

The model tracking system means that not only does someone become aware of the child periodically (which happened only with very troublesome children in the past), but that periodic review is not perfunctory. In Illinois, for example, if a child is in a temporary situation for eighteen months the responsible agency receives a warning that they have only six months left to do something because temporary placements are not allowed to go beyond two years. Previously workers with large caseloads usually had time only to tend to the future of children in collapsing foster situations; now they must attend to the future of all children spending more than a year and a half in temporary care. If this makes too much work for the caseworker, the existence of mandatory action provides a hefty weapon for the agency to use when demanding funds for more staff.

These systems have not been in use long enough or in enough states to allow us to gauge their impact [Sherman, *et al.* (201)]. However, states other than Michigan and Illinois have reported great delays in getting their systems running smoothly [Festinger (63); Young (230)].

#### c. *Transracial Adoption in the 1970s.*

Despite the criticism and opposition of many black professionals, transracial adoption still takes place. One placement worker in Florida told us that she places the child of two black parents in a black home, but she looks for a white home for the child of a black and a white. Often she has to send such children to northern states. She finds that black families tend not to want "biracial" children who look too white. We have no way of knowing whether her perceptions are totally accurate or typical, but we were told much the same thing by members of parent groups organized to foster transracial adoptions in two other states (see footnote 15).

Many other agencies apparently will not make transracial adoption placements. A black adoption supervisor in Texas stated, "You don't integrate a community with a child." A northern California organization of parents who had adopted transracially reported that agencies in its area abandoned placing so-called biracial children in white families because of the strong objections of an organization of black adoptive parents. Other agencies will make transracial placements if the applicants request them and are seen as qualified but these agencies do nothing to promote such adoptions.

#### d. *Where Do We Stand Now?*

Thus, we have arrived at a system where transracial adoption rests within the discretion of adoption agencies, importantly influenced by the attitudes of blacks. It no longer can be seen as a major tool for dealing with homeless black children, but it may be the solution for any particular

black child. It is probably still more likely to be used if one of the child's parents or grandparents is white than where all are black.

Representatives of some adoption agencies have declared that the problem is solved, that most black and mixed race children coming into their system are placed immediately [Katz (122)]. Those children who remain in the system are, they claim, older or have physical or mental handicaps and, as before, are still hard to place. Certainly, methods of contraception are better and more widely available than in the earlier days of our story, as is abortion. In most parts of the United States it is now easier for unwed parents to raise their children without being ostracized by the community, and this probably encourages more black as well as white unwed mothers to keep their children rather than giving them up for adoption.

Not everyone is convinced that this describes the whole situation, however [see Haring (94)]. Several representatives of transracial adoptive parent organizations have voiced their suspicion that there is a cover-up by adoption professionals who are unwilling to face criticism from blacks, to acknowledge the existence of children in foster care who need adoptive placement, or even to admit that the difficulty in placing the "hard to place" child still lies more with system rather than in lack of potential parents. Effective tracking systems exist in only a very few states; one critic of the agencies wondered how they could say there were no children when they had no way of knowing. The critics find it difficult to believe that suddenly, without tracking systems, all children previously lost in the files have been found and given permanent homes and that children are not still being inadvertently set adrift in foster care when there is no evidence that foster care loads have greatly decreased or that agency staff and funding have greatly increased.

Without subpoena power and great resources it would be difficult to do the research necessary to resolve this argument. We would have to search a national sample of agencies' records, discover the proportion of foster children who would never return to a biological parent, determine that parental rights could be terminated, and then see if there were families for all the children we came up with. There are some studies which give us a clue as to what we might find. As late as March of 1973, for example, some 200 children, mostly black, were found to be "uncovered" (drifting in foster care) in a single district office in Chicago [Illinois Dept. of Children and Family Services (105)]. Similarly, Gruber (86) judged that about two thirds of the children in foster care in 1971 in Massachusetts were adoptable. Mott (161) estimated that there were 300,000 children in foster care in the nation. Other figures have ranged above 400,000 [4th North American Conference on Adoptable Children (65)]. Mott (161) estimated

that 100,000 of these children in foster care needed permanent homes. Gallagher put the figure at 120,000 (*Milwaukee Journal*, April 8, 1975, p. 2). If we take Gruber's finding that two thirds of the children in foster care are adoptable, the national total may be over 200,000. Most estimates find that from one-third to one-half of the adoptable children in foster care are black.

Furthermore, there may be many black children who, if they were white, would come into the childcare system and be brought up in adoptive families. We do not know how many more black unwed mothers would elect to give up their babies for adoption if they were given a real option of placing their children in good homes. Perhaps it is best that this is not done [Mandell (149)]. We do know that often the family of a black unwed mother rallies around and the child is raised with love in the homes of grandparents or other relatives or even friends. Nonetheless, this option is not available to all black women and neither do they as yet have the options white women have.

### C. An Explanation for Professional Responses to Transracial Adoption.

In writing a descriptive history of the problems of homeless black children, it was necessary to offer explanations for much of what we reported since explanation is part of description. For example, we considered the application of the white middle-class model of an adoption agency to poorer blacks when we reported changes that were made as agencies tried to attract black applicants. Yet there is an important matter left unexplained: How could professionals, whose control over the adoption process rests on their standing as experts, swing so widely in their judgments about transracial adoption in the short space of twenty years? In 1957, it was almost unthinkable to allow whites to adopt blacks; in 1968, transracial adoption was the progressive policy enshrined in the Child Welfare League of America's Standards; in 1972, transracial adoption was cultural genocide; and, in 1977, while transracial adoption is generally disapproved by the professionals, it all depends on where you are and whom you ask.

It is not easy to defend grants of discretion to experts in a democratic society. Normative decisions are supposed to be made by the elected representatives of the people subject to constitutional limitations. Experts are not elected, and, as a practical matter, they are seldom subject to the rule of law or even review by those who are affected by their choices. Questions are given to experts where political solutions are thought inappropriate. We can distinguish three models of expert decision making, although one tends to blur into the other: The process of granting discre-

tion to experts often is legitimated by the assumption that experts merely apply the findings of science and technology to achieve goals that have been set by statute or are generally accepted. A more relaxed view sees experts as using what science and technology may be available but learning primarily by trial and error as they repeatedly deal with problems. The third model is very different. Here the expert is one who can find solutions to problems that are acceptable to those who might object and cause trouble. In this view, science and technology are but rhetorical tools serving to legitimate prudent decisions [Friedman and Macaulay (72), pp. 732-737].

As we have seen, no legislature considered the matter and then granted discretion to the adoption professionals to decide whether there should be transracial adoption. The power to make such decisions was just part of a general charge to seek the best interests of children. Normative decisions were always inherent in the charge, but it is not clear whether those who passed the statutes recognized the extent to which this is true.

It is hard to view an adoption professional contemplating transracial adoption as an example of the first model—an expert making judgments based on knowledge gained by testing hypotheses using standard research techniques. As Billingsley and Giovannoni (1969) pointed out, "There really is little systematic knowledge concerning ordinary adoption, even of Caucasian-Caucasian placements, to use as a yardstick for purposes of comparison in evaluating the outcome of interracial adoption. [See to the same effect, Jaffee (108); Eldred, *et al.* (53); Gruber (86); Isaac (106); Wald (218).] There still are no studies that would tell us enough about the outcomes of existing transracial adoptions to make decisions easy.

The lack of studies is understandable. People do not devote energy to research until they are aware of a problem, and few, if any, researchers recognized the possibility of transracial adoption before the decisions were made about whether it should be tried. And could the decisions about trying transracial adoption have waited until scientific findings were available? Indeed, could scientific evidence have ever resolved what, in essence, seems to have been a normative dispute?

Research that would resolve the debate about transracial adoption would not be easy to design and carry out so that it would be useful to adoption professionals. The very concept of a "successful" transracial adoption is heavily value-laden. A researcher would have to transform normative concepts into objective indicators for which tests could be made. This step alone is likely to lead to great dispute. For example, in order to determine success, would it be enough to compare children who were transracially adopted with children adopted in racially matched families in terms of how many of each group are seen in psychiatric clinics? Or would we not have to examine the mental health of each child

individually—and what tests of mental health could we use that would be acceptable to all concerned? [Compare the well-taken criticisms of findings that more adopted than biological children have emotional problems by Kadushin (118).] Suppose we try to determine whether black children in white homes have lost their cultural identity? This would require us to define the concept “cultural identity” and then to devise indicators of its presence or absence—another task bound to provoke controversy. And, furthermore, we would have to wait until 1980 or later to do any research that could claim to be more than suggestive, because until then there won’t be enough adult or older teenage children to study. (The number of children adopted transracially was not substantial before the mid 1960s.)

Finally, the actual question faced by adoption professionals was a comparative one which made matters even more difficult: It was not whether transracial adoption was the best solution conceivable but whether it was the best of the practical alternatives—even framing the question this way might offend some, which only reinforces our point. Research cannot resolve a problem of determining what is *best* unless all the normative judgments have been made and accepted. This is certainly not true of transracial adoption. For example, is it *better* for a black child to suffer the social problems an integrated family must inevitably face and lose some cultural identity as a black, or is it *better* for that child to grow up not really belonging to any family? The transracial adoption question may, thus, differ importantly from those areas of child welfare where many enthusiastically seek aid from social science [Ellsworth and Levy (54); Wald (217, 218, 219)]. On the other hand, the aspects of child welfare investigated by these authors also may have important normative conflicts lurking beneath the surface.

Actually, few experts would claim to be merely social engineers applying reliable, neutral, scientific principles. Most experts use whatever knowledge is available, the bulk of which is usually gained through trial and error. The idea that the practice of medicine is as much an art as a science captures this point. However, even this relaxed second model of expert status does not describe very well those who have been making decisions about transracial adoption. [See Brown and Brieland (21).] When the first transracial adoptions were made, in the late 1950s and early 1960s, there was no feedback available, of course. The first programs were called experiments. Actually, they were not true experiments at all, and the only feedback available for a long time was sparse, unsystematic, and largely unanalyzed. Most agencies, as is their usual custom, make placements, do follow-up visits for six months to a year, recommend adoption and send a representative to the court when it is made permanent, and then lose track of parents and child. The success of a transracial

placement in the first year obviously does not predict success in the supposedly problematic teenage years nor in adulthood.

What adoption workers do have are a few inadequate studies about what leads to successful adoption quite apart from racial factors—and these studies don’t even support the traditional basis of their decision-making very well [cf. Witmer, *et al.* (226); Eldred, *et al.* (53); Di Virgilio (45); Kadushin (118)]. They also have a body of ideas originally drawn from the clinical experiences of psychologists and psychiatrists about parents and children plus the theories and data offered by psychologists interested in child development. One can draw analogies from this material for adoption practice, but only analogies [cf. Mech (154)]. We found only one study that even concerned biological children of mixed marriages or unions—a study which suggests that such children have better than average psychological health [Chang (28)]. One could apply psychologists’ and psychiatrists’ ideas on the assumption that other things were equal—but they probably are not. Transracial adoptive families are very distinct from the average family in many important ways. As we have mentioned earlier, they started out distinct and obviously have out-of-the-ordinary family histories once they are formed. We found that we could generate from these psychological ideas plausible hypotheses that transracial adoption is very risky and also that there is no reason to fear trying it.

If the scientist in a research facility and the doctor in her office are not appropriate models of transracial adoptive decision-making, how was it done? Adoption professionals are formally responsible to legislatures, boards, vocal members of the public, their fellow professionals and themselves for producing acceptable problem solutions. If no one complains, they have in a sense, successfully carried out the mission given them. Many transracial adoptive parents did complain (cf. newsletters from adoptive parent groups from the early 1960s on), but these are apparently only one source of legitimate complaints in a professional’s eyes. Of equal and more importance is the reward and punishment structure of the agency involved, a structure which seems to be well attuned to professional politics and ideology. The agency is influenced by its board of directors and the legislature, and by what “society” as represented by the press says about its actions. Agency heads, in turn, exercise some degree of control over adoption workers—and over who is hired in the first place. Supervisors reward workers who do well (by the supervisors’ standards) and criticize those who do not. Finally, group meetings are held in most agencies to discuss particular cases and one must be prepared to justify one’s action before fellow professionals or lose one’s job or good reputation. Perhaps the most important influence over decision making is exer-

cised in these meetings and in the political activity preparatory to meetings.

In the past adoption workers were rewarded for placing white infants with good white parents, and this was a full-time job. It would not have been clear, had anyone thought about it, what the rewards for trying to deal with black children might be while the risks of punishment were perfectly clear [cf. Fricke (68); *New York Times*, April 27, 1964, p. 31; Wachtel (216)]. It was hard for white workers to find black couples acceptable by usual standards, and it was hard to be sure of one's judgments about black clients of very different backgrounds. Moreover, the known risk of placing a black child with white parents would have been obvious had the possibility even been considered. A judge might refuse to approve it. Publicity might make it hard for the agency to get funding. The white parents might not be able to withstand the pressure of relatives or neighbors and might return the child, thereby harming both the child and the agency's reputation. [We found stories of only two such cases, both early; see *Newsweek*, April 5, 1966, p. 30, and Owens (174). But the literature had clear warnings of the dangers of transracial adoption.] And later on, there was a real risk of bringing black wrath down on the agency.

Most adoption workers in this period (but not all) had no incentive to run any risks. As described above, few of them were aware that there might be many adoptable children not in their files of active cases. Then when their perceptions changed, the risks really had changed. In the mid-1960s to the early 1970s, making transracial adoptive placements was likely only to generate heartwarming newspaper stories praising the agency, and there was the possibility that adoptive parent groups or fellow professionals would come down on them if they did not make transracial adoptive placements. They cannot be faulted for not foreseeing that the "We shall overcome" era would give way to a time of black pride. When the black social work community turned professional attitudes around, it seemed prudent to do such things as to turn responsibility for all black children over to black social workers and agencies. The transracial adoptive parent organizations might be unhappy, but they were less of a threat than black power exercised directly or through the workers' professional peers.

In addition to public opinion and the structural imperatives of the existing system, decisions about adoption are influenced by the not totally consistent theories, scientific findings, norms and biases that constitute professional ideology about good practice. It is manifested in such things as the *CWLA Standards for Adoption Service*, articles in professional journals, conversations with colleagues, and courses in schools of social work. Not every worker is exposed to all of this, and professionals do not agree with all that appears in print or with each other. However, the

literature does reflect views that are widely repeated and that come to be regarded by many as common knowledge or just common sense. It serves to put some problems on the agendas of most workers and to keep others from view. Professional ideology also serves to provide blueprints for how to do a job, particularly when one is new at a task, such as transracial adoption. And once a decision is taken, professional ideology has use as backup authority if the decision needs defending. This is not to say that the ideology is consistent and unified. Actually, its usefulness includes its flexibility since one can usually find good support for more than one side of an argument in the social work literature. We cannot assess the total influence of professional ideology on transracial adoption, but we can point out that the *CWLA Standards* and the preponderance of articles in the professional journals neatly reflect the twists and turns of what actually happened.

Finally, adoption workers bring their own characteristics, values, and biases to the interpretation of the professional role. Adoption agencies have been criticized for running largely on white middle-class assumptions. But these are built into the white middle-class people who go into social work and end up staffing and running the agencies. People who go into social work are probably more concerned with helping others than the rest of the white middle class. When American middle-class society rediscovered racial discrimination, not surprisingly the social work profession was very receptive to calls to do something in their professional capacity. When the white middle-class members of civil rights groups learned that many blacks viewed their efforts as unwanted paternalism, white middle-class social workers quickly saw that the charge could be leveled at transracial adoption.

There have been social workers all along, of course, who did not fit the model presented above. Some have been very innovative, recognizing the problem of homeless black children early and working out trial solutions. The loose system we described allows for individual innovation, at least within certain limits.<sup>16</sup> There was a set legitimate vocabulary for innovations: One could not work directly for racial integration but one could seek the best interests of the child in new ways. A working definition of the best interests of a child had been learned on the job, and innovations cast in terms of that definition were often acceptable in an agency.

The power of individual workers to innovate depends on what resources are needed. Some might have foreseen the need for black workers in black-run agencies in the 1950s, but at that time there did not appear to be resources available to develop the necessary staff. Instead, most innovations were and are piecemeal incremental steps. A worker could recommend one transracial adoption and see if her supervisor and then the judge approved. No resources are needed for such "experiments." But

then such efforts don't bring about permanent changes in agency policy and practice very often. The turnover of workers is so great that the only thing sure to endure in many agencies is the standard reporting form. Innovators come and go and their programs come and go with them. This has been the story of a number of workers and programs in individual agencies which we observed or which were described to us in interviews.

### III. A SUMMARY EVALUATION

We have shown a gap between the formal normative model of how the child-care system was supposed to work, and the empirical picture of how it did work. Experts were supposed to act basing judgments on scientific knowledge and experience, but, instead, they did the best they could with what they had to accommodate a clash of norms. The existence of this gap should not be a surprise. The legal system often is forced to mediate between norms that speak of the way we would like to be and the changing social and economic reality of the way we are. We have a tradition of attempting to handle such contradictions by passing statutes that honor the norms while relying on the police and those cloaked with expert status to work things out some way or another in an acceptable, if not normatively correct, fashion. Yet there are costs in promising more than can be delivered, and short run accommodations may be bought at the price of undercutting the value of the promises made by the legal system.

In this section, we will look at the functions that were served by delegating so many of the decisions about homeless black children and transracial adoption to adoption professionals. Then we will look at the costs of carrying out these functions. Finally, we will consider the difficulties of doing anything else in a nation where, for a long time, racism has been as American as apple pie.

#### A. FUNCTIONS OF NORMATIVE DECISION- MAKING BY THOSE LABELED AS EXPERTS

In about twenty years, we have moved from a time when few recognized that the response of the child-care system in the United States to homeless black children was a scandal, to a period of experiments with transracial adoption, to a time of normative clash over integration and black identity, to our present position. One defending the child-care system could argue that we now have a number of new programs which eventually may solve much of the problem. Certainly some homeless children have been helped by the programs now in existence. And all of

this has been done in a climate of intense conflicts about values and without the help of solid scientific data for predicting the consequences of possible courses of action.

But we could also still view the child-care system as lagging far behind our vision of what should have been done. Perhaps, as Friedman and Ladinsky (71) said in another context:

What appears to some as an era of "lag" was actually a period in which issues were collectively defined and alternative solutions posed, and during which interest groups bargained for favorable formulations of law. It was a period of "false starts"—unstable compromise formulations by decision makers armed with few facts, lacking organizational machinery, and facing great, often contradictory demands from many publics. There was no easy and suitable solution, in the light of the problem and the alignment of powers. . . . If there was "lag" in the process, it consisted of acquiescence in presently acceptable solutions which turned out not to be adequate or stable in the long run (pp. 76-7).

By their nature, conflicts of value are hard to resolve in a way that is totally satisfactory: If one is right, the other is wrong. Losers in normative battles tend to be bitter. Compromises to avoid total victories or defeats are difficult to arrange because they smell of sell-out. Transracial adoption involved at least two important value conflicts. At first, if a white family living in a white neighborhood adopted a black child, this would challenge views about segregation of the races held by white neighbors and symbolize a commitment to integration of the races. In the late 1960s, however, the same adoption symbolized to some blacks that making blacks acceptable to whites on the whites' terms was an appropriate goal and that blacks were unable even to raise their own children—views they rejected strongly. At the time feelings were most intense, it would have been difficult to have made an authoritative final decision that would have resolved the matter so that the losing side would have accepted it.

One way that decision by expert helped resolve these value conflicts was by avoiding firm and final decisions whereby one side won a victory while the other clearly suffered a real defeat. Transracial adoption was always an experimental program pushed by some adoption agencies and not others rather than a formal public determination that integration of the races was now the social goal. The National Association of Black Social Workers was able to reverse the party line in adoption workers' ideology about transracial adoption, and this had great impact on practice. Yet reversal of the official ideology did not totally reverse practice. Some transracial adoptions are still being made, and the proponents see that they have lost a battle but not necessarily the war.



The imprecise "best interests of the child" standard may have helped avoid symbolic victories and losses with resulting bitterness. By its nature, it allowed adoption agencies to have a general policy with exceptions to fit particular cases. Black social workers could be placated by a general declaration against transracial adoption, but some agencies could still place, for example, at least mixed race children in a white home in communities where neither black nor white views were felt to be intensely opposed. Moreover, to some degree, the best interests standard helped deflect debate from themes of segregation, integration and black separation into what the best interests of particular children might be. People were not forced to take principled ideological stands. Since there were no hard data and definitive experiences, all that was needed was a plausible argument. Hard data might have narrowed debate, forced normative choice, and thus engaged the profession in a very tough battle that it would prefer to avoid.

Thus, the decision-making process was insulated from those who insisted on hard normative victories. Those who criticized professional practices but who lacked recognized credentials found it difficult to get experts to listen, let alone respond or change. They also found it hard to get courts or legislatures to listen and to substitute their judgment for that of the experts. As Edelman (49) has pointed out,

The ability to get the public to perceive the exercise of authority and the allocation of values as a 'professional' rather than a political issue is one of the most common and one of the most effective political techniques in contemporary society for it discourages and weakens political criticism [pp. 8-9].

The adoption system that had evolved was equipped with just this protection against pressure to make hard normative choices that might have been premature and certainly very disrupting. Instead we saw accommodations that delayed final decisions until some of the fire behind intensely held feelings burned lower.

At the same time, a few crusading adoption workers, together with various organizations of transracial adoptive parents were able to spread the transracial adoption movement to many parts of the country in a relatively short time and at a relatively low cost. These few groups and individuals had enough access to decision-making power to begin some experiments—no revolution, just experiments. The looseness of the system made this possible. If one agency balked at trying some of these experiments, there were others serving the same area (Catholic or Lutheran instead of the state agency, for example) that might be willing to host an innovative program.

Even these crusaders had some checks on their freedom. They were not totally insulated from effective criticism; most adults consider themselves knowledgeable about what the best interests of a child are. This, plus some natural sympathy for children, added up to a threat of scandal if the innovators went too far in affronting common sense. Transracial adoption was never used, for example, as a tool to integrate white neighborhoods in the South. There were more transracial adoptions in states with low black populations than those with large black populations [Opportunity, Inc. (172)].

Another characteristic of the existing adoption system was that it was able to react very quickly to the attacks of the National Association of Black Social Workers. The NABSW had a professional forum, its protests were heard and heeded by some. The opponents of transracial adoption had a great advantage since decision-making power had been so completely delegated to the professionals who were listening to them. If the NABSW had had to seek to get legislation passed, its members might have found it difficult to get even the attention of many legislators. More importantly to this organization, any statute that banned the adoption of black children by white parents probably would be an unconstitutional denial of equal protection of the law.<sup>17</sup>

A constitutional challenge by pro-transracial adoption forces might have been possible all along. One with standing to sue could have tried to prove that adoption agencies had a policy against transracial placements that was unconstitutional. Practically, however, the agencies did not have to worry a great deal about such a suit being brought or about losing it. One such suit ended in a settlement that did change agency practices, but it took place in the early period when the transracial adoption movement was beginning and served to push a particular agency to join in what was then a growing trend. (For an interesting legal ethics issue raised by this case because plaintiffs were recruited by advertisements in newspapers, see Jarmel (109), pp. 2-18 to 2-21.) There was a similar settlement in Ohio in 1973. [See *Chartoff v. Montgomery Co. Children Services Board* (S.D. Ohio, 1973), reported in 4th North American Conference on Adoptable Children (65).] In still another case, adoption agencies in New York City were sued by the New York Civil Liberties Union. It was alleged that the seven children representing a class were outrageously neglected and subjected to institutional warehousing as a result of racial and religious discrimination. Adoption professionals initially were very concerned about the possible impact of the case. However, a three-judge federal court decided that the New York statutes concerning religious matching in adoption were not unconstitutional on their face [*Wilder v. Sugerman*, 385 F. Supp. 1013 (S.D.N.Y. 1974)]. The United States District Judge then decided that children did not represent a class but could sue on their

own behalf and finally decided, after trial, that the attorneys for the black children who had not been adopted could not prove that adoptive parents could have been found for them. The suit was dismissed (*New York Times*, January 21, 1977, p. B12). One can wonder how far the judge was influenced by a concern for the difficulties of intervening in an area of normative conflict where there seem to be so few easy solutions. Undoubtedly, he was hesitant to try to run the adoption system for black children in New York City. Of course, other suits could be brought other places. Nonetheless, the results to date are likely to discourage attempts to solve the problems of homeless black children by litigation.

B. THE COSTS OF THE EXPERT FAÇADE:  
HAS THE PROBLEM BEEN SOLVED  
OR ONLY HIDDEN?

It is not clear that the problems of homeless black children have been solved very well. The measures taken could have been very effective, but no one really knows. Tracking systems may eventually assure individual planning for each child, but what comes out of a tracking system's computer will be no better than what goes in. Tracking systems will not affect the discretionary nature of decisions as to whether a particular child is labeled "unadoptable" or whether a child is likely to be returnable to a biological parent. There is no way of knowing how many black infants will continue to be excluded from the child-care system because unwed mothers think adoption of black infants is impossible. The alternative is the perpetuation in society of a fair-sized group of not only unwed but unwilling mothers.

It may be that in order to accommodate conflicting values, the actual impact of programs which send black children to black adoption workers or into subsidized adoption programs will be hidden. Or we may see the creation of tokens—a few black adoption agencies to serve in cities with a large black population—in the place of large scale programs, or the passage of legislation without appropriations to make them meaningful. But who will know? The price of some accommodations is a lack of accountability.

Another price is that paid by the children. It is clear that a substantial number of children have spent time in bad foster homes because of the way the system worked. The original refusal to consider transracial adoption, rationalized on the basis of the necessity of matching parents and children, certainly kept some black children from going into white homes. One cannot prove that the long-run damage to these children from inadequate foster care was greater than that which the black opponents of transracial adoption assert would have been inflicted had the children gone into white homes, but the best current evidence suggests that the

damage actually inflicted was not inconsequential (see Footnote 5). Some of the steps to improve the system could have been taken much sooner and cut down this damage, if not eliminated it. It is easy, of course, to shoot at fifteen-to-twenty year old mistakes in the light of present knowledge. But it is worth doing if only as a reminder that we've let things slide in the past and those who paid the price—the children—are not those we like to see pay.

The opponents of transracial adoption did not win a total victory but they probably came out better than the pro-transracial adoptive forces. The statistics in Table 1 do not suggest that transracial adoption is a major activity, given the number of black children who are without permanent homes. One of the reasons for the apparent success of NABSW in the cutback of adoptions of black children by white parents may be that NABSW's members are social workers who could operate inside the system, as fellow professionals whose views were salient to those workers contemplating transracial placements. The parent groups, on the other hand, were outsiders who lacked legitimate qualifications so that their views could be dismissed.

We do not know to what extent NABSW spoke for most blacks, but some recent evidence suggests that they did not [Howard, *et al.* (100a)]. We do not know either whether the social workers who advocated transracial adoption represented the views of even the majority of white liberals, let alone all whites. So we can't say what greater social forces are represented on the winning or losing sides.

The end result, the tolerance of transracial adoption only in pockets of the country where neither blacks nor whites will strongly object, is probably unconstitutional insofar as this pattern is systematically supported by professionals and enforced by subtle sanctions. Advocates of transracial adoption probably had the constitution on their side and still lost. Would they be impressed by arguments about the value of keeping the peace and accommodating conflicting values? Probably not. They, as well as the opponents of transracial adoption, have expressed as their major concern the fear that the children are but pawns in this ideological game. Perhaps it would have been better to leave the whole matter to experts after all—muddling through sometimes has an advantage over head-on reform attempts that lead to unintended consequences. On one hand, faith in rational planning and problem solving may be the most utopian position of all. On the other hand, there is the possibility that the necessary research could be done and that the system could start operating as it was originally envisioned in the social work literature. Perhaps legislation or administrative rules could be drafted to limit or guide discretion. Just as war is too important to leave to the generals, this area seems too important to leave to the adoption professionals. But the area is a mine field of normative

choices. None of the principal players in the system (legislators, judges, workers) would seem to have any reason to invest resources to find answers that might set off some of those normative bombshells. It is often safe to look the other way. Kenneth Boulding (16) tells us that:

The legal and political subculture is not the result of pure chicanery and foolishness. It has evolved over many generations for some very good reasons. The main reason is that where decisions . . . make some people better off and some people worse off, problem-solving in the scientific sense would not come up with any answers. Legal and political procedures, such as trials and elections, are essentially social rituals designed to minimize the costs of conflict. The price of cheap conflict, however, may be bad problem-solving in terms of the actual consequences of decisions. So far, the social invention that will resolve this dilemma does not yet seem to have been made.

Our story indicates that we can add decisions by experts using the words of science to Boulding's list of legal and political procedures that are essentially social rituals designed to minimize the costs of conflict. Yet as he warns, the price of cheap conflict may indeed be bad problem-solving in terms of the actual consequences of decisions.

## FOOTNOTES

1. Many of our data on the history of adoption policy are in the material that appears in the list of references—that is, we take the social work literature itself as representing the views of professional leaders and scholars about what policy is or should be. Of course, this literature reflects only imperfectly what went on in individual adoption agencies and what happened in specific cases, and we know that there is much variability between agencies. However, there is no reason to think that the literature does not reflect typical agencies and cases as well as the standards that most agencies intended to meet.

We, of course, also reviewed the legislation and cases, and we interviewed some who have reason to know what went on in the past. In addition, we have relied on historical accounts by Bishop (11); Jones (112); Parker (175) and Romanofsky (189). For views less critical of adoption agency practices and which, at some points, disagree with what we report here, see Dunne (48); Kadushin (120); Madison and Schapiro (148); M. Schapiro (193); and Reid (186a). Here, as so often is the case when one is dealing with real problems involving normative conflict, the data are less clear cut than one would like and there is room for differing interpretations.

2. In the mid 1970s, forty-one states and the District of Columbia used the best interests of the child standard or some variant such as "the child's interests will be promoted." Eight states used standards that referred to the prospective parents' ability to properly rear and educate the child. Two states had no express standard. We have no reason to believe that the differences in standards affect practices among the states.

3. The Texas and Louisiana statutes that required adoptive parents and children to be of the same race were declared unconstitutional. See *Compos v. McKeithen*, 341 F.Supp. 264 (E.D.La. 1972); *In re Gomez*, 424 S.W.2d 656 (Tex. Civ. App. 1967). Section 10-2585 of the 1962 South Carolina Code provided that no one could adopt the child of one white and one black parent, but this provision was not included in a 1964 revision of the laws relating to adoption. See South Carolina Code §§ 10-2587.9 et seq. (Supp. 1971). Another provision of

the 1962 South Carolina Code, dating from 1910, would bar black parents from adopting a white child. South Carolina Code § 16-553 (1962).

During the 1960s and 1970s, statutes in another fifteen states and in the District of Columbia call or called for a statement of the racial background of both child and applicants to appear in the documents before the court when a petition for adoption was considered, and six of these specified or specify that racial factors be taken into account.

Four other states barred adoption where the parents and the child were of races that were prohibited from marrying. Presumably these statutes also fell when prohibitions on racial intermarriage were declared unconstitutional in *Loving v. Virginia*, 338 U.S. 1 (1967).

In 1972, at the high point of the transracial adoption movement, substantial numbers of transracial placements were reported in all jurisdictions outside of the South. This suggests that this statutory language did not preclude transracial adoption; indeed, it seems likely that it had little deterrent effect at all [Opportunity, Inc. (172)].

4. It was reported that there was an oversupply of white babies during the 1960s [see, e.g., Trombley, (213)]. However, this was not true; the ratio had just shrunk somewhat [Brown, et al. (24); Hylton (104)].

It is also important to recognize that the definition of adoptability has changed over the years and that this has affected the official estimates of the supply of parentless children. At first, adoptability meant near physical perfection, background characteristics (such as school achievement of mother and occupational status of her father) which were thought to predict success in life, and infant or toddler status. Professionals believed, apparently without justification, that applicants wanted only perfect, young children that matched them physically. This led to the definition of children with physical defects, problematic backgrounds (mental illness or retardation in the family, known hereditary problems, etc.) or mixed racial background as "unadoptable." In the 1950s the definition of adoptability began to change, and this group was redefined as "hard to place." By about 1958 all parentless children were officially considered adoptable and most (but not all) professionals decided that many applicants were willing and capable of adopting the "hard-to-place." The history of these definitions (and variations in professional opinion to this date) can be traced through the following: Beavan (8); Bishop (11); Chambers (27); Chevin (30); Cook (39); Fanshel (59); Gallagher (73); Getz (78); Haber and Haber (87); Hagen (89); Hylton (104); Lahe (134); Maas (142); *New York Times* (January 27, 1955, p. 18, and December 6, 1958, p. 24); M. Schapiro (193), and Young (229).

5. A full description of the foster care system is beyond the scope of this article. A view of the enormity of the problem—and of its elements of scandal—can be found in the following sources: Billingsley and Giovannoni (10); Fanshel and Shinn (60); Festinger (63); Geiser (76); Maas (143); Mnookin (158); Mott (161); Murphy (163); Sherman, et al. (201); Wachtel (216); Weaver (220); Young (230). Studies of individual states' caseloads can be found in Gruber (86), Illinois Dept. of Children and Family Services (105), and Wisconsin Dept. of Public Welfare (225).

6. We did not find any studies of rejection rates which would indicate the relative importance of various standards, but various semi-official discussions suggest that those listed in the text were quite important. [For descriptions of various standards, see Anderson (4); Andrews (5); Aronson (6); Ball, et al. (7); Braden (17); Brown (22); Child Welfare League of America (32); Edwards (52); Kadushin (120); Kuhlman and Robinson (131); *New York Times*, January 28, 1955, p. 13; M. Schapiro (193).]

7. Two states (Kentucky and Missouri) had statutes allowing adoptive parents of one race to annul the adoption and return the child if, within five years, the child "reveals definite traits of ethnological ancestry different from those of the adoptive parents" [Ky. Rev. Stat. Sec. 199.540(1) (1971); Mo. Stat. Ann. Sec. 543.130 (1952)]. A right to annul for any reason is not given in most states; the only other states with such a right (Alabama, Arkansas, Iowa and Minnesota) base it on physical illness or defects.



8. Such campaigns were described in sixteen separate articles in the social work publications from 1948 to 1960. Most of these are mentioned by Madison and Schapiro (148). Presumably other efforts were taking place in this decade or earlier but were not written up for professional publication. Curiously, we found only one mention [Fradkin (66)] and no extensive descriptions of several major programs in the 1950s such as Adopt-A-Child in New York City, the nationwide Urban League effort, and an innovative public agency program in Los Angeles County. Also, transracial adoption had been common in Alaska, Hawaii, Puerto Rico and the Virgin Islands all along. For a description of activities not reported in the journals, see Billingsley and Giovannoni (10).

9. Explicit statements opposing transracial adoption and reports that agencies discouraged applicants who requested a child of a race other than their own were found in the social work literature up to 1964. In addition there were less explicit reports of discouragement. For example, in the "Mid-Point Report" of Adopt-A-Child (January 1955 to June 1956), we found the statement, "A number of white families, after discussion with the agencies, decided they were not interested in adopting children of interracial background" (p. 7, emphasis added). Similarly, in 1964 the Louise Wise agency decided to try transracial placements but found no acceptable applicants in the six months following the "flurry" of inquiries prompted by their publicity (*New York Times*, April 27, 1964, p. 31). [See also Durkette (47); MARCH (151).] For suggestions that social worker attitudes were more of a barrier to transracial adoptions than applicant attitudes, see Billingsley and Giovannoni (9); Braden (17); Fricke (70); Isaac (107); Kahn (121); and McCrea (153).

10. A follow-up study by Ripple (188) of children adopted between 1955 and 1958 indicated that, if anything, matching was related to poor emotional adjustment in later childhood. See also Chang (28).

11. The earliest approving mentions of transracial adoption which we found in the social work literature concerned placement of foreign children, mostly oriental, in caucasian homes [DiVirgilio (45); Pettis (178)]. These studies indicated that transracial adoptions might turn out, but the authors were not enthusiastic partisans of them. Before 1960, the only strong support of transracial adoption that we found was by a German who felt that, on both moral and pragmatic grounds, Germans should take responsibility for mixed race offspring of American servicemen [Pfaffenberger (179)].

12. The Adoption Resource Exchange of North American listed 148 organizations in thirty-four states and the District of Columbia as of 1973. Sixty-six of these were clearly focused on transracial adoption or the situation of homeless black children or both, and other organizations on the list may have the same interests. Some of these organizations were promoted by adoption workers but others have been independent of or antagonistic to the agencies [Children's Service Center (35); Griffin and Arffa (82); Open Door Society (171); McCrea (153); Mitchell (157); Sandusky, et al. (192); Selden and Gumbiner (198)]. Newsletters from these organizations over the years document these activities and orientations and show that they have continued to be active in the late 1970s.

13. The following articles in professional journals published between 1964 and 1971 mention transracial adoption: Chevlin (30); *Children*, Jan.-Feb., 1971, p. 35; Falk (55); Fellner (61); Fricke (70); Gallagher (73), (74); Griffin and Arffa (82); Hawkins (96); Jordan and Little (155); Kahn (121); Madison (146); Mitchell (157); Polier (181); Priddy and Kirgan (183); Sellers (199); Shireman (202). Most of these articles only treat transracial adoption in passing. See also Marmor (152) for an approving report in a professional text.

14. A rather convincing argument has been made by Kirk in *Shared Fate* (126) that acknowledgement of differences is, in fact, conducive to psychological health in adoptive families. For an exchange of views on this matter see Fanshel (57, 58) and Kirk (127). See also footnote 10.

15. One factor in the decline of transracial adoptions may have been the increasing availability of abortion to white women, including white women pregnant with children of black fathers which would decrease the supply of mixed race progeny. Most transracial adoptions have been of mixed race children with white families [Billingsley and Giovannoni (9); Grow and Shapiro (84); Priddy and Kirgan (183)]. Kahn (121, p. 160) has criticized workers placing light complexioned black children with white families as "implicitly sanctioning the elimination of that which is black in the child." We were told of one famous adoption agency which refused to make mixed race placements before the child was a year old since it wanted to be sure how dark the child would be, and children considered too dark would not be placed with white parents (interview with adoption agency official, 1974).

16. The sex and social status of adoption workers is relevant here. The great majority of adoption work is carried on by women. Our observation of several programs indicates that women who become adoption workers tend to have relatively high socioeconomic status to start with because they often are married to men with good jobs. This gives them the confidence and status insurance that they need in order to try innovations that could backfire and cost them their job. Also many did not plan on a lifetime career with a particular agency and were, thus, somewhat freer of organizational sanctions. [See Mandell (149), for an analysis of the relation of the status of women in our society to our system of caring for unwed mothers and their children.]

17. See *Compos v. McKeithen*, 341 F.Supp. 264 (E.D.La. 1972); *In re Gomez*, 424 S.W.2d 656 (Tex. Civ. App. 1967). Compare *Loving v. Virginia*, 388 U.S. 1 (1967). But see *Commonwealth ex rel. Lucas v. Kreisler*, 221 Pa. Super. 196, 289 A.2d 202 (1972). For a discussion of the constitutionality of racial classifications in the adoption area, see Grossman (83).

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