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The “Kidnapping” of Hildy McCoy: Child Adoption and Religious Conflict in the Shadow of the Holocaust

Susan A. Glenn

ABSTRACT

Much of what we know about Jewish–Catholic relations in postwar America comes from the scholarship on litigation over school prayer, released time for children’s worship, and clashes over public expressions of religion. This article uses the Hildy McCoy adoption case—the most controversial and mass-mediated adoption struggle of the 1950s—as a lens for exploring another divisive issue that has received almost no attention in the literature on postwar religious conflict in the United States: the permanent transfer of children from one religious group to another. The Hildy McCoy case, which has largely been ignored by historians, reveals how debates between Jews and Catholics about the preservation of children’s religious heritage that had been raging across the Atlantic in post-Holocaust Europe were transplanted to American soil in the 1950s and how those debates could also take decidedly different trajectories in the turbulent religious environment of the United States.

Key words: child adoption, Jewish–Christian relations, Hildy McCoy, Finaly affair

On March 15, 1957, Melvin and Frances Ellis, a Jewish couple from Brookline, Massachusetts, were arrested in Miami, Florida, for kidnapping Hildy McCoy, a Catholic-born child they had raised since she was 10 days old. The courts in Massachusetts

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had rejected the Ellises' adoption petition and repeatedly ordered the couple to surrender the child so she could be adopted by a Roman Catholic family. But the Ellises disobeyed, went into hiding with Hildy, and, in 1955, after warrants were issued for their arrests, became fugitives from the law, moving the child from state to state before they were finally apprehended.

The Hildy McCoy case was by far the most controversial and mass-mediated adoption struggle of the 1950s, yet it has largely been ignored by historians.¹ The significance of this case transcends the contentious arena of child adoption and draws our attention outward to the wider terrain of postwar "interfaith relations." The Hildy McCoy case became a national cause célèbre that pitted Catholics against Jews, Protestants against Catholics, the conservative Catholic hierarchy against more liberal lay Catholics, and Jews against Jews. The case threatened to shatter the fragile façade of postwar ecumenism and "tri-faith" religious "tolerance," galvanized Protestant anxiety about Catholic power, intensified interreligious conflict over church and state separation, and escalated the long-standing grievances of Catholics over the "theft" of their children by non-Catholics. Yet concepts like "theft" and "loss," which have been common themes in many different kinds of adoption narratives, took on a particular set of meanings in the aftermath of the Holocaust. The Hildy McCoy case reveals how debates between Jews and Catholics about the preservation of children's religious heritage that had been raging across the Atlantic in post-Holocaust Europe were transplanted to American soil in the 1950s and how those debates could also take decidedly different trajectories in the turbulent religious environment of the United States.

Much of what we know about Jewish-Catholic relations in postwar America comes from the scholarship on litigation over school prayer, released time for children's worship, and clashes over public expressions of religion.² In this article, I use the Hildy McCoy case as a lens for exploring another divisive issue that has received almost no attention in the literature on postwar religious conflict in the United States: the permanent transfer of children from one religious group to another. Constitutional law expert Leo Pfeffer, a member of the American Jewish Congress's Commission on Law and Social Action (CLSA), remarked in a 1955 article about child adoption that few areas of postwar litigation were more likely to "evoke strong and passionate reactions by the protagonists," to "cause the general public to take sides," and to "incite acrimonious debate among religious groups" than those involving the religious upbringing of children.³ Religion,

often framed in racialized terms, was the single most polarizing issue in postwar adoption litigation and would remain so until the 1970s. At the center of the post–World War II storm over the movement of children across religious lines were Jews and Catholics—groups whose members had remarkably similar ideas about the transmission of religious identity to children and who were equally vigilant about keeping “their” children within the boundaries of the group. This was the crux of the Hildy McCoy case, a case that posed difficult dilemmas for Jewish leaders who were pressed—first by Catholics and later by Protestants—to articulate a public position on the actions of a Jewish couple charged with kidnapping a Catholic child.

“A Matter of Conscience”

Hildy McCoy was born on February 23, 1951, to Marjorie McCoy, a 21-year-old unmarried nursing student who had arranged with a private physician to have her baby adopted by a couple she had never met and knew nothing about. But a month after she signed the adoption papers, Marjorie learned from the Ellises’ attorney that the couple who had her newborn baby were not Catholic; heard from the Jewish physician who arranged the adoption that the Ellises were Jewish; and was informed by a Catholic social worker who visited her home that both of the Ellises had previously been divorced, which also made them morally objectionable in the eyes of Catholics.⁴ Meeting the Ellises for the first time at the office of their attorney, Marjorie demanded that they immediately return her infant child so that a suitable Catholic placement could be made, telling them that it was “now a matter of conscience.” Against the advice of their attorney, the Ellises refused, saying that they had “grown to love the child” and were “determined” to keep her.⁵

The Ellises hired a new attorney and began what would become a six-year battle to hold onto Marjorie McCoy’s child using every means at their disposal. One tactic, developed early in the case, involved an effort to shame Hildy’s biological mother into giving up the fight. In February 1952, Melvin Ellis approached the Boston office of the Anti-Defamation League (ADL), telling them that “all efforts to reason with the natural mother” had “been to no avail,” and he was “hoping that publicity might effect a favorable result . . . as the natural mother, a student nurse, cannot afford unfavorable publicity that might cause her expulsion from the hospital.” After the ADL refused, Ellis declared that he would “probably take his own measures” to create “negative publicity.”⁶

The other tactic involved a protracted effort to both legally challenge and illegally evade the court’s order to surrender the child. The Ellises’ hearing had originally been scheduled for that February, when Hildy would have been a year old. But Melvin Ellis asked for a postponement, hoping that another interreligious adoption case then making its way through the Massachusetts courts might establish a useful precedent.⁷ This, however, did not work in the couple’s favor. In June of 1953, the probate court, which rules on adoption petitions in Massachusetts, instead permitted Marjorie McCoy to revoke what she called her “alleged consent” for the adoption, declaring it “null and void.” Judge James F. Reynolds also dismissed the Ellises’ adoption petition and ordered the couple to return two-year-old Hildy to her mother, who planned to place her child with the Catholic Charities adoption bureau.⁸ But the Ellises would not give up the child and launched what would become the first of many appeals. In February of 1955, the Supreme Judicial Court of Massachusetts, in a unanimous decision, upheld the decision of the probate judge and again ordered the Ellises to surrender the child, who was now four years old. The Ellises ignored the court and remained in hiding with Hildy, while their attorney, James Zisman, filed appeal after failed appeal on their behalf.⁹

The press in and outside of Massachusetts followed the twists and turns of the case, including a petition by the Ellises promising the court that if they could keep the child they were willing to raise her as a Catholic and a claim by the Ellises’ lawyer that Marjorie had lied to the court when she said she had not known that the couple was Jewish and was thus guilty of “fraud.”¹⁰ But the court declined to stay the surrender order, and the couple, now charged with “evading willfully and purposely the jurisdiction of the Massachusetts courts,” were given 48 hours to surrender the child. Again they disobeyed, and in early July of 1955, sheriffs in 14 Massachusetts counties were ordered to find and seize the child. With a warrant out for their arrest, the couple fled, Hildy in tow, and moved from state to state trying to evade the authorities.¹¹ Eventually the Ellises landed in Miami, where Massachusetts police discovered and arrested them in mid-March of 1957. Hildy was now six years old. Released without bond after the intervention of a local criminal lawyer, the fugitive couple, who by then had become media celebrities, waited in Miami to hear whether Florida’s governor would comply with extradition orders to send them back to Massachusetts to stand trial for kidnapping. Hildy remained in their home.¹²

No other adoption case of this period had attracted as much attention. By the summer of 1955, Hildy’s name was already a household word, so much so that NBC’s popular radio quiz show *Second Chance*

tried to capitalize on it by featuring a live audience debate in which participants hissed and booed each other's responses to the question of whether the four-year-old biological daughter of a Roman Catholic woman who wanted her to be raised by people of her own faith should be allowed to remain with the Jewish Ellises.¹³ As this sensationalized mass-media ploy suggests, many aspects of the Hildy McCoy adoption struggle were unique. But the central questions raised by the case were not. Did groups and individuals have a right to protect the religious heritage of adopted children? And if so, should the state be a guarantor of that right?

Children and the Boundaries of Catholic and Jewish Identity

Although Massachusetts and New York judges were especially strict in enforcing "religious-protection" statutes, by the early twentieth century nearly all states had laws providing for religious matching in child adoption. The religious-protection statutes varied from state to state: some contained mandatory terms such as *must* and *shall*; others contained more discretionary phrases, such as *may consider*.¹⁴ When Massachusetts tightened its adoption law in 1950, it introduced the mandatory term *must*, stipulating that "in making orders for adoptions, the judge when practicable must give custody only to persons of the same religious faith as that of the child." In the event of a "dispute as to the religion of said child," the statute declared, "its religion shall be deemed that of its mother." Prior to that, judges had permitted adoptions across religious lines on two conditions: if the temporal welfare of the child was at stake and if the child's parents or parent did not object to a change in the child's religious status.¹⁵

These religious-protection statutes reinforced the customary practices of adoption agencies. Historian Ellen Herman writes that twentieth-century child-welfare experts believed that "religion was a bright line, never to be crossed, blurred, or erased when making child placements."¹⁶ They also believed children had "an inborn religious identity which the state and social workers had a duty to protect."¹⁷ Jewish social workers were as committed to boundary maintenance as their Catholic counterparts, and in postwar Massachusetts they were known to be "downright rabid" in defense of religious matching, seeing it as essential to a good adoption "prognosis."¹⁸

Yet following the end of World War II, a growing number of childless couples tried to bypass the rigorous matching procedures of adoption agencies by turning instead to "black market" brokers

who helped them purchase children, often bringing them across the Canadian border. More commonly, couples who were desperate to adopt turned to well-meaning physicians and attorneys who were either ignorant of or willing to ignore religious matching and other adoption "safeguards" required by agencies and welfare departments. By midcentury, experts estimated that three out of every four adoptions, including the one attempted by the Ellises, were the product of hastily arranged, unregulated "independent" placements.¹⁹

Many of these unregulated adoptions, as well as the legal battles that resulted from them, involved Jewish couples seeking to adopt infants born to Roman Catholic mothers.²⁰ Though the attempts of Protestants to adopt Catholic children had a long and checkered history, observes Herman, for Jews this was a relatively recent development. Jews had historically been opposed to taking in children "not of their own blood," but in the postwar era the considerable gap between the available "supply" of adoptable Jewish infants and the "demand" for them led childless Jewish couples to seek solutions by turning to the relatively large pool of available white, Catholic-born children.²¹

In the face of these individual transgressions, the Catholic Church and most Jewish religious and secular authorities remained strongly committed to keeping adopted children within the boundaries of their respective religious communities.²² The long-standing concern that Jewish-born children might be "exposed to baptism" and thus "lost" to the Jewish community had intensified in the wake of the Holocaust and in the context of America's postwar adoption boom.²³ The National Community Relations Advisory Council, a secular Jewish umbrella organization, believed that state religious-matching laws protected "the Jewish community" from "encroachments by other religious groups."²⁴ Rabbis were united in their opposition to the adoption of Jewish children by non-Jews, and Orthodox rabbis typically opposed all forms of interreligious adoption even when the adopting couple was Jewish.²⁵ Even Conservative and Reform rabbis who might accept the adoption of a non-Jewish child by a Jewish family reported they "would violently oppose adoption of a Jewish child by a non-Jewish family."²⁶ The official position of the Roman Catholic Church was that "the retention of a child within the religion of its parents must take precedence over any merely temporal considerations" such as health or psychological "adjustment."²⁷ Catholics maintained that if the mother had been baptized, the church was entitled to claim her children as Catholics.²⁸ By contrast, Protestant leaders believed that religion was a product of faith rather than birth and were generally less concerned about matching children with couples of the same

Protestant denomination than making sure the would-be parents would rear the child in a Christian environment.²⁹

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Unlike Protestants, Jews and Catholics had a “no-exit” view of religion, and Jews believed in the determinative status of religious inheritance as it was passed down from mother to child. In Jewish law (halakhah), maternal descent conferred the child’s religious identity, and in the eyes of most Jews nothing, not even religious conversion, could alter that status, because Jewishness was “in the blood.”³⁰ But this commitment to “blood logic” contradicted other principles that Jewish organizations routinely embraced, especially the doctrine of separation of church and state and also an aversion to racialism.

These complications surfaced powerfully in adoption struggles of the 1950s, revealing a legal and religious thicket that historians need to untangle. Leo Pfeffer of the CLSA, a civic organization that was the leading postwar exponent of church-state separation, explained some of the issues in a 1955 article where he stressed that Jews and Catholics “may and do consider religion inheritable,” which was both “entirely proper” and “constitutionally protected insofar as its effectuation remains within the religious group.” But once “the concept of religion by inheritance” became a “state principle” enforced by the courts, wrote Pfeffer, it violated “religious freedom,” which, he said, “implies voluntary entry, not state imposed status.” He called this state-imposed status “religion by compulsion” and compared it to the “underlying principle of the medieval inquisition.”³¹ Pfeffer argued that the constitutional principle protecting a mother’s right to decide on her children’s religion “would be exactly the same” if the children involved “had been born Jewish and the prospective adoptive parents were non-Jewish.”³²

This was the argument that Pfeffer and his fellow CLSA attorneys Shad Polier, Will Maslow, and Gerald Berlin had made in an earlier case, the 1954 *Goldman v. Fogarty* adoption appeal, where the courts in Massachusetts refused to allow a Jewish couple to adopt a pair of twins even though their Catholic birth mother had given permission to have her children raised as Jews and never changed her mind. To the CLSA, the refusal of the courts to honor a mother’s express wishes regarding her children’s religious upbringing was an unconstitutional denial of her religious freedom.³³ Pfeffer and the CLSA had rehearsed this argument in their 1952 amicus brief for an appeal brought by a Protestant couple, the Gallys, who, like the Goldmans, had their adoption petition denied by a Massachusetts probate judge even though the child’s Catholic mother consented.³⁴ The fact that Pfeffer and the American Jewish Congress intervened on behalf of

the Gallys and the Goldmans but carefully distanced themselves from the Hildy McCoy adoption case, where the Catholic mother did not consent to have her child adopted by Jews, shows just how complicated things had become for Jewish organizations, and no less for Catholics and Protestants.

As national media publicity about the Hildy McCoy case surged in 1955 and as the Catholic Church in Boston went on the offensive, members of the American Jewish Congress wrote to CLSA attorneys asking for clarification on their position. Pfeffer and Maslow privately explained that they had refused to become involved in the Hildy McCoy case or even to take a public position on it because they would only fight for an interfaith adoption when the parent of the child approved, and since the child's mother did not consent, the case lacked a clear religious-liberty or church-state separation issue.³⁵ And, Pfeffer told one American Jewish Congress member, "aside from everything else, there are too many elements" in this "unfortunate" case "which we would find hard to defend."³⁶ Nor would any other Jewish organization support the Ellises in their struggle to keep Hildy.³⁷ But neither would the American Jewish Congress or any other Jewish organization publicly criticize the conduct of the couple. And it was the reluctance of Jewish organizations to take a public position on the Hildy McCoy case that so inflamed the Catholic hierarchy in Boston.

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The Shadow of the Holocaust

What made the Hildy McCoy case especially fraught was the backwash of the Finaly and Beekman affairs across the Atlantic. These cases grew out of vastly different historical circumstances and political contexts, but they had in common the highly combustible issue of religious boundary maintenance.³⁸ In the aftermath of World War II, surviving members of decimated Jewish communities demanded that Jewish orphans be removed from the homes of Christian benefactors who had saved them from the Nazis and instead placed in the custody of Jewish families or Jewish institutions. Jews considered these orphaned children "a living memorial" not only to their dead parents but to all the murdered Jews of Europe.³⁹ They argued that these children "belonged" to the Jewish community and that the "best interests" of traumatized youth could only be served in a Jewish environment.⁴⁰ The two most famous postwar child custody cases—the Finaly affair in France and the Anneke Beekman affair in the Netherlands—involved the unauthorized baptism and later the kidnapping and hiding of

Jewish war orphans by Catholics who refused to relinquish them when ordered to do so by the courts.

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Robert and Gérald Finaly were born in France in 1941 and 1942 to Fritz and Annie Finaly, Jewish refugees from Austria. On the eve of their deportation and murder in Auschwitz in 1944, the Finalys had arranged for their sons, both of whom had been circumcised, to be sheltered among local Catholics in Grenoble. The boys survived the war under the protection of the Catholic social worker Antoinette Brun, director of the municipal nursery. After the war, when Fritz Finaly's sisters came looking for the boys, Brun was uncooperative. She gained temporary legal guardianship after convincing local authorities that the parents had abandoned the children and that no living relatives could be found. Later she violated the Catholic prohibition against baptizing children without their parents' permission and refused to surrender Robert and Gérald on grounds that once the sacrament had been administered, they belonged to the church and could not be raised by non-Catholics. The boys were sent into hiding with the Sisters of Notre Dame de Sion, moved from one Catholic institution to another, then ferried across the Spanish border in 1953, where they were hidden by Basque priests.⁴¹

Worldwide outrage over the Finaly children intensified interest in the case of Jewish war orphan Anneke Beekman. In 1943, on the eve of their arrest and deportation, Elias Beekman and Sara Beekman-Fontijn had sent their two-and-a-half-year-old daughter Anneke into hiding with the Van Moorst sisters, five unmarried Catholic women, who became her wartime foster mothers. At the end of the war, Anneke's distant relatives asked Le-Ezrath Ha-Jeled, the Dutch Jewish guardianship organization, to find a Jewish foster family to care for her. But the Van Moorsts, who carried on a losing battle to become the legal guardians of Anneke Beekman and another Jewish orphan, Rebecca Milhado, had both girls baptized and then hid them in Belgian and French convents to evade Dutch authorities.⁴²

Dutch and French Catholics vigorously defended the actions of their coreligionists. Although a number of French Catholic religious authorities advocated for the release of the Finaly children, many more defended what they called the "good intentions" of the kidnappers and criticized what they deemed "the ingratitude of the Jews" toward those who had risked their lives to protect their children.⁴³ They also insisted that it would be an act of unconscionable "cruelty" to tear the Finaly children away from "the only mother they could remember."⁴⁴ Dutch Catholics not only emphasized Jewish "ingratitude," they also implied that "if a new disaster befell the Jews, Catholics might not save

their children again.”⁴⁵ When Jews persisted in their efforts to retrieve Anneke Beekman, Catholic critics demanded that they “stop persecuting and hounding” the girl and allow her to “find the physical as well as the psychological rest she needs.”⁴⁶

Jews around the world protested these baptisms and kidnappings. Rabbi Maurice Perlzweig, international affairs director of the World Jewish Congress, had spoken for many other Jews when he famously declared that Fritz Finaly, who intended that his sons be raised as Jews, “knew that in having his children circumcised he was branding them as Jews and jeopardizing their existence. But he was determined that they should live or, if necessary, die, as Jews.”⁴⁷ Many Jews also compared the scandalous nature of the Finaly affair to the Dreyfus affair and especially to the infamous 1858 Mortara abduction in Bologna, Italy, where a seriously ill six-year-old Jewish child was secretly baptized by his Catholic nursemaid and later kidnapped by papal authorities who refused on religious grounds to return him to his Jewish family of origin.⁴⁸ Yet unlike the Mortara child, who lived under church protection and became a priest, the Finaly boys were released to their Jewish relatives in 1953 (following negotiations by the grand rabbi of France and representatives of the Catholic Church) and went to live with their aunt in Israel. Anneke Beekman, who had declared she was a “true Catholic,” ran away from the Dutch authorities who were searching for her, refused to be placed with a Jewish foster family, and later publicly defended the actions of her wartime Catholic foster mothers.⁴⁹

As early as 1953, while negotiations for the surrender of the Finaly children to their Jewish relatives were ongoing, the American Jewish Committee, a defense organization dedicated to combating worldwide antisemitism, contacted the French embassy in Washington, D.C., the Catholic Archdiocese of New York City, and Roman Catholic news outlets, warning about the need to avert a potential Finaly-related “public relations” crisis in the United States. The affair had already created a “deplorable division between Catholics and non-Catholics in France approaching the excitement of the Dreyfus case,” said the committee, and unless Catholics took “preventive measures to avoid a conflagration” the same thing could happen in the United States. At the time, Catholic spokesmen dismissed these concerns.⁵⁰ However, two years later, in ways that the American Jewish Committee had never anticipated, all of that would change. Starting in 1955, the Finaly and Beekman affairs resurfaced in the United States, where they became powerful rhetorical fodder in the context of the Hildy McCoy case.

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Finaly and Beekman “Reversed”

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The Catholic Archdiocese of Boston transposed elements of the Finaly and Beekman affairs onto the Hildy McCoy case in an effort to shame Jewish community leaders for their silence about the refusal of the Ellises to return the child. In “The Wooden Shoe on the Other Foot” (a reference to the Dutch case) and other articles published in *The Pilot*, the official newspaper of the archdiocese, the church insisted that the Hildy McCoy case was Finaly and Beekman “reversed.” French and Dutch Catholics had kidnapped children that legally “belonged” to the Jewish community. In Boston, the Catholic Church asserted, it was the other way around. The other reversal, according to *The Pilot*, was the incommensurate moral stance taken by the Jewish community in these cases.

The Pilot accused Jewish leaders who had loudly protested the baptisms and kidnappings of the Finaly and Beekman children of remaining conspicuously and hypocritically “silent” on the legal and moral issues in the Boston case.⁵¹ “We cannot refrain from noticing the silence from those areas most noisy during the famed Finaly case of recent years where two Jewish boys were being sought for adoption by a Catholic woman in France,” wrote *The Pilot*. “At that time Dr. Perlzweig of the World Jewish Congress called it an ‘indefensible act of ritualistic kidnapping’—would not similar strong words apply here?” Summoning the memory of Jewish attacks on Antoinette Brun, who had baptized the Finaly boys and hidden them from the authorities, the writer accused the Ellises of “deliberately forg[ing] bonds of affection which they knew they must break” and of “twist[ing] a child’s love into an instrument of defiance of the law.”⁵² *The Pilot* applauded the “commendable zeal” with which Jewish organizations had sought the return of children like Anneke Beekman to “their original racial and religious environment.” Quoting the words of Jewish leaders in Amsterdam who insisted that “[al]though only a single child is concerned, this case is a measuring rod for civilization and freedom,” the writer contrasted this to their woeful silence on the Hildy McCoy matter. “We wonder if the Jewish community locally, and its unusually vocal leaders, might hear the faraway voices of the Jews of Amsterdam (or the Grand Rabbi of France) and see fit to suggest that we have our own ‘measuring rod for civilization and freedom’ in the Ellis case.” We hope, said the writer, that “what makes good sense to Jews in Amsterdam and Lyon and elsewhere might begin to make good sense even to Jews in Boston.”⁵³ Keeping up the steady drumbeat of attacks, *The Pilot* asked rhetorically:

Is not this religious kidnapping of the same kind as the Finaly and Beekman cases in Europe where Jewish children were placed in Christian homes? Jewish leadership spoke out clearly in these cases and had the children turned over to Jewish agencies. We are asking only for the same kind of justice.⁵⁴

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The Catholic Church had correctly pointed out that the silence of Jewish organizations was deliberate. Contrary to what the church asserted, however, it was not hypocrisy that accounted for silence and immobilization but a complex mixture of anxiety and ambivalence about the entire issue of interreligious adoption and whether and on what grounds it should be allowed.⁵⁵ Jewish leaders were reluctant to respond to these attacks by the Catholic Church for fear that any public comment would be misconstrued as a statement of support for the Ellises. "It should, of course, come as no surprise to us that the Finaly case should be brought up in connection with the Ellis case," wrote Pfeffer in a letter to Isaac Toubin, the director of the American Jewish Congress. "While they are unquestionably distinguishable, nevertheless I think this supports the wisdom of our decision not to issue a statement on the Ellis case per se."⁵⁶ American Jewish Congress attorney Shad Polier agreed, telling Will Maslow and Leo Pfeffer that any reply, whether by Rabbi Perlzweig or someone in Boston, "should not get involved in the other issues in the Ellis case but should confine itself to the basic distinction between it and the Finaly case" by clarifying that "in the Finaly case the Jewish community of the world was aroused and alarmed by the fact that the maneuvers to keep the boys from their family were engineered throughout by the Catholic Church."⁵⁷

The only official public response by a Jewish organization to *The Pilot's* "shoe on the other foot" accusations came from Robert E. Segal, executive director of the Jewish Community Relations Council of Boston. Segal's rejoinder, published in the *Jewish Times* of Boston, carefully distinguished between the Finaly and Hildy McCoy cases, without defending the conduct of the Ellises. "What happened in France and Spain in connection with the celebrated Finaly case is far removed from the real point at issue in the Boston adoption case," argued Segal. The two Finaly boys "were orphaned by the Hitler madness. Before their Jewish parents were put to death by the Nazis, they had the little boys circumcised even though this religious rite might later mitigate against them." But the Massachusetts case was vastly different. The principle at stake there, wrote Segal, was the fundamental question whether the state itself "could refuse constitutionally

to allow persons of one religion to adopt a child born into another religion” and whether in determining children’s “best interests” the state should make religious considerations “paramount and, indeed, all important.”⁵⁸

I have found only two examples of Jews who attempted to sort out the distinctions between the Finaly and Hildy McCoy cases while also defending the conduct of the Ellises. One was a terse, highly defensive comment by Melvin Ellis himself that was published by the *Boston Daily Globe* on July 16, 1955. “The truth of the matter” asserted Mr. Ellis “is that *The Pilot* and the natural mother [of Hildy McCoy] don’t care what happens to the child so long as she is Catholic.” Dismissing the relevance of the French case to his own conduct, Ellis angrily declared: “*The Pilot* should be ashamed to bring up the Finaly case. That was not adoption—that was abduction and the French courts so found, and they levied fines against priests, nuns and two mothers superior for their part in it.”⁵⁹ The other was a systematic defense of the Ellises by the liberal journalist Max Lerner. On the heels of Melvin Ellis’s statement, Lerner published an editorial in the *New York Post* titled “Hildy and the Finaly Boys.” Unlike Hildy’s Catholic mother, wrote Lerner, the murdered parents of the Finaly children “did not give up their boys voluntarily, but were sent by the Nazis to some extermination camp and burned.” And, “unlike Hildy McCoy the Finaly boys were not being claimed for an impersonal institution or an adoption agency. They were being claimed by close and loving relatives.” Despite these critical differences, asserted Lerner, the central issue in both cases was “the welfare of the children.” He insisted the welfare of the Finaly boys depended on their placement with Jewish family members who would “cherish and love them” and “give them roots” in “a way of life where they could give some meaning to the death of their parents.” In Hildy’s case, he argued, it would be against her best interest to allow “some abstract principle of natural law” to expose her to “an unnatural trauma” of separating her from the Ellises. “I should have felt no differently about the Finaly boys if their parents had been Catholic, and if they had been in the custody of Jews and Protestants,” asserted Lerner, and “should have felt no differently about Hildy if her parents had been Jewish or Protestant and if she had been adopted by Catholics.”⁶⁰

But Lerner’s hypothetical “best interests” scenario—suggesting that he would feel no differently if Hildy had been born to a Jewish mother and was being “loved and cherished” by her longtime Catholic caregivers—ran contrary to the values of many Jews on both sides of the Atlantic. For these Jews, as for Catholics, child welfare and

group interests were inextricably connected. Moreover, as the Finaly affair revealed, the belief that children belonged to and with the Jewish group took on new meaning after the losses of the Holocaust. Abraham Duker, at the time the leading expert on American Jewish adoption practices, told the National Conference on Child Adoption in 1955 that “the historical experience of Jews as a minority” as well as recent events in Europe had “sharpened” Jewish “insistence on the principle of the perpetual sovereignty of the group rather than that of the individual.”⁶¹ He called the Finaly case only the best-known example of how “thousands of Jewish children were saved from the Nazis by well-meaning Christians, only to be raised in the faith of their rescuers.”⁶² In Duker’s words, “Christian rescuers” who raised Jewish children in the Christian faith and then refused to return them to the Jewish community inflicted more “population losses to the Jewish community, already impoverished population-wise by the murder of six million victims.”⁶³ Boston Reform rabbi Leon A. Jick similarly reported that the lingering furor over the Finaly case, and distant memories of the Mortara abduction in nineteenth-century Italy, had “made adoptions [across religious lines] a matter of serious concern”—so much so that the American Jewish Congress’s earlier decision to fight for the Goldmans’ right to adopt Catholic twins had contributed to deep “divisiveness in the local Jewish community” because of continuing worry that a Jewish child could potentially end up in a Christian home.⁶⁴ Duker also reported that many American Jews had “approved” of the court’s decree ordering the Goldmans to return the Catholic twins so they could be “given to the Catholic children’s agency” for placement.⁶⁵

Boston’s Jews were also reluctant to support the Ellises’ controversial decision to hold on to Hildy at all costs because of pressing concerns about what cases like this would mean for Jewish–Catholic relations in a city where Jews had been the targets of antisemitic attacks during World War II. Jick reported that a “large segment of the Jewish community” opposed interreligious adoption “because of fear of breaking down so-called good relations with our Christian neighbors.”⁶⁶ Pressure on Boston’s Jewish community intensified after warrants were issued for the Ellises’ arrest in 1955. After a state police officer (Hildy’s court-appointed guardian ad litem) requested the help of local rabbis in persuading the Ellises to “do the right thing” by obeying the court, Rabbi Zev Nelson, the head of Brookline’s Conservative congregation, debated whether to ask the Ellises to consider “a compromise” whereby they could “surrender the child and be allowed to visit her occasionally.”⁶⁷

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“Feet First and Uninvited”: The 1957 Protestant Campaign

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Whether out of fear of alienating Catholic neighbors, conviction that religious-matching laws also protected Jewish children from falling into Christian hands, concern that the Ellises' defiance mirrored what occurred in the Finaly case, belief that all parents (including Hildy's biological mother) had a constitutional right to decide on the religious upbringing of their children, or because they felt conflicted about interreligious adoptions, few Jews in or outside of Boston stepped forward to publicly champion the Ellises. Instead, a third party would play the decisive role in the outcome of the Ellises' case.

It was not Jews but Massachusetts Protestants who became the Ellises' most ardent and vociferous public supporters. Protestants had “leapt into this fray feet first and uninvited,” reported Gerald Berlin, attorney for the New England office of the American Jewish Congress.⁶⁸ It was evident, said Berlin, that the “Protestants were all out to make an Armageddon of the *Ellis* case.”⁶⁹ After the Ellises were arrested in Florida in March of 1957, numerous Protestant organizations and individuals, including Methodist bishop John Wesley Lord and representatives of the Massachusetts Council of Churches, which embraced the principle of separation of church and state and played a leading role in Boston's postwar ecumenical movement, had approached Berlin's office seeking help for the campaign to save the couple from extradition. However, Berlin assured his colleagues at the American Jewish Congress that “we are keeping out of the controversy no matter how many importunities are raised for positive action.”⁷⁰

For Protestants, the Hildy McCoy case had become a proxy for growing anxieties about the issue of Catholic power. According to Berlin, “the entire Protestant community” was up in arms about what it saw as the “heightened” threat of “Catholic encroachment.”⁷¹ That alarm bell had been sounded years earlier by Protestants and Other Americans United for Separation of Church and State (POAU, an organization later known as Americans United) and one of its outspoken members, Paul Blanshard, author of *American Freedom and Catholic Power* (1949) and *Communism, Democracy and Catholic Power* (1951), who argued that the Catholic Church in the United States posed a grave threat to American democracy, greater even than communism.⁷² Other Protestants, including those who led the interdenominational National Council of Churches, also viewed the Catholic Church with a “mixture of fear and envy,” seeing it not only as a formidable religious organization but also as a formidable political force.⁷³ In greater Boston, where Protestant fears of Catholic power

were largely a product of the city's particular religious and political imbalance, approximately three-quarters of the city's residents were Roman Catholic. Since 1930 every mayor had been a Roman Catholic, as had every member of the city's School Committee.⁷⁴

The Hildy McCoy case ignited a new level of anti-Catholic passion among Protestant advocates of church-and-state separation and those who viewed the Catholic Church as the enemy of "religious freedom." In a frontal critique of "Catholic action," C. C. Cawley's ironically titled article "The Outlaws," which appeared in the liberal Protestant journal *The Christian Century* on April 3, 1957, staged a series of reversals. He argued that the real criminals in the Hildy McCoy case were not the Ellises but the Roman Catholic "hierarchy" and the Massachusetts courts that did its bidding. The true purpose of the Catholic campaign to remove Hildy from the "warm home" of the Ellises was to thrust her into a Roman Catholic institution, where, like the Mortara child in nineteenth-century Italy, she would undergo "a merciless attack on her religious beliefs and as merciless an indoctrination in opposing beliefs." Cawley's attempt to draw the parallel ended with a rhetorical question: "In the Goldman and Ellis decisions were not the courts of Massachusetts acting as papal guards?"⁷⁵

Cawley's use of the Mortara abduction as an analogy, while strained, is not surprising. A century earlier, in 1858, American Protestants (whom Catholics dubbed hypocritical "Mortara shriekers") had used the plight of "the little Hebrew boy" to protest the "wickedness" of the Catholic Church.⁷⁶ Now Cawley was using memories of Mortara to galvanize Protestant support for the Ellises. In a companion article on the Hildy McCoy and Mortara cases published in the *Churchman*, the official magazine of the Episcopal Church, Cawley issued a call to action against "pressure," from the Catholic Church, demanding that POAU "take on the fight against the hierarchy's plan to make and keep American children Roman Catholic by law."⁷⁷ His use of the phrase "merciless indoctrination" also had Cold War connotations, calling to mind Paul Blanshard's claim that both the Vatican and the Kremlin had perfected the machinery of "thought control."

Protestants whose intercessions on behalf of the Ellises were widely reported in both sectarian and mainstream media included Bishop Lord, who issued a statement declaring himself to be "a member of the Christian faith speaking out against Catholic action."⁷⁸ He called the Ellises "a devout Jewish couple" with a deep "devotion" to Hildy's welfare and attacked Hildy's biological mother, saying that by her previous "irresponsible action" and her willingness to allow the "controversy" to persist, she was "countenancing a course of action

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that [would] bring shame and ignominy upon this child for years to come.”⁷⁹ The New England Conference of the Methodist Church followed with its own resolution proclaiming that in the Hildy McCoy case, the “divine law of love” must take precedence over “human law.”⁸⁰ The Massachusetts Council of Churches wired the governor of Florida, urging him to make a decision based solely on Hildy’s “welfare” and registering their view that Massachusetts had demonstrated a lack of concern for “personal values” in the Hildy McCoy case.⁸¹ A petition signed by members of the Clinton, Massachusetts, Ministers Association asked Governor Collins of Florida to provide “every possible protection” for the Ellises, insisting it would be “monstrous” to remove Hildy from their care.⁸² The pastor of the Barnstable, Massachusetts, Unitarian Church denounced the Massachusetts adoption law as “un-American” and called upon the people of his state to offer “moral support” to the Ellises in their fight to keep Hildy.⁸³ Reverend Kenneth Lloyd Garrison of the Brookline, Massachusetts, Baptist Church also condemned “Catholic power,” declaring that the church in Massachusetts was more concerned with “maintaining its institutional pride” than with “fortifying the family.”⁸⁴

Incensed by the Protestant campaign to save the Ellises from extradition, the Catholic Church in and outside of Boston vigorously fought back. Monsignor Francis J. Lally, outspoken editor of *The Pilot*, reached beyond his local base to excoriate Protestants for inappropriate meddling in a case where “the principals” were Catholic and Jewish. In a scathing editorial in the Jesuit magazine *America* he railed against the “confusion” sown by “the growing power of a highly organized and effective Protestant lobby able to corral vast numbers of signatures and able also to inspire curiously paralleled statements by different religious leaders.” Lally accused Protestants of helping to reinforce the erroneous but “widely believed” claim that the Hildy McCoy case was about “the religious interests of one party over another.” The “real issues,” he insisted, concerned “the plea of a tormented mother, the rights of a baby who could not speak for herself, and the majesty of the law by which society is governed.”⁸⁵ Although Lally directed most of his animus toward the Protestants, he also condemned “official Jewish spokesmen” for their “woefully eloquent silence” on the Ellises. Given their “clear Jewish record in the famed Finaly and Beekman cases,” he wrote, “Catholics would have felt a brother’s embrace if what was readily admitted in private had been willingly made public.”⁸⁶

Lally joined a chorus of Catholic leaders who accused the Protestant defenders of the Ellises of deliberately mobilizing misdirected “emotion” and inappropriate “sentiment.” Catholic archbishop Richard

Cushing, who was known in postwar Boston for his tolerant attitude toward Jews and his effort to promote interreligious harmony, issued his first personal declaration on the Hildy McCoy case in the spring of 1957.⁸⁷ Rather than attempting to smooth the tensions, Cushing went to war against Protestant critics, asserting that the “principal victim” in this case was not the Ellises but “the long-suffering mother of little Hildy McCoy,” who had demonstrated “moral tenacity” and “personal heroism.” “To the individuals and groups who have played on the sympathies and emotions of others in order to create an atmosphere indifferent to the conscientious rights of the baby’s mother and to the majesty of the law,” exclaimed Cushing, “we can only cry Shame! Shame! Shame!”⁸⁸

Using a Cold War analogy, Paulist father John B. Sheerin, editor of the *Catholic World*, equated what he called the misguided “emotionalism” of the Ellises’ Protestant supporters with the moral blindness of the “bleeding heart” Protestant liberals who professed the innocence of Alger Hiss (the Protestant former State Department employee who was accused of spying for the Soviet Union and convicted of perjury in 1950). Sheerin argued that like the champions of Hiss, those who remained blind to the facts of the Hildy McCoy adoption case suffered from the modern “disease of sentimentality.”⁸⁹ The editor of the (Jesuit) Boston College newspaper, Terry Logan, attacked what he called the “mawkish sympathy for these outlaws” by “supposedly educated [Protestant] clergymen.” Like the kidnapers of the Finaly boys in France, wrote Logan, the Ellises had engaged in “an obvious act of defiance of civil power” and “a conspiracy against human rights.” The law in Massachusetts “is explicit,” he added, and the Ellises “have maliciously and premeditatedly defied it.”⁹⁰

These Catholic briefs against misplaced “emotion” and inappropriate “sympathy” were directed not only at the Protestant campaign to save the Ellises but also at what they perceived as the media’s biased treatment of the story. Following the couple’s arrest, a small army of print and television reporters descended upon the Ellises’ home in Miami, hoping to cash in on the public’s seemingly inexhaustible hunger for stories about Hildy. The Ellises were only too happy to oblige. As he had during the appeals process in Massachusetts, Melvin Ellis continued to paint damning pictures of Hildy’s birth mother and claimed that he and his wife had been victims of religious discrimination. Framing most of their stories from the Ellises’ point of view, magazines, newspapers, and television shows depicted the Jewish couple not as criminals but as innocent victims of an unjust law and characterized Hildy’s mother as an unfeeling religious fanatic who cared more about her child’s spiritual welfare than her emotional and material wellbeing.

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Just after they were arrested, Melvin and Frances Ellis were also invited to tell their side of the story on the popular NBC television broadcast *The Today Show*. In the segment featuring their interview, the Ellises complained that in the courts of Massachusetts Hildy's welfare was never considered, "only religion," and that even their offer to raise Hildy as a Catholic had been rejected.⁹¹ And the sympathy engendered in this segment was doubled, intentionally or not, when the next segment of the program turned to Germany and used Holocaust-related footage of German youth marching to the site of the Bergen-Belsen concentration camp to lay flowers at Anne Frank's gravesite, where a sign reading "Here lie buried 800 bodies" pointed to the lethal consequences of religious intolerance.⁹²

Time magazine chose a concept associated with the history of American slavery to emphasize the heroism of the Ellises, explaining that after a Massachusetts judge had given them 48 hours to surrender Hildy or face arrest, "Frances Ellis took Hildy and went to Tuckahoe, N.Y., the first of several stops on an underground railroad manned by friends and relatives."⁹³ This was not the first time the magazine had emphasized the civil rights angle of the case. In 1955, after the court in Massachusetts issued arrest warrants when the couple failed to surrender Hildy, *Time* quoted Melvin's defiant statement: "I am not a willing hero or martyr. But I'll do anything that might help the child, and, if I should go to prison, it would be only my small protest against this law."⁹⁴ *Time's* 1957 Florida story magnified the statement by deploying the concept of the "underground railroad" to link the Ellises' martyrdom to that of brave nineteenth-century abolitionists who took perilous journeys to deliver enslaved people to freedom in the North. However, Miami, the final stopping point of the Ellises, was hardly a haven either for blacks or for Jews. Although Florida's governor, LeRoy Collins, was known as a "moderate" southern segregationist and had a reputation as a politician sympathetic to Jewish concerns about antisemitism, and though Jews had made inroads into local politics, Miami in 1957 remained a racially polarized Southern city where fears of racial "mixing" roiled local politics and where Jewish institutions suffered from repeated acts or threats of violence by white supremacist groups.⁹⁵

Much of the magazine coverage of the Ellises mirrored traditional middle-class Protestant American adoption narratives that depicted the "kidnapping" (of Catholic and other minority group children) as a form of well-meaning child "rescue."⁹⁶ *Time*, *Life*, and *Newsweek* drew upon the Ellises' own accounts, portraying the heroic "sacrifices" the couple had made to "save" Hildy from landing in what they ominously

referred to as a Catholic “orphanage” or “an institution.” These accounts, which emphasized the parental love and material comforts the Ellises had generously provided the child, erased the fact that the primary mission of Hildy’s mother over the past six years was not to place her daughter in an “institution” but to have her adopted by a Catholic family.⁹⁷ For example, *Life* published a feature story in early April of 1957 by journalist Loudon Wainwright that deliberately tapped into the expectations of 1950s Americans for what constituted desirable white American middle-class family life in the Cold War era—when the “good” Cold War family was the nuclear, but not necessarily the biological, family and when parenthood became what one historian calls “a patriotic duty.”⁹⁸ The story described the “airy three-bedroom house in Miami, where Melvin and Frances Ellis are trying to provide a normal life for a little girl named Hildy whom they have raised for all of her six years.” This and other media accounts emphasized the physical differences between the blond-haired Hildy and the Jewish Ellises, but only to downplay its importance. *Life* described Melvin Ellis as a “balding, slight and bespectacled” 45-year-old Jewish man and Hildy as a “cheerful and well-behaved” child with “a rash of freckles high on the bridge of her turned-up nose.” The point, however, was to showcase the transcendent bond of familial love that bound together a Catholic-born child and her Jewish caregivers. The first page of the story featured a photograph of a smiling Melvin Ellis in a playful pose, with Hildy gazing up at him affectionately. Accompanying the feature story was a photograph of Frances Ellis fixing Hildy’s hair, with a caption that read, “Mrs. Ellis gets child ready to go out and play after school. Hildy is neat about dressing herself but needs help with her hair.” The concluding photo, shot inside Hildy’s bedroom, carried another normalizing caption, reading, “Fond Goodnight Kiss from Frances and Melvin Ellis is windup of Hildy’s bedtime routine, which includes a nightly romp with her foster father.”⁹⁹

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“Bitterness, Passion, and a Serious Deterioration of Interfaith Relations”

Some of these themes were echoed in the letters and postcards that ordinary citizens sent to Florida’s governor. Thousands and thousands of people took it upon themselves to write personal letters or to sign church-sponsored petitions as news reports and Protestant churches spread the word that the governor was weighing Massachusetts’ extradition request. The governor estimated that, all told, he received nine

thousand forms of “communications of all kinds” on the extradition question, more than on any other issue he faced during his tenure in office and enough to fill 10 archival boxes.¹⁰⁰

The letters Governor Collins received came from all over, but mainly from Massachusetts and New York. Most of the letters beseeched Collins to allow the Ellises to remain in the state, and most of these so-called pro-Ellis letters came from Protestants. But scores of pro-Ellis letters also came from self-described Catholics, including one who counted himself among “the rank and file of Irish Catholics of Massachusetts” who placed “parenthood” and love for children above “the dictates of our Ecclesiastical Hierarchy”;¹⁰¹ from people who measured the couple’s devotion to Hildy by their promise to raise her as a Catholic; and from others who could not understand why Marjorie, who was now a married woman, had never offered to take Hildy into her own home. Although dozens of people with “Jewish-sounding” names such as Cohen and Kaplan also wrote to Governor Collins, very few letters of any kind came from those who self-described as Jews, perhaps out of a desire to avoid the appearance of special pleading on behalf of their coreligionists.¹⁰² Protestants, for example, typically began (or closed) their letters by stating they were “neither Catholic nor Jewish,” offering this as evidence of their “objectivity.”

Several themes predominated in the mountain of letters that arrived at the governor’s office; most important was the call to allow “mercy to temper justice.” The vast majority of the letters asked Governor Collins to put Hildy’s needs above all else, including one from a Protestant woman in Massachusetts who wrote, “Respect for law and order is one thing, however there are instances where there exists a Higher Law which one in turn must consider.”¹⁰³ A Massachusetts attorney argued that although “the Ellises have not necessarily acted in good faith in this matter, the principle effect . . . of extradition would be a more serious psychological shock to the child involved.”¹⁰⁴ Numerous letters also called into question the idea that the Ellises were “kidnappers.” A Connecticut woman who identified herself as a Protestant wrote, “I know that they say there’s a kidnap charge against the Ellises, but I really don’t see how this could go under the category of kidnap. Sometimes the law can be a cold and cruel thing.”¹⁰⁵ A Protestant woman from Massachusetts who called Hildy’s birth mother an “unnatural mother” and a “Living Monster of a mother” willing to “throw” her child onto the “market place” where “Catholic Strangers” can “take her to an unfamiliar, perfectly strange home,” defended Melvin Ellis and asked rhetorically, “What has happened to our courts of law that they can proclaim a good father—a kidnapper.”¹⁰⁶

Many letters declared that the Ellises must be protected from "racial" and religious discrimination. "Do not permit little Hildy McCoy to become an innocent victim of religious prejudice," implored a woman from the Bay State.¹⁰⁷ A man from Massachusetts declared, "the law under which the Ellis family is being persecuted was conceived in ignorance and bigotry" and was "obvious" in "its racial prejudice."¹⁰⁸ An Ohio woman, who claimed that the Ellises "have shown the highest of Christian love for this little girl while her so-called 'mother' hasn't even indicated such feelings for the child," urged the governor to allow Hildy's welfare to be considered "over and above any racial prejudice."¹⁰⁹ Although I consider myself only a fair Christian," wrote another Ohio woman, "it seems that when God chose the one woman in all the world to bear His Son, he chose a Jewess. How can we, in the name of religion decide that a Jewess should not bring up a Catholic child."¹¹⁰ A letter from a self-described "escapee from Mass." went on at length about the dangers of Catholic "power" and Catholic "arrogance" and warned that the Roman Catholic hierarchy that was pushing for extradition "wants to show its power, even in non-Catholic Florida."¹¹¹

Some letters from Protestants forced a reckoning with the Holocaust, insisting that the "persecution" of the Ellises by Catholic authorities in Massachusetts resembled Hitler's treatment of the Jews. An Illinois resident told Florida's governor, "I am an ex GI who just fought a war to disprove the theory of a master race, only to find, on my return, that within our own borders there is a growing menace of a super religion." He urged, "the rising arrogance of the Catholic Church must be stopped."¹¹² A self-described Protestant living in New York City but originally from Massachusetts wrote that "slapping a kidnaping charge on the Ellises for doing what any loving parents would do under the circumstances smacks of Hitlerism."¹¹³ "It is fearsome to find this type of Nazi brutality here in the United States," wrote a Connecticut resident.¹¹⁴ A woman from Detroit told Governor Collins that if the persecution of the Ellises had occurred in Nazi Germany, she would not even have the freedom to write to a government official. "But this is AMERICA. Can such an injustice be allowed in our country?"¹¹⁵

Most of Boston's Jews continued to remain silent, but the looming extradition threat prompted some to contact Florida's governor, hoping, as one letter put it, that his "sense of justice" would prevail. Among them were 45 members of the Ladies Auxiliary of the North Russell Street Synagogue, who signed a handwritten petition asking him to permit the Ellises to remain in Florida; a group of 11 women and men in Boston, including one who signed his name "King Solomon Jr," who asserted that the Ellises had acted as "real parents to the child"

and were “certainly far more suitable to take care of her than is an orphanage”; and several longtime friends of Melvin Ellis who attested to what they called his high “moral character,” his “excellent reputation in the community,” and the many personal “sacrifices” he and his wife had made in order to provide Hildy with “a home in which love and devotion have surely been given her.”¹¹⁶

Although the vast majority of individuals who wrote to Governor Collins urged him to protect the Ellises from extradition, he also received more than a hundred letters imploring him to send the couple back to Massachusetts to stand trial for kidnapping. These letters, which often contained clippings from the Catholic press, came from all over the country, but mainly from Massachusetts, New York, and Florida. Pushing back against the avalanche of “pro-Ellis” letters and the “half-truths” and “misconceptions” circulating in the press, those who urged extradition emphasized that the Ellises were lawbreakers and must be treated as such. “Who are these people [who] under the guise of great humanitarians, defy the state law” and then “expect to be protected by another state?” demanded a resident of New York.¹¹⁷ The Ellises “have become refugees from the law by their own choosing” and “should not be allowed to go unpunished or it will encourage others to do as they please,” wrote a Brooklyn woman.¹¹⁸ A resident of Fort Lauderdale who deployed the idiom “the shoe on the other foot” told Governor Collins that like the French and Dutch Catholics who had moved Jewish orphans from place to place to avoid relinquishing them, the Ellises must be held accountable for the “illegality and duplicity” of their actions.¹¹⁹

Others reminded the governor that the Ellises had violated “the spirit and intent of a law ... designed and planned to protect the birthright of *all* children,” as one letter from Massachusetts put it.¹²⁰ “I am Jewish,” declared a Boston woman who referred to the Ellises as “the kidnappers of the poor little Christian girl.” If they really cared about Hildy, she added, they should have permitted “Christian authorities” to find “a good Christian couple to bring her up.” Instead, they defied the courts and “sneaked away like criminals.” Demanding that the governor put himself in the shoes of Hildy’s mother, she asked, “Would you want your child to be brought up as a Jew in a Jewish home? *No, you wouldn’t.*”¹²¹ A woman who called herself a “Grandmother of the Jewish faith and proud of it” made it clear that she had no sympathy either for Hildy’s mother, who brought a child into the world “under shameful circumstances,” or for the Ellises, who had done “a very foolish thing” by trying to adopt a Christian child. If they raise this child as a Jew, “they’ll have a mitzvah (a good deed),” she remarked, but “if they

bring her up as a Christian they too will have to convert themselves into a different faith and someday they'll have to answer to their maker."¹²²

Still others maintained that far from protecting Hildy's "best interests," the Ellises had demonstrated a complete lack of concern for her spiritual and temporal welfare. "How can any couple who have consistently ignored the laws and rulings of appointed judges be fit to raise any child?" asked a Catholic resident of New York.¹²³ "Is it in Hildy McCoy's best interest to be reared by people who cheat, lie, and show utter contempt for any and all laws?" asked a Florida woman who declared, "I THINK NOT!"¹²⁴ "The child has been leading the life of a fugitive for the past two years, living in some five or six different places and in almost as many different states," wrote a Boston attorney, and had been deprived of "her native religious heritage" that "each of us is entitled to."¹²⁵

Some letters urging extradition were overtly antisemitic, some were frankly anti-Protestant, and some were both. A New York City resident who compared the Hildy McCoy case to the Finaly affair in France complained that in contrast to the Catholics who had had moved Jewish war orphans from place to place "to avoid giving up custody," the Ellises were depicted in the press as "innocents." This unequal treatment, he argued, was yet another example of how "we are constantly building up mean lousey [*sic*] JEWS either [as] hero[es] or martyrs, [or] victims of discrimination."¹²⁶ A Catholic resident of Brookline, Massachusetts, the Ellises' hometown, called the couple "the Miami mobsters" (a reference to the fact that their attorney, Ben Cohen, represented the notorious S&G gambling syndicate) and declared that all the talk about saving Hildy from an "orphanage" was "so much bullshit!" Are the Ellises "above the law?" he demanded to know. "Are parasitic kikes and bigoted Protestant bastards going to make your decision?"¹²⁷ Another accused the governor of being "motivated by—first—your *anti-Catholic bigotry* and secondly—by *money interests*, namely Jewish."¹²⁸ A Pennsylvania man who wrote after the governor made his decision warned, "Americans will not forget how you were influenced by letters inspired by the P.O.A.U. and not by justice."¹²⁹

As Catholics who supported the extradition order had feared, the Protestants' campaign to save the Ellises, the avalanche of pro-Ellis letters from ordinary Americans, and the highly sympathetic and sentimentalized stories in the press bore fruit and gave the couple exactly what they needed. On May 23, 1957, Governor Collins, a devout Methodist in a Protestant-majority state, announced that he would block the extradition order. In justifying his decision, Collins took Marjorie McCoy to task. Although he claimed to

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have “no feeling against the natural mother, except that of pity,” he portrayed her as a false parent who cared more about rearing the child “in her own faith” than about Hildy’s emotional welfare. Though Hildy’s mother had a “right” to ask that her child be raised in her own religion, said Collins, there were certain “fundamental rights” that were far more important. In Collins’ words, “the great and good God of us all, regardless of faith, granted to every child to be born first the right to be wanted, and second the right to be loved.” Echoing statements that Melvin Ellis had been telling the press for years, Collins insisted that it was the Ellises who wanted Hildy to be “born,” and it was they and not Marjorie who had given Hildy “the only home, and . . . the only mother and father she has ever known.”¹³⁰ In a front-page story, the *New York Times* reported that “the crowded hearing room broke into applause” and that “Mr. Ellis, 45, and his wife, Frances, 38, smiled through tears while Governor Collins read his statement.”¹³¹ *Newsweek* added its own fairy-tale ending. In a happy-ever-after article titled “Girl Got Affection,” the magazine reported in its National Affairs section: “The case ended where it began, with Hildy, a charming, freckled youngster, safe in the protecting arms of the couple who drove off with her that wintry February morning of 1951.”¹³²

The Ellises were overjoyed and immediately announced to the press that they would probably raise Hildy “in the Jewish faith,” adding that when she was “old enough to understand” about other religions, she could make up her own mind.¹³³ Rabbi Morris Shop, president of the Greater Miami Rabbinical Association, told the *National Jewish Post* that he agreed with the governor’s decision but clarified that it was “not because of the religious implications, but because it was the only humanitarian thing to do.”¹³⁴ The *Jewish Floridian*, which had remained on the sidelines of the Ellises’ case, openly applauded the governor’s decision to allow the couple “to keep the blue-eyed blond child.”¹³⁵ The paper expressed sympathy for the “suffering Ellises who continue to sacrifice” for Hildy’s welfare¹³⁶ and registered its outrage that a couple who “exemplify the highest ideals of home and parenthood” had been subjected to “slandrous” attacks and charged with “so heinous a crime as kidnapping.”¹³⁷

Less than two months later, Florida Circuit Court judge John Prunty granted the Ellises’ petition to legally adopt Hildy. In his ruling of July 11, he claimed he had no doubt about “the sincerity” of Hildy’s biological mother in seeking to protect her daughter’s “spiritual welfare” but declared it was in Hildy’s “best interests” to remain with the Ellises. To separate her from the couple now, said the judge, “might result in

irreparable damage to her."¹³⁸ The circuit court's decision to permit the adoption was perhaps unsurprising given the state's relatively liberal practices. The Ellises knew before they lit out for Miami that, unlike Massachusetts and New York, existing adoption regulations in Florida were almost never enforced. The state had few adoption agencies, most placements were made without professional oversight, and Florida social workers were reluctant to remove a child from the custody of a family where it had lived for a long period of time.¹³⁹

Hildy's biological mother, who had previously spoken only through her legal counsel, responded to the ruling by announcing to the press that she was now entrusting her child "to the loving protection of God with prayers I hope many will share." She expressed gratitude to the courts of Massachusetts for "upholding my rights to provide for my baby in accordance with conscience" and without naming the Ellises declared that "one day" her daughter would "learn the facts about her mother's desire to protect her with a privacy that others were willing to destroy."¹⁴⁰

Although the six-year struggle was officially over, the decision of Florida's governor to allow the couple to remain in the state and the decision of a Florida judge to allow the Ellises to legally adopt Hildy did nothing to resolve the vexing questions that concerned Jews and Catholics on both sides of the Atlantic. Did religious communities have the right to determine the identity of children? What role, if any, should religious considerations play in defining a child's "best interests"? What should be the role of the state in deciding on these matters? And when did representatives of the state, in making such determinations, undermine individual religious freedom or group rights?

Hildy McCoy was only six weeks old in 1951 when Marjorie McCoy first demanded the Ellises give her back so she could be placed with a Catholic family and only two years old in 1953 when a Massachusetts probate judge ruled in Marjorie's favor, rejected the Ellises' adoption petition, and ordered the Ellises to return the child. But by 1957, the tangled legal and religious history of the case was overshadowed by the sense of emergency provoked by the extradition order. What mattered most to the Ellises' supporters was the fact that Hildy was now six years old. The longer she resided with "the only parents she had ever known," the greater the moral capital the Ellises accumulated. In the spring of 1957, that capital was considerable. What had begun as a contentious, well-publicized Massachusetts case involving Jews and Catholics had become a full-blown national humanitarian crisis by 1957, a crisis that reveals both the fluidity and the fractiousness of midcentury attitudes toward religious difference.

For Jews, however, it was a complicated moment. Many Jews no doubt breathed a collective sigh of relief that a helpless child would not be deprived of the security and love that the Ellises had given her and that a Jewish couple who had been vilified as “criminals” and “kidnappers” by the Commonwealth of Massachusetts and the church hierarchy were warmly embraced by the mainstream media and vindicated by Florida’s Protestant governor. However, the sense of urgency that surrounded the 1957 campaign to save the Ellises from extradition obscured the fact that religious boundary issues in child adoption mattered as much to Jews everywhere as they did to Catholic leaders in Massachusetts. Jews believed that children’s religious identity was established at birth, and most Jewish institutions supported religious-matching laws as a protective mechanism against encroachment by non-Jews. Thus, many Jews had also felt caught in the difficult contradictions that emerged as the Ellises pressed on in their battle to keep Hildy.

The Lens of Child Adoption

In this article, I have argued for the value of reexamining postwar inter- and intrareligious conflicts through the lens of child adoption and have emphasized that conflicts over adoption constitute an important, if underappreciated, aspect of modern Jewish history. The Hildy McCoy case was much more than a story about the fate of a single child. It tested the limits of postwar religious “tolerance,” took ecumenism to the brink, and pushed Jewish leaders to clarify their views on the permanent transfer of children from one religious group to another—an already controversial issue amplified by post-Holocaust European incidents in which Roman Catholics had kidnapped Jewish children. The travel of the Finaly and Beekman affairs across the Atlantic had added complicating dimensions to Jewish views about the adoption of non-Jewish children and fueled Catholic rhetoric about Jewish silence in the Hildy McCoy case. But the case not only roiled Jewish–Catholic relations, it also ignited a much wider interreligious proxy war in which Roman Catholics attacked Jewish leaders, Protestants did battle against what they saw as the growing threat of Catholic power, and Jewish leaders grappled with the troubling religious, ethical, and legal issues raised by a Jewish couple charged with kidnapping a Roman Catholic child. Unwilling to publicly defend the couple but also reluctant to publicly impugn them, Jewish leaders struggled to find a way forward amid uncertainties raised by the

Hildy McCoy case and by the potentially deleterious implications for Jewish continuity and communal survival posed by transreligious adoption.¹⁴¹

In his 1958 book about religious conflict in the United States, Leo Pfeffer observed that Jews as a group continued to feel “an instinctive, emotional, and almost irrational repugnance to the thought of a Jewish-born child being raised in a non-Jewish faith.” According to Pfeffer, this repugnance had contributed to the high degree of Jewish ambivalence about the entire topic of transreligious adoption. It was this ambivalence, he argued, and not the fact that the Ellises were Jewish that accounted for the deliberate silence of Jewish organizations about the Hildy McCoy case. “It cannot safely be predicted what position American Judaism will ultimately take on the question of interreligious adoptions,” wrote Pfeffer, or if “there will ever be a sufficient degree of unanimity within Judaism to arrive at a common position.”¹⁴²

The issue remained unresolved in 1961, when the American Jewish Congress and the New York Board of Rabbis urged the New York State Constitutional Committee to amend the state’s strict religious-matching law so that judges could permit interreligious placements in cases where it was both “consistent with the welfare of the child” *and* in accord with “the wishes” of the biological parent (the two principles that had led Pfeffer and the CLSA to intervene on behalf of the Goldmans and the Gallys in Massachusetts).¹⁴³ But a group of New York’s Orthodox rabbis objected on the grounds that “hundreds, maybe thousands” of Jewish children might be lost to the Jewish faith as a result of such an amendment. The American Jewish Congress countered, arguing that, on the contrary, the amendment would actually strengthen “the rights of hundreds if not thousands of childless Jewish couples to adopt infants born of non-Jewish parents and to raise them as Jews.”¹⁴⁴ However, it would take until 1970 for the New York legislature to approve the proposed “parental choice” amendment and until 1976 for the Massachusetts legislature to revise the commonwealth’s equally inflexible adoption law so that, when consistent with the child’s “best interests,” judges would be able to take “all relevant factors” into consideration when making orders for adoption, including the religious preferences of the biological parents.¹⁴⁵

Even as states began to modify their religious-protection laws, Jews as a group remained deeply divided about interreligious adoption. In the 1970s, those concerns were simultaneously amplified and effaced by new sources of conflict over group boundaries and group rights. The growing popularity of transracial and transnational adoption

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presented new quandaries and questions for Jews. Would non-white, non-Jewish children find acceptance within the Jewish community? And what stance should Jews take when ethnic and racial minorities demanded that *their* children remain within the boundaries of the group?

These questions arose in the context of shifting American views of child adoption. Dwindling “supplies” of white infants and what historians of transnational and transracial adoption have described as narratives of “color-blind” liberalism and humanitarian “rescue” had expanded “definitions of adoptability” both for child-placement professionals and for adoptive couples. As the cultural consensus against transracial adoption slowly began to crumble, white families increasingly sought to adopt children by crossing racial, ethnic, and national borders.¹⁴⁶ Yet by the early 1970s, the politics of “color-blind” liberalism had also produced a backlash. The National Association of Black Social Workers insisted that transracial adoption posed a threat to the future of African American communities and the self-identity of black children and issued a powerful statement “affirm[ing] the inviolable position of black children in black families where they belong.”¹⁴⁷

The longest-running story of child theft in North America also came to light in the mid-1970s, when statistics gathered by the Association on American Indian Affairs revealed that in states with large Indian populations, an average of 25–35 percent of Native American children had been removed from their families and tribal communities. The process dated back to the end of the nineteenth century and continued decade after decade as white authorities placed Native American children with white Christian families and in boarding schools on the grounds that indigenous mothers and communities were allegedly “unfit” to raise them. But the larger agenda of these bureaucratic “child welfare” policies was to eradicate the cultural, linguistic, and religious heritage of Native American children.¹⁴⁸ Unlike the Catholics and Jews who in earlier decades had successfully pressed state legislatures to enact religious-protection statutes, Native Americans had been powerless to gain protections that honor tribal rights to protect children’s cultural heritage. That changed in 1978 with the passage of the Indian Child Welfare Act (ICWA), a federal statute that gave tribes jurisdiction over adoption and custody decisions. When a child had to be moved from where it was domiciled, the ICWA established a “hierarchy of placement.” First priority went to the child’s extended family, second to members of the child’s tribe, and third to another Indian family. Only in situations where the first

three options were unavailable could the courts place an Indian child in a non-Indian family.¹⁴⁹

The question of where Jews positioned themselves on the need for the ICWA is an intriguing one that requires further research. The Union for Reform Judaism (formerly the Union of American Hebrew Congregations) issued a resolution in 1977 declaring that “even today we share with Indians the tensions between assimilation and the desire to maintain cultural and ethnic identities.” The rabbis demanded that the U.S. government address the “disgraceful” history of “broken promises and unhonored treaties” that had endangered the welfare of Indian families and called upon the government to fund initiatives “to keep Indian children with their families or to provide placement of Indian children in Indian homes when such action is required.”¹⁵⁰ The Indian child-removal crisis clearly touched a nerve among some Jewish religious leaders, but it is far from clear whether their ethical perspectives were widely embraced in the Jewish community or whether the principles articulated in their resolution in support of the ICWA would be applied beyond the specific case of Native American children.

Adoption remained a contentious issue in Jewish communities. Although the fear of “losing” children to non-Jewish families did not disappear, new concerns arose about the soaring numbers of couples who crossed national, ethnic, racial, and religious borders to adopt children who did not come from what one writer called “the bloodline of Judaism.”¹⁵¹ Sociologist Jennifer Sartori observes that by the beginning of the twenty-first century, the dramatic shift in Jewish adoption practices raised numerous unsettling questions for adoptive parents, adoptees, and the broader Jewish community about whether nonwhite children with what have euphemistically been called different “birth heritages” will ever be fully accepted as authentically Jewish so long as concepts of “Jewishness” remain defined by “genes, blood, and [white] appearance.” Even with “valid conversions and Jewish upbringings,” writes Sartori, many adoptees (including some who are white), “report having their Jewish identity questioned because they were not ‘born Jewish.’”¹⁵²

Much has changed since the adoption wars of the 1950s, when Jews worried about the loss of their children to non-Jews, Catholics accused Jews of holding a hypocritical double standard about whose babies belonged where, and contests over religious matching appeared on litigation dockets across the United States. Writing in the aftermath of the Hildy McCoy case, Leo Pfeffer had raised doubts about the ability of Jews to arrive at a “common position” or a sense of “unanimity” on

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the emotion-laden issue of interreligious adoption. That Jews today have still not arrived at a common position on the permanent transfer of children from one group to another reveals just how fraught the subject of adoption has been and continues to be in the private and public realms of modern Jewish life.

Notes

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- 1 *Ellis v. McCoy*, 332 Mass. 254, 124 N.E.2d 266 (1955). Ellen Herman devotes a brief footnote to *Ellis v. McCoy* in “The Difference That Difference Makes: Justine Wise Polier and Religious Matching in Twentieth-Century Child Adoption,” *Religion and American Culture: A Journal of Interpretation* 10 (Winter 2000): 80 n. 44. Rachel Rains Winslow’s 2017 book, a study of the effort to promote greater openness toward international and domestic adoption, confines her discussion of the Hildy McCoy case to an analysis of some of the media-favorable representations of the Ellises after they were arrested in Miami in 1957 but neglects the complex inter- and intrareligious conflicts and legal questions that were at the heart of the case. See Rachel Rains Winslow, *The Best Possible Immigrants: International Adoption and the American Family* (Philadelphia, 2017), 107–13.
- 2 Studies of postwar litigation over school prayer and other forms of public religion include Kevin M. Schultz, *Tri-Faith America* (New York, 2011); Sarah Barringer Gordon, *The Spirit of the Law* (Cambridge, Mass., 2010); Naomi W. Cohen, *Jews in Christian America: The Pursuit of Religious Equality* (New York, 1992); Greg Ivers, *To Build a Wall: American Jews and the Separation of Church and State* (Charlottesville, Va., 1995); David G. Singer, “One Nation Completely under God? The American Jewish Congress and the Catholic Church in the United States, 1945–1977,” *Journal of Church and State* 26 (1984): 473–90; and Jonathan D. Sarna, “American Jews and Church-State Relations: The Search for Equal Footing,” in *Religion and State in the American Jewish Experience*, ed. Jonathan D. Sarna and David G. Dalin (Notre Dame, Ind., 1997), 1–38. Egal Feldman, *Catholics and Jews in Twentieth-Century America* (Urbana, Ill., 2001), discusses other sources of postwar tension but ignores child adoption.
- 3 Leo Pfeffer, “Religion in the Upbringing of Children,” *Boston University Law Review* 35 (June 1955): 333.

- 4 Court records reveal that the physician who placed the child apologized to Marjorie and agreed that the Ellises should return the baby immediately so they did not become “too attached to her.” “Report of the Material Facts,” Hon. James F. Reynolds, Sept. 22, 1953, p. 360, in Commonwealth of Massachusetts, Norfolk, SS, Probate Court, Two Claims of Appeal (Guardianship No. 130112), Record of Appeal, *Ellis v. McCoy*, Social Law Library, John Adams Courthouse, Boston (hereafter Record of Appeal).
- 5 My summary is drawn from *Ellis v. McCoy*, 332 Mass. 254; Reynolds, “Report of the Material Facts,” 359–62; Commonwealth of Massachusetts, Supreme Judicial Court, In Equity, no. 5343, Oct. 1954, *Ellis v. McCoy*, “Brief for Respondent,” 2–7, Record of Appeal; Commonwealth of Massachusetts, Supreme Judicial Court, In Equity, No. 5343, Oct. 1954, *Ellis v. McCoy*, “Brief for Petitioners,” 13, 21, 28, copy in Church and State: Adoption and Custody Subject Files, Commission on Law and Social Action, American Jewish Congress Records, I-77, American Jewish Historical Society, New York (hereafter CLSA Adoption and Custody Files).
- 6 Memorandum by Jason R. Silverman, Anti-Defamation League of B’nai B’rith, Boston, to Robert E. Segal, Feb. 8, 1952, box 42, folder 1, Records of the Boston Jewish Community Relations Council, I-123, American Jewish Historical Society, New England Archives, Boston, Massachusetts (hereafter BJCRC).
- 7 This was *Petition of Gally*, 329 Mass. 143, 107 N.E.2d 21 (1952).
- 8 *Ellis v. McCoy*, 332 Mass. at 256–57; “Brief for Petitioners,” 2; Reynolds, “Report of the Material Facts,” 365.
- 9 *Ellis v. McCoy*, 332 Mass. at 258–59; “Brief for Petitioners” In all, the Ellises’ attorney filed 22 separate appeals.
- 10 On the “fraud” allegation, see Commonwealth of Massachusetts, Norfolk County, SS, Probate Court, Cases No. 124116 and 130112, *Ellis v. (McCoy) Doherty*, “Petition for Revocation of Decree Allowing ‘Motion’ to Revoke Consent,” July 18, 1955, pp. 3–4, and “Petition for Recall and Quashing of Writ of Habeas Corpus,” July 16, 1955, p. 52, Record of Appeal. On the offer to raise Hildy as a Catholic, see Commonwealth of Massachusetts, Norfolk County, SS, Probate Court, Cases No. 124116, 130112, and 135917, “Transcript of Arguments,” June 15, 1955, p. 17, and “Transcript of Evidence,” May 3, 1955, pp. 65–66, Record of Appeal. There were halakhic prohibitions against the adoption of a child whose non-Jewish parents expected the child to be reared in the Christian faith. See the memorandum from Isaac Toubin to Shad Polier and Will Maslow, June 26, 1951, box 243, folder 1, CLSA Adoption and Custody Files.
- 11 Press coverage in 1955 was extensive; the articles, too numerous to cite, include “Ellis Case at a Glance,” *Boston Daily Globe*, July 7, 1955, p. 8; “Sheriffs in Fourteen Counties Search Fruitlessly for Ellises, Hildy,” *Boston Daily Globe*, July 10, 1955, p. 1; “Jewish Couple Offer to Raise Hildy as Catholic,” *Boston Daily Globe*, May 12, 1955, p. 6; “Faith and a Child,”

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- Newsweek*, July 18, 1955, pp. 20–21; “Story of a Struggle: How Ellis Case Developed,” *Boston Daily Globe*, May 24, 1957, p. 11; “Jewish Parents Fail to Surrender Adopted Child to Catholic Mother,” *Jewish Telegraphic Agency*, July 6, 1955; “Fight for Hildy,” *Time* 66 (July 18, 1955): 38; Courtney R. Sheldon, “The Tragic Case of Hildy McCoy,” *New Leader* 38 (Aug. 8, 1955); “Ellises Hunted after Failure to Yield Girl,” *Boston Herald*, July 6, 1955, box 42, folder 2, BJCRC; “Judge Denies Rehearing in Ellis Case,” *Religious News Service*, July 19, 1955, box 245, folder 1, CLSA Adoption and Custody Files; “Couple Ordered to Surrender Child in Adoption Fight,” *Religious News Service*, July 25, 1956, box 245, folder 1, CLSA Adoption and Custody Files; Fern Marja, “If Hildy Is Taken From Us,” *New York Post*, July 6, 1955; and idem, “Foster Parents Hiding Hildy, Won’t Give Her Up to Court on New Writ,” *New York Post*, July 10, 1955.
- 12 “Jewish Foster Parents Released in ‘Kidnapping’ of Girl,” *New York Times*, Mar. 19, 1957, p. 39; “Date Set for Hearing in Hildy McCoy Case,” *Washington Post*, Apr. 19, 1957, p. A3; Alan MacLeese, “Ellis’ Attorney and JP Assailed,” *Miami Herald*, Mar. 23, 1957, p. 25-B.
- 13 *Second Chance*, episode 10, “Hildy,” July 14, 1955, hosted by Johnny Olson, on NBC Radio, <https://www.oldtimeradiodownloads.com/quiz/second-chance/second-chance-55-07-14-10-hildy>.
- 14 L. Pfeffer, “Religion in the Upbringing of Children,” 372–73, 592–93; “Memorandum on Religion and Adoption,” Mar. 25, 1954, box 243, folder 7, CLSA Adoption and Custody Files. See also Leo Albert Huard, “The Law of Adoption: Ancient and Modern,” *Vanderbilt Law Review* 9, no. 473 (1955–56): 754–55; “Religion as a Factor in Adoption, Guardianship and Custody,” *Columbia Law Review* 54 (Mar. 1954): 396–98, 400; and “Constitutionality of Mandatory Religious Requirements in Child Care,” *Yale Law Journal* 64 (Apr. 1955): 773–75. Historians note that religious boundary maintenance was codified in states’ laws to a far greater extent than any other category of difference. See Barbara Melosh, *Strangers and Kin: The American Way of Adoption* (Cambridge, Mass., 2002), 76, and Ellen Herman, *Kinship by Design: A History of Adoption in the Modern United States* (Chicago, 2008), 238. Herman observes that “consensus against transracial adoption was so complete before the 1960s, that only two states—Texas and Louisiana—bothered to pass statutes explicitly prohibiting them.” See also Randall Kennedy, *Interracial Intimacies: Sex, Marriage, Identity, and Adoption* (New York, 2003). Historian Linda Gordon presents a particularly vivid example of a legal contest on the Arizona/Mexico border where race trumped religion—the 1906 case *New York Foundling Hospital v. Gatti*. See Linda Gordon, *The Great Arizona Orphan Abduction* (Cambridge, Mass., 1999), 275–306.
- 15 Quoted in L. Pfeffer, “Religion in the Upbringing of Children,” 378. On the codification of existing practices, see, “New England Adoption Problem,” memorandum from Gerald A. Berlin to Will Maslow, Dec. 13, 1951, box 243, folder 1, CLSA Adoption and Custody Files.

- 16 Herman, *Kinship by Design*, 126. Adoption agencies also matched traits such as eye, hair, and skin tone and observable mental capacities; see Herman, *Kinship by Design*; Melosh, *Strangers and Kin*; and Brian Paul Gill, "Adoption Agencies and the Search for the Ideal Family, 1918–1965," in *Adoption in America: Historical Perspectives*, ed. E. Wayne Carp (Ann Arbor, Mich., 2004), 160–80.
- 17 Karen A. Balcom, "Phony Mothers' and Border-Crossing Adoptions: The Montreal-to-New York Black Market in Babies in the 1950s," *Journal of Women's History* 19 (Spring 2007): 109. "Duty to protect" is Balcom's phrase.
- 18 Berlin, "New England Adoption Problem," 2. See also "Your Letter to Bea Citrynell—Ellis Case," memorandum from Leo Pfeffer to Will Maslow, Aug. 3, 1955, box 245, folder 1, CLSA Adoption and Custody Files. In the memorandum, Pfeffer says that any attempt to repeal the statute would arouse opposition among not only religious Jews but also the Jewish welfare agencies.
- 19 Minutes, dinner meeting of the Free Synagogue Child Adoption Committee and doctors, draft, Dec. 18, 1947, p. 4, box 10, folder 2, Shad Polier Papers, P-572, American Jewish Historical Society, New York. See also "Moppets on the Market: The Problem of Unregulated Adoptions," *Yale Law Journal* 59 (Mar. 1950): 715–16, 718–24, 729–31, 734, 736; Karen A. Balcom, *The Traffic in Babies: Cross-Border Adoption and Baby Selling between the United States and Canada, 1930–1972* (Toronto, 2011); idem, "Phony Mothers"; and Naomi Greene, "A Tale of the Cold War: Jews, Catholics and Black Market Babies," *Modern Judaism* 38 (May 2018): 131–59.
- 20 On litigation mainly involving Catholic-born children, see Leo Pfeffer, *Church, State, and Freedom* (Boston, 1953), 593, and Herman, "Difference," 69.
- 21 *Ibid.*, 69–70. The number of Jewish couples exceeded the number of available Jewish babies by a 10:1 ratio in New York and 25:1 in Newark and Detroit. Abraham G. Duker, "Jewish Attitudes to Child Adoption," in *A Study of Adoption Practice*, ed. Michael Schapiro, 2 vols. (New York, 1955), 2: 140. Yet the "supply" of available white Catholic infants also varied by locale and in some states, especially in the Northeast, there were waiting lists of "well-qualified" Roman Catholic families competing to adopt a Catholic-born child. See Balcom, *Traffic in Babies*, 139–40.
- 22 L. Pfeffer, "Religion in the Upbringing of Children," 339.
- 23 On fear that Jewish children put up for adoption might be "exposed to baptism," see Richard Cohen, letter to the editor, *Jewish Press*, Mar. 13, 1961, box 243, folder 7, CLSA Adoption and Custody Files.
- 24 Minutes, meeting of National Community Relations Advisory Council Executive Committee, June 30, 1953, box 42, folder 1, BJCRC. See also L. Pfeffer, "Religion in the Upbringing of Children," 340.
- 25 *Ibid.*, 344 n. 70; "Notes on Address by Rabbi Leon A. Jick," undated typescript, ca. 1955, pp. 1–2, box 82, folder 1, Series XI: Regional

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- Chapters, Commission on Law and Social Action, American Jewish Congress Records, I-77, American Jewish Historical Society, New York (hereafter CLSA Regional Chapters); Duker, "Jewish Attitudes to Child Adoption," 142–43. See also Paula F. Pfeffer, "A Historical Comparison of Catholic and Jewish Adoption Practices in Chicago, 1833–1933," in Carp, *Adoption in America*, 101–23.
- 26 "Notes on Address by Rabbi Leon A. Jick," 1–2.
- 27 Justine Wise Polier, "Child Adoption across Religious Lines: What Policy for Jewish Community Relations Agencies?," Oct. 17, 1955, p. 18, box 42, folder 3, BJCRC. See also Herman, "Difference," 64–65.
- 28 *Ibid.*, 70. Barbara Melosh notes that as late as the 1970s, social-welfare departments and judges frequently supported the "communal claims" on the child's "Catholic identity" even when the mother was willing to give her child to people of a different faith. Melosh, *Strangers and Kin*, 81.
- 29 Charles G. Chakerian, "The Religious Component in Adoption: A Protestant Appraisal," in Schapiro, *Study of Adoption Practice*, 2: 126–28.
- 30 Leo Pfeffer, *Creeeds in Competition: A Creative Force in American Culture* (New York, 1958), 132; *idem*, "Issues That Divide," *Journal of Social Issues* 12, no. 3 (1956): 36. On the concept of "blood logic," see Susan A. Glenn, "In the Blood? Consent, Descent, and the Ironies of Jewish Identity," *Jewish Social Studies* n.s. 8, no. 2–3 (2002): 139–54.
- 31 Leo Pfeffer, "Religion by Compulsion," *Congress Weekly*, Apr. 25, 1955, p. 2, box 245, folder 5, CLSA Adoption and Custody Files.
- 32 L. Pfeffer, *Church, State, and Freedom*, 593.
- 33 Amicus Brief of Leo Pfeffer, Shad Polier, Will Maslow, and Gerald Berlin, *Goldman v. Fogarty*, Commonwealth of Massachusetts, Supreme Judicial Court, Case No. 5325 (April, 1954), 2, box 245, folder 4, CLSA Adoption and Custody Files. The court's opinion is in *Petitions of Goldman*, 331 Mass. 647, 121 N.E.2d 843 (1954). In 1954, CLSA attorneys petitioned the U.S. Supreme Court for writ of certiorari in the Goldman case, but certiorari was denied.
- 34 Amicus Brief of the American Jewish Congress, Commonwealth of Massachusetts, Supreme Judicial Court, *Henry Gally Jr. et al.*, Case No. 5150 (January 1952), 1–2, 5–6, box 245, folder 3, CLSA Adoption and Custody Files.
- 35 Will Maslow to Mrs. Bea Citrynell, July 26, 1955, box 245, folder 1, CLSA Adoption and Custody Files.
- 36 Leo Pfeffer to Joseph Minsky, Aug. 4, 1955, box 245, folder 1, CLSA Adoption and Custody Files. The Ellises' counsel, James Zisman, had tried but failed to persuade the American Jewish Congress to intervene. See also L. Pfeffer, "Your Letter to Bea Citrynell"; Maslow to Citrynell, July 26, 1955.
- 37 On ambivalence toward interreligious adoption as an explanation for the deliberate silence of the Jews, see L. Pfeffer, *Creeeds in Competition*, 132.

- 38 Historians have largely considered these high-profile European cases in the context of postwar French and Dutch Jewish history and have ignored the travel of the Finaly and Beekman affairs across the Atlantic. The only historian to comment on the impact of the Finaly affair in the United States is Egal Feldman, who briefly mentions Father Edward H. Flannery's 1955 comments on the "validity" of the baptisms in the Finaly case and Flannery's "indifferent" stance regarding the "ethical implications" of converting Jewish children. See Feldman, *Catholics and Jews in Twentieth Century America*, 81–82.
- 39 On the concept of Jewish orphans as a "living memorial," see Tara Zahra, *The Lost Children: Reconstructing Europe's Families after World War II* (Cambridge, Mass., 2011), 137. In France, which had the largest number of Jewish child survivors on the continent (an estimated 10,500), about 1,200 remained in the custody of non-Jewish families or institutions in 1945. See Michael Marrus, "The Vatican and the Custody of Jewish Child Survivors after the Holocaust," *Holocaust and Genocide Studies* 21, no. 3 (2007): 383–85.
- 40 Daniella Doron, *Jewish Youth and Identity in Postwar France: Rebuilding Family and Nation* (Bloomington, Ind., 2015), 74, 104–6. See also Zahra, *Lost Children*, 137–39; Paula E. Hyman, *The Jews of Modern France* (Berkeley, 1998), 187–89; Joel S. Fishman, "Jewish War Orphans in the Netherlands: The Guardianship Issues, 1945–50," *Wiener Library Bulletin* 27 (1973–74): 21, 32; idem, "The Reconstruction of the Dutch Jewish Community and Its Implications for the Writing of Contemporary Jewish History," *Proceedings of the American Academy of Jewish Research* 45 (1978): 82; Debórah Dwork, "Custody and Care of Jewish Children in the Postwar Netherlands: Ethnic Identity and Cultural Hegemony," in *Lessons and Legacies: Memory, Memorialization, and Denial*, ed. Peter Hayes, 3 vols. (Evanston, Ill., 1999), 3: 116; and Chaya Brasz, *Removing the Yellow Badge: The Struggle for a Jewish Community in Postwar Netherlands, 1944–1955*, trans. Brenda Kaldenbach (Jerusalem, 1995), 77–78. Diane L. Wolf, *Beyond Anne Frank: Hidden Children and Postwar Families in Holland* (Berkeley, 2007), examines other aspects of the Dutch story.
- 41 On the Finaly affair, see Zahra, *Lost Children*, 138–45, 210–14; Doron, *Jewish Youth*, 68–74, 92–93, 106–17; Hyman, *Jews of Modern France*, 188–89; and Joyce Block Lazarus, *In the Shadow of Vichy: The Finaly Affair* (New York, 2008), 22–36, 55–57, 84–89. Although the Catholic Church forbade baptism without parental permission, once the sacrament was administered, the church took responsibility for guaranteeing the child's Christian upbringing, hence the paradox of an "illegal" but "valid" baptism. See Lazarus, *Shadow of Vichy*, 47–53, 72–74.
- 42 On the Anneke Beekman affair, see Joel S. Fishman, "The Anneke Beekman Affair and the Dutch News Media," *Jewish Social Studies* 40, no. 1 (1978): 3–5, 12–19; idem, "Jewish War Orphans," 21, 31–33; idem, "Reconstruction," 80; Brasz, *Removing the Yellow Badge*, 93; "Western

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- Europe,” *American Jewish Yearbook* 55 (1954): 207–8; “Western Europe,” *American Jewish Yearbook* 56 (1955): 335; and “The Abduction of Anneke,” *Time* 66 (Nov. 7, 1955): 78–79.
- 43 Hyman, *Jews of Modern France*, 189; Zahra, *Lost Children*, 140.
- 44 Ibid., 141. See also Doron, *Jewish Youth*, 89, 104, 109.
- 45 On the “insufficient gratitude” of Dutch Jews, see J. S. Fishman, “Anneke Beekman,” 18–19. On the threat of not helping during a future disaster, see “Western Europe” (1955), 336–37. See also J. S. Fishman, “Jewish War Orphans”; idem, “Reconstruction”; and Brasz, *Removing the Yellow Badge*.
- 46 As quoted in J. S. Fishman, “Anneke Beekman Affair,” 8–9.
- 47 Maurice L. Perlzweig, “The Finaly Scandal,” *Congress Weekly*, May 18, 1953, p. 4; see also Maurice L. Perlzweig, “The Finaly Affair,” *Christian Century* 70 (June 3, 1953): 652–61.
- 48 On Mortara analogies, see Hyman, *Jews of Modern France*, 189; Zahra, *Lost Children*, 140; and Doron, *Jewish Youth*, 58, 112–13. On the Mortara case, see David Kertzer, *The Kidnapping of Edgardo Mortara* (New York, 1997), and Bertram Wallace Korn, *The American Reaction to the Mortara Case, 1858–1859* (Cincinnati, Ohio, 1957).
- 49 J. S. Fishman, “Anneke Beekman Affair,” 16, 18–19; Brasz, *Removing the Yellow Badge*, 93.
- 50 Memorandum from Moses Jung to Ali L. Bernheim, Apr. 9, 1953, box 304, folder 5, France/Finaly Affair File, Statelessness/AJC-CCJO File, American Jewish Committee Subject Files, Memoranda and Correspondence on the Issue of Stateless Persons, AJC Archive, YIVO Archives, New York.
- 51 “The Wooden Shoe on the Other Foot,” *The Pilot*, Nov. 12, 1955, box 42, folder 3, BJCRC; “Ellis Case ... Finaly Case Reversed,” *The Pilot*, July 16, 1955, box 245, folder 2, CLSA Adoption and Custody Files.
- 52 See “The Case Continues,” *The Pilot*, July 16, 1955, and “Conversion-by-the-Sword Immoral in All Adoptions,” *The Pilot*, July 16, 1955, both in box 42, folder 2, BJCRC.
- 53 “Wooden Shoe on the Other Foot.”
- 54 “Justice Only,” *The Pilot*, Mar. 23, 1957, box 42, folder 4, BJCRC.
- 55 On this point, see L. Pfeffer, *Creeds in Competition*, 132.
- 56 Leo Pfeffer to [Isaac] Toubin, July 19, 1955, box 245, folder 1, CLSA Adoption and Custody Files.
- 57 Memorandum from Shad Polier to Will Maslow and Leo Pfeffer, Aug. 5, 1955, box 245, folder 1, CLSA Adoption and Custody Files.
- 58 Robert E. Segal, “The Ellis Case Shows Need to Re-Examine the Law,” *Jewish Times*, July 21, 1955, box 42, folder 2, BJCRC. See also Robert E. Segal to Mrs. Herbert N. Dawes, Nov. 16, 1955, box 42, folder 3, BJCRC.
- 59 “Ellis Scores Criticism of Fight to Keep Child,” *Boston Daily Globe*, July 16, 1955, p. 1.

- 60 Max Lerner, "Hildy and the Finaly Boys," *New York Post*, July 20, 1955, box 245, folder 1, CLSA Adoption and Custody Files.
- 61 Duker, "Jewish Attitudes to Child Adoption," 142.
- 62 *Ibid.*, 136–37. For the same associations between the Mortara and Finaly cases and interreligious conflicts over child adoption, see L. Pfeffer, "Religion in the Upbringing of Children," 334 n. 12. Duker also noted that some rabbis opposed the adoption of all children born out of wedlock because of concerns about "the infusion of inferior biological inheritance" in children of unwed mothers. See Duker, "Jewish Attitudes to Child Adoption," 144.
- 63 *Ibid.*, 142.
- 64 "Notes on Address by Rabbi Leon A. Jick," 2. See also Julius Fishman, "Likes Adoption Law," letter to the editor, *Jewish Advocate*, Feb. 24, 1955, box 82, folder 1, CLSA Regional Chapters.
- 65 Duker, "Jewish Attitudes to Child Adoption," 149.
- 66 "Notes on Address by Rabbi Leon A. Jick," 2. Members of the Jewish Community Council of Boston who worried about provoking a "public relations" problem had earlier cautioned the CLSA not to enter the 1952 Gally case (*Petition of Gally*) even though none of the parties were Jewish. See memorandum from Morris Michaelson to M. Jacob Joslow, Feb. 8, 1955, box 82, folder 1, CLSA Regional Chapters, and Berlin, "New England Adoption Problem." On wartime incidents of antisemitism in Boston, see Stephen Norwood, "Marauding Youth and the Christian Front: Antisemitic Violence in Boston and New York during World War II," *American Jewish History* 91 (June 2003): 233–67; Jonathan D. Sarna, "The Jews of Boston in Historical Perspective," in *The Jews of Boston*, ed. Jonathan D. Sarna, Ellen Smith, and Scott-Martin Kosofsky (New Haven, Conn., 2005), 3–20; and Leon A. Jick, "From Margin to Mainstream, 1917–1967," in Sarna, Smith, and Kosofsky, *Jews of Boston*, 78–106.
- 67 On the idea of brokering a "compromise," see "Adoptions," unpublished typewritten notes, Nov. 21, 1955, box 42, folder 3, BJCRC. The rabbi was also being pressured by Melvin Ellis's mother to "do something" for her son.
- 68 Gerald A. Berlin to Will Maslow and Leo Pfeffer, "Report on Activities of New England Region for the Month of March, 1957," marked confidential, Apr. 1, 1957, p. 4, box 84, folder 2, CLSA Regional Chapters.
- 69 Gerald A. Berlin to Will Maslow and Leo Pfeffer "Report on Activities of New England Region, Commission on Law and Social Action for Month of May, 1957," marked confidential, May 29, 1957, p. 3, box 84, folder 2, CLSA Regional Chapters.
- 70 Gerald A. Berlin to Will Maslow and Leo Pfeffer, "Report on New England Commission on Law and Social Action for Month of April, 1957," marked confidential, Apr. 30, 1957, p. 2, box 84, folder 2, CLSA Regional Chapters.

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- [118] 71 Berlin, "Report on Activities of New England Region, May, 1957," 3 (emphasis original).
- 72 On Blanshard and POAU (which later changed its name to Americans United), see Frank Sorauf, *The Wall of Separation* (Princeton, 1976), 33–34, and S. Gordon, *Spirit of the Law*, 73–75.
- 73 L. Pfeffer, "Issues That Divide," 24; Eugene J. Lipman and Albert Vorspan, *A Tale of Ten Cities: The Triple Ghetto in American Religious Life* (New York, 1962), 292. Will Herberg observed that many Jews shared Protestant anxieties about Catholic "aggression." See Will Herberg, *Protestant, Catholic, Jew: An Essay in American Religious Sociology* (New York, 1955), 256.
- 74 Lipman and Vorspan, *Tale of Ten Cities*, 11–12.
- 75 C. C. Cawley, "The Outlaws," *Christian Century* 74 (Apr. 3, 1957): 422.
- 76 On Mortara "shriekers," see Korn, *American Reaction to the Mortara Case*, 133–35, 144, 150. Catholics called it hypocritical because Protestants had snatched countless Catholic children from the streets of New York and placed them in Protestant families.
- 77 C. C. Cawley, "Roman Catholic by Law?," *Churchman*, Apr. 15, 1957, box 42, folder 4, BJCRC.
- 78 Berlin, "Report on Activities of New England Region for the Month of March, 1957."
- 79 "Methodist Bishop Urges Ellis Couple Be Allowed to Keep Child," *Religious News Service*, Mar. 22, 1957, box 245, folder 1, CLSA Adoption and Custody Files.
- 80 "The Welfare of Hildy Requires That She Remain with Parents," *New York Post*, May 17, 1957, box 245, folder 1, CLSA Adoption and Custody Files.
- 81 "Church Group Enters Ellis-McCoy Case," *Christian Science Monitor*, Mar. 23, 1957, box 245, folder 1, CLSA Adoption and Custody Files.
- 82 "Ministers Ask Ellis Couple Be Permitted to Keep Hildy," *Religious News Service*, Mar. 26, 1957, box 245, folder 1, CLSA Adoption and Custody Files.
- 83 "Second Pastor Asks Public Support Hildy's Parents," *New York Post*, May 14, 1957, box 245, folder 1, CLSA Adoption and Custody Files.
- 84 "Minister Answers Cushing on Hildy Issue," *Religious News Service*, May 8, 1957, box 245, folder 1, CLSA Adoption and Custody Files.
- 85 Francis J. Lally, "Reflections on 'Hildy' McCoy," *America* 90 (June 8, 1957): 303.
- 86 *Ibid.*, 304.
- 87 On Cushing's reputation, see Lipman and Vorspan, *Tale of Ten Cities*; Mark Silk, *Spiritual Politics* (New York, 1988), 76–86; and Thomas H. O'Connor, *Boston Catholics: A History of the Church and Its People* (Boston, 1998), 256–58.
- 88 "Majesty of Law Upheld in Child Custody Ruling," *The Pilot*, May 4, 1957, box 245, folder 1, CLSA Adoption and Custody Files. See also "Archbishop Lauds Courts in Ellis Adoption Fight," *Boston Daily Globe*, Apr. 29, 1957, pp. 1, 21.

- 89 John B. Sheerin, "Hiss, Hildy and Moral Judgement," *Catholic World* (July 1957): 243–44.
- 90 Terry Logan, "The Elusive Ellises," *Heights*, Apr. 5, 1957, p. 4. See also "The Miami Beach Kidnapping Case," *Florida Catholic*, Mar. 29, 1957, and "Journalistic Perfidy," *Florida Catholic*, Apr. 5, 1957, box 22, folder 1, Hildy Ellis Case Letters, LeRoy Collins Papers, Special Collections Department, Tampa Library, University of South Florida (hereafter LCP).
- 91 "The Case of Hildy McCoy," *The Pilot*, Mar. 28, 1957, box 245, folder 1, CLSA Adoption and Custody Files. See also "Ellis Tells His Side of Hildy Case on TV," *Boston Daily Globe*, Mar. 20, 1957, p. 3.
- 92 The Ellises were interviewed for *The Today Show* by a reporter from WCKT-TV in Miami for a program that aired on March 19, 1957. A long description of the content is available in the NBC Universal Archives, clip ID: AR0K1GQNKN, media ID: T570319, <https://www.nbcuniarchives.com/>. On context for laying flowers at Bergen-Belsen on March 18, see "German Youth Make Pilgrimage to Bergen-Belsen in Anne Frank Tribute," *Jewish Telegraphic Agency*, Mar. 19, 1957, <http://www.jta.org/1957/03/19/archive/german-youth-make-pilgrimage-to-bergen-belsen-in-anne-frank-tribute>.
- 93 "Battle for Hildy," *Time* 69 (Apr. 1, 1957): 36.
- 94 "Fight for Hildy," 38. The same statement is quoted in "Faith and a Child," 20–21. See also Marja, "If Hildy Is Taken from Us."
- 95 On Miami's racial politics, see Deborah Dash Moore, *To the Golden Cities: Pursuing the American Dream in Miami and L.A.* (New York, 1994), 164, 168–76, and Raymond A. Mohl, *South of the South: Jewish Activists and the Civil Rights Movement in Miami, 1945–1960* (Gainesville, Fla., 2004) 20–30, 48–49.
- 96 On the history of the idea of "kidnap as rescue," see Karen Dubinsky, *Babies without Borders: Adoption and Migration across the Americas* (New York, 2010), and L. Gordon, *Great Arizona Orphan Abduction*. Normally the removal of children by non-kin was viewed as criminal assault on the family and on the values of the larger society. See Paula S. Fass, *Kidnapped: Child Abduction in America* (New York, 1997).
- 97 See, for example, "Battle for Hildy," 66; "Hildy," *Time* 70 (July 19, 1957): 65; and Loudon S. Wainwright, "Case of 'Female Child McCoy,'" *Life* 42, no. 14 (Apr. 8, 1957): 97–108. Winslow makes the important observation that some of the 1957 stories also turned Marjorie into the "defendant." See Winslow, *Best Possible Immigrants*, 110.
- 98 Wainwright, "Case of 'Female Child McCoy.'" On the idea of parenthood as "patriotism," see E. Wayne Carp, *Family Matters: Secrecy and Disclosure in the History of Adoptions* (Cambridge, Mass., 1998), 28.
- 99 Wainwright's use of the term *foster father*, which also appeared in other news outlets, was misleading, since the Ellises had never been granted the legal title of foster parents. Rather, as the same article pointed out, their current legal status was "fugitives from the Commonwealth of Massachusetts." Wainwright, "Case of 'Female Child McCoy,'" 97, 98, 99,

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- 103, 108. Normalizing was a common tactic in pro-adoption narratives in this period. See Winslow, *Best Possible Immigrants*, 113.
- [120] 100 The Hildy Ellis Case Letters are housed in the LeRoy Collins Papers, Special Collections, Tampa Library, University of South Florida. I am the first historian to make extensive use of this collection of Ellis letters. Collins's estimate of the number of "communications" is from Martin A. Dyckman, *Floridian of His Century: The Courage of Governor LeRoy Collins* (Tallahassee, 2006), 157.
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- 101 George F. Hanley to LeRoy Collins, May 27, 1957, box 20, folder 1, LCP.
- 102 On the low number of letters from Florida's Jews, see "Gov. Collins to Conduct Ellis Hearing," *Jewish Floridian*, Apr. 26, 1957, p. 1-A. For examples of individuals with Jewish-sounding names who wrote without identifying themselves as Jews, see petition to LeRoy Collins, Mar. 28, 1957, box 15, folder 2, LCP, and two separate petitions from residents of Massachusetts, Apr. 10, 1957, and Apr. 12, 1957, box 16, folder 5, LCP. On the claim that opposition to extradition had nothing to do with being a Jew, see Louis Cohen to LeRoy Collins, Mar. 21, 1957, box 16, folder 4, LCP.
- 103 Lydia Chevrier to LeRoy Collins, Apr. 2, 1957, box 18, folder 1, LCP.
- 104 Richard L. Kelly to LeRoy Collins, Apr. 3, 1957, box 18, folder 1, LCP.
- 105 Mrs. Frances E. McIntyre to LeRoy Collins, Apr. 3, 1957, box 18, folder 1, LCP.
- 106 Jean G. Rogers to LeRoy Collins, Apr. 3, 1957, box 18, folder 1, LCP.
- 107 Irma M. Dill to LeRoy Collins, Apr. 13, 1957, box 18, folder 1, LCP.
- 108 Joseph P. Dionne to LeRoy Collins, Apr. 3, 1957, box 18, folder 1, LCP.
- 109 Mrs. H. J. Weber to LeRoy Collins, Apr. 3, 1957, box 18, folder 1, LCP.
- 110 Gladys R. Cook to LeRoy Collins, Apr. 3, 1957, box 18, folder 1, LCP.
- 111 Letter to LeRoy Collins [missing signature], Apr. 3, 1957, box 18, folder 1, LCP.
- 112 Stephen J. Gasperik to LeRoy Collins, Mar. 19, 1957, box 16, folder 1, LCP.
- 113 Robert Powell Jones to LeRoy Collins, Apr. 9, 1957, box 16, folder 3, LCP.
- 114 William D. Downing to LeRoy Collins, Mar. 18, 1957, box 16, folder 1, LCP.
- 115 Mrs. Rose M. Turner to LeRoy Collins, Mar. 18, 1957, box 16, folder 4, LCP.
- 116 Petition from the Ladies Auxiliary of North Russell Street Synagogue, undated [c. Apr. 4, 1957], box 18, folder 3, LCP. The signature "King Solomon Jr." appears in Mrs. Joseph Rivitz et al. to LeRoy Collins, Mar. 25, 1957, box 18, folder 5, LCP. The character reference quoted is from George L. Ratzkoff to LeRoy Collins, Mar. 22, 1957, box 18, folder 4, LCP. See also Yale Kanter to LeRoy Collins, Mar. 23, 1957, box 16, folder 2, LCP.
- 117 F. J. Colello to LeRoy Collins, Mar. 27, 1957, box 21, folder 1, LCP.

- 118 Hortense Simmons to LeRoy Collins, Apr. 18, 1957, box 21, folder 1, LCP.
- 119 Jim Crouch to LeRoy Collins, Apr. 29, 1957, box 21, folder 1, LCP.
- 120 John O'Neill to LeRoy Collins, Mar. 24, 1957, box 21, folder 1, LCP (emphasis original).
- 121 Rose Hahn to LeRoy Collins, May 24, 1957, box 21, folder 1, LCP.
- 122 Mrs. H. Roth to LeRoy Collins, Mar. 24, 1957, box 16, folder 2, LCP. The writer did not include her address.
- 123 Thomas Law to LeRoy Collins, Mar. 24, 1957, box 21, folder 1, LCP.
- 124 Louise Petroske to LeRoy Collins, May 20, 1957, box 21, folder 1, LCP (capitalization original).
- 125 Brenda M. Dissel to LeRoy Collins, Mar. 25, 1957, box 21, folder 1, LCP.
- 126 W. Haugh to LeRoy Collins, May 25, 1957, box 21, folder 1, LCP.
- 127 Oliver C. Drake to LeRoy Collins, Mar. 3, 1957, box 21, folder 1, LCP.
- 128 Sadie G. Thornton to LeRoy Collins, May 24, 1957, box 21, folder 1, LCP (emphasis original).
- 129 Frank [last name illegible] to LeRoy Collins, May 24, 1957, box 21, folder 1, LCP.
- 130 The speech is reprinted in "Florida across the Threshold: The Administration of Governor LeRoy Collins, January 4, 1955–January 3, 1961," 1961, http://archive.org/stream/floridaacrossthr00flor/floridaacrossthr00flor_djvu.txt. Collins's views were also in line with the theories of psychiatrists, social psychologists, and international-policy makers about the continuity of parental "love" as a child's "right." See Zahra, *Lost Children*, 235–44.
- 131 "Florida Lets Jewish Couple Keep Catholic Child There," *New York Times*, May 24, 1957, p. 1.
- 132 "Girl Got Affection," *Newsweek* 49 (June 3, 1957): 29.
- 133 "Ellis to Raise Hildy as Jew," *New York Daily News*, May 24, 1957, p. 1; Revy Balkin, "When a Family Prays Together," *National Jewish Post*, May 31, 1957, p. 17.
- 134 *Ibid.*
- 135 "Ellis Adoption Pushes N.Y. Move," *Jewish Floridian*, June 21, 1957, p. 1-A. See also Revy Balkin, "Jewish Couple, 'Hildy' Swamped by Offers of Aid," *National Jewish Post*, Mar. [day illegible] 1957, box 42, folder 4, BJCRC.
- 136 "Unnecessary Legal Delay," *Jewish Floridian*, July 12, 1957, p. 4-A. Hildy's mother was still threatening to contest the decision; Ben Gallob, "The Year's Most Important Stories," *Jewish Floridian*, Sept. 27, 1957, pp. 6-C, 13-C.
- 137 "Peace Finally Theirs," *Jewish Floridian*, July 26, 1957, p. 4-A.
- 138 "Florida Court Lets Jewish Couple Keep Catholic-Born Hildy McCoy," *Washington Post*, July 11, 1957, p. A1; "Hildy Is an Ellis Now, Court Rules," *Chicago Defender*, July 11, 1957, p. 4; "Florida Judge Lets Jewish Couple Keep Catholic Child There," *New York Times*, May 24, 1957, p. 1.
- 139 On the "exceedingly mild" regulatory regime in Florida, see Herman, *Kinship by Design*, 223.

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- 140 “Hildy’s Mother Entrusts her to ‘Protection of God,’” *Religious News Service*, July 11, 1957, box 245, folder 1, CLSA Adoption and Custody Files.
- 141 On post-Holocaust “survival anxiety” among American Jews, see Susan A. Glenn, *The Jewish Cold War: Anxiety and Identity in the Aftermath of the Holocaust* (Ann Arbor, Mich., 2015); Eric L. Goldstein, *The Price of Whiteness: Jews, Race, and American Identity* (Princeton, 2006), 207–16; and Lila Corwin Berman, *Speaking of Jews: Rabbis, Intellectuals, and the Creation of an American Jewish Public Identity* (Berkeley, 2008), 61–76, 90–92. On the centrality of the Holocaust in postwar American Jewish culture, see Hasia R. Diner, *We Remember with Reverence and Love* (New York, 2009).
- 142 L. Pfeffer, *Creeks in Competition*, 132.
- 143 The amendment was first proposed in 1957. See “Statement of the American Jewish Congress and the New York Board of Rabbis by Leo Pfeffer,” June 14, 1957, box 243, folder 1, CLSA Adoption and Custody Files, and Pfeffer, *Creeks in Competition*, 132.
- 144 Cohen, letter to the editor, Mar. 13, 1961.
- 145 On the history the New York law, see Laura J. Schwartz, “Religious Matching for Adoption: Unraveling the Interests behind the ‘Best Interests’ Standard,” *Family Law Quarterly* 25 (Summer 1991): 180–81. Schwartz notes that in 1991, at least a third of all states still had some requirement for religious matching, with most allowing for parental preference on the child’s religious upbringing. On the amendment to the Massachusetts law in 1976, see “Matching for Adoption: A Study of Current Trends,” *Catholic Lawyer* 22, no. 1 (1976): 79–80. In most other states, religion remained “a significant” though no longer “a controlling factor” in state laws governing child adoption.
- 146 Herman, *Kinship by Design*, 238; Balcom, *Traffic in Babies*, 197–209. See also Melosh, *Strangers and Kin*, 174–82, and Laura Briggs, *Somebody’s Children: The Politics of Transracial and Transnational Adoption* (Durham, N.C., 2012), 29–35. Well into the 1960s, however, most Jewish couples were reluctant to adopt African American children. Louise Wise Services, the leading Jewish-to-Jewish adoption agency on the East Coast, reported that it also had trouble placing mixed-race children of African American and Puerto Rican fathers even when the mothers of the children were white and Jewish. On this point see Herman, “Difference,” 62–63.
- 147 Quoted in Briggs, *Somebody’s Children*, 29.
- 148 Margaret D. Jacobs, *A Generation Removed: The Fostering and Adoption of Indigenous Children in the Postwar World* (Lincoln, Neb., 2014), 54–63, 76, 98–112, 138–56 (statistics on 103). On the longer history of Indian child removal, see Margaret D. Jacobs, *White Mother to a Dark Race: Settler Colonialism, Maternalism, and the Removal of Indigenous Children in the American West and Australia, 1880–1940* (Lincoln, Neb., 2009).
- 149 On the long struggle for the passage of the ICWA, see Jacobs, *Generation Removed*, 97–161, and Briggs, *Somebody’s Children*, 77–93. On the placement hierarchy, see Jacobs, *Generation Removed*, 158–59.

150 "Native American Indians," *Union for Reform Judaism*, 1977, <https://urj.org/what-we-believe/resolutions/native-american-indians>. In 1973, in response to the growing concern about the Indian child-welfare crisis, Jewish Family and Children's Services in Phoenix, which had previously placed Native American children in Jewish families, did an about-face and hired Navajo social worker Charlotte Goodluck to run the first program in the country that actively recruited "Indian families for Indian children." See Jacobs, *Generation Removed*, 123–24. In 1977, Goodluck and Jewish social worker Flo Eckstein told a gathering of psychiatrists that "the desire of Jewish people to see their dependent children remain in Jewish families" made it "possible to understand that Indian people felt this way as well." Charlotte Tsoi Goodluck and Flo Eckstein, "Indian Adoption Program: An Ethnic Approach to Child Welfare" (paper presented at the Fifty-Fourth Annual Meeting of the American Orthopsychiatric Association, New York, Apr. 14, 1977), 2. The paper was also submitted as a prepared statement for the 1977 U.S. Senate hearings on the Indian Child Welfare Act. National Indian Law Library, <https://narl.org/nill/documents/icwa/federal/lh/hear080477/hear080477appc.pdf>.

151 The statement about "the bloodline of Judaism" is from Shelley Kapnek Rosenberg, *Adoption and the Jewish Family: Contemporary Perspectives* (Philadelphia, 1998), xviii, and reiterated in "Adoption and the Jewish Community: Like a Branch Transplanted," *Reconstructionist* (Spring 2000): 17. Rosenberg mentions adopted children from Korea, China, India, Peru, Colombia, Guatemala, El Salvador, and Romania (107–33). For figures showing the dramatic spike in the number of Jewish couples who pursued transnational adoptions, see Jennifer Sartori, "Modern Families: Multifaceted Identities in the Jewish Adoptive Family," in *Mishpachah*, ed. Leonard Greenspoon (West Lafayette, Ind., 2016), 201–2.

152 *Ibid.*, 209.

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