THE TRAFFIC IN BABIES

Cross-Border Adoption and Baby-Selling between the United States and Canada 1930–1972

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THE TRAFFIC IN BABIES: CROSS-BORDER ADOPTION AND BABY-SELLING BETWEEN THE UNITED STATES AND CANADA, 1930–1972

Between 1930 and the mid-1970s, several thousand Canadian-born children were adopted by families in the United States. At times, adopting across the border was a strategy used to deliberately avoid professional oversight and take advantage of varying levels of regulation across states and provinces. *The Traffic in Babies* traces the efforts of Canadian and American child welfare leaders – with intermittent support from immigration officials, politicians, police, and criminal prosecutors – to build bridges between disconnected jurisdictions and control the flow of babies across the Canada-US border.

Karen A. Balcom details the dramatic and sometimes tragic history of cross-border adoptions – from the Ideal Maternity Home case and the Alberta Babies-for-Export scandal to transracial adoptions of Aboriginal children. Exploring how and why babies were moved across borders, *The Traffic in Babies* is a fascinating look at how social workers and other policymakers tried to find the birth mothers, adopted children, and adoptive parents who disappeared into the spaces between child welfare and immigration laws in Canada and the United States.

(Studies in Gender and History)

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STUDIES IN GENDER AND HISTORY

General Editors: Franca Iacovetta and Karen Dubinsky

For Andrew, and my girls (little and big)

Preface and Acknowledgments

This book began as a graduate seminar paper at Rutgers University. In that early incarnation, I used the example of illicit adoptions from Nova Scotia's Ideal Maternity Home (known to many Canadians as the case of the 'Butterbox Babies') to lay out my first ideas about border-crossings and child welfare networks in the history of adoption. At Rutgers, I found a community of dedicated scholars – students and faculty – who introduced me to new ideas, pushed me to my limits, and taught me so much about life as a scholar and a teacher. Alice Kessler-Harris, who directed this project as a dissertation, continues to amaze me with her powerful insight, her wide-ranging knowledge of women's and gender history and the history of social policy, and her deep, continuing commitment to students and colleagues. A stunningly partial list of others at Rutgers who helped, supported, and influenced me includes Kathleen Brown, Paul Clemens, Nancy Hewitt, Jim Reed, Dee Garrison, Ann Pfau, Stephen Robertson, Delwyn Elizabeth, Kim Brodkin, Jenny Brier, Dina Lowy, Maire Veith, and Sam Elworthy. From Canada, my friend and mentor Joan Sangster worked closely with me on all phases of this project, and I could not have completed it without her help.

This project travelled with me from Rutgers to McMaster University, where I was lucky to find colleagues and students in History, Women's Studies, and now Gender Studies and Feminist Research, who supported both me and my work. Pamela Swett, Michael Egan, Megan Armstrong, Melinda Gough, Ruth Frager, and Nancy Bouchier are the best models of scholars and friends, offering much needed advice on research, teaching, parenting, university bureaucracies, and liquid refreshments, as the situation requires. Wendy Benedetti and Debbie

Lobban make the university and my life run more smoothly than I deserve. A series of dedicated research assistants – Heather Barlow, Angela Graham, Stephannie Bass, Shauna LaCombe, Caleb Wellum, Sara Shamdani, Dana Mount, Jeffrey Pollock, and Jennifer Westlake – added so much depth to this book and saved me from many embarrassing errors.

Other friends who encouraged me, housed me on research trips, and generally reassured me that it would all turn out well include Daniel Robinson, Laura Janara, Beth and P.O. Colleye, Marjorie Miles, Leah Vosko, Gerald Kernerman, Sean Gouglas, and the caregivers at Campus Child Care Co-Op in Guelph, Ontario. Seàn Gouglas also prepared the maps that appear in this book. Along the way, I received financial support for this project from the Social Sciences and Humanities Research Council of Canada, the Graduate School, Department of History and Institute for Research on Women at Rutgers University, the American Historical Association, the State Archives and Records Administration of New York, the Social Welfare History Archives at the University of Minnesota, and the Arts Research Board at McMaster University.

The support, comments, and critiques of colleagues in the emerging community of historians working on the history of adoption in Canada, in the United States, and in other parts of the world – including Tobias Hübinette, Denise Cuthbert, Shurlee Swain, Laura Briggs, Ellen Herman, Veronica Strong-Boag, and Karen Dubinsky – has been equally valuable. This group embodies the ideal of scholarly exchange mixed with personal friendship and support that I always hoped I would find in academe. I have really enjoyed being one of the 'two Canadian Karens.' Denyse Baillargeon took time from her own research and writing to help with the chapters on Quebec, and the members of the Montreal History Group helped with material on the Montreal black market. On a much-treasured sabbatical at the University of Melbourne, Pat Grimshaw led the way as the faculty and students of the School of Historical Studies and the wider community of feminist historians and adoption scholars in Melbourne welcomed me, challenged me, and showed me generous hospitality. Eileen Boris offered aid and support at many stages of this project; she commented on both the first and the last conference paper I gave from this work. The ever-patient editors at the University of Toronto Press stayed with me through many delays, and then moved mountains to make this book go forward. My eternal thanks go out to Jill McConkey, Len Husband, Wayne Herrington, and copy-editor John St James, along with series editors Franca Iacovetta

and Karen Dubinsky. Errors and omissions remain, of course, my sole responsibility.

My final, and most heartfelt, thanks go to my family. My parents John and Alice Balcom and my sister Carla Balcom have given me material sustenance, emotional support, joyful respite from work, and loving care for my children. My partner Andrew Bendall has lived with this book for too many years to count; our daughters Sydney and Caroline have never known a world without 'mommy's book.' I thank the three of them for their love and enthusiasm, for putting up with my obsession, and for teaching me the many meanings of family.

It remains to address some potentially controversial uses of language in this book, and to explore my position as a historian crossing borders of nation, language, and historical training. Adoption is a contested social institution with highly personalized and sometimes painful associations for many Canadians and Americans. Scholars must make very careful decisions about the language they use to describe the children and parents of adoption now and in the past. I refer to those who either have adopted children or who are considering, or are in the process of, adopting children as adoptive parents or prospective adoptive parents. I refer to the women who gave birth to children who were subsequently adopted as birth mothers, who are sometimes connected to others as birth parents, or as part of birth families or birth communities. The act of releasing a child for adoption is described here as surrendering or relinquishing a child, words that I believe hint at the deep emotional underpinning of the legal act of formally consenting to an adoption (or being denied any meaningful consent). Where other usages appear in my text or in quotations from my sources, they are intended to reflect the tenor of the times I am describing, a crucial part of recording histories of adoption.

My position as a historian writing from Canada about peoples in the United States and Canada, from Euro-American culture about aboriginal peoples, and across the histories of English Canada and Quebec, raises some potential concerns. I generally refer to aboriginal peoples in Canada as First Nations and Métis peoples, while following the dominant US usage of Native Americans when referring to aboriginal peoples resident in the United States. The term 'Indian' appears only in direct quotations. This book crosses the divide between the history of English Canada and the history of Quebec. While there are certainly times and places where those histories are shared and can be considered together, historians of Canada must respect the distinctiveness

of the history of Quebec and its people. This is perhaps particularly important when we talk about language, religion, nation, and social policy, as I attempt to do in this book. I remain acutely conscious that, often, when I write about cross-border adoptions from Quebec, and when I write about the development of adoption policy in Quebec, I am writing about these developments as seen from (evaluated from) outside of the province. In that sense, this book is much more of a history *from* English Canada that encompasses Quebec examples, than it is a history written from or about adoption as understood within Quebec. The same point must be made with respect to how I talk about the painful history of the adoption of Native American, First Nations, and Métis children by white families. I am conscious that I am telling this story (I hope, with a critical eye) primarily from Euro-American sources. This distinction and the claims that rise from it are important, and I have tried to carry this nuance through my writing.

Adoption scholars are often asked what I have come to think of as 'the question'; that is, the question of how one connects personally with the adoptive triad of birth parent, adoptive parent, and adopted child. I understand the question is asked because adoption is such a personal reality for so many Canadians and Americans, and because so many scholars working in the field are connected to adoption in this way. At its best, this query is meant as a way of establishing community and connection, but I also worry that the question and the answer can be used to assess who may speak or write, or to discount what is said or written from a particular location. That said, I feel I must answer because I know many readers will ask. My answer is that I am neither an adoptee, nor an adoptive parent, nor a surrendering mother. My interest in this topic came initially from my experiences of and reflections on the frequent border-crossings in my own life, and from my commitment to the history of the welfare state, conceived broadly. I recognize that my location outside the triad (and, simultaneously, inside other communities of race, gender, nation, academic institution) shapes the history I have written, just as the social and cultural location of every scholar shapes her or his work. I hope to have told this story of border-crossing adoption – the story traced in these pages – with humility, and with respect for both my historical subjects and my contemporary readers.

Karen Balcom
Guelph, Ontario
2010

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THE TRAFFIC IN BABIES: CROSS-BORDER ADOPTION AND BABY-SELLING BETWEEN THE UNITED STATES AND CANADA, 1930–1972

Introduction: Babies across Borders

In the summer of 1945, Canadian Nora Lea (acting executive director of the Canadian Welfare Council) and American Maud Morlock (adoption consultant at the United States Children's Bureau) were corresponding regularly about the intensifying problem of poorly regulated cross-border adoptions between Canada and the United States. Lea and Morlock were particularly worried about a large commercial maternity home in rural Nova Scotia doing a brisk business – and making a fine profit – placing the infant children of unwed Canadian mothers in unsupervised and uninvestigated adoptive homes in the United States. The Ideal Maternity Home promised American adoptive parents quick adoptions with no red tape and no interference from social workers; prospective parents could travel to Nova Scotia, choose an infant, and return home with their adopted child in as little as ten days. The process was slick, well organized, and very difficult for social workers and government officials working within one province, one state, or one country to control. A frustrated Lea wrote: 'My chief concern at the moment is this wretched Ideal Maternity Home. I wish a tidal wave would come in from the Atlantic and engulf it. They become increasingly difficult to deal with from a local point of view and seem to be spreading their tentacles further and further into the U.S.A.'[1]

Canada-to-US adoptions orchestrated from the Ideal Maternity Home were part of a larger phenomenon. Between 1930 and the mid-1970s, several thousand Canadian-born children were adopted by families in the United States. The adoptions originated from every province and territory, and children went to almost every US state.[2] Most of the children were very young infants, the majority of whom were born to unwed mothers. In the 1930s, 1940s, and 1950s, almost all

these children were (assumed to be) white, although in later years the border-crossing group included a small number of African Canadians alongside hundreds of First Nations and Métis children.[3] While most of the adoptions were technically legal, some were definitely illegal, and many others danced the line by playing with inconsistencies in immigration and child welfare law in the two countries. Before the mid-1950s, most of the adoptions were contracted extremely quickly and with little or no attention to the careful investigations at the centre of 'sound adoption practice' as understood by child welfare professionals in both countries. Some border-crossing adoptions were outright cases of black market baby-selling, where the border crossing directly facilitated the commercial transaction.

Child welfare leaders in the two countries were not opposed to all border-crossing adoptions. In some cases, carefully controlled and professionally regulated adoptions across borders provided good homes for children in need of new families. The problem was that border crossing was sometimes used, deliberately, to evade state regulation and professional oversight. As babies crossed borders, they slipped between legal jurisdictions and arenas of governmental responsibility. As they moved between Canadian provinces and US states, child-providers, adopted children, adoptive parents, and birth mothers disappeared into the space between two (or more) sets of child welfare and immigration policies and laws. Indeed, the Ideal Maternity Home operation was explicitly designed to exploit the loopholes and gaps in regulatory authority that opened up when babies and parents crossed borders.

In this book, I trace the efforts of national, provincial, and state child welfare leaders, of immigration and consular officials, and of politicians, police, and criminal prosecutors to close the gaps and control the flow of babies across the Canada-US border between 1930 and 1972. I advance two major arguments. My first is that child welfare reformers in the United States and Canada saw the cross-border 'traffic in babies' as a dangerous affront to their vision of 'sound adoption practice' *and* as an opportunity to push the adoption reform agenda of professional social work. Babies and parents moved between states and provinces because there were differences in the way adoption was regulated in those separate jurisdictions. The scandal of a fast and loose traffic in babies invited unflattering comparisons between child welfare standards in various provinces and states. Poorly managed or dangerous cross-border adoptions gave child welfare reformers evidence they could use

to push for adoption reform and the professionalization of child welfare services. Thus, reformers used the transnational traffic in babies to leverage domestic reform inside states and provinces.

Adoption reformers knew, however, that separate actions in separate jurisdictions would not on their own stem the flow of babies across borders; they needed to establish ties and cooperative mechanisms reaching across the borders dividing one state from another, one province from another, one country from the other. My second argument is that controlling the traffic in babies required establishing connections and building bridges between private and public social agencies, between states and provinces, and between federal governments and state/provincial governments. This argument implies a series of questions I address in this text: What did these bridges look like? How did they function? Did informal collaborations between individuals and social agencies work best (in which circumstances)? Were formal protocols between governments more effective? How could governments be convinced to sign on? What legal or constitutional barriers stood in the way? How did professional cooperation and connection work alongside (instead of?) agreements between governments? The adoption reformers in this study made good use of informal collaborations based on their personal and professional connections to each other, but most, ultimately, preferred formal and binding agreements to informal and personalized collaborations. Their model of progress, never fully enacted, was one where state/provincial/federal governments signed on to formal agreements binding across jurisdictions and enforced through the power of the state.

The constitutional division of powers between federal and state/provincial governments in Canada and the United States was a very significant barrier for reformers who wanted to pull federal governments into the active management of cross-border adoption. Both the United States and Canada have federal systems wherein the national government has jurisdictional responsibility over the admission of immigrants and the control of national borders, while the sub-national (state/provincial) governments are responsible for adoption and other child welfare issues.[4] Adoption reformers in the period 1930–1972 found it very difficult to convince key federal agencies (the US Department of State, the Canadian Department of External Affairs, the US Immigration and Naturalization Service) to extend or reinterpret their mandates and join in efforts to regulate adoptions across the Canada-US border. The story told here may serve as a counter-example or caution against

narratives focused on the centralization of state authority at the federal level in the post–Second World War period.

The reformers in this book were negotiating federal–state/provincial authority in cross-border adoption during the same period that international adoption took off as a global phenomenon. Citizens of the United States have adopted more than 450,000 children internationally since the end of the Second World War, while Canadians have added over 33,000 children from other nations to their families since 1978. In the peak year for incoming international adoptions, the United States received 22,980 children (2004) and Canada 2180 (2003).[5] The vast majority of these children came to the United States and Canada from poorer, less developed, or politically unstable countries.

The political, economic, and racial resonances in transnational adoptions originating from disadvantaged regions are in many ways different from those marking Canada-to-US adoptions. But there are also important points of connection between the Canada-US story and the global story. For example, federal, provincial, and state divisions had to be carefully negotiated in Canadian and American responses to the 1993 Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption, the international instrument that establishes worldwide standards for the regulation of international adoption. Canada met the challenge with a decentralized administrative process that allowed for a central authority in each of the thirteen provinces and territories, coordinated at the federal level through Intercountry Adoption Services at Human Resources and Skills Development Canada. The national system was functioning by 1997, and individual provinces signed on as their regulatory process was enacted. The last province, Quebec, joined in 2006. In the United States, there is one central authority – the Office of Children's Services in the US Department of State – but most of the regulatory power and supervision of adoption providers is in the hands of two 'accrediting entities' contracted by the State Department. Designing and implementing the US system was a highly contentious process, and as a result the Convention only came into force in the United States in April 2008.[6] The jurisdictional wrangling and negotiation we see in mid-century efforts to regulate adoptions across the Canada-US border can help us understand the delays, complications, and challenges in the Hague system as it is developing in Canada, in the United States, and across the globe.

The movement of children (with or without their families) back and forth across the Canada-US border was hardly a new phenomenon

in the mid-twentieth century. Large and small migrations across the 'world's longest undefended border' have been a feature of Canadian and American history for as long as the border has been defined.[7] By the twentieth century, it was not uncommon for the same family to have branches in both countries, and occasionally children crossed from one country to the other to be formally or informally adopted by family or friends on the other side. Since the 1990s, a steady flow of US-born children going in most cases to non-related adoptive families in Canada (there were 102 such adoptions in 2005, 189 in 2008, and 253 in 2009) has drawn media comment. In these recent cases, most of the children leaving the United States are non-white; it appears, in many cases, that surrendering families are choosing adoptive families in Canada in the *belief* that their children will experience less racism in Canadian society.[8]

This recent pattern in US-to-Canada adoptions exactly reverses the dominant characteristics of adoptions between the two nations through much of the twentieth century. Before the late 1950s, almost all the children crossing the border were racially classified as white. When non-white children crossed the border from the 1950s onward, almost all went from Canada to the United States. Overall, the most striking characteristic of the border-crossing adoptions between the 1930s and the 1970s was that the movement was almost exclusively north-to-south. The small number of children placed from the United States into Canada were almost always on their way to homes with relatives; there were very few instances of public or private social agencies or other adoption operators in the United States placing their charges north of the border in adoptions with non-relatives over this period.[9]

Child welfare leaders in the 1930s, 1940s, and 1950s were puzzled by the north-to-south direction. Commenting on the Ideal Maternity Home, Maud Morlock explained, 'We do not know how many such placements are occurring. Neither do we know why Canadian children are placed here.'[10] The 'why' question was important; it was difficult for reformers to solve their 'problem' without knowing why the cross-border baby trade went from north to south. There were no perfect or complete answers, but mid-century observers identified some contributing factors and we can add to this list. If we look first to the Canadian or 'supply' side, lax child welfare laws or negligent enforcement of existing laws in several Canadian provinces – notably Nova Scotia, New Brunswick, Alberta, and Quebec – certainly shaped the north-to-south flow between the 1930s and the 1950s, as did the activities of unscrupulous maternity home operators and well-organized black market-