

## Right or wrong, choice took too long

The American appeals process, so cherished by murderers and other capital criminals, has once again done society — and a little girl — a great injustice.

Jessica DeBoer, a two-and-a-half-year-old girl who has spent all but three weeks of her life in the custody of Jan and Roberta DeBoer of Lansing, Mich., was returned to her biological parents Dan and Cara Schmidt on Monday, legally — and permanently — separating her from the only family she has ever known.

The decision, which has thrown light onto the subject of the legal rights of biological parents and adoptive ones, has done much to tear apart the lives of all three parties: the DeBoers, the Schmidts and Jessica. But it also provides an opportunity to examine more closely the painfully apparent flaws in American adoption law.

The Schmidts, who have been unfairly vilified by the media and repeatedly accused of ignoring the best interests of the child, are not solely to blame for this heartrending drama. And neither are the DeBoers, who merely wanted to hold on to the child who had learned to call them Mommy and Daddy. Everyone involved in the case has been the victim of a justice system that took too long to come to what legal experts called an inevitable conclusion: that Jessica must be returned to her biological parents.

Cara Schmidt, who was at that time Cara Clausen, released Jessica for adoption Feb. 9, 1991, the day after Jessica was born. She was placed in the DeBoers' custody two weeks later. Within two weeks, Cara Clausen and Dan Schmidt, Jessica's father, had decided to try to regain custody.

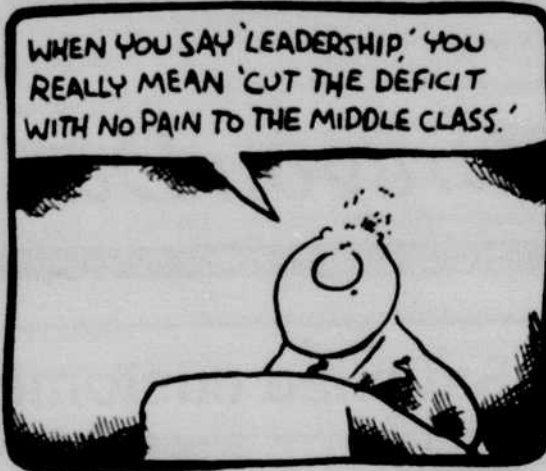
As the case was heard in court after court, in Michigan and Iowa (the Schmidts' home), decisions were handed down in favor of the Schmidts, who married in 1992. But because of the appeals process, the DeBoers were able to keep Jessica for two-and-a-half years before finally having to give her up this week, when the U.S. Supreme Court refused to further delay the transfer.

One of the reasons this case took so long to resolve was because the adoption was handled by private attorneys, who are pledged to support their clients' interests — and not necessarily the child's.

Currently, about a third of the states prohibit adoptions arranged by private attorneys, resting the responsibility on the shoulders of state-licensed agencies. Unlike attorneys, who may be inclined to put the child in the hands of anxious adoptive parents as soon as possible, such an agency, with counseling for the mother and other services, can do more to ensure the child's welfare. It is possible that this entire situation could have been avoided if Cara Clausen had been given the proper counseling before giving Jessica up in the first place.

The American Adoption Congress, which represents both adoptive and biological parents, as well as adoption agencies and attorneys, has advocated that a time limit be set on decisions of custody, but this approach is not without its flaws; in particular, it is conceivable that a couple fighting for custody would play legal games to delay a decision until after the time limit. Still, the idea has merit and should be further investigated.

Although the ordeal undergone by Jessica (and the parents who fought for her) was sometimes tragic to witness, it would be a shame to let this chance to reform adoption law slip by. The solutions may be imperfect, but so is the status quo. Making imperfect changes would still be better than watching another case as distressing as Jessica's be played out again on our televisions and in our newspapers.



OPINION

## Death, taxes ... and shopping



It has been said that life holds no guarantees ... except for death and taxes. But there is one other certainty.

It is every bit as inevitable as our final resting place and just as inescapable as the IRS. I'm talking, of course, about shopping.

And not just any shopping, mind you: grocery shopping.

In our consumer-driven, glutony-powered American society, the great equalizer is, without question, the supermarket. These giant temples of bread and butter, produce and pasta, canned goods and candy, have become the ultimate slice of life: with the exception of the very rich, who have their shopping done for them, everyone has to buy food.

So grocery stores have become one of the only places left in this country where people from all walks of life and from every imaginable social category can find a common ground. All roads, it would seem, lead to Safeway.

As a cashier in a local supermarket, I have had ample opportunities to witness first-hand this subtle human drama. Twelve short months of punching keys and bagging kiwis has done more to open my eyes than my entire first year at the University. I know that college life is supposed to be "enlightening" — far be it from me to throw water on that cherished notion — but it seems to me that our campus is an island of P.C. in a world of W.C. (Who Cares?). And the capital of W.C. is the modern Mega Food Mart.

Call me naive (it wouldn't be the first time), but here are some of the surprising observations I've made during my tenure as Captain Cashier:

- People are sheep. No matter

how hungry they are, no matter how many people they're buying for, whether they are young or old, people always buy seven donuts.

Why? Because it's seven donuts for a dollar. They always buy four string cheeses, too. And six bagels. And it's not because it's a round number, either. Candy bars are two for 88 cents, and more often than not, they buy two. So if you're looking for a shining example of individuality, beat-of-a-different-drummer-type stuff, don't look at anyone's groceries. You'll be sadly disappointed.

- Joint checking accounts are on the rise. I don't want to step on any toes here, so I'll try not to imply any disapproval when I say that I see an awful lot of folks with different names living at the same addresses. Maybe such a strategy is a good idea, and maybe not. I just didn't realize it was so common.

(Oh, and if the Oregon Citizens Alliance really doubts that 10 percent statistic, it ought to try sending Lon Mabon out to check groceries. He'll find out in a hurry.)

- The homeless exist. This may seem obvious, but in Eugene there really aren't that many people sleeping in doorways. It's easy to forget their plight.

But day after day I see their meager purchases glide down my conveyor belt, paid for by food stamps, government checks and, more and more, money earned by returning bottles and cans. When conservatives talk about the damning effects of welfare and other giveaways, they often forget one of the most destructive "entitlement" pro-

grams of all: the Bottle Bill. After all, you can't buy beer with food stamps.

- Nobody buys the tabloids. I sell one or two rags a day, tops. Mostly they just serve as entertainment for me between customers. No, I don't actually open them. The headlines are enough for me. "Colt born with human head" and "Satan's face seen over Waco."

I particularly like the way the *Examiner* bills itself as America's favorite "family" newspaper. I can picture it now: "Kids, gather 'round. Daddy's going to read to us about how Loni begged Burt's best friend to have sex with her!"

- I hate kids. In my job, I see them at their worst. "Gimme this" and "Gimme that" and screams and fits of every possible description. All the most attractive things for kids are placed within easy reach (a clever merchandising tactic), so it is my privilege to watch the family dynamic in action. I've learned that kids who've never even heard of Thomas Jefferson can deliver a powerful oratory on their inalienable right to orange Tic-Tacs.

Although few of you will have the opportunity to observe the supermarket environment as extensively as I have as a cashier, there is no reason why you can't take some time during your next outing to watch the people and discover what the real, non-collegiate world is like. But then again, Who Cares?

David Thorn will be an Emerald editorial editor beginning fall term.

### LETTERS POLICY

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The *Emerald* reserves the right to edit any letter for length or style.

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