



Lois Fernandez at
ODUNDE, c. 1991.
Photo:
Thomas B. Morton

“Mother wins fight to end stigma of illegitimacy” was the headline in the *Philadelphia Bulletin* on December 10, 1978, announcing that all children in Pennsylvania would have the right to receive a birth certificate, regardless of the marital status of their parents. Lois Fernandez, best known as a founder of ODUNDE, was the major force behind the effort to change Pennsylvania policy. She says, “This is the big one for me, This was my biggest victory. ODUNDE definitely would take second place. This is my greatest achievement.” Thirty years later, we offer Fernandez’s story about this struggle, transcribed from an interview in the PFP Archive, and inaugurating our new series of stories offering first person perspectives on local history and cultural heritage. Like her work at ODUNDE, this struggle reflects Fernandez’ commitment to self-determination, equity and respect—and her courage.

It started in 1971. I started talking with my mother about the rights of children born out of wedlock, because I hadn’t gotten a birth certificate for my son.

And I said to her I hadn’t received anything. And she was working for the Bureau of Vital Statistics at the time. And she said in her own way, “You won’t ‘cause he’s a bastard. Il-legit.”

And she looks at me and she said, “I don’t believe what I see in your eyes! You think you’re gonna change that white man’s law that’s over two hundred years old?”

So, I was at Community College at the time. I think I was part time, working for the Department of Welfare as a gang worker and majoring in Library Tech, so they taught me how to do research. So I started looking and seeing some things about children born out of wedlock. A friend of mine was

working at Blue Cross told me I could use their law library at lunch time. So I started going over there to Blue Cross, right across the street from City Hall. And I became obsessed one night. I remember calling my girlfriend and saying, “I’ve written this letter to State Representative Hardy Williams for the rights for children born out of wedlock.”

And in that one big paragraph that I wrote to him I said that I’d given birth to a prince, but according to law I didn’t have a birth certificate for him because the law says that, you know, he was a bastard or il-legit born out of wedlock, and you don’t get a birth certificate. You can get a notification. And the notification only had the child’s name on there, no mother or father. And I considered that like it was nobody’s child. And when my child was born, I gave all that information—his father’s name and everything, you know—to the

hospital. But that was the law and my mother had told me. And I couldn't accept the fact that because I wasn't married, that my son would not have a birth certificate. And how key, in my view, a birth certificate was: a passport to life. You couldn't go to school without it. You couldn't go in the army without it. You couldn't get married without it. You needed a birth certificate. And so I asked Hardy Williams could he help change the law, so children born out of wedlock could have their birth certificate. And so I sent that letter to Hardy.

I didn't hear from him. It was a week or two, and I ran into him one day in town. And I was crazy, so I asked him

And so folks saw that, and a classmate of mine from Community College, she said to me that she had a good friend who was heading the Urban League here, and she felt they needed an issue. And so she said, "Lois, I'm gonna have them contact you, and get in contact with you." And she did. And so I met with them, and he decided that he would let me go make a presentation to their board. And I did, and they were very receptive, and several of them said that they too were born out of wedlock, and that they knew about the birth certificate issue. Other people were amazed. Other people didn't believe that they had separate

whether he was married or not." And we got that.

And then I went on to talk to the Public Interest Law Center, Ned Wolf. Because I think the Urban League didn't have but so much money to put into that legal part of it. And I heard about the Public Interest Law Center, and went to do a presentation for them. And when their lawyer finished talking about it, I said, "You ready to listen to me?" And finally they let me have my say, and when I finished Ned Wolf said, "All right, I'll write the brief." 'Cause I took the position after doing all my research that it was unequal protection under the law, 'cause here were two separate birth

"You think you're gonna change that white man's law?"

by Lois Fernandez

why he hadn't responded to my letter. And he said, "What letter?" So I pulled the copy out of my bag, said, "There it is." And he said to me, "Well I'll check up on this, and you will hear from me." And I did in a couple of weeks, and he said he was going to introduce a law that he thought would be the forerunner for what he called the "most wanted human rights legislation that should be in the state." I still have the original letter he sent me. And that was how that got started. And I was so happy when he wrote that back to me.

And then after that, I decided we need some publicity on this thing, in order to get it out there. I don't know— I'd go on my gut. I just felt it was time. But I needed to get some public interest stirred up about it. And so I knew this woman from the newspaper, Sarah Casey. She was working for the Inquirer. I called Sarah, and I think that she wrote the first article about children.

birth certificates. So they were gonna finance the legal part of it.

And we went to court, but it got thrown out, if I remember, the first time, because they said we didn't have a father who said that children could inherit from him. Because the way the law had it, inheritance was a different issue. If you were able to get inheritance, you had to pay a higher rate of inheritance tax. So the whole thing was out of whack for children if they allowed you to inherit from your father. But if you inherited from your mother, you still had to pay a higher rate of tax because you're born out of wedlock.

And so finally we got a father. The man who came—his uncle heard me on radio, and told his nephew. The nephew, after he'd got in contact with me, and he said, "I'll be your father for that part of the case. I heard that you all got thrown out of court because you had no man who wanted his child to have the right to inherit,

certificates. Children born in wedlock had a certificate with their mother's maiden name and their father's name. Children born out of wedlock, just had a notification with the name of the child.

But obviously there had been a thing where, you know, it was an embarrassment for many women. And women— as my research has shown—women had to take a whole lot of heat for having children out of wedlock. You were a spoiled woman. I mean you had been tainted. If you got married, you were supposed to be so honored that this man gave you his name. You were now married; you were legit yourself, and it made you honorable. And I just didn't feel dishonorable. I always felt like, "I'm a human being as anybody. Had my child, and I'm just ready to go to wherever I have to go to deal with anybody. I'm as honorable as anybody, and I ain't taking nothing from nobody. And I will kick ass and take names for

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give to my students, is you can't lose if you don't try. She always wanted me to do better.

Elaine Hoffman Watts: In 1959, I was teaching I think it was the Logan Elementary. They had Saturday morning music classes, and wonderful, wonderful teachers. Those kids—it was great. I was pregnant with Lorrie, my middle daughter. And the supervisor came in. I was sitting at the desk and I got up. And he said, "Hup! You can't teach when you're pregnant. Go home, and when you have the baby, you can come back next year." That's the way it was. It isn't that they fired me. They said, "You can't teach when you're pregnant. You'll come back in the fall."

Susan Watts: People are starting to give her attention, and I think that what initially came out is important but it's not the whole story. What initially came out was, you know, "Huh! You men, you had the monopoly, but here I am!" And

that's true and right and feh! to all you men who had the monopoly, but that's not what makes her so fascinating. And that's not what makes me lucky, you know. And it's not what makes her an amazing musician. And it's not what makes her a great teacher. And it's not what makes Marco Farnese hire her. I mean, it's this one thing that happened to her. And, because she is the kind of woman that she is — very strong— people saying things to her goes in one ear and out the other, you know. I mean, anger motivates her. And that's what she's done from the beginning. So she's getting all this attention because she's this woman musician, and woman drummer, which is rare. And she's still playing. She's never stopped. She's full-time. All these wonderful things about her. And, you know, she doesn't see that what she's done has made a difference. And, fine. But it has. Do you know what I'm saying? I mean, it has made a huge

difference. You throw a pebble in the water, and the ripples and the ripples and the ripples. Well, she has sixty years of ripples! Do you know what I'm saying? She's still rippling! So it's still happening. . .

my child," you know. "Cause he's the same as anyone else. His momma just wasn't married, that's all," you know. I said, "But that is not their fault, and the sins of the parent I would never allow, in my view, to fall on the children —if there was a sin." And so that was my position.

I know folks even said I was arrogant, or whatever. But I just was adamant about it, you know. That these children had no right to be stigmatized, or no right to be discriminated against. And above all, not even have their parent's name on their birth certificate? Nobody's child? And that's what I wrote to Hardy Williams. I just couldn't accept it. And Hardy introduced the law. And then we needed some more legal help. So then we went to Community Legal Services. It was Jonathan Stein. And we end up getting the Women's Law Project involved with it. There was Jonathan Stein, who was a beautiful legal mind, and another woman— Ann Freedman.

And with that, the long legal battle began, you know, with things back and

forth. And Ann Freedman from the Women's Law Project, she came to me one day and said, "Lois, they're saying that the woman gonna have to prove that the fathers are the fathers." And I said, "Why?" You know, "Are they calling us a bunch of whores, like we don't know who we laid down with?" I said, "Now I don't like that." I said, "So let the fathers disprove that they're not the father. Why not put that on them? Everything's on the woman. She got to prove this. The men don't get stigmatized; they're still Mister so-and-so. I don't accept that either. They're Mister. I'm Miss. Therefore, they don't get no stigmas, and I ain't takin' none," you know. "And I ain't gonna let nobody think that I'm just choosing some guy to father my baby. No, I laid down with him," I said. "I wasn't raped. It was conception by consent, and I know who fathered my children. And that's it. That's definitive. I ain't got to qualify nothing; let him prove that he ain't. That's what I'm saying. I'm tired of the women carrying this weight." Too long; women had to sack their babies, killing

babies 'cause they didn't want to be stigmatized if people knew. Women had to go through hell. She went with that strategy, she did.

It took seven years. We started in '71; we won in '78. The Attorney General of the Commonwealth of Pennsylvania wrote a legal opinion, I think it was, based on laws and precedents that had been set in other states, and then they filled in all the other gaps. But we won; that was a big one.

That's the one with the picture where you see Ade and Bumi. Bumi is four years old and Ade is eleven. And we won. And I was just — I mean, it brought tears to my eyes to see it in my lifetime, for my children being able to benefit and the millions of other children that it had affected, you know. I said, "Oh my God, this is just a gift. This is just a wonderful gift," you know.

*Interviewed and edited by Debora Kodish
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