

EDITORIAL



Katne Kullwitz

Real Baby M issue ignored

Last week, as seemed likely from the manner in which he conducted the trial, Judge Harvey R. Sorkow ruled that custody of Baby M would be given to her biological father William Stern and his wife, and that Baby M's biological mother by artificial insemination, Mary Beth Whitehead, would have no legal authority to see the child again. But while the result was easy to predict, the judge's upholding of the surrogate motherhood contract was unexpected. More than that. If the contract is valid, as Sorkow ruled it is, then the second part of the trial seems to have been totally unnecessary. And yet it was the second phase—the custody phase of the trial—that created all the publicity about Whitehead's allegedly inferior lifestyle.

The judge ruled that surrogate mother contracts are valid because the right to procreate is constitutionally guaranteed, and if "one has a right to procreate coitally, then one has the right to reproduce noncoitally."

But at issue is not simply the right of the childless couple to "use what lawful means are possible to gain a child," as Sorkow claimed in his ruling. There is also the question of the surrogate mother's rights, of whether or not such a contract might be inherently damaging to her. Sorkow saw no need to bother with this. He refused to consider whether a contract to bear someone else's child for a fee might be so harmful to the mother as to make it undesirable as a matter of public policy. And that is the real issue in this case.

To ignore this issue is bad enough, but if he had ended the trial there, Sorkow could have ruled in favor of the Sterns and the case would have been appealed to a higher court. Instead, he withheld judgment on the contract until after conducting two months of class-bound hearings designed how best to further degrade Whitehead in the name of determining the child's welfare. Not surprisingly, the judge then ruled that Whitehead and her husband in years past had been "plagued with separations, domestic violence and severe financial difficulties requiring numerous household moves," and that they "give a reduced level of importance" to education. All of which makes them less desirable parents than the Sterns, who "have a private, quiet and unremarkable life," and, being much more highly educated and well-off, "would initiate and encourage intellectual curiosity and learning for the child." Overlooked by the judge was the fact that the Whiteheads have two children who by all accounts are normal, healthy and happy. In short, the Whiteheads appear to be perfectly adequate parents, whereas the Sterns are an unknown quality when it comes to parenting.

But our point is not to make a case for either the Whiteheads or the

Sterns. Both families have clearly suffered as a result of this experience, and neither is to blame. Nor is it likely under existing law that the courts would invalidate surrogate-parent contracts in the absence of state legislation on the subject. But the judge in this case would best have served the public interest by limiting his decision to the case's contractual aspect, so that the state legislature might then be moved to decide what is best as a matter of public policy. ■

A war that cannot be won

In their most successful military operation in years, El Salvador's leftist guerrillas on March 31 destroyed one of the regime's most important and highly defended military posts. Only 36 miles from San Salvador, the capital, the base was designed by the U.S. Special Forces in 1982 to be impregnable. Initially, Salvadoran Army Chief of Staff Gen. Adolfo O. Blandon reported that 43 soldiers had been killed in the attack and 35 wounded. This figure was officially raised the next day to 64 killed and 60 wounded, but the true figures seem to be 80 killed and more than 100 wounded—almost three-fourths of the troops garrisoned there.

This raid puts the lie on reports over the past year that the guerrilla movement has been contained and is on the decline. It makes clear that despite \$1 billion in military aid and \$2.5 billion in economic aid, the sham democratic regime of Napoleon Duarte has been unable to win over the hearts and minds of the people of El Salvador.

This is apparent in the relative abilities of the guerrillas and the government in gaining intelligence about each other. The raid, like two similar though less destructive ones in the last two years, was based on detailed intelligence provided by infiltrators. Yet despite the considerable planning that it required—every significant structure on the base was targeted and destroyed and the American military adviser was sought out and killed—the army's intelligence service, recently expanded under CIA guidance, had no inkling that the raid was about to happen.

This, of course, is not a matter of the guerrillas' technical superiority. On that score, the government wins hands down. But it is a clear indication of popular support, or toleration, of the rebels and of hostility toward the regime. And it exposes the fallacy, both moral and practical, of U.S. policy in Central America. If reason and the principle of non-interference in the internal affairs of other nations are not enough to move American policymakers to reverse their intervention in Central America, perhaps it will gradually dawn on them that they are on a side that can now win only by wiping the region off the face of the map. ■

IN THESE TIMES

"...with liberty and justice for all"

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LETTERS

Salable commodities

IN HIS ZEAL TO PORTRAY THE "BABY M" TANGLE as a simple morality play, Daniel Lazare casts Mary Beth Whitehead as a gullible *naif* who just wanted to coax God into "helping her infertile sister conceive," and who scarcely even noticed the complex legal contract she was signing or the \$10,000 she was paid by the Sterns (*JTT*, March 18). He thereby patronizes working-class women as surely as do the attorneys and psychologists he so strongly condemns.

I'm saddened by Lazare's one-sided approach, and by the thought of Phyllis Chesler's pseudo-feminist stormtroopers shouting vituperation at Elizabeth Stern.

What socialist or feminist could fail to see that the only "villain" in this sad case is the system that transforms everything—even babies and wombs—into salable commodities for the enrichment of savvy middlemen? Both Whitehead and Stern have been hurt by that system; surely we can spare a little compassion for each of them.

Karen L. Field
Topeka, Kan.

Conspiracy

YOUR ARTICLE ABOUT BABY M (*JTT*, MARCH 25) may have missed a level of the story—who really was the surrogate parent? You said the rich couple took advantage of the innocent working-class woman Mrs. Whitehead by hiring her to produce their baby. However, you failed to point out that Whitehead's husband had had a vasectomy and was unable to produce more children. Perhaps Mrs. Whitehead wanted her own baby and decided to exploit the situation with the rich couple. She never intended to return Baby M to its genetic parent; instead, she used Mr. Stern as a surrogate father in order to have her own baby. It could be a classic case of screw somebody else to get what you want; that's not class consciousness in action; that's just immorality.

H.M. Roth
Sacramento, Calif.

Noxious byproduct

WHILE DINO JOSEPH DRUDI MAKES SOME GOOD points for keeping the 55 mph speed limit (*Letters*, March 25), I am appalled that for him socialism means restraining "the feeling of expanded 'personal freedom' [of] individuals," as well as "regulating the heck out of how fast they can go." I am also appalled that Drudi puts personal freedom in quotations, implying that it is another of the noxious byproducts of capitalism that socialism will eliminate.

Herbert J. Gans
New York

Guess what?

EDDIE GOLDMAN'S LETTER ON HOWARD BEACH (*JTT*, March 25) is embarrassing. He simply repeats as truth the claims made by lawyer Alton Maddox and then lists three

small union locals who believe what they were told, as he does.

I can't rebut all Goldman's inaccuracies, but the following should suffice: assault victim Cedric Sandiford refused to cooperate with police, Goldman says, only because after three days of trying to cooperate, he concluded the cops were discounting his version of events and hence were "covering up" the case.

Guess what? The cops were right. Sandiford's version was wrong, and his stated reasons for non-cooperation are lies. Who says so? The special prosecutor, who had to throw out Sandiford's version entirely in order to develop the scenario for his murder indictments. *Sandiford's version would have let the white youths off.* Did Goldman miss this?

I never excused police mistreatment of Sandiford; it was an outrage. But police *suspicion* of him was entirely justified. Sandiford lied about what he and his friends were doing in the area, and he still won't tell us. Whatever it was, it doesn't excuse the assault, but why lie about it? Why were a stolen beeper and fake gun found on the body of Michael Griffith? Why did the third victim, Timothy Grimes, who escaped home, immediately begin packing to leave town in the middle of the night, according to his girlfriend, whom he later stabbed, instead of seeking help?

Why doesn't it concern Goldman, a man of the left, that Maddox vilified and smeared Dominick Blum, driver of the vehicle that killed Griffith? Doesn't it matter that thousands of decent working white New Yorkers were alienated by these smears?

Goldman says I distorted the facts; what motive do I have for doing so? We all agree Howard Beach was an outrage and the criminal justice system is racist. But you can't build a movement against it by vilification and lies that alienate fair-minded people.

Jim Sleeper
New York

Sloppy reporting

JOEL BLEIFUSS (*JTT*, MARCH 25) DESCRIBES EDWIN Meese's role in the prosecution of students involved in the 1964 University of California Free Speech protest thus: "When 773 students occupied a campus building, Meese ordered them arrested. A week later the students were taken to an auditorium, tried en masse and handed sentences of from one month to one year in prison."

At that time Meese was an attorney on the staff of the Alameda County district attorney and had no power to order the arrests. The arrests were ordered by the uni-

versity president with the backing of Gov. Edmund G. Brown Sr. (Pat, not Jerry), a liberal who was worried about possible right-wing opposition to his re-election campaign in 1966. He could have spared the effort. He was beaten anyway in 1966 by a right-wing actor named Ronald Reagan.

Meese did not appear in the case until he was assigned to prosecute the students at their mass trial in the auditorium of the Berkeley Veterans Memorial Building more than a week later. The students were on bail and arrived under their own power. I bailed out two of them on the evening they were arrested. None of the defendants was sentenced to prison since the charges were misdemeanors carrying county jail sentences. With the possible exceptions of the leaders of the protest, all received suspended sentences and did no time.

As a retired newspaperman, I detest sloppy reporting. Reporters on the left should be especially diligent in seeking accuracy because errors even in minor details can discredit them.

John M. Eshleman
Berkeley, Calif.

Optimism

DANIEL LAZARE'S EFFORT AT REVIEWING LENNI Brenner's book *Jews in America Today* (*JTT*, March 25) did little service to anyone. Lazare condemns the book for containing "fundamental" faults, while the author is deemed "dangerously confused." According to the review, the book is "unfocused and rambling, a tirade rather than a sober political study."

Lazare then devotes a full page in *JTT* advancing a peculiar thesis in support of this condemnation. Brenner's book argues that even if fascism were to take shape in the U.S. it would not be anti-Semitic. This proposition—which most reasonable people would agree with—is challenged by Lazare who launches into his own emotional "analysis" of racism in America.

The ensuing 1,300-word "review" debates a single point (any other aspect of Brenner's book is ignored) which is sustained with one sentence of evidence. According to Lazare, the danger of a strong anti-Semitic movement (not to mention eventual success) is evidenced by "the ravings of certain fundamentalist preachers, in the pronouncements of certain black leaders, in presidential visits [sic] to Bitburg, and in no less a figure than...Patrick Buchanan..." Right.

The last part of the review discusses oppression against blacks in the U.S., although what Howard Beach or Forsyth County (the

significance of which Mr. Lazare does not understand) has to do with *Jews in America Today* is never made very clear. Given that his best evidence of anti-Semitism in the U.S. includes "the pronouncements of certain black leaders," this confusion is not surprising.

Lazare concludes with the statement that "the system is unstable and prone to crisis. Jews have a right to feel insecure, as do blacks, women, gays and working people generally." Those who consider themselves part of this cliched and meaningless grouping doubtless appreciate being allowed to share in the reviewer's own insecurities. On the other hand, the rest of humanity must simply feel relieved. All this time everyone else in the world was feeling insecure for no reason! There is something to be said for Lazare's optimism, if nothing else.

Amos Roe
North Freedom, Wis.

Foot down

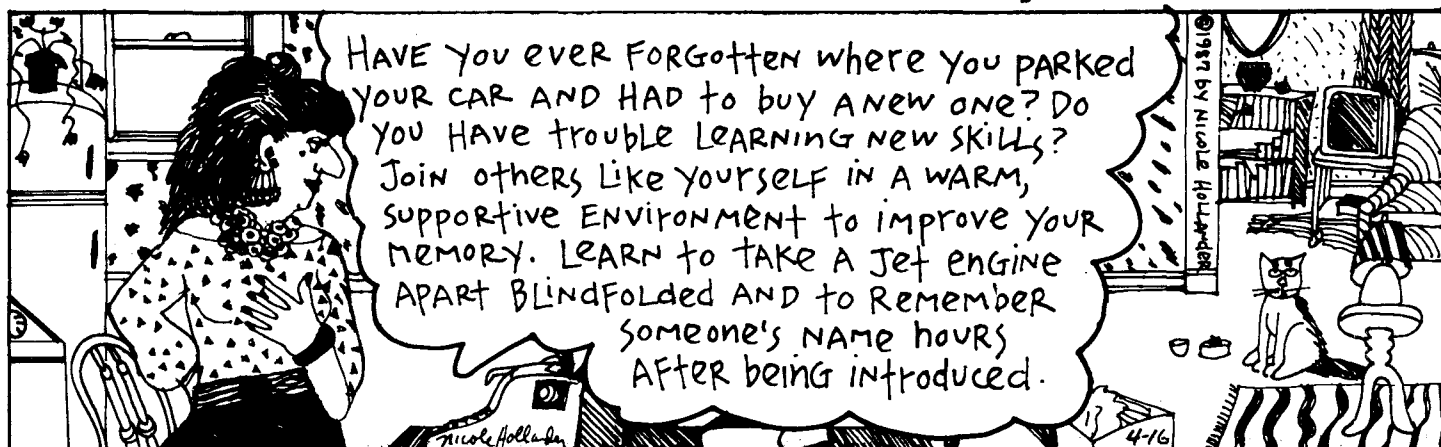
IT WAS NICE TO READ THAT ALICE WALKER'S daughter did quit smoking (*JTT*, March 11), apparently on her own initiative. It doesn't look as if the kid got much help from Mom, who talks a good line about everything beginning at home, but then didn't seem to be willing to follow her own maxim. One of the main reasons that smoking was only a furtive and temporary phase of adolescence for me, and I suspect for many others, was that my parents made it clear that they absolutely would not tolerate my smoking at home or anywhere else in their presence.

And this was back in the days when there was even more cigarette advertising than now (it was all over the TV screen then), when the cancer connection was just beginning to be made and when the air in restaurants and at parties was usually blue with smoke. It's annoying to hear Walker ritualistically shove off the blame on "the rich white men who own the tobacco companies" rather than exercise a little basic parental responsibility at home.

Rick Henderson
Berkeley

Editor's note: Please try to keep letters under 250 words in length. Otherwise we may have to make drastic cuts, which may change what you want to say. Also, if possible, please type and double-space letter—or at least write clearly and with wide margins.

SYLVIA



by Nicole Hollander