

Opinion

Outlawing surrogate motherhood seems unfair

The New Jersey Supreme Court, with its ruling last week in the Baby M case, has put restrictions on surrogate motherhood contracts that could discourage the use of surrogacy by infertile couples.



Amy Couvillon

"Baby M" is what the courts dubbed a little girl born two years ago under a \$10,000 surrogate contract in New Jersey who has spent most of her life as the object of a bitter, emotional custody battle. On Feb. 3 the New Jersey supreme court, in a 7-0 decision, declared the surrogacy contract illegal and rendered it void, awarding custody to the child's father, William Stern.

In a surrogacy contract, a woman carries and delivers a baby for another individual or a couple who cannot have a baby. In some cases, the woman is impregnated by artificial insemination and is the natural mother of the child she gives up, and in other cases a fertilized egg or embryo is implanted into the womb of the surrogate mother, and she delivers a child not her own.

The court opinion sharply criticized commercial surrogacy contracts, saying that paying a woman to have a baby amounts to illegal baby-selling.

"This is the sale of a child, or at the very least, the sale of a mother's right to her child," the New Jersey justices wrote.

The justices said a woman can volunteer to be a surrogate mother as long as the agreement allows the mother to change her mind about giving up her parental right to the baby. But they criticized the concept of surrogacy, saying that it is "potentially degrading to women."

The Baby M case got the courts and the nation talking about surrogate motherhood and discussing ways to restrict and regulate it. But it never would have gone to court if the mother of the child, Mary Beth Whitehead-Gould, hadn't been such a fruitcake — the court condemned her as an impulsive and manipulative woman and heard a secretly recorded conversation in which Whitehead-Gould threatened to kill herself and the baby if Stern did not let her keep her daughter.

"The unfortunate events that have unfolded illustrate that its unregulated use can bring suffering on all involved," the justices wrote in the opinion, which was the first state supreme court ruling on a broken surrogacy contract.

It would be sad if the antics of one immature, hysterical woman could cast a bad light on surrogate contracts, or cause them to be outlawed.

Surrogate contracts are a dream

come true for infertile couples who would like the baby to be a natural child of at least one of them, for couples where the woman can conceive a child but cannot carry it to term and for couples who cannot conceive at all and face years of waiting to adopt a healthy infant.

The decision is not binding on any state except New Jersey. Both sides of the Baby M case say they will not appeal to the U.S. Supreme Court, which is good; obviously, the best thing for the little girl is for her to remain with the Sterns. But if the Supreme Court hears a similar case, it may rule the contracts illegal or severely restrict their use. And this is not good.

The restriction of surrogate arrangements seems bitterly ironic when compared with the legal status of abortion.

If commercial surrogate contracts were declared illegal, a woman could agree before she gave birth to give the baby to someone else, but she could accept no money for this, because this is "baby selling." If a fetus can be the subject of a pre-birth surrogate contract, and the mother can choose to give up her parental right before birth, then isn't the fetus considered "alive?" The court said a woman's carrying a fetus for money is "baby selling." If the subject of the contract is a "baby," then for the purposes of surrogate contracts, an unborn baby is still a baby. But since *Roe v. Wade* in 1973, a woman can choose at

will to kill the embryo or fetus in her uterus, because the baby is not considered to be a baby until birth. There's a contradiction here. You can kill your fetus, but you can't sell it.

Now, abortion is a sticky, emotional subject, a subject on which I'm deeply divided. I consider an embryo or fetus "alive," because it would be ridiculous not to. Is your baby any more "alive" when it kicks the outside of your abdomen than when it was kicking from the inside? And ending a human life is morally and ethically wrong.

But this life, this future human being, happens to be inside another human being, who must retain some privacy, and some right to her body and her life plans. And it would be extremely difficult, if not impossible, to enforce an anti-abortion law. How can you regulate and police something that happens inside a person? I was raised Catholic, and the subject of abortion hurts to think about, but I don't think such a law would do any good.

But if the Supreme Court has declared that a baby is not a baby until it's born, then how can it in conscience uphold a decision like the New Jersey one?

And isn't the crime of baby-selling (or fetus-selling or whatever they call it) preferable to abortion? Paying a woman to have a baby (whether her own or someone else's) seems inherently wrong,

and it could theoretically lead to some kind of "baby-for-profit" industry, but a woman has the right to her body. *Roe* asserted) then she should have the right to choose to bear a baby for someone else, and to be compensated. The court did not address whether the surrogate mother should be able to accept money for medical expenses, but would assume that there are no legal problems with that.

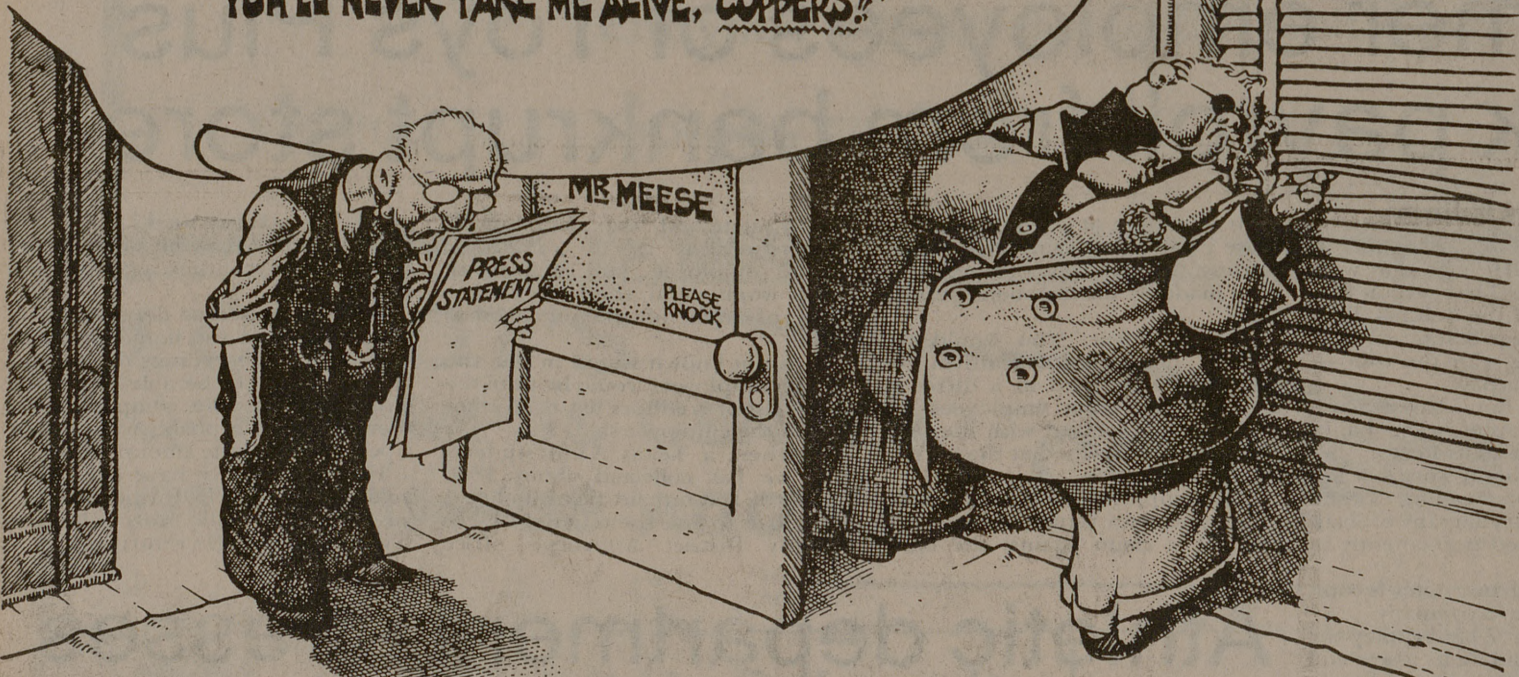
But being pregnant involves more than medical bills. It is a responsibility and an inconvenience, no matter how you look at it. It sometimes can keep a woman from working, especially in the later stages when moving around is tiring and difficult. Some monetary compensation for this does not seem to me to be unreasonable.

Some couples simply cannot have children normally, and getting a baby through adoption takes years of waiting. Ads run regularly in *The Battalion* (I'm sure in other college papers), put by couples who are trying to find someone who can provide them with a baby. "Happily married financially secure couple wants to adopt white newborn. Expenses paid."

The need is there. And if giving some kind of compensation to surrogate mothers will help to fill that need, then outlawing it seems unfair.

Amy Couvillon is a senior journalist, major, city editor and columnist for *The Battalion*.

I THINK ADDRESSING THESE ALLEGATIONS HEAD-ON IS A FINE IDEA, SIR... MY ONLY SUGGESTION MIGHT BE TO PHRASE IT A BIT LESS COLORFULLY THAN "YUH'LL NEVER TAKE ME ALIVE, COPPERS!"



BEN SARGENT. ©1988 The Austin American-Statesman. Universal Press Syndicate.

Humanism reflects religious ideals

The "Humanist Manifesto" has some notable and positive ideals; interestingly, these ideals have their roots in religion.

Dalton Garis
Guest Columnist

There must be an appreciation of the difference between the essential message of religion as revealed by the Prophets themselves and the attempts to follow these teachings as embodied and interpreted by the various religious sects.

What better examples of this difference can there be than that which is seen in Islam and Christianity today? Virtually no religious communities' actions are justified in their own Book. Be that as it may, the religious message of their own scriptures is as strong and vital as ever.

Two points should be considered: (1) how much more bestial would we all be

now were these messages of peace and promise never to have been delivered; and (2) that the authorship of the most noble and high-minded philosophical thinking has as its first source the Prophets of God.

While historical examples of this abound (legal codes in every land inculcate the Ten Commandments of Moses) I shall give a contemporary example. Inspect the following list for points of agreement with the more far-reaching articles of the "Humanist Manifesto":

The equality of men and women; the abolishment of all forms of prejudice; the essential harmony between science and religion; the necessity of universal compulsory education; a call for the establishment of a universal standard of weights and measures; the need for a common universal money system; a call to establish a world executive and the creation of a world federation of sovereign nation states for the establishment

of collective security; the need to select or create a universal auxiliary language; the elimination of gross extremes of wealth and poverty.

The above principles are each the verbatim tenants of belief of the Baha'i Faith, one of the divinely revealed world encompassing religions.

It seems that what the humanists do is analogous to their reflecting the sun in a hand-held mirror, declaring that their light originates from their own creation and denying the existence of the sun!

All attempts to upraise the standard of nobility of humankind must be applauded; but it cannot be forgotten that both our best teachings and ourselves have been created of an Intelligence and Essence, the unsearchableness and the manifestness of which is admitted to by all the greatest scientists, philosophers and thinkers who have ever lived.

Dalton Garis is a graduate student.

Mail Call

A few bones to pick with Jill

EDITOR:

Great article Jill! Your expertise on poverty shows that you have greatly studied this subject. Where did you receive your PhD? In that UPPER-MIDDLE CLASS NORTH DALLAS neighborhood!

Well, as you can tell, I have a few bones to pick with you and your reliable resource, Megan. First, the Rio Grande Valley is not the only low-income area. I've been to Dallas and have seen poverty stricken areas there. Where have you been? Why have you confined yourself to that bubble? Are you hiding from something? Get out and look around. Look in your own backyard! It's not just in the valley. It's in Chicago, New York, Los Angeles, Atlanta. It's all over the United States.

Second, your and Megan's stereotype of Mexican-Americans, not Mexicans, is just wrong. There are many Hispanics — Frank Lozano, Martin Sheen, Henry Cisneros and Katherine Ortega — who prove that your and Megan's idea of Mexican-Americans is unrealistic and sad. One person's interpretation does not mean that it is factual. Don't be judge, jury and prosecutor.

Third, Megan's statement about questioning the moral decency of young Hispanic girls is totally ridiculous. Don't tell me your and Megan's moral standards are above anyone else's. Just because there is a small percentage of pregnancies does not mean everyone is expecting a child. Look at your own high school and don't tell me that it hasn't happened there.

I'm not being unrealistic. I realize that these areas exist and there are people of that description, but I object to how you presented them in your article. Megan's attitudes are bigoted, and they only perpetuate themselves. I resent how they were expressed in the article. Is this the article of a truly responsible journalist? Is this the investigative reporting that the Department of Journalism is teaching you? If this is the quality of articles that appear in *At Ease* then I'd rather not have an *At Ease* section at all.

Marcus A. Salinas '89

A guy named Floor Sweep

EDITOR:

Picture this:

There once was a Mechanical Engineer named Floor Sweep. Because of his incredible talent as a student, he was on a full scholarship which included a special dorm, a special dining hall and a special parking space for mechanical engineers only. One day, Floor Sweep was walking across the Stonewood parking lot when he encountered three student athletes named Bar, Clay and Manvoigt.

Clay was a member of the women's golf team, and Bar was a very important player on the football team. His participation on the team the next season was very important to his coach and himself, being that he was career-minded and a good performance his senior year could land him a position in the pros.

Suddenly, for no apparent reason, Floor Sweep assaults the three athletes. Floor Sweep threw Bar against the rear of a car, threw Manvoigt against an open door and then hit Clay in the face. Bar, the career-minded athlete, sustained a possible career-ending shoulder injury and broken collar bone, while Clay missed several golf tournaments because of her injuries inflicted by Floor Sweep.

This is the first and last part of the one-part series: STEREOTYPING PLAGUES A&M MECHANICAL ENGINEERS

Steve Ihnen '89

Letters to the editor should not exceed 300 words in length. The editorial staff reserves the right to edit letters for style and length, but will make every effort to maintain the author's intent. Each letter must be signed and must include the classification, address and telephone number of the writer.

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BLOOM COUNTY
by Berke Breathed

Panel 1: "WE COULD USE A LITTLE BLOOD LUST, CREW. LET'S GO ON THE OFFENSIVE." "LET'S GO WIPE OUT THE BRAIN SUCKERS OF IO."

Panel 2: "TOO MESSY." "THEN LET'S GO ALIEN BLASTING." "TOO WISHY-WASHY."

Panel 3: "KEEP THINKIN'..."

Panel 4: "MEDIA HIP BASHING? LET'S ON 'PUBLIC RIDE.'" "I'M SET PHASED ON 'PUBLIC DISTRESS'"