

Rights of children create murky law

It's been a confusing summer for advocates of children's rights. For a period of weeks, the saga of Baby Jessica enthralled the nation as two state supreme courts and the U.S. Supreme Court were asked to determine whether the rights of adoptive parents can supersede those of biological parents.

In that case, the courts were unanimous in their decisions that the rights of biological parents are paramount, and Jessica was yanked from the only parents she had known for her two years of life and sent to live with strangers.

But only last week, an Illinois state court came to a different conclusion in a nearly identical case. Both cases began with biological mothers giving up their babies for adoption while neither father knew of the child's existence.

Both fathers claimed they had not given up their parental rights and wanted their children back. However, the Illinois court decided in the best interests of the baby in that case rather than of the biological parents, unlike Baby Jessica.

Do children even have rights and, if so, what are they and who decides?

If that's not confusing enough, Florida courts added to the quagmire with two decisions last week, both concerning teen-age children.

A Florida appellate court ruled that the boy known to the nation as Gregory K., who successfully sued his biological mother for divorce so his foster parents could adopt him, did not have legal standing to sue for divorce. However, it also ruled that because other adults joined the suit, it was still valid.

The ruling came shortly after a Florida trial court ruled that the biological parents of a 14-year-old girl who was swapped at birth had no right to visitations with her.

Kimberly Mays, annoyed at attempts by her biological parents to regain contact with her, sued for divorce, using the Gregory K. case as precedent.

The judge in Mays' case wisely circumvented the question of divorce, instead ruling that it was simply in Mays' best interest to have no contact with her biological parents.

The questions left hanging revolve around the definition of family and deciding when a child is capable of knowing what is in his or her best interest.

The attorney for Mays' biological parents argued that her best interests are irrelevant and the interests of the biological parents are all that mattered. Clearly, this is nonsense.

However, what, exactly, should be the guidelines for making such a determination when there is no clear answer. Had Mays' biological parents been drug-addled felons with a history of violent crime, the decision would be obvious.

Even more to the point, what are children's rights? Do children even have rights and, if so, what are they and who decides? Does society want lawyers and the courts to determine what constitutes a family? The questions seem to grow every day. The answer, if there ever is any, should be interesting.



OPINION

'Prevention' hard pill to swallow



Write Angles
Lia Saliccia

In the largest debate over national health care that this country has ever had, the new buzzword is "prevention," as well it should be.

It only stands to reason that people who exercise regularly, eat well and supplement their diet with the vitamins and minerals to make their immune system strong would have a far better chance at proper health than someone whose diet consists of beer and chips and whose exercise regime consists of walking from bed to the couch to the car to their desk job.

Prevention is intertwined with nutrition, and millions of consumers receive their nutrition from vitamin and mineral supplements, herbal pills and tinctures, and products derived from natural sources sold in health food stores.

But the Food and Drug Administration would have our freedom to choose this type of healing taken away. And unless the FDA is blocked by Congress, it shall get its way. The FDA will make amino acids (such as niacin) and certain herbs available only with prescription. It will withhold information concerning health claims on specific natural remedies unless its experts can prove that they are safe. And it will all go into law Dec. 15, 1993, unless it is stopped.

I was in Sundance Natural Foods last week. Vitamin Manager Don Lane was just removing the yellow police barricade tape around the vitamins that showed Sundance's participation in a national blackout that started Aug. 13 to protest the FDA's agenda.

Nearby sat a table with infor-

mation, a phone and writing materials for contacting congressional representatives and the FDA. While it's obvious that businesses such as Sundance would be hard hit by the proposed law, there is much more at stake, such as freedom to control and heal our bodies how we choose, and the restriction of health information to consumers.

I surveyed the still partially barricaded shelves and started to realize the extent of products that would be controlled by the government.

Some of the names on the bottles are familiar to me. There is Ethinacea, an amino acid that my dad takes to bolster his immune system, and Valerian, an herb I take monthly in tincture form to cure crippling menstrual cramps.

Under the new FDA rules, my dad could buy Ethinacea for prescription only, no doubt with more trouble and higher expense. For the FDA would have Ethinacea and other amino acids classified as "drugs," to be used only for "drug-related purposes." In other words, used as treatment, and not prevention. An ad hoc committee gathered by the FDA itself could not prove that amino acids were harmful, yet this agency claims it is doing this for our safety.

Furthermore, the new labeling and classifying system of dietary supplements, which is any type of naturally derived product taken to supplement food nutrition, would restrict information to consumers about any health claims made on them, unless the FDA proves those claims.

Call me a skeptic, but I doubt the FDA would give proving a health claim on an herb the time of day.

"This is a freedom of choice and a freedom of speech issue," Lane said.

I had asked him about some of the healing properties of some of the bottles on the shelves and he told me that he was forbidden by the FDA to give out that information at this time. There have

been several documented armed raids of health food and homeopathic medicine stores, and one homeopathic physician has already lost his license to practice, Lane said.

Flipping through a book, I noticed a section on AIDS. The authors write that because there is no cure for the disease, the best preventive measure is to strengthen the immune system. The book recommended taking protein supplements in free-form amino acids because "protein in this form is readily available for the body's use and more easily metabolized."

It won't be readily available if the FDA gets its money-grubbing hands upon them and makes them prescription only. The book also recommends a Vitamin B complex for AIDS prevention because it promotes normal brain functions that are important for a strong immune system. But under the new rules, such health claims won't be made and will be kept from us unless the FDA can prove them. Given the current trend in government research of AIDS cures, let alone prevention, I doubt they would even try.

Just think, the FDA may be intervening in hundreds of cases of AIDS prevention.

The FDA, the "Big Brother" of health, only cares about turning over the herbal healing industry over to the hands of the pharmaceutical companies with whom they are financially linked. Never mind that they are not the same companies whom health food consumers trust. Never mind that the natural and organic food industry employed 6,444 people last year. Never mind that 453 people died in 1989 from FDA-approved prescription drugs while none died from dietary supplements.

If we lose control over our bodies, what will they take away next?

Lia Saliccia is a columnist for the Emerald.

Oregon Daily Emerald

The Oregon Daily Emerald is published daily Monday through Friday during the school year and Tuesday and Thursday during the summer by the Oregon Daily Emerald Publishing Co. Inc., at the University of Oregon, Eugene, Oregon.
The Emerald operates independently of the University with offices at Suite 300 of the Erb Memorial Union and is a member of the Associated Press.
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