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Gavin Williams

Florida College, fairviewparkgavin@gmail.com

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Florida College

THE MCCOY-ELLIS TRIAL: INTERRELIGIOUS ADOPTION AND RELIGIOUS MEDIA
COVERAGE IN POST-WORLD WAR II AMERICA

Gavin Williams

HIS 4053

Dr. Chilcote

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Introduction

On February 23, 1951, Hildy McCoy was born in Boston, Massachusetts. McCoy was born to an unwed Roman Catholic mother, Marjorie McCoy. Marjorie McCoy had previously arranged through her doctor for Hildy to be adopted by Melvin and Frances Ellis, a couple that she did not previously know and had not yet met at the time of Hildy's birth. A month later, McCoy refused to sign the final adoption papers, claiming to have learned that the Ellises were Jewish only after she had given them permission to adopt Hildy.¹ McCoy immediately rescinded her approval of the adoption proceedings and ordered that the Ellises return Hildy to her immediately. The Ellises refused. Soon after, Marjorie McCoy decided to take her case to the Massachusetts State Court System. The case that followed would span almost seven years and fifteen-hundred miles. The case was followed by Jews, Catholics, and Protestants alike as the case made headlines across the nation.

At its core, the case is a simple adoption case. However, the complex web of religious, social, and ethnic issues surrounding the case brought it to the forefront of American consciousness. It is worth researching why the case resonated in such a way with the press and the nation as a whole. While the court case and media battle that ensued touched on many different aspects of American culture, the fight was primarily religious. This paper will examine the case itself and the reaction to it primarily through its greater context of Catholic-Jewish tensions and religious rights in post-World War II America.

Historiography

Though the Hildy McCoy trial was very much related to many of the religious and cultural tensions between Catholics and Jews at the time, and the fact that the case got

¹ This claim has been often disputed by those close to the trial.

nationwide media coverage, historians have done very little scholarly work on the case. Despite it being the most extensive and well-covered case of its kind, material on the case very often relegates it to a mere footnote, either of the career of LeRoy Collins or of the Jewish experience in America. Thomas Ray Wagy covers the McCoy trial as evidence for the move towards ethnic and racial equality in the state of Florida under Governor LeRoy Collins.² Kevin Michael Schultz, by contrast, writes on the case in the context of religious disputes between Catholics and Jews.³

There are a collection of primary sources available that cover the case. Most of these are contemporary newspaper articles. These articles are often heavily slanted. While this bias makes them unreliable for facts in some cases, it does help portray how polarizing this case was at the time. Other sources available include letters and internal memos regarding the case in a variety of organizations, including the American Jewish Congress, the Anti-Defamation League, and the Governor's Office of the State of Florida. These documents shed great light onto the finer details of the case, aspects that the newspaper coverage at the time might have missed.

Sources covering the case as a whole, especially in regards to its origin, are almost nonexistent. Susan A. Glenn writes on the case as a reflection of the larger post-Holocaust religious conflicts in America.⁴ Glenn argues that the McCoy case is evidence of a larger cultural shift in how Jews were viewed ethnically at the time. No sources focus on the cause of the nationwide attention paid to the case, which is what this paper will do.

Background on Jewish-Catholic Relations in 1950s America

² Thomas Ray Wagy, "A South to Save: The Administration of Governor Leroy Collins of Florida." (The Florida State University, 1980).

³ Kevin Michael Schultz, "The Decline of the Melting Pot: Catholics, Jews, and Pluralism in Postwar America," (University of California, Berkeley, 2005).

⁴ Susan A. Glenn, "The "Kidnapping" of Hildy McCoy: Child Adoption and Religious Conflict in the Shadow of the Holocaust," *Jewish Social Studies* 24, no. 3 (Spring, 2019).

After World War II, both Catholics and Jews sought to resist religious assimilation, refusing to give up any traditions or aspects of their religion in order to gain wider favor among the American populace.⁵ Both Catholics and Jews showed great concern for their children being influenced by the Protestant Christian majority and especially in the school system. This new movement increased the push for pluralism and the necessity for religious education among religious minorities in both education and childcare at large. As a result both Jewish and Catholic schools became more intensely religious and sectarian, and the children that went to these schools became more separated from Protestant children.⁶

Occasionally, these tensions were seen in small court cases. One such case is *Tudor v. Board of Education of Rutherford and Gideons International* where Bernard Tudor (a Jewish man) and Ralph Lequoque (a Catholic man) sued a school board in New Jersey over the “protestant indoctrination” of their children by the Gideons who were allowed to come to Rutherford schools and hand out protestant Bibles.⁷ These cases centered on the American ideal of a “wall of separation” between church and state. Jews and Catholics were concerned that the American childcare and education system had become too Protestanized. By 1955, a *Life* magazine editorial described America’s “wall of separation” as an “uneasy four-way truce among Catholics, Protestants, Jews, and secularists, with frequent border incidents.”⁸

Both Jewish and Catholic lobbyists had made adoption one such border incident. Post-World War II, there was an adoption boom, and the prospect of increased adoptions outside of birth religion frightened many religious lawmakers. Jewish law dictated that Jewish ancestry is given by the mother. As Jewish religion is often described as a religion dictated by blood,

⁵ Schultz, "The Decline of the Melting Pot," 11-12.

⁶ *Ibid.*, 276.

⁷ *Ibid.*, 200-201.

⁸ “The American Moral Consensus.” *Life*. December 26th, 1955, 56.

religious Judaism would also be conferred to the child by the mother. Especially post-Holocaust, Jewish authorities worried that Jewish children adopted outside of the Jewish faith could be exposed to baptism and “lost” from the Jewish community.⁹ In regards to interreligious adoption, the official position of the Roman Catholic church at the time was that “the retention of a child within the religion of its parents must take precedence over any merely temporal considerations.”¹⁰ In other words, if the child’s mother was a baptized Catholic, ensuring the child is adopted by a Roman Catholic outweighs all other factors in choosing the adoptive family.

This shared emphasis is noteworthy because it was uncommon among religious groups in America at the time. Both Catholics and Jews asserted that a child could be born into the religion; that once a child is born as a Catholic or a Jew, they could never officially exit the religion. In contrast, Protestants typically viewed entry to the religion as a product of faith, not necessarily birth.¹¹ Therefore, the Jewish and Catholic emphasis on intrareligious adoption was portrayed as necessity for the souls of the children being adopted. A child adopted outside of their respective birth faith could be considered lost or at the very least taken from their true faith and identity.

Concurrent with the McCoy trial, there was a shift in Catholic-Jewish relations, specifically in regard to adoption. Traditionally, Jewish couples adopted exclusively from Jewish mothers. Post-World War II, there was a drastic increase in the amount of Jewish couples that desired to adopt. However, there was not an increase in the amount of Jewish children available

⁹ Glenn, "The "Kidnapping" of Hildy McCoy," 85.

Note: Many more strict religious Jews were so averse to interreligious adoptions that they forbid Jewish couples from adopting Gentile children.

¹⁰ Glenn, "The "Kidnapping" of Hildy McCoy," 85.

¹¹ *Ibid.*, 86.

to be adopted. In reaction, Jewish couples began adopting children from Roman Catholic mothers, often in direct negotiations instead of adoption agencies (as with the McCoy-Ellis proceedings).¹²

These tensions, like earlier religious childcare cases, would see related matters taken to court. In 1954, *Goldman v. Fogarty*, a court case regarding the same Massachusetts law as *McCoy v. Ellis*, ruled that a Jewish couple could not adopt twins from a Roman Catholic birth mother even though the mother was aware of the adoptive couple's religious beliefs and consented to the twins being raised as practicing Jews.¹³ Similar cases were tried in Rhode Island and New York as well, to similar results.¹⁴

In Europe, the issue was reversed. In the immediate aftermath of the Holocaust, hundreds of Jewish children were left as orphans and there were few Jewish families that were in a position to adopt and support these orphans. Oftentimes, Catholic families adopted or otherwise supported Jewish orphans. Soon after, Jewish guardianship organizations were created that sought to reclaim the Jewish orphans for Jewish families.¹⁵ In 1953, two scandals changed the narrative on interreligious adoption, specifically between Jews and Catholics. In the Beekman and Finaly affairs, Jewish children were sent by their parents to Catholic women for protection. In both cases, the birth parents were killed by Nazi officers and the Catholic women assumed full legal guardianship of the children. This included having them baptized.¹⁶ When the Jewish

¹² Ibid., 85.

¹³ Ibid., 86-87.

¹⁴ Sanford N. Katz, "Judicial and Statutory Trends in the Law of Adoption," *Georgetown Law Journal* 51, (1962), 74.

¹⁵ Joel S. Fishman, "The Anneke Beekman Affair and the Dutch News Media." *Jewish Social Studies* 40, no. 1 (1978): 3.

¹⁶ Fishman, "The Anneke Beekman Affair," 3; Catholic tradition states that no child's baptism can be official if their birth parents do not consent to the baptism. However, this tradition has many conflicting interpretations when it comes to actions of legal guardians, especially in the case of adoption.

guardianship organizations contacted the Catholic guardians about turning the children over to Jewish foster parents, both women refused as they claimed that the children were legally Catholic now that the sacraments had been provided. Ultimately, in both cases, public opinion swayed in favor of the Jewish cause and Catholic authorities ensured that the children were turned over to the Jewish guardianship organizations.¹⁷

It was in this context that the McCoy trial took the national stage. A time where both Jews and Catholics were facing religious tensions nationally and internationally, especially in regards to adoption, childcare, and the education system. This was also a time where the courts were being used as a battleground for the religious issues of both groups. The McCoy trial simply followed the pattern of these religious “border incidents” common at the time. *McCoy v. Ellis* served as a continuation of much larger religious conversation.¹⁸

The Initial Trial

When Marjorie McCoy learned that Melvin and Francis Ellis were Jewish, she sought counsel from her priest to get advice on how best to handle the situation. There is no exact record of what the priest said to her, but Marjorie returned from that meeting with the motivation to use whatever legal means necessary to have Hildy placed in a Catholic adoption agency. The ultimate goal was not for McCoy to raise the child as her own, but instead for her to be adopted and raised by a Catholic family that would baptize her into the Catholic faith and also send her to a Catholic school.¹⁹ In an effort to keep the trial from going to court, the Ellises offered to raise

¹⁷ Fishman, “The Anneke Beekman Affair,” 4;

Though Beekman later ran away from her Jewish guardianship, claiming that she was a “true Catholic.”

¹⁸ “The American Moral Consensus.” *Life*. December 26th, 1955, 56.

¹⁹ At other points in the trial, McCoy said that she desired Hildy to be raised in a Catholic orphan asylum.

Hildy as a Catholic and to allow her to be baptized as a member of the Catholic church.²⁰

Marjorie McCoy refused as she wanted to bring this before the Massachusetts Courts system.²¹

McCoy and her lawyers hinged her trial around the “when practicable” clause of Massachusetts state adoption laws. This clause was a religious protection stipulation for adoption added to the Massachusetts state law book in 1950. The clause stated “In the event of a dispute as to the religion of said child, its religion shall be deemed that of its mother” and further, a judge “when practicable must give custody only to persons of the same religious faith as the child.”²² In other words, the clause affirmed that the child was born with a religious identity that should not be taken from them, even in the adoption process.

The timing for this case was not coincidental. As stated above, the “when practicable” clause had been added into the law books less than a year before Hildy’s birth. In a way, this clause returned to the traditional American way of religious adoption practices. However, in the 1940s, judges started to give less precedence to religion and focused more on the general welfare of the child, sometimes at the stake of ignoring religious heritage altogether. This angered religious minorities, particularly Catholics who feared losing the next generation of the church to assimilation. In fact, the clause was only added into the Massachusetts state constitution at the behest of Catholic lobbyists.²³ Seemingly, the Catholic lawyers saw the Hildy McCoy trial as a test case for the new clause.

²⁰ The Ellises even offered to send Hildy to a Catholic school, allow her to have regular meetings with a Catholic priest, and have full choice over her religion when she got older. These offers were rejected outright.

²¹ Schultz, "The Decline of the Melting Pot," 268.

Note: It is unclear if she wanted to do this of her own volition, or if she was coerced by the church. Either way, she stuck with the faith.

²² Glenn, "The "Kidnapping" of Hildy McCoy," 84; Schultz, "The Decline of the Melting Pot," 268.

²³ Schultz, "The Decline of the Melting Pot," 268.

As a result, McCoy had much more organizational support than the Ellises. The Archdiocese of Boston publicly supported McCoy. The Archbishop of Boston, Richard Cushing made strong declarations affirming Marjorie McCoy's "moral tenacity" and asserted that she was the principal victim of the trial.²⁴ The Archdiocese used their newspaper *The Pilot* to distribute material covering the legality of McCoy's position and the dangers of interreligious adoption. In contrast, the Ellises got very little support from Jewish organizations. The American Jewish Congress refused to make a statement on the case or offer official support as they did not judge it wise to get involved in a case where a mother rescinded her permission. Instead, the AJCongress stated their position on interreligious adoption as dependent on the presence of two elements: "the child's welfare requires approval of the adoption and the natural parent consents to it."²⁵ The Ellises then appealed to the Anti-Defamation League (ADL) and were rejected for similar reasons. This was a large blow to the Ellises, who hoped to secure unified Jewish support from the AJCongress and legal help from the ADL.

In June 1953, the Massachusetts probate court ruled that Marjorie McCoy could legally revoke consent for the child's adoption, essentially declaring the adoption paperwork void. Furthermore, the ruling dissolved any right to legal custody the Ellises had over Hildy. The court ordered that the Ellises give up Hildy and drop their resistance efforts. However, Hildy was almost two years old at the time, and had spent her entire life to this point with the Ellises. The Ellises chose to continue delaying the court order and file a set of appeals and continued to assert that they would not give up the child.²⁶

²⁴ Glenn, "The "Kidnapping" of Hildy McCoy," 97.

²⁵ Leo Pfeffer. Letter to Joseph Minksy, August 1, 1955.

https://digipres.cjh.org/delivery/DeliveryManagerServlet?dps_pid=IE10600493 - 26.

²⁶ Ibid., 83.

The Ellises appealed the ruling twenty-two times over the next year and a half. These appeals argued that McCoy knew that the Ellises were Jewish before Hildy's birth, and that the "when practicable" clause could only apply to an adoption scenario, not a foster care system, among other arguments.²⁷ All twenty-two appeals were rejected. Ultimately, the case went to the Massachusetts State Supreme Court where the justices unanimously upheld the verdict and ordered the Ellises to give Hildy up. This time, the verdict ordered the Ellises to release Hildy within forty-eight hours or face arrest.²⁸ Rather than turn themselves in to the Boston Police Department and voluntarily give up the now four-year old Hildy, the Ellises decided to flee Boston in the dead of night. By the time that the sheriffs in fourteen Massachusetts counties were instructed by the court to seize Hildy and arrest the Ellises, they could no longer be found.²⁹

Introduction to the Media Surrounding the Case

It is difficult for those unfamiliar with the case to fully understand how important this trial was to American consciousness for a brief period of time. Over the six year span of the trial, Hildy's story was featured in seven *TIME* magazine articles and an interview on the Today Show. Newspapers from all across the country weighed in on the case. Religious magazines and bulletins across the country, especially those that focused on Jewish or Catholic news, constantly carried detailed updates about the trial and the national reaction to it. The trial was truly nationally accessible.

The trial was also extremely polarizing. In 1955, NBC used Hildy's name and story on their radio quiz program "Second Chance." The debate got so contentious that members from the

²⁷ Ibid.

²⁸ Schultz, "The Decline of the Melting Pot," 269;
Ellis v. McCoy, 332 Mass. 254, 124 N.E.2d 266, (February 14, 1955), 53-54.

²⁹ Glenn, "The "Kidnapping" of Hildy McCoy," 83.

studio audience actually hissed and booed at each other.³⁰ This is just one humorous example of the larger issue of the divided opinions on the case. Catholic media would emphasize the Ellises' crimes, calling it a "kidnapping" case instead of an adoption dispute, asserting that the Ellises forcibly purchased Hildy from her innocent mother in a time of deepest stress and treated the child as a mere business deal.³¹ *The Pilot*, the official newspaper of the Archdiocese of Boston, accused the Ellises of "trickery, delay, defiance, mendacity," even going as far as to claim that they were waging a "propaganda battle" that was "expertly coached and financed," clearly playing on Jewish stereotypes.³² Jewish media emphasized how loving the Ellises had been to Hildy and how Marjorie McCoy wanted nothing to do with the baby.³³ Catholic media focused on how both Melvin and Frances Ellis had been previously divorced, by Catholic standard at the time, making them unfit for parentage at all.³⁴ Almost all forms of media emphasized Hildy's blonde hair and blue eyes in stark contrast to her adopted parents' Jewish features.

In Florida and Renewed Interest

Three weeks before Hildy's sixth birthday, on March 15, 1957, the Massachusetts state police arrested Melvin and Frances Ellis in Miami, Florida. Though the Ellises were released within the day, the intentions of the Massachusetts courts were clear: the Ellises were fugitives of

³⁰ Glenn, "The "Kidnapping" of Hildy McCoy," 83-84.

³¹ As the story grew, this sort of misinformation spread on both sides of the case. Some of this terminology has, unfortunately, remained popular (and even predominant) to this day.

³² Religion: Battle for Hildy. *Time*. April 1st, 1957;

Dyckman, *Floridian of His Century: The Courage of Governor LeRoy Collins*. (Gainesville: University Press of Florida, 2006), 154.

³³ "Mass. Court Restrains Catholic Mother in Adoption Case." *Religious News Service*. April 29, 1955.

https://digipres.cjh.org/delivery/DeliveryManagerServlet?dps_pid=IE10600493, 83

³⁴ "Wanderer: Little Hildy McCoy." *The Register Times-Review* (Wisconsin), July 25, 1957. https://digipres.cjh.org/delivery/DeliveryManagerServlet?dps_pid=IE10600493, 48

the law and needed to stand trial for their actions.³⁵ For this to take place, the state of Florida would have to agree to extradite the Ellises. If the state decided to extradite the Ellises, they would surely be convicted and Hildy would be put into the Catholic foster care system. If the state decided to abstain from extradition, the Ellises would be allowed to live with Hildy in relative peace in Florida.

Essentially, the final verdict of the trial fell on Florida Governor LeRoy Collins, a Protestant. Over the next two months, Governor Collins would receive over ten thousand letters from all positions on the issue.³⁶ Catholic, Jewish, and Protestant journals alike petitioned Collins and called their readers to do the same. The national attention was at an all-time high.

A Governor “Worth His Salt”: an Introduction to LeRoy Collins

LeRoy Collins was elected as the Governor of Florida in 1954. When he took office, Florida and the South at large was caught up in numerous debates concerning the civil rights of minority populations, specifically African-Americans. In his first three years as governor, Collins had already made a name for himself nationally for his stand on Civil Rights’ issues. Collins was quickly becoming a beacon for more positive race relations in the South in a time in which that was practically unheard of among successful Southern politicians.

Collins built much of his legacy on achieving justice for the overlooked and the under-cared for, including people of color. At a time where Southern states were vexed over “the race issue,” Collins developed Florida into a modern state.³⁷ Collins boldly blamed the racial tensions

³⁵ Glenn, "The "Kidnapping" of Hildy McCoy," 80-81.

³⁶ Dyckman, *Floridian of His Century*, 157.

Note: This was far more letters than he received on any other decision in his career.

³⁷ *Florida: Across the Threshold; the Administration of Governor Leroy Collins, January 4, 1955-January 3, 1961*, (1961), 393.

on white leaders who were ignorant and inactive in responding to the changes that were called upon by black and other minority leaders.³⁸

Governor Collins himself took an active role in trying to solve these racial issues. Over his tenure in office, Collins made several statements on segregation in schools. Though Collins initially said that he opposed *Brown v. Board of Education*'s decision to desegregate nationally, he eventually commented in his inaugural address that integration of schools was "inevitable."³⁹ Collins also played an active role in integrating certain schools in Florida, from the University of Florida's graduate program down to several elementary schools.⁴⁰ Collins' desegregation was considered political "suicide," his detractors began deriding him as "Liberal LeRoy."⁴¹ Yet, Collins was eventually successful in his endeavors.⁴²

Later, in 1960, Collins explained his actions in a statewide radio and television broadcast: "I believe very deeply that I represent every man, woman, and child as their governor, whether that person is black or white, whether that person is rich or poor, or whether that person is influential or not influential. A governor, if he is worth his salt, has a deep responsibility for all of the people and I feel that responsibility." He went on to say "I don't care who the citizen is, he is going to be protected in pursuing his legal rights in Florida."⁴³ This was the reputation that Governor LeRoy Collins had begun to accrue in Florida: a governor who will fight fairly for the people of his state, no matter their racial or economic background. This was also, in part, the

³⁸ *Florida: Across the Threshold; the Administration of Governor Leroy Collins, January 4, 1955-January 3, 1961*, (1961), 75.

³⁹ George Kellman, "Anti-Jewish Agitation." *The American Jewish Year Book* 59 (1958), 107; Note: This simple comment in his address caused multiple Ku Klux Klan riots across the state of Florida in the two months following the address.

⁴⁰ *Florida: Across the Threshold.*, 68.

⁴¹ Dyckman, *Floridian of His Century*, 4.

⁴² *Ibid.*, 7.

⁴³ *Ibid.*, 69-70

reason that the Ellises chose to flee to Florida. They believed that, when caught, Governor Collins would give them fair treatment under the law. Governor Collins was realistically their greatest chance at justice and the realization of Hildy's adoption.

Practically speaking, it is unusual for a governor to refuse interstate extradition of a criminal. Article IV, Section II, Clause II of the Constitution is known as the Extradition Clause. The Extradition Clause states "A person charged in any state with treason, felony, or other crime, who shall flee from justice, and be found in another state, shall on demand of the executive authority of the state from which he fled, be delivered up, to be removed to the state having jurisdiction of the crime." This would legally require a governor to extradite a fugitive criminal on request of the state that was seeking the criminal. However, if Governor Collins declared that the Ellises were being oppressed by the government of the state of Massachusetts, he had the authority to grant them legal sanctuary in the state of Florida.⁴⁴ Legal sanctuary was extremely hard to obtain, especially in the state of Florida. In Governor Collins' time in office, an average of 300 criminals a year fled to Florida seeking refuge. Of these cases, less than 15 a year had their cases heard before Collins. The vast majority were extradited, no questions asked.⁴⁵

Governor Collins, then, was in a doubly hard position in the McCoy trial. While on its surface, it was a simple choice of whether to extradite a family back to Massachusetts or not, he also had to deal with the reality of the scenario: he was essentially the final judge on this case. The outcome of the case was almost solely dependent on his decision to extradite the Ellises. All of the complex religious, cultural, and racial conflicts would rest on his shoulders as arbiter. This brought the additional pressure of the reputation he had already gained in the South as a

⁴⁴ This is not a decision that could be legally made today due to 1987's Supreme Court case *Puerto Rico v. Branstad*.

⁴⁵ *Florida: Across the Threshold*, 32.

champion of the common man, even those of minority populations, and even children. Collins had much more than just the logistics of an adoption case to think about. He had to consider the racial and cultural factors that impacted his career and his state so heavily.

The Letters to Governor Collins

The Hildy McCoy case brought a unique set of challenges for Collins, particularly in regards to the national interest in the case. When the Ellises were discovered in Miami, Florida and talks of extradition began, hundreds of letters were sent to Collins from across the country in an effort to sway his opinion on the case. While some of these letters came from Catholics and a smaller percentage came from Jews, the vast majority of these letters came from Protestants.⁴⁶ These letters all had their own perspective on the case and their own agenda to persuade the governor to their proposed solution. By the end of the trial, over ten thousand letters had been sent to Governor Collins regarding the case.⁴⁷ These letter writing campaigns rekindled national attention for the trial, bringing it again to articles in newspapers, magazines, and religious bulletins across the country.

The letters and articles themselves took to similar patterns and talking points of earlier media coverage. Catholics emphasized the crime that the Ellises committed in the eyes of the state of Massachusetts, pleading with Governor Collins to allow them to face justice. One Florida woman wrote to Collins “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? I THINK NOT!” Others continued to focus on the case as a religious issue. As one letter writer bluntly said “There are many Jewish orphans looking for a home. When people marry or adopt children, they should stick to their own

⁴⁶ Glenn, "The "Kidnapping" of Hildy McCoy," 100.

⁴⁷ *Florida: Across the Threshold*, 32.

religion.”⁴⁸ One protestant woman from Miami wrote to Collins suggesting that he should treat this case as if Hildy was one of his own children: “Think of the fact that the child will be brought up Jewish. Never to know and believe in our Lord and Savior Jesus...It would break my heart and I’m sure yours too if one of my little girls or your Darby should have to be brought up a Jew.”⁴⁹ Some papers, such as the *Register Times-Review* accused the Ellises once again of Jewish conspiracy and media manipulation, saying that they had no regard for the facts of the case which proved that they were “unfit to adopt any child.”⁵⁰ However, this discussion was not monolithic, even one Jewish woman from Boston called the Ellises “the kidnapers of a poor Christian girl” and asserted that if they really loved Hildy, they would turn themselves in and let someone find “a good Christian couple to bring her up.”⁵¹

The Jewish and Protestant support for the Ellises emphasized the love and care that they had already shown young Hildy over the years, with letters like the Ministers Association of Clinton, Massachusetts writing “to remove Hildy McCoy from the security and love of home for placement in an orphanage due to religious difference would be monstrous.”⁵² Similarly, another letter said “May I express the hope—which I know is shared by many others—that the Florida courts will help Mr. & Mrs. Ellis to keep the little girl Hildy. This child's life might easily be ruined if she is taken away from these people who love her, and whom she loves.” With one Protestant minister adding “As a parent of an adopted daughter the same age as Hildy, I cannot conceive of any law which could properly justify removing this child from the custody of the

⁴⁸ Letters, Apr. 22, 1957. *Time*. April 22nd, 1957, 3.

⁴⁹ Dyckman, *Floridian of His Century*, 155.

⁵⁰ “Wanderer: Little Hildy McCoy.” *The Register Times-Review* (Wisconsin), July 25, 1957. https://digipres.cjh.org/delivery/DeliveryManagerServlet?dps_pid=IE10600493 - 48.

⁵¹ Glenn, “The “Kidnapping” of Hildy McCoy,” 102.

⁵² “Ministers Ask Ellis Couple be Permitted to Keep Hildy.” *Religious News Service*. March 26, 1957, 49.

people who are as much her parents as they would be had she been born of their own flesh.”⁵³

One woman from Ohio noted that according to Christian scripture, God chose a Jewish woman to mother the Christ child, therefore a Jewish mother must be good enough for a Christian baby.⁵⁴ Some letter writers were even willing to go as far as attacking Marjorie McCoy, calling her a “living monster of a mother” who was willing to subject her daughter to the “marketplace” where she would be subject to the whim of Catholic strangers.⁵⁵

One important new development in the media coverage of the trial was the introduction of a Holocaust context to the case. The media grounded the Hildy McCoy trial in its Holocaust context as early as the Ellises’ *Today Show* interview, where they paired the interview with footage of hundreds of German youths laying flowers at the mass graves at the Bergen-Belsen Concentration Camp.⁵⁶ As the case continued, an increasing number of media members and letter writers began to voice concern that the Ellises were becoming victims of religious and ethnic discrimination. Over time, more and more of these letters began to equate the Ellis trial to Jewish persecution in Nazi Germany. One woman from Michigan wrote that if such an act of discrimination would have occurred in Nazi Germany, it would not be unexpected, but she says “This is AMERICA. Can such an injustice be allowed in our country?”⁵⁷ One Massachusetts citizen stated that this perceived persecution of the Ellises was essentially a return to the “Middle Ages,” adding that it is proof that “the ghost of Hitler [is] now dominating the state's legal and ecclesiastical counsels.”⁵⁸ One man from Illinois wrote to Collins “I am an ex GI who just fought

⁵³ Letters, Apr. 22, 1957. *Time*. April 22nd, 1957, 3.

⁵⁴ Glenn, "The "Kidnapping" of Hildy McCoy," 101.

⁵⁵ *Ibid.*, 100.

⁵⁶ *Ibid.*, 98.

⁵⁷ *Ibid.*, 101.

⁵⁸ Letters, Apr. 22, 1957. *Time*. April 22nd, 1957, 3.

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.”⁵⁹

This sudden surge in allusions (or even explicit mentions) of the Holocaust may at first seem out of place, but in the context of an adoption trial, it fits firmly in the greater post-World War II context. One of the greatest tragedies of the Holocaust was the fact that the youngest generation of Jews was decimated. Of those that didn't die during the war, many were adopted by non-Jews, which resulted in more loss for the Jewish community as a whole. This is why there was such great emphasis placed by Jews on the adoption cases like the Beekman and Finally affairs in Europe. The Jewish families were simply trying to reclaim children of their religion and their ethnic group that were being denied to them through the legal system. The Ellis case is obviously different in the way that Hildy McCoy was not born a Jew, the Ellises were not reclaiming her to her own ethnic group. However, many contemporary commentators saw it in the same light. The Catholic “super religion” was forcing the state to put the legal rights of the Catholic church above the rights of a Jewish couple to simply keep their child.⁶⁰ To Americans, this seemingly clear stance of discrimination against a Jewish couple was far too close to Holocaust thinking and was unfitting of the American legal system.

“It is Clear to Me that the Criminal Proceedings...are Synthetic:” The Final Verdict⁶¹

On May 23rd, 1957, six years and three months after Hildy McCoy was born, Governor LeRoy Collins announced that he would block the state of Massachusetts' extradition request. In the verdict, Collins went as far as to make a political point out of the case saying “the great and good God of us all, regardless of faith, granted to every child to be born first the right to be

⁵⁹ Glenn, "The "Kidnapping" of Hildy McCoy," 101.

⁶⁰ Ibid.

⁶¹ *Florida: Across the Threshold*, 33.

wanted, and second the right to be loved.”⁶² Going on to say “It was the Ellises in truth and in fact that have been the persons through whom God has assured to Hildy these first two rights as one of His children. It was the Ellises who wanted Hildy to be born. It was they who anxiously awaited her birth with tender emotions of excitement, anticipating fulfillment of the joys and obligations of parenthood. It was the Ellises also who have given to Hildy, as only parents can understand, thereby fulfilling Hildy’s right to be loved.”⁶³ It was the Ellises who supplied the fundamental rights to being wanted and to being loved to Hildy, therefore to Governor Collins, it was clear that they had been Hildy’s true parents from her birth.⁶⁴

Governor Collins seemingly solved the complex case of religious, social, and racial tensions by ignoring them. His solution was to make the case a simple adoption case, something no other judge or official involved in the case before him was able to accomplish. While Collins affirmed a God-given right among all religions and ethnicities to love and provide for a child, he did not grant this permission in order to make a political point. Instead, Collins accomplished this ruling by realizing that the religious, ethnic, cultural, and media issues surrounding this case weren’t actually relevant to securing the correct verdict. To Collins, the case was best worked by thinking first and foremost about what Hildy McCoy most needed, a stable family. When Collins was able to view the trial from this simple, rational perspective, there was only one possible outcome.

Less than two months later, a Florida Circuit Court judge granted the Ellises’ adoption request.⁶⁵ Hildy McCoy was finally allowed to become Hildy Ellis. Finally, the Ellises were allowed to raise their daughter without the fear of any legal repercussions. The Ellises publicly

⁶² Glenn, "The "Kidnapping" of Hildy McCoy," 104.

⁶³ *Florida: Across the Threshold*, 33.

⁶⁴ Dyckman, *Floridian of His Century*, 156.

⁶⁵ Glenn, "The "Kidnapping" of Hildy McCoy," 104-105.

announced that they would most likely raise Hildy as a Jew. Although they still affirmed that Hildy would be allowed to choose her own religious identity when she was old enough to understand.⁶⁶

The Aftermath of the Case

The case that was so polarizing during its six year span became noticeably more tame after its conclusion. Most sources that covered the conclusion of the case praised the decision and Collins for his actions in the case. However, there were detractors. When the *Miami News* wrote their article on the one year anniversary of the case, including several quotes from Florida citizens about the case. One anonymous quote summarizes the opposition opinion: “I don’t trust them down there after the Hildy McCoy case.”⁶⁷ This opinion was the vast minority. For the first time, some of the major Jewish media sources spoke out about the trial. The *National Jewish Post* openly praised the governor’s decision, though quickly noting that this commendation was “not because of the religious implications, but because it was the only humanitarian thing to do.”⁶⁸ Catholic journals remained almost completely silent on the result. For the most part, the trial’s coverage ended as it started: suddenly.

The Ellises soon moved out of Florida in order to give Hildy the best chance possible to live the remainder of her childhood in relative peace. Hildy lived in Washington D.C. with her parents until their deaths in the early 1970s. Later in life, she reconnected with her birth mother and remained in touch. She lives a private life in Maine and rarely does interviews on the case. To this day, she says the only prejudices she has are “against the judiciary of Boston and the State of Massachusetts.”⁶⁹

⁶⁶ Ibid., 104.

⁶⁷ *Miami News*. April 23rd, 1958, 4.

⁶⁸ Ibid., 104.

⁶⁹ Dyckman, *Floridian of His Century*, 267.

Conclusion

Though on its surface, it is merely a singular adoption case, it can be clearly seen that the McCoy-Ellis trial had far reaching consequences. The case was initially tried in order for Catholic lawmakers to test their “when practicable” religious adoption laws in order to secure the future of the Catholic church in Massachusetts.⁷⁰ Soon after, this law was reinterpreted to assert that children only needed to be adopted by those of the same religious faith when there were potential parents in the same faith already available and willing to adopt the child, essentially nullifying the law.⁷¹ The case became a background for religious (and later ethnic) rights issues, especially in regards to the right to childcare. Catholics fought Protestants and Jews on the proper role of a religious group in regards to both childcare and legal proceedings. While the Catholic church remained active through Marjorie McCoy’s lawyers and through newspapers and media members across the country, Jewish groups chose to remain almost completely silent throughout the six year case. The reasons behind this are varied and complex, yet, the point remains that it allowed the national media to interpret the case not as a fight between Jews and Catholics, but as the Catholic “menace of a super religion” persecuting an innocent Jewish family and their child.⁷²

When the media interest was rekindled as the case moved to Florida, the national news services began to shift the interpretation of the case, and therefore the balance of popular support. By the time the case had finished, letters written to Governor Collins supporting the Ellises outnumbered letters condemning them by a ratio of almost 1,000:1. Thousands of letter

⁷⁰ Note: In reality, this was larger than Massachusetts. Catholic lawmakers had achieved almost verbatim clauses in New York and Rhode Island.

⁷¹ Katz, “Judicial and Statutory Trends,” 74.

⁷² Glenn, "The "Kidnapping" of Hildy McCoy," 101.

writers, predominantly Protestants overwhelmed Collins' mail system, filling up eight archive boxes with support for the Ellises.⁷³

In many ways, with the Hildy McCoy trial, the “wall of separation” between Jews, Catholics, Protestants, and Secularists was broken, especially in regards to childcare. This was not a mere “border incident” trial as had been seen before; it would remain this way.⁷⁴ After the McCoy-Ellis trial, there was a substantial decline in religiously-based adoption trials. There was no major response from Catholic lawmakers.

The other major factor in this case was the way Jews were viewed in post-World War II America. Due to the major backlash against the atrocities of the Holocaust, in the 1950s, anti-Semitism was at an all time low in the United States.⁷⁵ Though it is impossible to measure, it can be safely said that there was a large growth nationally in sympathy for the Jewish people across all races and religious backgrounds. It was at this time that there was the greatest chance for the Ellises to receive national support, and they did, almost unilaterally by the time the case moved to Florida. Due to this collective sympathy, American Protestants and media members were willing to cast support behind the Ellises en masse, perhaps changing the outcome of the case.

Overall, the case that followed would span almost seven years and 1,500 miles, the case that made headlines across the nation, was a simple adoption case. However, the case was primarily one of religious rights. The Hildy McCoy case came at a time of great religious tensions in America, leading to great attention paid to the case in religious circles. This, combined with the polarizing actions of the Ellises in an attempt to protect Hildy, led to a greater audience and national attention. Finally, the sympathy of Americans post-Holocaust led to the

⁷³ Dyckman, *Floridian of His Century*, 157.

⁷⁴ “The American Moral Consensus.” *Life*. December 26th, 1955, 56.

⁷⁵ Edward S. Shapiro, “World War II and American Jewish Identity.” *Modern Judaism* 10, no. 1 (1990), 72..

national letter writing campaign and the pressure put upon Governor Collins to grant the Ellises freedom. Any understanding of the case that lacks all three of these tenants will be fundamentally flawed. However, these three factors must be understood in their correct proportions to generate a complete understanding of the case and the media attention given to it.

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