place, and parents.

- BIRTH CERTIFICATE (noun)

http://www.audioenglish.net/dictionary/birth_certificate.htm

a copy of **the official document giving *details of a person's birth***

- birth certificate

<http://www.answers.com/topic/birth-certificate>

n. An official record of the date and place of a person's birth, usually including the names of the parents.



Definition of Amend

A-mend verb

- 1. to alter, modify, rephrase, or add to or subtract from (a motion, bill, constitution, etc.) by formal procedure: Congress may amend the proposed tax bill.

- 2. to change for the better; improve: to amend one's ways.

- 3. to remove or correct faults in; rectify.

Dictionary.com Unabridged (v 1.1) ; American Heritage Dictionary



Amended Means Corrected

- When information is entered incorrectly on a child's birth certificate, or the parents change their mind about some information, the birth certificate is *corrected*, but forever shows the original information as well as what it was changed to.
- Not so in the case in adoption where the original information is totally obliterated and a totally new birth certificate is issued with no indication that it has been "amended" or changed in any way.

Examples...

CITY OF NEW BRUNSWICK
DEPARTMENT OF HEALTH -- BUREAU OF STATISTICS No 5310

New Brunswick, N. J.

This is to Certify that the following is correctly copied from a record of Birth in my office.

DO NOT ACCEPT THIS CERTIFICATE UNLESS THE SEAL OF THE CITY IS AFFIXED HEREON.

NAME OF CHILD	SEX	PLACE OF BIRTH	DATE OF BIRTH
* Adam Seth Riben * - Correct Nicholas Christopher Riben - Incorr.	MALE	NEW BRUNSWICK, N. J.	January 25

Date filed 1/30/'74

[SEAL]

INFORMATION PRECEDED AND FOLLOWED
UPON CORRECTION FORM FILED
BY AUTHORITY CONFERR

Example for presentation purposes only. Not to be used for identification.

Hara
Registrar of Vital Statistics

Fee \$2.00

JUL 1 1976

Date of Issue

Amended / Corrected

NAME OF CHILD	SEX
* Adam Seth Riben * - Correct	MALE
Nicholas Christopher Riben - Incorr.	

- You can see in this certificate of a non-adopted person the both the original information and the change clearly.
- Despite several requests it has been impossible for the person or his parents who requested the change to obtain a “clean” birth certificate without the change.
- ***THIS is an amended birth certificate.***



THE CITY OF NEW YORK - DEPARTMENT OF HEALTH
BUREAU OF RECORDS AND STATISTICS
CERTIFICATE OF BIRTH REGISTRATION
(THIS IS NOT A CERTIFIED COPY - SEE BELOW) 156-67-502528

APPROVED BY COMMISSIONER OF HEALTH: *Caroline 1/15/68*
REGISTERED FOR A YEAR

Certificate of Birth

Certificate No. 156-67-502528

PERSON		FATHER		MOTHER	
First Name	Last Name	First Name	Last Name	First Name	Last Name
...

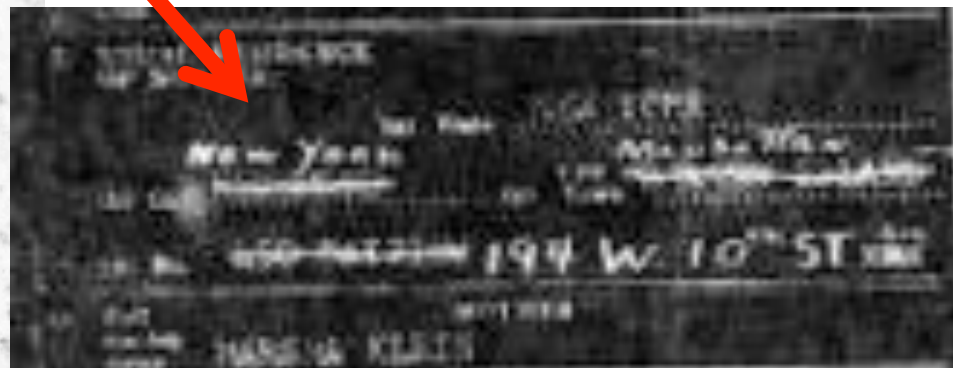
Address: ~~194 W 10th St~~ 194 West 10th Street, New York, N.Y.

Signature: *John v. Lindsay* (Mayor), *Charles L. ... M.D.* (Commissioner of Health), *Laura Weiner* (Acting Director of Bureau)

Birth certificate with name corrected



Address also changed. Note strike through.





Adoptees in the U.S. are Issued Falsified Birth Certificates, which:

- Are state committed fraud
- Are not *corrected* or *amended* in the usual manner
- Eradicate all evidence of having been changed or altered
- Falsely list adoptive parents as parents of birth
- Can falsify the date and place of birth, and have even changed the race of the individual
- Bases one's life on a lie
- Exist only for adopted persons creating discrimination and inequality
- Create difficulty obtaining passports and even drivers' licenses



Historic Opposition

The Children's Bureau's 1941 study suggested

“... that a **certificate of adoption might be preferable to a new, amended birth certificate** ‘since the child was not actually born to the adopting parents as the amended birth record implies’.”



Problem? Solution!

- **PROBLEM**: Adoptees do not want a certificate that indicates their adoption status.
- **SOLUTION**: Many adoptees – and non-adoptees - never see their birth certificate until adult.
 - In many states short form birth certificates have name and date of birth and are acceptable for any legal purpose necessary.
 - In Scotland the short form for adoptees appears the same as anyone else's - it lists the adoptive parents as the parents. The long form indicates that they are adoptive parents. At age 16, adoptees have the right to obtain their original birth certificates.



Problem?

Adoptees do not want a different surname than their parents.

- **It might make children feel insecure about their ties to the family**

Solution!

Any time a child is able to verbalize such a discomfort, a legal name change can be made.

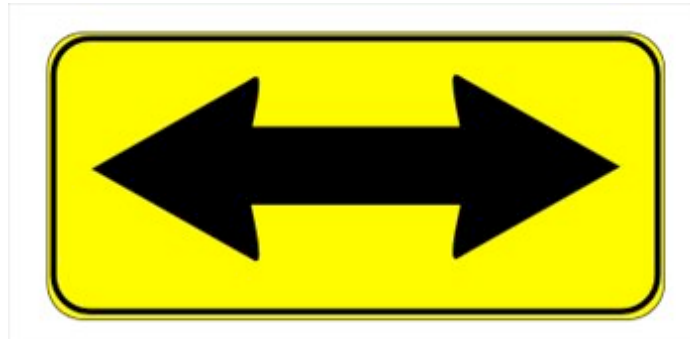
- Goal is achieved via a simple, inexpensive legal procedure, while keeping the original birth certificate intact



Framing the Issue on Falsified Birth Certificates

- Focuses on state committed fraud
- Focuses on discriminatory practices that apply only to those affected by adoption
- Takes the wind out of the argument of “protecting” another’s’ “privacy”
- Exposing falsified birth certificates is shocking to most people with no connection to, or knowledge of, adoption and would garner far more support than opening up, uncovering, a “secret” that might (allegedly) hurt someone.

Proactive and Retroactive Reforms



- From this point forward:
 - The end of falsification of birth certificates upon adoption.

- For those adopted in the past:
 - Rescinding outdated, discriminatory access laws



SUMMARY:

Equal Access & No Falsified Birth Certificates

- is better understood and more universally supported by the public
- focuses on the rights of ALL persons separated by adoption to birth certificates that apply to them, puts mothers and their children on an even plane instead of adversaries
- will engender greater support from mothers who lost children to adoption and organizations that represent them such as Origins-USA



Strategies for Change

- Understand framing
- Develop literature that makes the public and legislators aware of the real issue: EQUALITY versus discrimination
- Use the history of opposition to falsified records and who has consistently opposed it as ammunition
- Seek ballot initiatives wherever possible
- Explain and communicate the difference between proactive and retroactive changes sought
- Spread the word to “reformers” in all states

It's High Time to Try a New Win-Win Approach:

Nothing to loose and all to gain





Follow-up Contact Information:

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