

Bill would ban surrogates

Senator's goal: No 'Baby M' cases here

By Warren M. Hoyt
special writer

A bill that would ban contracts providing payments for surrogate parenting will be introduced soon in the state Legislature. Its supporters said Michigan must take the national lead on the issue.

Announcement of the proposal came after a New Jersey Superior Court judge enforced a \$10,000 surrogate parent contract in the celebrated Baby M case, denying custody to the genetic mother.

Sen. Connie Blinfield, R-Muskegon, who in past years had unsuccessfully pushed legislation to ban surrogate parenting, said, "If we don't act, we will continue to have Baby M cases."

Her legislation would create a statutory presumption that the contracting mother is the legal mother.

THE BILL was an outgrowth of a symposium by national legal, medical, religious and ethics leaders. They opposed an outright ban on surrogate parenting to permit the prac-

Drunk checklanes in doubt

AP — Gov. James Blanchard says he remains interested in setting up drunken driving checklanes in Michigan after the U.S. Supreme Court upheld a similar program in Indiana.

The justices, without comment, let stand lower-court rulings that the results of intoxication tests may be used as evidence.

But the American Civil Liberties Union said the high court's refusal to hear the appeal will have little impact on Blanchard's fight against drunken drivers.

"It's not the first time the Supreme Court has refused to rule on the constitutionality of sobriety check lanes," said Michigan ACLU Executive Director Howard Slinn.

SIMON ARGUED the court didn't strengthen Blanchard's hand because 1) the court didn't issue an opinion and 2) Indiana's drunk driving roadblocks may differ widely from those instituted by Michigan.

"Blanchard will, meanwhile, said he still hopes to win his appeal of a Wayne County Circuit Court decision in June 1986 that held the roadblocks unconstitutional.

"I'm not surprised by the (Supreme Court) ruling," Blanchard told reporters. "We had felt all along drunk driving check points were constitutional."

"The question is to what degree do we apply them here, and obviously I'd like to do that. We continue to believe that drunk driving is one of the most serious menaces on the highway."

THE HIGH court's action doesn't preclude the possibility that the justices in the future will choose some other case to judge the validity of such police roadblocks.

Blanchard had made the anti-drunk roadblocks a top priority of 1986 and set up one such check in Saginaw County before they were stopped by a Wayne Circuit Court injunction.

That case is still before the Michigan Court of Appeals.

The ACLU, which argued the case of six state lawmakers who sued Blanchard to stop the roadblocks, said the governor was reading too much into the decision.

"I'm hard pressed to see how the Supreme Court's decision today has any impact on Michigan's sobriety roadblocks," Simon said.

Dan Leep, spokesman for Attorney General Frank Kelley said "It's hard to say what kind of impact it (the Supreme Court ruling) will have."

"It's certainly not going to have an adverse effect on the state's appeal."

THE LEGISLATORS opposing the governor contended the roadblocks would violate constitutional guarantees against unreasonable police searches.

One of those who filed suit, state Rep. Rick Sitz, D-Taylor, said it was too early to say what effect the new ruling would have in Michigan. Indiana's law may have differed from Blanchard's order setting up the roadblocks.

"If the Indiana experience is exactly what the Michigan experience is, I am disappointed," Sitz said.

IN INDIANA, Hendricks County Prosecutor David Coleman said the case outlined the "need to balance the need to patrol highways against drunk drivers against invasion of privacy."

"Apparently they (the Supreme Court justices) said the need for safety is stronger," Coleman said.

Lt. Steve Golden said the Hendricks County Sheriff's Department would continue to use sobriety roadblocks.

Forty states have used check lanes in some form.

ties among close family members or for payment of actual expenses and a "reasonable" fee.

Judianne Densen-Gerber, co-convenor of the symposium, said government clearly has a role in surrogate parenting when parties seek to use instruments of society such as contracts.

She said 82 percent of participants strongly opposed brokerage of surrogate babies, with laws prohibiting the practice and criminal sanctions for violations.

Ingham County Probate Judge Donald Owens said commercial surrogate contracts would be void as against public policy. He said the problem with the Baby M case is that it became a contract case instead of a custody matter. "We're trying to build in as many disincentives as possible," he said.

DENSEN-GERBER said Michigan has a deep obligation in the matter because a Dearborn attorney, Noel Keane, is involved in 65 percent of all surrogate parenting cases nationwide, including the Baby M case.

Attorneys for the birthing mother, who lost custody of the baby in the decision, said they would appeal. The mother changed her mind after giving birth a year ago. She argued the contract was against public policy.

Keane said the time is ripe for legislation setting guidelines for surrogate contracts.

A majority of attendees at the symposium also supported:

- Use of in-vitro fertilization, in which a married couple's sperm and egg are implanted in another woman's womb for pregnancy development.
 - Use of frozen embryo technology among married couples.
 - Keeping records and disclosing information of sperm donors for artificial insemination.
 - Prohibiting donations by those testing positive for sexually transmitted infectious or genetic diseases.
- GOV. JAMES BLANCHARD's statement that the state may have to look at building its own airline to ensure service to smaller cities is only an "extreme" option of how to deal with deregulated air service, an aide reported.
- The remarks to reporters following a conference on tourism reflected his concern about their service problems related to both tourism and economic development.

Blanchard said that at some point, state officials may have to entertain establishing a state-run airline as commercial service is reduced or eliminated at cities such as Traverse City, Marquette and Escanaba.

Assistant press secretary Lisa Grayson said the governor has no specific plan, "but is looking into options and trying to find the most workable one. The state-run airline is reflective of looking at the range of things you could do, but it certainly would not happen in the near future."

Besides making the state accessible four tourists, she said a lot of businesses make decisions on air accessibility, which makes air service a priority for the governor.

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