

Nicole R. Rabner

07/10/98 09:49:25 AM

Record Type: Record

To: Bruce N. Reed/OPD/EOP

cc:

Subject: D.C. Appropriations and Adoption/Foster Care

Well, OMB (Michael Deich) reports that, as we suspected, Senator Boxer is very sympathetic to our position on this issue and willing to help. Unfortunately, he doesn't have any further intelligence about Rep. Moran (staff is away). I recommend that you call Boxer whenever you can, and hold off with Moran until early next week. Since the House is unlikely to mark up the Appropriations Bill until late July, there will still be time to weigh in early. Background and talking points sent earlier are below.

----- Forwarded by Nicole R. Rabner/WHO/EOP on 07/10/98 08:48 AM -----

Nicole R. Rabner

07/07/98 01:47:51 PM

Record Type: Record

To: Bruce N. Reed/OPD/EOP

cc: Theodore Wartell/OMB/EOP, Michael Deich/OMB/EOP, Richard Socarides/WHO/EOP, Jennifer L. Klein/OPD/EOP

Subject: D.C. Appropriations and Adoption/Foster Care



DCAPPR.J

Attached please find a background memorandum and talking points on the D.C. Appropriations issue. Let me know if you need more information.

*file -
adoption / gay
issues*

Background

We have heard reports that Republicans may attach a rider to the D.C. Appropriations Bill to prevent unmarried couples in D.C. from jointly becoming foster or adoptive parents. While the rider would affect the ability of all unmarried couples to adopt jointly or become foster parents together, it clearly targets gay and lesbian couples. This effort follows many attempts by the Republican Right to carry out their social agenda by first targeting the District of Columbia.

Michael Deich, OMB, reports that he has signaled our opposition to this measure on a staff level, and recommends that we also weigh in early and directly to the ranking Democratic Appropriators on the D.C. Subcommittee (Sen. Barbara Boxer and Rep. Jim Moran). Boxer and Moran staff are sympathetic to our concern and willing to working with us. In past years, because the threat of this rider has subsided during the appropriations process, we have never taken a formal position in a SAP on this particular issue. However, we have consistently objected to micromanaging District issues in Appropriations.

The Senate is expected to mark up the D.C. Appropriations Bill during the week of July 13, and the House (where the rider is more likely to be attached) is expected to mark up toward the end of July. *We recommend that you call Boxer and Moran this week to signal our concern.*

Talking Points

- We have heard reports that Republicans in the Congress are considering attaching a rider to the D.C. Appropriations Bill to prevent unmarried couples in D.C. from jointly adopting or becoming foster parents. We would strongly oppose this measure because it is an inappropriate forum for a policy debate on child welfare and because it would interfere unnecessarily in casework decisions and matters of state policy.
- The Administration has worked in a good faith, bipartisan way to improve the child welfare system and promote adoption. Last year, the President signed into law the Adoption and Safe Families Act, which was crafted with bipartisan support (Republican Members of Congress in fact spoke at the White House bill signing ceremony). This scheme of attaching a rider to an appropriations bill flies in the face of that spirit.
- By interfering with critical casework decisions where the best interests of the child should govern decision-making, this rider is the wrong approach to strengthening our child welfare system -- a system that desperately needs more Americans to open their homes and hearts to abused and neglected children under the protection of our child welfare system. Today, 500,000

children are in foster care; nearly 100,000 of these children are legally free for adoption, and waiting for a permanent, loving home. Recruiting adoptive and foster parents is an important and often difficult effort.

- The 1997 Adoption and Safe Families Act makes it very clear that the health and safety of children are the paramount concerns of our foster care system -- local agencies should make decisions on that basis without interference and without prohibitions by the federal government.
- The D.C. child welfare system needs improving, and the Administration is willing to work with Members of Congress on both sides of the aisle to strengthen this system in good faith -- this scheme is not a good faith effort, and we would oppose it.

The Washington Times

Published in Washington, D.C. 5am -- April 12, 1999

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States target adoptions by homosexuals

By Sean Scully
THE WASHINGTON TIMES

OKLAHOMA CITY

State Rep. Tim Pope thinks children deserve better than to be adopted by homosexuals.

"Homosexual people are unstable in their lifestyle -- period," said Mr. Pope, Mustang Republican and the sponsor of a bill that would forbid homosexuals from adopting children in Oklahoma.

The bill, which passed the state House of Representatives last month 97-2, would rule out joint adoptions by any couple -- heterosexual or homosexual -- living together in any manner "not solemnized as marriage" by state law. Homosexual "marriage" is specifically banned by Oklahoma law.

His proposal also specifically rules out adoption by
-- Continued from Front Page --

"homosexuals and lesbians," banning adoption by single homosexuals, a practice not mentioned in the current law.

Children who are up for adoption often come from broken homes and families, said Mr. Pope, who calls himself the "number one homo enemy" in the state. "There's no need to put them back in the same atmosphere, where there's no commitment, no authority, no pledge before God."

Although Mr. Pope's bill passed the House overwhelmingly, it is languishing in a Senate committee, where it is likely to die.

But Mr. Pope is part of a recent national wave of state officials addressing the issue. Five states considered banning homosexual adoption last year, although none passed a bill. This year, three state legislatures are considering bans and two state adoption agencies -- in Utah and Arkansas -- have imposed administrative bans on homosexual adoptions.

"I think there is clearly momentum on the part of the religious and political extremists to politicize lesbian and gay family issues," said Kate Kendell, executive director of the San Francisco-based National Center for Lesbian Rights. "Adoption is the latest mechanism to give validity to that."

Mr. Pope waves aside charges of being an extremist.

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"They've been saying that for years," he said with a broad grin.

Mr. Pope, a moving-company consultant from a sprawling, oil-well-studded suburb west of Oklahoma City, is no stranger to legislative battles over homosexual rights. He was the lead sponsor of the state law banning homosexual "marriage" and fought vigorously against an expansion of the state hate-crime laws, which was rejected by the House last month.

"They say you can't legislate morality," Mr. Pope said, lounging comfortably in a deep chair just off the House floor at the state Capitol. "Why not? We legislate morality every day of the week. They don't have any common sense."

Of the 431 adoptions in Oklahoma last year, a quarter were by single-person households, according to the state Department of Human Services. The state has no way of knowing how many of those single people are homosexual.

There are no statistics on the number of homosexuals who have adopted children in the United States. Although homosexual couples are not allowed to adopt jointly in most states, both sides of the debate agree that a significant number of single people who adopt every year are homosexual.

Only two states have laws specifically forbidding homosexual adoption: New Hampshire and Florida. The New Hampshire state legislature is considering a bill this year to reverse that law, and the American Civil Liberties Union is preparing a lawsuit challenging the Florida ban.

Mr. Pope and other supporters say the movement to ban homosexual adoption is a logical reaction to pressure by homosexual-rights groups for increased legal protection and societal recognition.

"I think that is a strategy of gay and lesbian organizations all over America ... [but] we're still talking about a lifestyle that's not legitimate," said Ken Wood, executive director of the Oklahoma branch of the Christian Coalition.

The legislation in Oklahoma and other states is "a healthy response to an alarming trend, in which homosexuals are acquiring children through adoption agencies and thereby creating motherless or fatherless families by design," said Robert H. Knight, director of cultural studies for the Family Research Council. "That is not good for kids."

Opponents of the Mr. Pope's bill, however, say it is part of a national effort to demonize homosexuals.

"I think there is a lot of political pandering to the religious right," said Keith Smith, a lobbyist for the Oklahoma ACLU and other groups that worked against the bill.

"It's a Jerry Falwell agenda transferred to the back country, to the heartland," said Rep. Don Ross, Tulsa Democrat, one of the two House members to vote against the bill, joining Oklahoma City Democrat Opio Toure. "Republicans have found an issue to play against the Democrats, play it to the max."

Caught in the middle of the fight, adoption advocates say, are children themselves.

Conservative adoption activist Maureen Hogan criticizes both sides, saying they are spending time and money on a campaign that ignores more pressing concerns, such as the failure of most states to require criminal-background checks for prospective adoptive parents.

"These children are being taken hostage by both sides ... to both sides I say, 'Shame on you,'" she said.

Mrs. Hogan does not support homosexual adoption, yet she said efforts to ban it are "poorly thought out."

There are nearly 100,000 children eligible for adoption in foster care in the United States, yet only about one-third are adopted every year.

"If you don't want someone else to [adopt], are you going to do it yourself?" Mrs. Hogan said. "If not, I don't want to hear from you."

Homosexual-rights groups say adoptions should be judged case by case by local officials who are expert in the needs of adoptable children.

"The important piece here is the children, what is in the best interest of the child," said Winnie Stachelberg, political director of Washington-based Human Rights Campaign, a pro-homosexual group. "It's very clear that these kinds of family decisions should be made in the interest of the child, not by politicians, not by state legislatures, not by members of Congress."

Adoption is usually a state issue, with little action on Capitol Hill. Last year, however, the U.S. House of Representatives passed a measure, part of the fiscal 1999 budget, that overturned a law permitting adoption by homosexuals in the District of Columbia -- the only place in the country that specifically allows such adoptions. In the face of a presidential veto, the House quietly backed down.

Courts in many states have recognized "second-parent adoptions," where an unrelated person can gain joint custody of a child. Usually, this allows a grandparent or other relative to gain joint custody with a single parent, but the procedure can also allow homosexual couples to gain joint custody.

In most states, however, individual judges have the final decision and they apply inconsistent standards for granting second-parent adoptions. Homosexual-rights groups, therefore, say it is an unsatisfactory substitute for clearly defined adoption laws that allow same-sex couples to adopt.

For the moment, the Oklahoma Legislature will not take a side in the adoption debate. Oklahoma Senate Judiciary Committee Chairman Brad Henry, Shawnee Democrat, has refused to schedule a hearing on Mr. Pope's bill, in effect dooming the legislation for this year.

The ban on homosexuals "is singling out a specific group of people to be treated differently," Mr. Henry said. "I think that's unconstitutional."

He is also worried about the effect on unmarried

heterosexual couples.

Oklahoma recognizes "common-law marriage," in which couples who have lived together for many years are considered spouses even if they have never taken a formal vow. Yet Mr. Pope's bill would restrict adoption to married couples who have taken a formal vow, ruling out adoption by common-law spouses, who enjoy other legal benefits of marriage.

That contradiction, Mr. Henry said, would invite complications and legal challenges if the bill were to become law.

Members of the state House of Representatives are critical of Mr. Henry and the Senate leadership for suppressing the bill, saying they are out of touch with the conservative and religious people of Oklahoma. Democrats still outnumber Republicans in both chambers.

"You're in the heart of the Bible Belt," said House Minority Leader Fred S. Morgan, Oklahoma City Republican. "I think the traditional family unit and traditional family values are still very important in this state."

Although the state Democratic Party has seen a steady erosion of power in the 1990s to conservative Republicans -- losing the governorship and its former hold on six of eight seats in Congress -- Mr. Henry appears unafraid of a conservative backlash from his opposition to the bill.

"There are plenty of things for my opponents to attack me on next year," he said, shrugging as he flipped a copy of the bill onto his desk. "This is just one more."

Mr. Pope vows to launch a "frontal assault" to get Mr. Henry to change his mind and schedule a hearing next year. If that effort fails, he promises to introduce the legislation again after next year's election.

"It's God's will" that homosexuality be considered unacceptable, Mr. Pope said. "If it's good enough for God, it's good enough for me."

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Richard Socarides 02/25/99 07:53:52 AM

Record Type: Record

To: Nicole R. Rabner/WHO/EOP

cc:

Subject: Child adoptions by gays/lesbians ignite legislative fights

----- Forwarded by Richard Socarides/WHO/EOP on 02/25/99 07:54 AM -----



Doug.Case @ sdsu.edu
02/25/99 01:52:00 AM

Record Type: Record

To: Stuart D. Rosenstein, Richard Socarides

cc:

Subject: Child adoptions by gays/lesbians ignite legislative fights

SCRIPPS HOWARD NEWS SERVICE, Recommended for release, Feb. 27-28, 1999
CHILD ADOPTIONS BY HOMOSEXUALS IGNITE LEGISLATIVE FIGHTS
By JOAN LOWY, Scripps Howard News Service

A movement to prevent gays and lesbians from adopting children or becoming foster parents is gathering steam across the nation as homosexuals become more outspoken about their desire to create families and conservative critics more organized in their opposition.

"What we're seeing this year in terms of attacks on lesbian and gay prospective adoptive parents is unprecedented," said Kate Kendell, executive director of the National Center for Lesbian Rights in San Francisco.

Among the recent developments:

_ Bills have been introduced this year in the Texas and Indiana legislatures to prohibit gays and lesbians from adopting children. A similar bill is expected to be introduced in Michigan. Only two states _ Florida and New Hampshire _ currently have laws that bar gays and lesbians from adopting.

_ In January, Arkansas and Utah became the first states to adopt regulations specifically preventing gays and lesbians from becoming foster parents or adopting children. The Arkansas Child Welfare Agency approved by a vote of 6 to 1 a regulation barring gays and lesbians from becoming foster parents. The rule does not expressly forbid gays and lesbians from adopting children in the state's care, but it is expected to make it more difficult.

The Utah Division of Child and Family Services adopted a regulation barring gays and lesbians, unmarried couples and polygamists from becoming foster parents or adopting children in the state's care. It does not pertain to private adoptions, but many adoption agencies look to state agencies for guidance.

_ Conservatives in Congress are expected to try again this year to pass legislation barring gays and lesbians and unmarried couples from adopting

children in the District of Columbia. The House passed similar legislation last year, but it was later dropped at White House insistence.

Meanwhile, gay and lesbian activists are fighting back:

_ The New Hampshire legislature held a hearing this month on a bill to repeal the state's 1987 law barring gays and lesbians from adopting children or heterosexual couples from adopting if they have a gay or lesbian person living with them or visiting overnight. The proposal has split the state's religious community, with the Catholic Diocese opposing the repeal and the Episcopal Diocese supporting it.

_ The American Civil Liberties Union is preparing a lawsuit in Florida challenging the constitutionality of that state's ban on gay and lesbian adoptions. It will be the ACLU's fourth attempt to overturn the 1977 law. The ACLU also expects to file legal challenges in Arkansas and Utah.

_ The American Bar Association this month approved by a 3-to-1 margin a resolution in support of legislation to ensure that adoption is not denied on the basis of the adopting parents' sexual orientation when adoption is determined to be in the best interest of the child.

The Family Pride Coalition, an umbrella organization for gay and lesbian family support groups, conservatively estimates there are 2 million gay and lesbian parents nationally raising 3 million to 5 million children, most of them children from heterosexual marriages.

The National Adoption Information Clearinghouse, a federal agency, uses a higher estimate of 2.5 million to 8 million parents and 6 million to 14 million children.

While gays and lesbians in small numbers always have adopted children, they generally took pains not to draw attention to their sexual orientation. But in the late 1980s, the gay and lesbian community began to experience a baby boom, or "gayby boom" as some have dubbed.

In addition to children born through former heterosexual marriages, gay men began hiring surrogate mothers to bear their children, lesbian couples sought sperm donors, and interest in adoption and foster parenting grew.

By the mid-1990s, gay and lesbian couples seeking to adopt were increasingly open about their sexual orientation in their dealings with state officials, private adoption agencies and courts.

"There are some of us who choke on the notion that we should hide or be ashamed of who we are. We want to actually present to the agencies and the social workers or whoever the families that we intend to be," said Beatrice Dohrn, legal director of the Lambda Legal Defense and Education Fund.

A turning point came in December 1997 when New Jersey state officials settled a lawsuit filed by a gay couple trying to adopt a 2-year-old boy. The state agreed to drop its policy prohibiting adoptions by unmarried couples and not to discriminate against prospective parents based on sexual orientation. The old policy had effectively ruled out gay and lesbian couples because no state recognizes same-sex marriages.

"That was the clarion call for resistance among pro-family groups to this trend," said Robert Knight, director of cultural studies at the Family Research Council and a prominent conservative critic of gay and lesbian adoptions.

Knight says that children raised by gay or lesbian parents are more likely to become homosexual themselves _ a notion not supported by most scientific research. Knight, however, dismisses those studies as biased or conducted by gay and lesbian researchers.

"The point is children do best in homes that have a mother and father married to each other and, if you can establish that, why go for less? The

interest of the child should come first," Knight said.

Conservatives gained a cause celebre last year when a Texas social worker was reprimanded and demoted for removing a foster child from the home of a lesbian couple seeking to adopt him. The social worker claimed the couple's lifestyle was immoral and a violation of the state's anti-sodomy law.

The conservative Liberty Legal Institute in Plano, Texas, has filed a lawsuit on behalf of the social worker and is seeking to ban gays and lesbians from adopting or becoming foster parents based on the anti-sodomy law.

"We're asking the state be enjoined from placing any child in a home where they know there is on-going criminal activity," said Kelly Shackelford, the institute's chief counsel.

Gays and lesbians contend they are as qualified as anyone else _ including the traditional married heterosexual couple _ to raise children, and that each adoption case should be decided on the particular circumstances involved without bias based on sexual orientation.

They also point out that they are sometimes a last resort for difficult-to-adopt children who might otherwise not gain a family.

The North American Council on Adoptable Children, one of the nation's largest adoption advocacy groups, estimates there were about 36,000 foster children adopted in the United States last year out of a pool of 100,000 children in need of adoption.

The pool of parents seeking healthy infants is "unlimited," but "if you've got a sibling group of three and they've been sexually abused and one of them is 12 years old, you're going to have to recruit like the dickens. There aren't any lines at the door for those kids," said Joe Kroll, the council's executive director.

In 1997, the council gave its Adoption Activist award to a gay Virginia father who adopted five boys over a period of several years while leading a support group for single adoptive parents and children.

Gay and lesbian parents have gained greater acceptance in recent years from the professionals who deal with adoption and foster care.

The Child Welfare League of America, the nation's largest organization concerned with child welfare, recommends "gay and lesbian adoptive applicants should be assessed the same as any other adoptive applicant. It should be recognized that sexual orientation and the capacity to nurture a child are separate issues."

The National Association of Social Workers has adopted a policy opposing discrimination against gays and lesbians. The policy of the American Psychological Association, which dropped homosexuality from its list of mental disorders in 1973, is that "the sex, gender identity or sexual orientation of natural or prospective adoptive or foster parents should not be the sole or primary variable considered in custody or placement."

Gays and lesbians said they fear the adoption issue will replace the gay marriage issue of recent years as a means for critics to undermine what many polls show is a growing public acceptance of homosexuals.

"There is no doubt in my mind that there is a very intentional and methodical strategy on the part of the radical right to make the issue of lesbian and gay families their cash cow wedge issue for this coming decade," Kendell said.

"Most Americans don't believe gays and lesbians should be discriminated against in things like housing and employment or other aspects of public life, but there is still a very entrenched prejudice in the area of gay and lesbian parenting."

Knight denied conservatives are appealing to prejudice in order to generate

contributions.

``They have no idea what's in our hearts and what motivates us," Knight said. ``We do this not to raise money, but to protect children and to discourage behavior that is destructive to individuals, families and communities."

(Joan Lowy is a reporter for Scripps Howard News Service. Her e-mail address is lowyj@shns.com)

SCRIPPS HOWARD NEWS SERVICE, Recommended for release, Feb. 27-28, 1999
SAME-SEX PARENTS SHARE SAME CONCERNS AS HETEROSEXUALS
By JOAN LOWY, Scripps Howard News Service

In many ways, little Nora's parents are much like the parents of any other 2-year-old. They worry about how to get her to eat a wider variety of foods and what to do when she gets colds. They are trying to spend less time at work and more time at home.

The big difference is that Nora has two fathers, but no mother. Charles Spiegel and Jim Emery, two San Francisco attorneys who have been together since they met in law school 14 years ago, brought Nora home from the hospital to live with them shortly after she was born on Valentine's Day 1997. The adoption was finalized a few months later.

Spiegel and Emery are among a growing number of gay and lesbian parents who are choosing to adopt children or to become foster parents, a trend that has prompted a conservative backlash.

The couple said they knew from the beginning of their relationship that they wanted to have children. They decided four years ago to adopt rather than search for a surrogate mother because they felt there were enough children in need of a good home.

Their first attempt at adoption failed when the mother delivered prematurely and decided to keep the child, who was born with health problems. But with the help of a private attorney specializing in adoptions, Emery and Spiegel were hooked up with Nora's mother, who chose them from among several dozen prospective parents to raise her daughter. She spoke to them on the phone before Nora was born and briefly met them at the hospital after delivery.

``I presume she wanted a family where her child would be open to different, progressive values," Emery said.

They each took three months family leave after bringing Nora home, Emery first and then Spiegel. Co-workers threw a baby shower for Spiegel at his law firm. Spiegel also recently cut back on his hours at the office so that he can leave work early to take Nora to swim classes.

The couple sends Nora to a preschool which boasts that 12 percent of its children come from gay or lesbian families.

``That's exciting to me because it reflects that a dominant value in San Francisco's straight families is that they want their kids to have the experience of going to school with kids from alternative families," Emery said.

But he adds: ``I still believe we could provide a wonderful home for a child no matter where we lived."

From the start, the couple told Nora, who is Latino, that she is adopted.

``It's not like we're a heterosexual couple and we can hide from her for very long that she's adopted. As soon as she goes to school, she's going to see that her family is different," Spiegel said.

But he isn't overly concerned that Nora will be teased by other children

because her parents are gay, Spiegel said.

``Kids get taunted about a lot of things. The quality of this is whether you are a parent who is going to help your kid put that in perspective," Spiegel said.

Conservative critics of gay and lesbian adoptive parents contend that it is wrong to deprive children of the experience of having a traditional family with a married mother and father.

``When you deliberately deprive a child of a father or a mother and then give a child an abnormal view of sexuality on top of it, you are serving the interest of gay activism and not the interests of the child," said Robert Knight, director of cultural studies for the conservative Family Research Council.

Spiegel said he and Emery decided to talk publicly about their family in the hope that critics will ``see that what we're doing looks like what every other parent of a 2-year-old is doing."

``People seem so upset on this issue," Spiegel said, ``but it seems to have nothing to do with what really creates a family, which is caring adults with as much energy and love as possible."

(Joan Lowy is a reporter for Scripps Howard News Service. Her e-mail address is lowyj(at)shns.com)

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Richard Socarides 02/24/99 08:50:11 AM

Record Type: Record

To: Nicole R. Rabner/WHO/EOP

cc:

Subject: NC9533: Gay adopters under attack

----- Forwarded by Richard Socarides/WHO/EOP on 02/24/99 08:50 AM -----



rwockner @ netcom.com
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Record Type: Record

To: Stuart D. Rosenstein, Richard Socarides

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Subject: NC9533: Gay adopters under attack

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Among the recent developments:

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