

First Lady's Office

Shirley Sagawa- Archives Box 08/22

Adoption

- news articles

Arts

- Gaining the Arts Advantage (report)
- Young Children and the Arts (report)
- Transition Team Report 1994- Future of NEA

Breast Cancer

- Report on the Fight to Prevent, Treat, Cure

CDF

- brochures

Child Care

- Policy Team memos
- fact sheets
- CDF Materials
- Talking Points
- Draft Child Care Reports
- Children's Forum Report
- Lifetime packet

Early Childhood Development

- OJJDP briefs/newsletters
- Grad programs in ECD
- IEL Policy Exchange Brief
- DLC Update

Early Childhood Development-Reading

- Every Child a Reader Report
- Every Child Reading Action Plan

Economy

- Levy Institute Reports

Foreign Travel- HRC

- Counsel office letters, etc

Grid

- Old Grids

Health Care Reform

- Levy Institute Briefs
- TB Meeting Info
- News Articles
- Misc Letters
- Memos from Chris

HRC Park

- advisory committee list
- letters
- plans of action
- correspondence & Briefings

ENCLOSURES FILED OVERSIZE ATTACHMENTS **17349**

NARA # 14587

1 box rec'd and filed 8/25/2000

P.L.

Service

- Who Cares Magazine
- AYP Forum Briefs
- Marino Institute Pamphlet
- Grantmaker Forum brochure
- news articles

Service/City Year

Service/AmeriCorps

- letters
- news article
- event memos

Social Security

- Center on Budget & Policy Reports
- Talking Points
- News articles
- remarks

SOTU 1999

Teen Pregnancy

- National Campaign Letters, Reports, Updates, Brochures
- Brookings Report
- Event and Speech notes and Correspondence
- Advocates for Youth Report

Welfare Reform/Poverty

- Ntl Welfare Reform Watch Project Report
- Talking points
- Levy Institute
- Center on Budget & Policy Priorities
- Welfare to Wages Report

YMCA

- YMCA Media Kit
- YMCA Gen Program Info
- YMCA National Report Card/Assessing Risks to the American Family

Youth Development/Afterschool/Violence

- talking points
- news articles
- columns
- remarks
- misc correspondence
- briefs
- book titles on subject

Death Rate on U.S. Roads Reported at a Record Low

Traffic Is Up, but Number of Fatalities Isn't

By MATTHEW L. WALD

WASHINGTON, Oct. 26 — The death rate on the nation's roads fell to a record low last year, the Government said today after re-calculating travel statistics. The total number of deaths changed hardly at all, but the death rate fell because of the relentless increase in traffic.

But transportation experts said the traffic-death rate for the elderly was rising rapidly. A person older than 74 is more than twice as likely to die in a motor vehicle crash than a younger person, according to the National Safety Council, a nonprofit group sponsored mostly by the insurance industry.

For most people, though, the risk of death or serious injury is falling.

"There's a downward trend in all the categories," said Charles A. Hurley, a spokesman for the safety council. "Fatal injuries become nonfatal, serious injuries become nonserious."

Mr. Hurley said that accident rates usually rose during periods of economic expansion because prosperity stimulated more driving but that the death rate per 100,000 people had been falling for the last three years because other factors were moving faster: an increase in seat belt use, a decline in drunken driving and an improvement in cars.

Dr. Ricardo Martinez, the administrator of the National Highway Traffic Safety Administration, said the improvement came despite an increase in elderly drivers, who are more likely to be frail and to have trouble coping with traffic, and in teen-age drivers, who have high accident rates.

Dr. Martinez's agency, part of the Department of Transportation, said there were 1.6 deaths per 100 million miles traveled, based on a higher estimate of total miles driven in 1997 than the agency had used this summer, when it said the death rate had not changed. The rate was 1.7 deaths per 100 million miles traveled the year before. The 1997 figure is the lowest since the agency began keeping records 30 years ago. And the National Safety Council said today that 16.1 traffic fatalities per 100,000 people was also at a historic low, tying a record set in 1991.

Even so, 41,967 people were killed by motor vehicles last year, including 5,700 pedestrians and 700 bicycle riders. An additional 3.4 million people were injured in 2.2 million crashes. There were no injuries in 4.6 million crashes reported to police.

The decline in deaths comes despite the loosening of the 55-mile-per-hour national speed limit 11 years ago, and its elimination in 1995.

Traffic congestion and total miles driven have gone up too, but that helps. Mr. Hurley said, "Congestion has a positive effect on highway safe-

ty, because it drives speeds down."

He said, though, that there would be more highway repair in the next few years, leading to new safety problems.

According to the safety council, the number of motor-vehicle deaths per 100,000 people is declining for all age groups except the elderly. The death rate for the elderly last year, measured against miles traveled, was just over double the rate for the population as a whole, 32.7 per 100,000 population vs. 16.1 for all age groups. The rate for people 75 and older is the highest since 1973.

Dr. Martinez said elderly people were more mobile than they used to be but were much more fragile than other drivers.

"A side impact, with forces straight to pelvis and chest, can be devastating," said Dr. Martinez, a former emergency room physician. "In a younger person wearing restraints in a serious crash, they may have some broken ribs, but with an

The rate of traffic deaths is increasing for only one group: the elderly.

elderly person, the chest being much more delicate, those same rib fractures can lead to problems with lungs, and eventually, a fatality."

Rodney E. Slater, the Transportation Secretary, said in a telephone interview that his department was looking into a number of remedies, including signs that are easier for older people to see.

Asked whether states should be encouraged to retest older drivers, Mr. Slater said, "There is probably the need for all of us to have refresher courses in some way."

"If that occurs, I think it would be much better to do it across the board rather than to single out older drivers," he said.

Mr. Slater added that the budget Congress passed last week had a 10 percent increase for highway safety programs.

Dr. Martinez said that the issue of screening older drivers to test their road competence was extremely sensitive but that safety officials should frame the question differently.

"Screening for fit-to-drive is no different from screening for cancers or heart disease," he said. "We have to make sure it's safe."

The New York Times

TUESDAY, OCTOBER 27, 1998

Two Views of Growing Up When the Faces Don't Match

By TAMAR LEWIN

Kirsten Albrecht and Alexis Oberdorfer are both 27-year-olds born of one black parent and one white parent, and adopted, as infants, by white parents.

But in their strongly opposing views, they almost embody the whole debate over transracial adoption.

Ms. Albrecht, who heads the Transracial Adoption Group, a Los Angeles advocacy group that also serves as a clearinghouse for both transracially adopted adults and families wishing to adopt, sees cross-race adoptions as a way to help black children whose parents cannot raise them move into middle-class American society, and, by creating interracial families, to help that society become more accepting of diversity.

"There's a real aspect of transracial adoption being the most successful affirmative action program of the 1970's, putting a large number of black and biracial children into middle-class families in suburban settings," Ms. Albrecht said. "I don't see it as a second-best alternative, but as an inherently good thing."

Ms. Oberdorfer, a child-protection worker in Minneapolis, sees those same adoptions as inherently problematic.

She vividly recalls her childhood discomfort of feeling different from her classmates, fantasizing about having long blond hair, asking her mother when she would turn white — and a painful period in college when rumors spread that she was prejudiced against African-Americans.

"I didn't have faces that reflected who I was," Ms. Oberdorfer said. "I remember how I would slump down, embarrassed when they would talk about Africa or slavery in high school, and I could feel everyone looking at me."

"And I was in denial a lot. When people asked how I felt to be black, I would say I'm as much white as black, why are you focusing on the black?"

Ms. Oberdorfer has two white siblings who are her parents' biological children and a half-black, half-Vietnamese brother, found abandoned and starving in Vietnam, who was adopted at age 3 and had serious behavioral problems as a child.

Ms. Oberdorfer, who remains close to her parents and believes they did their best in rearing her, rethought her racial identity when she went to Tanzania in her sophomore year of college.

"It was a turning point for me, the first time I felt part of something," she said. "I felt welcomed to the motherland. And that experience of feeling welcomed, feeling part of something is one I have only when I travel, whether it's in Africa or in Cuba. Here, the whites don't consider me white, and the blacks often don't consider me black."

Recently, Ms. Oberdorfer reached a more wrenching turning point, one that resonated so strongly in adoption circles that it became the basis for a training exercise in a North American Council on Adoptable Children curriculum for those considering transracial adoption.

"When my grandfather died, the inheritance he left to my brother and me was only half of what he left to our two white siblings," Ms. Oberdorfer said, her voice beginning to waver and her eyes filling. "This is hard for me to talk about. My grandparents never wanted me to be adopted."

Although Ms. Oberdorfer's family equalized the inheritance payments, the hurt remains, as do Ms. Oberdorfer's conflicting feelings about transracial placement.

"When parents think about transracial adoption," she said, "they need to think about whether their child will have role models, peers in school or church, and whether they're willing to take active steps to make their environment one that will be comfortable for that child."

Ms. Albrecht's group estimates that 175,000 black or biracial children have been adopted in the United States by white parents since 1968, but that there were fewer than 1,000 such adoptions nationwide last year. But the only real certainty is that the numbers have waxed and waned sharply in response to changing attitudes and laws.

According to the Child Welfare League of America's 1994 survey of 22 state agencies, about 4 percent of domestic adoptions are transracial. But a 1991 study by the Council on Adoptable Children found that among private agencies that depend on fees from adopting families, half of the African-American infants and two-thirds of the Hispanic infants were placed in white homes.

Agencies that specialize in placing black children have a far more consistent record of finding African-American homes.

"I think a lot depends on the agency's attitudes," said Toni Oliver, founder and executive director of Roots, an Atlanta agency that places children in foster care. "I get calls from people saying they can't find an African-American family for an African-American child, because there aren't any in their state. I say, 'Oh, really, then where did that child come from?' And then it's clear that they don't think of the community the child came from as a source of worthwhile families."

Several studies over the last two decades have found that most children adopted across racial lines do well in life, in both professional achievement and personal satisfaction, and remain close to their families. But while most studies find no significant difference between the overall well-being of those adopted transracially and those adopted into families of the same race, some studies have picked up subtler indications that transracial adoptees are more conflicted about racial identity.

Ms. Albrecht, adopted by two white divinity students active in the civil rights movement, said she had not felt that conflict.

"I think it was really positive that my parents hadn't gone through the painful personal racial experiences that you go through in this country," she said. "They taught me that I could do and be anything, because coming from white middle-class families, that was their perception. And I think it was better than making me feel, as some black parents do, that I'd always have to work harder in a racist world."

Ms. Albrecht said that she did experience racism, "but I came home to a family that was in tune with being able to talk about those things."

"I'm always a little impatient when a prep-school educated, law-school educated transracial adoptee working in one of the top law firms says it was so terrible that he never learned to deal with racism," Ms. Albrecht said. "I think it's an advantage that he learned to function in the world of power."

National News Briefs

California Fires Scorch Brushland and Forest

FILLMORE, Calif., Oct. 25 (AP) — Firefighters patrolled for embers and hot spots today after controlling a fire that scorched more than 12,000 acres of brush in Ventura County.

The 12,613-acre fire, ignited accidentally by a welder on Oct. 18, cost an estimated \$4 million to control. It was one of several Southern California fires that blackened brushland and forest, causing several minor injuries. No homes were damaged.

A 278-acre fire near Waterman Canyon in San Bernardino County was expected to be controlled by Monday. Officials said that arson caused the fire, which began on Tuesday.

In Santa Barbara County, a 4,000-acre fire in Los Padres National Forest was surrounded on Saturday, but full control was not expected until today because of difficult terrain.

The fire was ignited Oct. 16 by the spark of a tractor blade striking a rock. The tractor had been clearing brush in a fire-prevention operation.

Elsewhere, about 20 firefighters remained in Sierra National Forest to watch for smoke and conduct mop-up operations on a 900-acre fire that was controlled on Saturday. Investigators believe that fire, reported on Tuesday, probably was started by a careless hiker's cigarette.

Man and Son Are Found After Night in the Desert

GERLACH, Nev., Oct. 25 (AP) — A missing man and his son were found after spending a cold night in a remote stretch of the northern Nevada

desert.

The man, Ken Bradley, 33, of Reno and his son, Brian, 9, were found by searchers on Saturday at the Buffalo Meadows Ranch, about 100 miles north of Reno. They reached the ranch on Saturday at 6:40 P.M.

A spokesman for the Washoe County Sheriff's office, Sgt. Bob Towery, said they were found about 27 hours after they abandoned a four-wheel-drive truck that had become stuck in mud in the Buffalo Flats area, 25 miles west of Gerlach. The two left behind Mr. Bradley's wife, Bobbie, 32, and two younger children to look for help on Friday afternoon. They were rescued earlier on Saturday after spending the night in the truck.

Los Angeles Sheriff Is Injured in Fall

LOS ANGELES, Oct. 25 (AP) — Sheriff Sherman Block of Los Angeles, whose health has been raised as an issue as he campaigns for a fifth term in office, was hospitalized for tests today after he slipped and fell at his home, a spokesman said.

Mr. Block, 74, suffered a cut to the back of his head that required 10 stitches after falling on Saturday, said the spokesman, Jim Hellmold.

Mr. Block was kept overnight at USC University Hospital and underwent tests today. No details of the tests were available, Mr. Hellmold said from the hospital.

Mr. Block's opponent, Lee Baca, has made a campaign issue of the sheriff's health. Mr. Block receives dialysis treatment three times a week for damaged kidneys and is recovering from two bouts of cancer.

The New York Times

MONDAY, OCTOBER 26, 1998

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The New York Times

At a Matchmaking Party, Hope and Fear

By LAURA MANSNERUS

NEWARK — Their play outfits and their faces scrubbed, they bounded out of their caseworkers' cars at the North Ward Cultural Center, which was decked out on this late-summer Saturday with a big striped tent worthy of a wedding. Twenty-one children, 4 to 12 years old, were reporting for a party — hamburgers and hot dogs, sack races and musical chairs, bags of goodies to be collected.

Mostly, though, they were here to be seen. This party was what the New Jersey Department of Human Services calls a match event, and the honored guests were seven adults who had completed orientation sessions for adoption.

While couples around the nation, in their classified advertisements and "dear birth mother" letters on the Internet and on file with adoption agencies, plead for a baby to love, the State of New Jersey pleads for families to love these children: 8-year-old Saraelle, looking quizzical as she peered at grown-ups through coke-bottle glasses; Nije, also 8, smile blazing, busily tugging his caseworker around; the brothers Milo and Omar, 12 and 10, sticking together all day, Omar in a royal blue T-shirt and Milo in a red one that announced, "The children are our future."

The children at this party are among about 100 in the state who are in foster care or group homes and have no immediate prospects for families. The Division of Youth and Family Services is campaigning on their behalf, with a \$600,000 recruitment budget that the state provided last year and renewed this summer. It makes its plea in advertisements on buses and billboards, in public service announcements and on fliers to be mailed with motor-vehicle renewal forms. The chil-

dren's pictures and profiles are published in a glossy book. (It can be obtained by calling 800-99-ADOPT). They are also on a Web site (<http://206.228.220.32/njadopt-static/>), which will soon have audio and video clips.

The department places about 700 children a year in permanent homes. Eighty-five percent to 90 percent are children with special needs — those who are older, for example, or who have a disability — whose care continues to be subsidized: adoptive families are given the same monthly stipend that foster parents receive until the child is 18. Still, there are never enough parents.

Donna S. Younkin, the administrator of the adoption office, said that the number of children the state planned to place for adoption had grown 56 percent since 1994.

Once adoptive parents are interested and qualified, she said, the social events are among the happier methods of promoting matches. "People get queasy about it," she said, "and say, 'Isn't this terrible and awkward?' But the kids have a nice day out."

At the Newark party, the hovering social workers acknowledged the hopes and fears in play for the children. "They know why they're here," Xavier Mauldin said. Some "have been through this over and over."

The prospective parents were nervous themselves, with the possible exception of Kendra Orta, a day-care worker, and her husband, Orlando, who quickly fell in with bunches of kids.

"I'm 22 and my husband is 25," Mrs. Orta said. "We want a family. We decided to go this route first."

The Ortas just moved to a two-bedroom apartment and outfitted the bigger bedroom for their first two children. "We

have one picked out, and we came here to get another one," said Mr. Orta, a security guard who has already advised his boss that the 4-year-old boy they hope to bring home soon will be spending time with him at work.

Luce Ramirez, 48, who lives near the Ortas in East Orange, was making plans for a daughter: "I've got the school picked out, Our Lady of Mount Carmel — good Catholic discipline. Is this obsessive? I already know what pediatrician to go to. I got the name of a pediatric dentist."

"I'm nervous," Ms. Ramirez added. "I'm trying really hard not to let my hopes get too high. What if I fall in love with this child, and this child doesn't want any part of me?"

Many of the children, the would-be parents understand, need a lot of healing. It is a point made in the children's biographies: "Behaviors which Talesha struggles with are enuresis, hiding food and acting out as a result of past abuse," one says. The description of Naim, a "mannerly and very likable" 13-year-old, notes that other children "have teased and ridiculed him, taken advantage of him and even physically attacked him because of his thick glasses, poor motor skills and low academic performance."

But this party was short on burdens. After the sack races and lunch, the cupcake decorating and water-balloon lobbing, it reached a peak with a boisterous musical chairs scramble to the boom-box accompaniment of Kirk Franklin's "Stomp."

As they left, the adults filled out forms on which they could name one or two children they wanted to know more about, and perhaps to meet again. Altogether, the 7 chose 10 children.

An opponent of physician-assisted suicide, N. Gregory Hamilton of Portland, Ore., said Kevorkian "is manipulating the legitimate press.... This videotape should not be shown anywhere except in a courtroom where Jack Kevorkian is being prosecuted for murder."

On the other side, Faye Girsch, director of the Denver-based Hemlock Society and an advocate of physician-assisted suicide, said *60 Minutes* "did a public service.... I think we need to see death more often on television" to help others understand the pain elderly and terminally ill patients endure. "We've kept it so sterilized."

Marvin Kalb, director of the Shorenstein Center on the Press, Politics and Public Policy at Harvard, was especially critical: "To me, it is sad that death has become a form of news-entertainment."

Ben Bagdikian, retired dean of the journalism school at the University of California-Berkeley, questioned airing the segment in the early evening, when children were certain to be watching. "Young children would find it puzzling and frightening," he said, perhaps adding to the fear many youngsters have of vaccinations.

The show — which earned *60 Minutes* its highest ratings

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secured for advertisers. The program opened with Kevorkian and *60 Minutes* correspondent Mike Walla watching a homemade videotape of Kevorkian's final interview with Youk. Youk, an accountant and car collector from Waterford Township, Mich., was described as being in the final stages of Lou Gehrig's disease.

Kevorkian was shown presenting Youk Sept. 15 with consent form to sign. Youk signed it. Then the doctor asked Youk whether he wanted more time to think about his decision to end his life.

Two days later, Kevorkian

Internet registry to help adoption of foster children

By Bill Nichols
USA TODAY

WASHINGTON — President Clinton will announce today plans to create a national Internet registry for children in foster care who are eligible for adoption.

The goal, White House officials say, is to match people who want to adopt children with the 100,000 children in foster care nationwide who are legally eligible for adoption.

Adoption advocates applauded Clinton's instruction to Health and Human Services Secretary Donna Shalala to develop plans for the computer registry within 60 days.

"Anything we can do to help kids who need a loving home find a wonderful loving home goes in the right direction," says David Liederman, executive director of the Child Welfare League.

Several states offer their own in-state computer registries, and a few small nonprofit groups have national registries. But White House officials say the existing registries can handle only 1,000 children altogether, a fraction of those in foster care who are available for adoption.

White House aides say a great appeal of the registry is that it would allow potential parents to see the faces of children they might adopt.

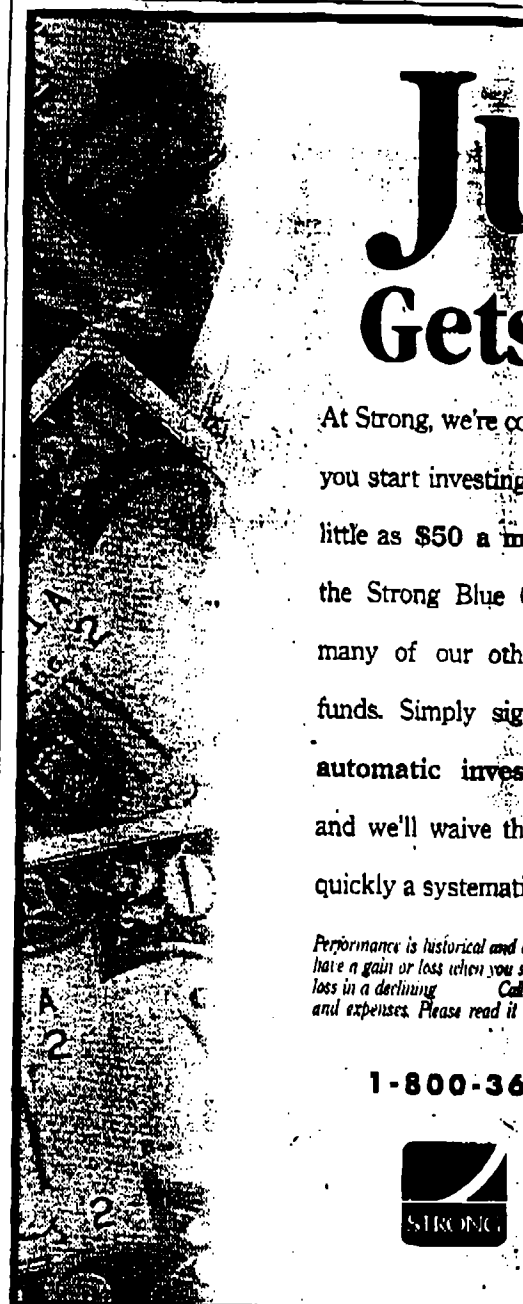
Prospective parents would have to meet state adoption requirements and any restrictions states might have on interstate adoptions.

White House aides and adoption advocates say there were several hurdles to be cleared before such a registry could be set up.

Shalala and the task force she creates would have to decide what sort of information to make available about each child while still maintaining his or her privacy. Also, before children could be put in the registry, all parental rights would have to have been terminated.

Another concern is that the registry could generate such a strong response that understaffed state agencies could be overwhelmed.

Shirley -
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but was not in the
clips.
Jen & Nicole



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The Imports

Abroad, an Abundant Supply for Adoption

In international adoption, the scramble is entirely different: it is for parents. The Adoptive Families of America's current "Guide to Adoption" contains ads for 35 agencies, 33 of which advertise foreign programs.

"Your child is waiting for you," the headline on one announces. "We go with you to China!" Another says, "When you wish upon our stars, dreams do come true."

Most of the long-established agencies involved in international adoptions have "an altruistic, mission-driven sense that every child deserves a family," Ms. Harder said. "Now, with additional programs opening up in Russia and China in particular, folks are seeing it as an entrepreneurial venture."

Adoption experts say international adoptions have generated many new businesses, from charitable, church-affiliated agencies to walkup offices run by people who make money change hands in Bulgaria. Fees to foreign expeditors, translators, lawyers and orphanages are usually beyond control of the U.S. agencies that make the placements.

Still, many prospective parents, not wanting the uncertainty of dealing with birth mothers, never even consider domestic adoption seriously. Adoptions from foreign countries are expected to approach 15,000 this year.

Even so, the supply in foreign countries now exceeds the demand here. Susan Soon-Keum Cox, director of public policy at Holt International Children's Services in Eugene, Ore., said the increase came largely from Eastern Europe and China. Russia, which had no program five years ago, placed more children last year than any other country, Ms. Cox said.

"As recently as five or ten years ago, there were many more parents waiting to adopt than there were children," said Ms. Cox, whose agency has placed more than 100,000 children. "Now that's entirely turned around. We're searching for families."

Barbara Irvin, state director of Family Adoption Consultants in Macedonia, Ohio, is uneasy about having more children than families waiting for placement. "There are some real tensions now between the child focus and the consumer orientation, the human services model and the market forces," she said. "Some families start looking for the cheapest, the fastest, the 'we promise you a child that meets your quote-unquote specifications in so many months.' Some of us who have been in the field for 20 years get worried about this shift."

All of this costs the agency, on average, \$32,000 per resident. But Gladney's sliding scale adoption fees only go up to \$30,000 and Ms. Smith, the marketing coordinator, said the average placement fee is \$20,000.

Many agencies, including Gladney, use sliding scales to accommodate lower-income families. Still, Mr. Pierce said, "the economics of adoption is going to cause you to prefer the people who pay the higher fee."

High fees help subsidize the work necessary to find homes for hard-to-place children, at least in the agencies that undertake the job, he said, adding that, in some states, agencies receive "bounties" to recruit adoptive families for children in foster care or for disabled children who are costly to the state.

"Say you have a kid who's H.I.V.-positive in the hospital costing \$1,000 a day," Mr. Pierce said. "To pay someone to find adoptive parents is entirely reasonable, but what does that look like to the public?"

It may also look terrible to charge less to place minority or special-needs children, but many agencies say they have little choice.

Gladney, for one, has a lower-cost program for African-American and biracial children. "Unfortunately, we had to create a separate program because adoptive parents were simply not coming forward," Ms. Smith said. Under that program, the agency charges \$8,000.

Whoever handles them, adoptions in the over-\$50,000 range almost always involve American-born white infants. While most are independent placements handled by lawyers, a few agencies market themselves by at least hinting at results. Easter House, a Chicago agency, notes in a letter to prospective parents that those approved this year have waited an average of 34 days to be offered a baby. The agency charges \$45,000, "plus some incidentals."

But high-priced agencies, whether blue-ribbon or gray-market, have no shortage of customers. "I hate to say this, because it's going to sound crass," said Debra Harder, network director for Adoptive Families of America, a Minneapolis-based support organization. "But there are people who have the basic philosophy that the more I pay for something, the better it will be, not just in terms of the product but in terms of appearances. It says a lot about me if I drive a Lexus."

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The New York Times

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intermediaries, have her relinquish the child in Louisiana and finalize the adoption there, all while living elsewhere. And some couples who can afford it, most of them in the Northeast, do just that.

Most states limit payments to medical, legal and strictly defined living expenses. Louisiana does not, though all expenses must be reported to the court that finalizes the adoption. The state does not prohibit payments to intermediaries, and its Department of Social Services, which regulates adoption, receives no information on agencies' fees.

The Smoots were recruited as birth parents for a couple whose names they never knew. They were living in Tennessee and having marital problems, Mrs. Smoot said, when she became pregnant. Responding to a newspaper classified ad, they said, they spoke to a man named Richard in Florida who explained that he had clients interested in adopting, and who referred them to an agency outside Baton Rouge.

They were given first-class plane tickets for themselves and their two young sons and moved into an apartment rented by the agency, Beacon House. The agency paid rent and utilities, gave them \$150 a week for groceries and ferried Mrs. Smoot to doctor's appointments and group meetings. Mrs. Smoot estimated that Beacon House had 12 to 20 birth mothers in Baton Rouge while she was there.

The Smoots were never told much about the adoptive parents assigned to them; they said they were given a copy of the couple's home study and brief profile, without pictures. They spoke to the couple once, by telephone. "The father was the C.E.O. of his company, and their net worth was some ugly number," Mr. Smoot said. "The whole home study was about money, money, money."

The arrangement unraveled when Mrs. Smoot was found to be carrying twins. Beacon House assured them that both babies would be adopted by the chosen parents, but the Smoots heard through the birth-mother grapevine that, in the past, the agency had separated twins without telling the birth parents.

The Smoots switched agencies and went through with a semi-open adoption, then returned to Tennessee. A month later, Beacon House sued them for breach of a contract that obligated them to pay back expenses if they placed their child through an agency or lawyer other than Beacon House.

The lawsuit, which sought \$24,774, was dropped. Beacon House and its director, Anne R. Hughes, who also acts as the agency's lawyer, declined to be interviewed.

As the Smoots explained it, some women they met were drug users who sought a means of support. Some never had any intention of placing their children, Mr. Smoot said, "but there was one girl there who was giving up her sixth baby to Beacon House. There's several who do that. It's like an employer-employee relationship."

"This is something the adopting parents need to know," he continued. He said he and his wife were barely screened, either by Beacon House or by the intermediary named Richard. "They should investigate the birth parents a whole lot more than they do," he said.

One source of referrals to Louisiana, according to lawyers and investigators, was Richard Gitelman, whose facilitation service in Florida was investigated in the 1980's after complaints were made. The Smoots said that the "Richard" they talked to never gave his last name, but several adoption professionals, who asked not to be named, said he has referred birth parents to Beacon House.

Mr. Gitelman is said to be favored by older, moneyed couples who want quick, closed adoptions. Investigators have placed his fees at \$50,000 and up; Mr. Pierce at the National Council for Adoption said he had seen a photocopy of a check written to Mr. Gitelman, with endorsement, "in the range of \$75,000 to \$90,000."

Mr. Gitelman, reached at his office number in Coral Springs, Fla., refused to discuss his fees or even to say whether he is still in business. (His National Adoption Counseling Service was declared inactive by the State of Florida in 1996 for failing to file its annual

report with the state.)

Mr. Gitelman has never been convicted of anything, though he was indicted and he agreed to a \$7,500 fine and a year's probation in Pennsylvania for interfering with the custody of a minor, a pregnant Pennsylvania teen-ager he briefly moved to Louisiana in 1987.

Fees paid in Louisiana are difficult to track. Adoption proceedings are sealed and courts do not submit records to state regulators. But James Best, a district court judge in West Baton Rouge Parish, where Beacon House is situated, said most infant adoptions he had reviewed were smooth and unremarkable. When asked if he had ever seen a \$50,000 fee to a facilitator, Judge Best said, "If I ever did, I'd probably roll out of my chair and say I'm in the wrong business."

But Lucy McGough, a law professor at Louisiana State University and head of the legislature's advisory committee on adoption laws, said a few judges had told her that they had seen \$50,000 fees and had not known how to handle them.

"One was infuriated," Ms. McGough said, "because they were reporting high charges and saying, 'So what's it to you, Mac? All the code says is we have to report it, and that's what we're doing.'"

Ms. McGough's committee is drawing up amendments to the adoption laws; in a memo to the committee, Ms. McGough voiced concern over "prime baby adoptions that can bring \$75,000 to \$100,000."

Meanwhile, she said, none of the parties are complaining: "The adoptive parents are happy as clams."

The Market Price

Children Are Children, But Some Cost More

For the old-line agencies in this marketplace, "there are Catch-22's everywhere," said Mr. Pierce of the National Council for Adoption. They are torn between the principle that children should not be discounted by race or disability and the reality that that is how one creates a larger pool of parents. They are torn between the principle that parenthood should not be charged for and the reality that social services are expensive.

The agencies, many of which receive donations or government subsidies, say that parents' fees could not cover their costs. Mr. Wright in California notes that when licensed agencies work with pregnant women, about 80 percent end up keeping their babies. And for most agencies, he said, "the cost of serving the 80 percent can't be paid for by the fees of the other 20 percent."

At the Gladney Center, fees do not come close to covering costs. Thanks to its endowment and its large campus, where about half its birth mothers live, Gladney can offer an array of services: three dormitories, a health clinic, chapel, dining hall, swimming pool and greenhouse, as well as high school and community college courses, vocational training, legal representation and counseling to be available for the rest of the birth mothers' lives.

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Adoptions From the Heart has 33 staff members and seven offices in five states. The agency has an advertising budget of \$371,000 this year, accounting for 16 percent of its total expenses.

"The ad budget," Ms. Chalker mused. "It's so embarrassing. It's so much money, and that's just to stay in business."

To stay in business, Adoptions From the Heart has also extended its connections in China and Vietnam; it has placed 114 babies from China and 16 from Vietnam this year, compared with 47 American-born infants. The agency charges a fee of \$14,700 for placement of a white American infant or toddler; legal fees are an additional \$2,000 to \$3,000, and parents pay any medical costs not covered by insurance. The cost of adopting from China is \$17,235 and adopting from Vietnam is \$22,100.

"Our facilitator in Vietnam charges \$10,000 per baby," Ms. Chalker said. "Can you imagine how rich she must be?"

The Sales Agents

Matchmakers Make Money in the Process

The frontier state for the adoption business is California. The state has long permitted lawyers to recruit pregnant women. Now, facilitation services, which are unlicensed, are also recruiting and screening birth parents, as well as coaching prospective parents and finding them professional help.

Facilitators operate in many states. While their activities often come close to legal definitions of child placement, they are too new or too few to prompt regulation.

But in California, legislation enacted last year to clarify their role ended up legitimizing a whole new class of entrepreneurs. Lil Snee, a facilitator in Los Gatos who co-founded an informal trade organization, estimates that 40 to 50 are operating in the state.

"California decided that the market will dictate costs and the market will dictate who stays in business," said Diane Michelsen, an adoption lawyer in Lafayette, Calif. The competition from facilitators, Ms. Michelsen said, simply means that pregnant women can shop around more.

"It's the same pool of birth mothers that's being divided differently," she said.

For Ellen Roseman, a facilitator in San Anselmo, the main job is coaching prospective parents. "I make them read everything," she said. "It's like taking a college course." Then she helps them piece together deals with pregnant women, lawyers and agencies, often in other states. She charges a flat fee of \$3,450.

At a recent support-group meeting at Ms. Roseman's house on a winding lane in Marin County, casually dressed current and former clients, many with babies in hand, exchanged stories of false starts and disappointments.

"I think it will get easier with time as people know what to expect, but for now, it's a free-for-all," Mr. Riff, of Berkeley, said over the potluck dinner that followed.

For Ms. Roseman, a former flight attendant and representative in union negotiations, the enterprise is more like putting together a business deal. "You sit down and move around the pieces to do two things," she said, "to make sure it's legal and to save money."

She does not recruit pregnant women, but she gets referrals and interviews candidates. "To really get the birth parents ready," she said, "you do what's called shaking them out of the trees. You say, 'If you have a little feeling down here telling you to keep your baby, we've got to talk about that.'"

Ms. Roseman hounds prospective parents, too. With one, she said, "I insisted that she hit a therapist's office two or three times a

week, get into meditation and get a massage to relieve her anxieties."

Lil Snee, the Los Gatos facilitator, also does what she calls "hand-holding," charging \$2,900 for an 18-month contract. Occasionally, clients pay her \$95 an hour to interview a birth mother.

"It just feels wrong" for prospective parents to ask questions "about sexual partners, about how many men might be the father of this baby," Ms. Snee said, so she asks the questions instead.

"I bring the clients and the birth parents the kinds of families they're looking for," she said.

That, Ms. Snee said, is her metier. "Let's say you have a Hispanic-black baby and you have 20 waiting families," she said. "This birth mother is committed, intelligent, clean, but every single waiting family wants an Anglo baby with blond hair. Or I probably have about six cases where the babies are white, but maybe the mother wanted a certain religion, or a home with no children in the family. Maybe she did a little drugs and people are afraid of that."

In some states, matchmaking for a fee is illegal except by licensed agencies. Among them is New York, where lawyers can handle independent adoptions and advise their clients on finding pregnant women, but not make such an introduction themselves. In New Jersey, an individual — say, a lawyer or social worker — may make a match, but may not charge for it.

California's new law does restrict facilitators' practices. They must identify themselves as such in their advertising and must tell prospective parents that they are not licensed adoption agencies. They must obtain a \$10,000 insurance bond to cover claims. But the state does not register nor license them, and it does not limit their fees.

Randall B. Hicks, an adoption lawyer in Riverside, Calif., and the author of "Adopting in America" (Wordslinger Press, 1995) calls facilitators "a garage industry." Mr. Hicks said they are "not licensed nor trained to do anything."

He also finds their fees, which can exceed \$12,000, out of line. "They find a baby for you," Mr. Hicks said, "then they have to turn it over to a lawyer or an agency."

Ms. Snee, who lobbied for a licensing system to give facilitators credibility, accepts that that only lawyers can transact the actual adoption. But she argues: "We get so bashed. We provide a service, and just because it involves adoption doesn't mean we should be the saviors of the world and do everything for free."

Ms. Roseman contends that California's competitive marketplace keeps fees down and that expenses for birth mothers are fairly limited by the state courts. In the adoptions she handles, she said, "very little money changes hands."

Louisiana, on the other hand, "is wide open," Ms. Roseman said. "I always joke, when I want to make a million dollars, I'm going to open an agency in Louisiana and I'll be charging \$30,000, \$40,000, \$50,000. I'm going to get fat eating bonbons in Louisiana."

The Factory

The Draw of a State With Lax Regulations

Louisiana is where Misty and Donnie Smoot ended up two years ago, when an agency installed them in a slightly down-at-the-heels apartment complex in Baton Rouge. "I was down there the second weekend after I found out I was pregnant," said Mrs. Smoot, who lives in Nashville. Her husband added: "They try to get you down there and get you stuck."

It is possible to find a birth mother anywhere in the country, send her to live in Louisiana, pay her expenses and fees to

come from 1992, when researchers gathered statistics from state agencies for a report on adoptions published by the National Center for State Courts. The number of adoptions reported was 127,441, a figure that demographers believe has not changed appreciably. The authors of the report estimated that two-thirds were adopted by stepparents or relatives, or were older children placed from foster-care programs.

The other third, or about 43,000, constitute the heart of the industry: children, domestic and foreign, placed with nonrelatives. The National Council for Adoption estimates that infants, which it defines as children under age 2, account for 48 percent of all unrelated domestic adoptions or about 24,000 a year. At the same time, according to a rough estimate by the adoption council, about 1 million families are seeking to adopt.

"Adoption from a domestic standpoint is in a period of crisis," said Paige McCoy Smith, marketing coordinator for the Gladney Center in Fort Worth, one of the nation's biggest and oldest adoption agencies. Because less than 2 percent of unmarried pregnant women are placing their babies for adoption, they now have "the option to be very, very selective," she said.

Elizabeth Bartholet, a Harvard University law professor and adoption specialist with two adopted children, agrees. Among young pregnant women, she said, "most of the pressure they are subjected to is to either abort or keep."

A generation ago, unmarried, pregnant women did not have many options. Some went to places like Gladney or the Salvation Army's Booth homes, where they awaited birth while social workers chose adoptive parents.

Before 1973, the year that abortion was legalized, about 9 percent of births to unmarried women in the United States resulted in adoptions. By 1981 that percentage dropped to 4 percent, and by 1988 to 2 percent. While the number of unmarried women giving birth has risen each year at least since 1965, the net result is a slight decline in the number of American-born infants available for adoption.

The old-line agencies tried to adapt by letting birth mothers choose adoptive parents. But in the late 1970's, would-be parents began defecting to lawyers who could help them adopt independently if they — or the lawyers — could find a birth mother directly. The scramble also invited a new type of adoption agency, promising some edge.

American Adoptions of Overland Park, Kan., for example, has a "traditional program" in which pregnant women choose from an array of profiles of families, but it advises many clients to sign up instead for another program in which parents pay di-

rectly for advertisements, and young women who respond are shown the profile of that family first. In its letter to applicants, the agency says: "Most traditional adoption programs provide the birth parents with the opportunity to select their 'ideal' family. Where does that leave you?"

The Marketing

Advertising on Buses, Benches and Beyond

Marketing came naturally to Arty Elgart, who started a facilitation service after he adopted his son (from Gladney) 20 years ago. It was a matter of enthusiasm and altruism: Working out of his auto-parts warehouse in Philadelphia, he made matches as a favor for couples he knew, or friends of friends. By most accounts, including his own, no one had seen anything quite like it before. Mr. Elgart placed a small newspaper ad that asked, "PREGNANT? Young couple wishes to adopt baby. Call Mary, 289-2229."

In the view of the sedate nonprofit agencies that dominated the adoption community, this crossed a line of propriety. Mr. Elgart's matchmaking was legal, since he charged no fee and advertising was not prohibited in Pennsylvania. But his marketing, which progressed to benches, buses and Burger King tray liners, was called everything from unusual to appalling.

Mr. Elgart has long since turned his mission into a full-service licensed adoption agency, named Golden Cradle, now in Cherry Hill, N.J. But Mr. Elgart no longer has the field to himself.

"Golden Cradle started something," said Maxine Chalker, a social worker by training who is executive director of Adoptions from the Heart, said during an interview in her office in Wynnewood, Pa. When she started her agency in 1984, she said, "in the phone book there were maybe three ads under Adoption Services. Now there must be 40."

A modest display ad for Adoptions From the Heart is among them. The agency also advertises on bus shelters and in malls, and has tried radio and television, though the response was disappointing. "We're always trying to find new things," Ms. Chalker said. "It gets harder every year because of the competition."

Some of the competition comes from lawyers who handle independent adoptions: "Now everybody thinks adoption is easy money, especially the attorneys," Ms. Chalker said. "Now they're hiring counselors to work in their offices, and setting up as agencies without being licensed."

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European Law Aims to Protect Privacy of Data

Some Trade With U.S. Could Be Disrupted AI

By EDMUND L. ANDREWS

FRANKFURT, Oct. 25 — The European Union put into effect a law today prohibiting American-style buying and selling of personal data, a move that could interrupt electronic commerce with the United States if the two sides fail to resolve deep philosophical and legal differences over protecting privacy.

The goal of the European law is to prohibit companies from using information about their customers in ways the customers never intended — for example, selling it to other companies for use as a marketing tool.

The new law affects an enormous range of information that companies collect about people in the course of daily business, from credit card transactions to magazine subscriptions to telephone records, as well as the electronic footprints that people leave when they visit sites on the World Wide Web.

The law was adopted three years ago by the European Union after a majority of its 15 member nations agreed to issue what is known as a directive. Under European law, each member nation is required to implement the directive by enacting its own law. Six nations have drafted or passed such laws so far.

Beyond its impact on Europe, the directive has the potential to disrupt electronic commerce with the United States. A key provision of the new measure would prohibit any company doing business in the European Union from transmitting personal data to any country that does not guarantee comparable privacy protection — foremost among them, at this point, the United States.

American direct-marketing companies, which make money buying, selling and developing business strategies based on huge data banks of personal information about consumers, have lobbied hard against Government regulation of their industry. As a result, the Clinton Administration has adopted a more laissez-faire approach under which data industries would be allowed to police themselves through self-regulatory organizations.

American officials say they agree with Europe on the basic principle that privacy should be protected but have big differences about the best way to carry it out.

"They have privacy czars and bureaucracies, and that kind of top-down approach would probably be regarded as a violation of privacy rights by many people in the U.S.," David Aaron, Under Secretary of Commerce, said of European nations.

Mr. Aaron, who held talks on the issue with European officials in Brussels earlier this month, added, "We say, 'Let's create a situation where, if companies agree to follow

certain data practices, they can be held harmless under the new directive.'"

If the issue, which neither side paid much attention to until a few months ago, is not resolved, European officials could theoretically soon begin to block trans-Atlantic data transfers by multinational corporations and the growing number of Internet companies.

European officials say they have no plans for any blockades soon, and are hopeful about reaching a peaceful resolution. Officials from the United States and Europe both say they held constructive discussions earlier this month. The European Commission has scheduled a meeting on the issue for Monday, and it is expected to seek some kind of temporary solution while the two sides negotiate.

Underlying the debate is a deeper political issue that is fraught with cultural baggage. For years, European nations have been far tougher than the United States about protecting privacy. Many countries essentially ban telephone marketing to people's homes, and that prohibition is now being applied to unsolicited sales approaches by fax and E-mail.

Several nations, including Germany and the Netherlands, have government agencies devoted exclusively to protecting personal data.

Acting as ombudsmen, these agencies investigate complaints from individuals who believe that companies have mishandled information about them. Companies that are accused of violating privacy laws can be prosecuted under criminal laws.

"There is a great difference in attitudes about privacy protection between Europe and the United States," said Ulrich Sieber, a law professor at the University of Würzburg in Germany.

American privacy laws are far more lax and consist of a hodgepodge of statutes and regulations enforced by various state and Federal agencies charged with oversight of other industries, like, for instance, those that regulate banks.

In sharp contrast with Europe, an entire industry has arisen in the United States that specializes in trolling public and private sources for vast quantities of personal information, like birth records, drivers' license numbers and torrents of data accumulated by retailers about customers' individual purchases.

The new European directive embraces several basic principles that national governments must now translate into their own laws. It requires that companies tell people when they collect information about them and disclose how it will be used. In addition, customers must provide informed consent before any company can legally use that data.

The law also requires companies to give people access to information about themselves.

American officials say they agree with those requirements in principle, but disagree with giving people unconditional access to information about themselves, saying access should be allowed only if it is reasonable or practical to do so.

The more difficult issues are enforcement and policing. Mr. Aaron says the United States wants to give companies a variety of "safe harbors" to satisfy privacy protection.

One idea is to create independent self-regulatory organizations that would monitor a company's data practices and would give well-behaved companies what amounts to a stamp of approval.

Another option, they say, should be for companies to deal directly with European officials and demonstrate that their systems and practices are appropriate.

But legal experts say the new law could easily take on a life of its own, because it gives individuals and private organizations the right to sue companies that they say fail to provide adequate privacy protections.

Industry and government officials worry that independent privacy advocates in Europe will simply invoke the letter of the law and begin taking American companies to court.

"I'm not sure the idea of creating safe harbors will be practical, because people can still go ahead and sue a company regardless of whether the governments reach an agreement among themselves," said Christopher Kuner, a lawyer in Frankfurt who specializes in European information law.

In the short term, government and industry officials predict that nothing much will happen. Most countries have yet to implement their own laws to carry out the directive. And several countries, including Germany, have had tough laws in place for years, and companies have found ways to deal with the requirements.

One of the pioneering cases in Germany involved Citibank, which ran afoul of German data protection authorities in 1995. But since Citibank demonstrated to government officials there how its system protected data in the United States, it has operated without conflicts.

Executives of the American Express Company said they had reached similar agreements in many countries and that they believed they could live with the new directive. "It is a crucial issue for us, but it has not been a burden so far," said James Tobin, an American Express spokesman in London.

John Borking, vice president of the Data Protection Authority of the Netherlands, said, "We are not information police, and I expect that in the whole of Europe nothing will happen."

But, added Mr. Borking, European governments will always take privacy protection seriously.

"We are at the beginning of a new information society, and no one really knows the outcome," he said. "But privacy and trust are important parts of this society."

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Market Puts Price Tags on the Priceless

By LAURA MANSNERUS

The first commandment for couples wanting to adopt babies is: Put yourselves across. And they do, in spunky performances on videotapes, in lush scrapbooks and in professional portraiture smiling on the Internet.

Many speak on the Web pages that crowd electronic registries of "waiting families." Gloyd and Penny, for example, say, "We pray daily for our birth mother and baby — whoever and wherever they are." David and Paula promise, "This child will be overwhelmed by love and affection." Rex and Carol wait, after 14 years of marriage, with a spaniel named Brittney and a vacation home four miles from Disney World.

This is the essence of demand — unhappily infertile couples — competing for a smaller and smaller supply of white American-born infants. It is an imbalance that professionals in the adoption world are calling a crisis, allowing money to play a defining role in determining who will succeed in this desperate quest for that which cannot be legally bought or sold.

"In this marketplace, it's a sad reality," said Graham Wright, president of the California Association of Adoption Agencies. "Luck enters into it, but it's like anything else in life: If you have enough money, you'll get what you think you want."

Many couples in search of a child are already depleted, emotionally and financially, by drawn-out fertility treatments. Still, they will pay \$15,000 to \$20,000 on average, even if they have to mortgage their futures, to find their babies. Some will spend much more before the day they appear in court to take legal custody of their children. And a few, people who have the money for intermediaries to do the work, pay up to \$100,000 to bring home a newborn.

Adoption is, in a rough analogy to organ transplants, a legal transfer not subject to purchase or bidding. Nowhere in the United States is it legal to sell a child, and few say it should be. Nor can anyone sell the right to be an adoptive parent: that is conferred by the state, based on home studies conducted by social workers.

But scarcity has created a cast of thousands of intermediaries, who can and do sell access to the young women who might relinquish babies.

Access can be sold indirectly, by an Internet service that sells advertising space to couples, for example, or directly, by lawyers or unlicensed brokers known as "fa-

cilitators," who will either shop couples to pregnant women or recruit those who agree to let adoptive families be chosen for them.

This has left only the thinnest line between buying a child and buying adoption services that lead to a child. "The effect is the same," said Mr. Wright, whose agency, Future Families of Monterey Bay, places older children for adoption and foster care.

"Everywhere the baby boomers set their feet, a cottage industry springs up," said Bernie Riff, an adoptive father. Mr. Riff and his wife, Vicki Young, adopted their daughter, Jessi, 2, with the help of a facilitator after waiting a long time with an agency that gave them, in Ms. Young's words, "nothing but a binder."

"There are consultants and facilitators," Mr. Riff said. "There are photographers, there are all these little marketing things. People do videos. There's no limit to what you can spend on these things if you're inclined to and have the resources."

State-licensed adoption agencies, once strictly controlled charitable and paternalistic institutions, may be pained by the intrusion of commerce, but now they, too, advertise on bus shelters and billboards, and collect scrapbooks and videos from would-be parents to show to birth mothers. They mine connections with foreign orphanages. They do what they can do to increase their supply of children. It is just one measure of growth within this fragmented industry that the number of licensed child placement agencies has increased by several hundred in just three years, to 1,764, according to the National Adoption Information Clearinghouse.

The states impose standards on child-placement agencies requiring certified social workers to evaluate prospective parents, counsel birth mothers and get relinquishment papers signed. They limit payments that can go to birth mothers, who, above all, are not supposed to profit from adoption, and they require reports to the courts of all payments made by the adopting family.

But the laws differ from state to state, creating a tangle that itself keeps lawyers busy and would-be parents confounded. A few states, like Massachusetts and Connecticut, prohibit independent adoptions altogether; some that do allow it, like New York, hew to the traditional model and limit lawyers' roles; California, the most hospitable to the new entrepreneurialism, allows lawyers and facilitators to recruit prospective birth mothers on clients' behalf. Louisiana, known for its laxity, allows nonresidents to adopt and to pay extensive living expenses for pregnant women.

The process, while hardly simple, is basically the same everywhere. Every adopting couple typically begins with a home study. If parents adopt independently, they will probably advertise, although about a dozen states prohibit it. Pregnant women who respond or are referred to them are screened, and adoptive and biological parents exchange basic biographies. If all goes well, the adoptive parents pay modest pregnancy-related expenses for the birth mother and, shortly after birth, she legally relinquishes the child. (If the biological mother decides not to place the child, or, worse,

tries to revoke her consent later, the adoptive parents have gambled and lost.) Six months to a year later, a court finalizes the adoption.

The costs for domestic infant adoptions range widely. Some people adopt infants, joyously and quickly, for \$5,000 or \$10,000 by locating a woman in their own state who has minimal expenses and is certain she wants to place her child. Placements by state agencies often cost nothing.

Then there are couples who pay sums approaching \$100,000 for a closed adoption of a white newborn. These gray-market placements, which usually involve questionable payments to birth mothers and the brokers who find them, have prompted much legislation and public attention; still, they are a tiny percentage of adoptions.

Finally, the stamp of the marketplace is apparent in one troubling fact: In the baby bazaar, with children of varying colors, cultures and conditions, something resembling a price schedule has emerged.

At many agencies, race determines fees, said William Pierce, president of the National Council for Adoption, an advocacy group for agencies. "If you have 40 white couples chasing every white newborn, you don't need a lesson in economics," Mr. Pierce said.

The Product

Not Enough Babies To Meet the Demand

If adoption is a growth industry, it is not because of a major increase in adoptions.

No one keeps nationwide statistics on adoptions. The most reliable and recent data

The New York Times

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