

The adoptive parents deserve child custody

The issue of surrogate motherhood, brewing since the 1970s when it gained popularity as an alternative for parents unable to have children, has boiled over in a Hackensack, N.J., courtroom. At issue is whether the surrogate mother or the adoptive parents will have custody of three-month-old "Baby M."

While we have sympathy for the natural mother and her husband, we believe the court should award custody of the child to the adoptive parents.

On the surface, the question of custody may seem easy — award the child to the natural mother. But there are some tricky snags to this unprecedented case that compel us to side with the adoptive parents.

On Feb. 6, 1985, Mary Beth Whitehead signed a contract agreeing to be a surrogate mother for William and Elizabeth Stern. After several months of artificial insemination attempts, Stern and Whitehead conceived a child, and last March Whitehead gave birth to a healthy baby girl — a girl she now wants to keep.

"Adoptive parents" is a misnomer in this case — it was William Stern's sperm that fertilized the egg. He is the legitimate father and technically and morally has claim to the child, and moreso when considering Elizabeth Stern, "the other mother," also has a contractual and emotional claim to the infant.

In a traditional child custody case, possession rights more than likely would go to the mother, but there isn't a close analogy here because surrogacy motherhood challenges the traditional concept of motherhood.

Furthermore, Whitehead willfully entered the contract — no proverbial gun was put to her head. Although not legally bound to abide by the contract — the growing practice of surrogate motherhood is so new, no state or federal laws govern it — Whitehead knowingly waived her right to the child when she signed the consent form and agreed to accept \$20,000 from the Sterns.

The investment in psychological costs and in dollars also supports the Sterns' claim to the child.

The Sterns have already paid \$10,000 in medical fees and hospital expenses. An additional \$10,000 was put in an escrow account for Whitehead, but that money has since been frozen pending the outcome of a lawsuit filed by the Sterns.

Moreover, the Sterns, in a sense, were vicariously pregnant, enjoying through Whitehead the joy and pain of childbirth. Both couples kept in close contact with each other; Mrs. Stern often accompanied her husband and Mrs. Whitehead to the obstetrician, and all of them, including Whitehead's husband, were in the delivery room at the time of birth.

However, vicarious pregnancy is intangible at best. Nothing truly can compare to the real experience of pregnancy and childbirth, and here is where the tricky part comes in.

The maternal bond between mother and child is emotionally stronger than any legal or contractual bond. Yet as strong as this case may be for the natural mother, the fact remains she was a willing participant and signed a contract agreeing to a considerable amount of money for her sacrifice.

It also can be argued in Whitehead's favor that the Sterns can find another surrogate mother. True, but Whitehead also has the option of giving birth to another child, an option the Sterns lack. Whitehead is already the mother of two. The Sterns are entitled to "Baby M."



Letters

Decline

The insolence of Brian Fray and Charles Richards' letter (ODE, Jan. 12) is exceeded only by the ignorance displayed. Because their views are shared by others more circumspect, this effort to challenge the intellectual integrity of those readers is justified.

In an essay, "The poverty of Faith", David Walker, Ph. D., explains that knowledge (justified true belief) cannot be bestowed. It must be earned and "owned" by personal effort.

Others have addressed the subjects raised in Fray and Richards' letters except for the assertion that Maxwell's Second Law of Thermodynamics (Entropy) negates the claims for evolution. Ilya Prigogine, 1977 Nobel Prize in chemistry recipient, in Order out of Chaos not only mentions his "Brusselator", but also the "Oregonator" of University professor Richard Noyes.

These chemical reactions of the Belusov-Zhabotinsky series entail mixing chemical solutions in the presence of a catalyst. The solutions then rhythmically change color providing evidence that there are two exceptions to the Second Law of Thermodynamics. This is also manifested by the upstream flow of water in a river turning a bend. In cosmic reference, the Earth and evolution are insignificant

trivialities.

One of the dangers is that Fray will probably graduate with a degree in biology, then present himself as a certified "scientist" while persisting in a mental state totally antagonistic to the principles of science.

Religion has duped our citizens with myths, fears and superstition and deprived them of the ability to think clearly, logically and independently. This is an important factor in the rapid decline the United States is experiencing in education, international politics and economics.

Bert Tryba
Eugene

Research

Innovation is a prime factor required for a region's development. Research conducted at the Riverfront Research Park should play such a role in the development of local economic development.

This letter expands on the position taken by Professor Frank Stahl in the University Senate debate on the question whether classified research should be permitted at the park (as reported in the ODE, Jan. 22).

Dr. Stahl argues that better commercial enterprises would be attracted to the park by an atmosphere in which research results are freely shared and open to criticism. This seems reasonable. Firms responsive to input are more likely to adapt to market needs than those firms operating behind closed doors.

There is an equally compelling public sector argument for keeping research at the park open. Since the Riverfront Research Park is possible only by public investment — city and state development money, University land, public sacrifice of the use of the Willamette Greenway — it follows that the occupants of the park should be chosen on the basis of their contribution to the local economy, not only in dollars, but in terms of their contribution to the technology of local development.

Not only should we require firms to share the results of their research, we should target research that can directly con-

tribute to new product and process development unique to the economic future of Eugene and Oregon.

For the University Senate, local governmental officials and groups to require less would be to violate the public's interest in a public institution — the Riverfront Research Park.

Fergus McLean
Industrial relations

Marketing

Fellow Eugeneans, what do you think about the recent proposed changes in our community gathering center?

Eugene's prosperous mayor has appointed his 25-year-old son, Doug Obie, to manage the Fifth Street Public Market. Far be it for me to suggest there is anything improper about this.

After all, our capitalist mayor owns the market (that has a resonant ring to it, don't you think?), and has every right to blow it for us or not as he pleases. No, just because it triggers the gag reflex doesn't make it wrong.

What I want to protest is the neophyte's policies which affect two of my favorite restaurants, the Genesis Juice Bar and the French Horn Cafe. For many years I have enjoyed their healthy, well-prepared, quality food.

I am disturbed that the cosmetic changes proposed for the market require their rents to be tripled. Such improvements in "complexion" may cost Dad a lot if it means these two businesses — and their clientele — are driven elsewhere.

I admit it — I, too, have proprietary feelings about the market. It has something to do with the civilized, non-class biased values reflected in its atmosphere and character.

And despite young Obie's televised disclaimer that the market won't be turned into another Valley River, I'm afraid the values reflected in this first big decision of his first big job bode ill for both the market and for the community. Would Wheatgerm have inflicted this on us?

Tom Hyde
GTF, speech

Oregon Daily Emerald

The Oregon Daily Emerald is published Monday through Friday except during exam week and vacations by the Oregon Daily Emerald Publishing Co., at the University of Oregon, Eugene, Oregon, 97403.

The Emerald operates independently of the University with offices on the third floor of the Erb Memorial Union and is a member of the Associated Press.

The Emerald is private property. The unlawful removal or use of papers is prosecutable by law.

General Staff
Advertising Director Susan Thelen
Production Manager Wayne Michael Lottinville
Classified Advertising Alyson Simmons
Assistant to the Publisher Jean Ownbey

Advertising Sales: Peter LaFleur / Sales Manager
Teresa Acosta, Brent Collins, Beryl Israel, Janelle Heitmann, Laura Goldstein, Catherine Lilja, Rick Martz, Joseph Menzel, Peter Miller, Joan Wildermuth.

News and Editorial 686-5511
Display Advertising and Business 686-3712
Classified Advertising 686-4343
Production 686-4381
Circulation 686-5511

Editor
Managing Editor
News Editor
Spectrum Editor
Spectrum Assistant Editor
Editorial Page Editors

Sports Editor
Photo Editor
Assistant Photo Editor
Graphic Editor
Night Editor

Associate Editors
Community
Politics
Higher Education / Administration
University Affairs
Student Government
Student Activities
General Assignment

Reporters: Sean Axmaker, Mary Courtis, Karen Creighton, Gary Henley, Carolyn Lamberson, Scott Maben, Janet Paulson, B.J. Thomsen.

Photographers: Sherlyn Bjorkgren, Shu-Shing Chen, Maria Corvallis, Derrel Hewitt, Bobbie Lo, Dan Wheeler.

Production: Michele Ross / Ad Coordinator
Kelly Alexandre, Elizabeth Asher, Ronwin Nicole Ashton, Virginia Baniaga, Sandra Bevans, Sara Briscoe, Shu-Shing Chen, Janet Emery, Lisa Haggerty, Donna Leslie, Curtis Lott, Kelli Mason, Mike McGraw, Rob Miles, Angelina Muniz, Julie Paul, Ingrid White, X. Kang Xie.

Michelle Brence
Lucinda Dillon
Michael Rivers
Curtis Condon
Stephen Maher
James Young
Michael Drummond
Capi Lynn
Michael Wilhelm
John Giustina
Lorraine Rath
Jolayne Houtz

Jolayne Houtz
Shawn Wirtz
Chris Norred
Stan Nelson
Sarah Kitchen
Tonnie Dakin
Dennis Fernandes