

Actual mom trying to hold on to surrogate child

CENTRAL ISLIP, N.Y. (AP) — It started out as a pretty straightforward surrogacy contract. Then somebody suggested they skip the artificial insemination bit and do it the old-fashioned way. In a motel room, no less, complete with mirrors, gel-bed and a porno flick on the television.

Surrogate mom Susan Chamberlain says the sex voided her \$25,000 deal with Joseph and Jean Kaplan, and she is suing for custody of the son she bore in May. The Kaplans say a deal's a deal.

The whole lurid story has been unfolding in a Long Island courtroom for the last two weeks while a judge tries to sort out who should get custody of the baby, called

Shane by Chamberlain and Benjamin by the Kaplans.

Chamberlain has temporary custody. The boy is being cared for by husband Tom at their Bath, Pa., home during the non-jury trial. A decision is expected by Sept. 11.

"All she ever wanted was to please them. That was her sole motivation — to help these older people out," Chamberlain's attorney, Robert Gottlieb, said.

Complicating Family Court Judge David Freundlich's decision is testimony from Chamberlain's own mother that her daughter was promiscuous and drank too much. Mildred Iris recommended the Kaplans get

the boy.

It was through her mother that Mrs. Chamberlain knew 43-year-old Joseph Kaplan and his 50-year-old wife, Mrs. Kaplan is infertile.

They first discussed the possibility of Chamberlain's acting as a surrogate mother in January 1992. They eventually agreed she would be paid \$25,000 to be artificially inseminated with Kaplan's sperm and bear a child for the Centereach couple.

The Kaplans claim it was Chamberlain who first suggested just having sex with Kaplan, to save time and money. Chamberlain claims Jean Kaplan raised the subject, according to a deposition obtained by

the Daily News of New York.

Chamberlain testified that she and Kaplan first had sex at the Commack Motor Inn in June 1992, after dinner and drinks.

"It was not all night. It was a couple of hours," she told the Kaplans' attorney.

The 25-year-old waitress didn't get pregnant the first time. Kaplan says he couldn't perform, despite the erotic atmosphere. They ended up having sex a total of seven times, including at another motel, then in the Kaplans' own bed.

Mrs. Chamberlain finally conceived in September, after moving into the Kaplans' basement apartment with her three children.

Prosecutor charges Kevorkian with felony

DETROIT (AP) — A reluctant prosecutor gave Dr. Jack Kevorkian last week what the retired pathologist has been looking for — a felony charge that will test Michigan's new law banning assisted suicide.

A warrant was issued charging Kevorkian with assisting in the death of Thomas Hyde, 30, of Novi. Hyde, suffering from amyotrophic lateral sclerosis, or Lou Gehrig's disease, died Aug. 4 after inhaling carbon monoxide from a canister in Kevorkian's van on Belle Isle in the Detroit River.

Kevorkian then challenged prosecutors to make him the first person charged under the six-month-old law, saying he intended to ignore it because he considered it immoral.

Wayne County Prosecutor John O'Hair said he couldn't let Kevorkian disregard the law, even though he disagrees with it and it may be overturned.

Kevorkian was arraigned Tuesday before a magistrate, who ordered him freed on \$100,000 bond and scheduled a preliminary examination for Aug. 27.

At a news conference later, Kevorkian said he would continue to help "suffering patients."

"This is not a matter of law, governors, legislators, politicians, ethicists, religionists, theologians, philosophers. It's a medical matter," Kevorkian said. "We need no laws, no regulations, no initiatives in any state."

Kevorkian urged the medical establishment to push for an end to "all ill-advised laws" and regulate the practice like other medical procedures, such as heart transplants.

"Let's work together," he said. "You lay down what you consider to be the right guidelines as a medical profession."

Kevorkian, 65, faces up to four years in prison if convicted, but O'Hair said he would not ask for jail time.

At a news conference announcing the charges, O'Hair said assisted suicide should be legalized. But he said the way Hyde killed himself was improper.

"When you think of Thomas Hyde on Belle Isle with essentially a stranger, in Kevorkian's rusty, broken-down van, inhaling carbon monoxide as a means of ending his life, it seems to me that this is exactly the kind of thing we want to avoid," O'Hair said. "The violation of the law is clear. There should be a conviction."

But O'Hair, a member of a state "Death and Dying Commission" studying the assisted suicide issue at the request of the Legislature, said he would propose making assisted suicide legal under certain conditions.

"It's not like the abortion issue, when someone is deciding the fate of someone else," O'Hair said. "It's an individual enslaved in his own body."

"For myself, I don't have any problem if I was enslaved in the body, having led a full life, and I came down with Lou Gehrig's or something like that, where I reached the point where I had to lay in bed, have people feed me ... see whatever assets I had go out the window to medical providers rather than to my family, I wouldn't have a moment's hesitation on making that decision. Not a moment," he said.

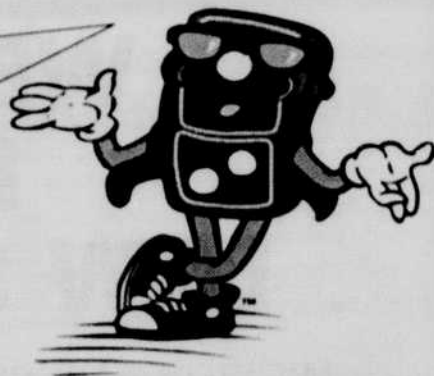
Kevorkian, a retired pathologist and longtime proponent of doctor-assisted suicide for the terminally ill, has been present at 17 suicides by terminally or chronically ill people since 1990.

To stop Kevorkian, the Legislature passed a law last year temporarily banning assisting suicide while the issue is studied. It took effect in February and expires next May.

Wayne County Circuit Judge Cynthia Stevens overturned the law May 20 on a challenge by the American Civil Liberties Union. But the Michigan Court of Appeals ordered that it remain in effect while that court considers an appeal. No hearing date has been set.

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