

# Judge rules embryos belong to their mother

MARYVILLE, Tenn. (CNS) — Saying that human life begins at conception, a judge ruled Sept. 21 that seven frozen embryos are children, not property, and should be given to their mother, Mary Sue Davis, who hopes to carry them to term.

Blount County Circuit Court Judge W. Dale Young, sitting in Maryville, said in a summary of his 50-page ruling that "human embryos are not property."

"From fertilization the cells of a human embryo are differentiated, unique and specialized to the highest degree of distinction," Therefore, he said, "human life begins at conception."

Mrs. Davis had sought implantation of the embryos — fertilized through the "in vitro" process by her estranged husband, Junior Davis, and frozen in liquid nitrogen — to try to become pregnant. The embryos have been stored in a Knoxville, Tenn., laboratory since last December.

Davis filed for divorce in February and asked for and got a court order barring his wife of nine years from using any of the embryos.

In vitro fertilization, which is opposed by the Catholic Church, is a laboratory procedure in which the father's sperm fertilizes the mother's egg outside her body.

At the Davis' divorce trial in August, Mrs. Davis and her lawyers said the embryos were "pre-born children" with rights of their own.

Her husband, who was expected to appeal Young's decision, has argued that he does not want to be a father and has a right to control his own reproduction. He sued for veto power over the embryos' use and said he wanted to keep them frozen.

Young had to decide whether the embryos deserved consideration as potential children and who better served the interests of the children, or whether they should be regarded as property and settle the matter as a property dispute.

In his ruling the judge said, "It is to the manifest best interest of the child or children, in vitro, that they be available for implantation."

He awarded Mrs. Davis temporary custody of the embryos "for the purpose of implantation" in her uterus. Young said he reserved the right to make a final decision on custody, child support and visitation rights when and if children are born as a result of the procedure.

The judge told reporters his decision was

"very difficult. ... On a scale of 1 to 10, it was a 10. I have agonized over it."

Richard Doerflinger of the U.S. bishops' pro-life office in Washington called the ruling "a victory of biological common sense over attempted legal obfuscation."

In a statement issued Sept. 22, Doerflinger said, "It is also a victory for both the embryonic children and the mother who wants to carry them to term."

"Classifying embryonic tissue as 'property' would have demeaned the dignity of unborn life as well as the dignity of the woman who was convinced she already had the rights and responsibilities of parenthood. In this case as in so many others, the pro-life stance and the pro-woman stance is the same."

Doerflinger is associate director for policy development of the National Conference of Catholic Bishops' Office for Pro-Life Activities.

Witnesses at the divorce trial included leading French geneticist Dr. Jerome Lejeune, discoverer of the genetic cause of Down's syndrome and a member of the Pontifical Academy of Sciences.

In his testimony Lejeune said the embryos were "early human beings" and likened freezing them to putting tiny human beings "in a concentration camp."

A witness for the husband, John A. Robertson, a law professor at the University of Texas, said there was broad consensus that the frozen embryos were "not a legal subject." He said an embryo did represent potential human life that "deserves respect" over other human tissue but not "the respect of a person."



AP Wide World Photo  
A young man lights a candle in front of a monument to Polish officers killed by the Soviet security police during World War II. The event was part of ceremonies marking the 50th anniversary of the Soviet invasion of Poland.

## Bombings and murder grip Guatemala

GUATEMALA CITY (CNS) — Archbishop Prospero Penados del Barrio of Guatemala City has said the wave of bombings, forced disappearances, torture and murder which has swept Guatemala since late July has made life intolerable.

The archbishop was quoted as saying in early September that "the law of the jungle" prevails in the country and threatens the stability of the 3-year-old civilian government of President Vinicio Cerezo.

"The truth is that in Guatemala we are bleeding ourselves to death," Archbishop Penados said. He said Guatemalans have become "lost in frustration and anguish" and that "a crisis of immorality" has inundated the country.

More than 30 bombings or grenade attacks by unknown assailants have occurred in Guatemala since July 19. Some 27 corpses — many with clear signs of torture — have turned up throughout the country. Archbishop Penados reportedly offered to lend the church's services to the Cerezo government in investigating the origin of the violence, particularly the kidnapping and murder of seven university student leaders.

Guatemalan police said they have identified the persons behind the bombings as military officers and ultra-right politicians who participated in the unsuccessful at-

tempt at a military coup on May 9. Human rights groups believe that many of the disappearances, tortures and murders are the work of right-wing death squads that are linked to the military.

"It is no longer possible to live in this country. ... It's shameful what is occurring," Archbishop Penados said, adding that "although Guatemala is a country founded upon law it no longer acts through legal channels."

The tendency of some groups to take the law into their own hands, he said, "is creating an atmosphere of political, social and economic instability."

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