

Divorce settlement awards woman custody of 7 embryos

From Associated Press reports
MARYVILLE, Tenn. — A woman fighting for control of seven frozen embryos in an unprecedented divorce case on Thursday was awarded temporary custody by a judge who ruled that life begins at conception and the woman should be allowed to carry them to term.

Blount County Circuit Judge W. Dale Young, ruling in favor of Mary Sue Davis over her estranged husband, Junior Lewis Davis, declared that their embryos were children, not property.

"I'm thrilled. It's definitely what I wanted," Mrs. Davis said in a news conference in Titusville, Fla., where she now lives.

Davis said he would appeal in the state court system, and potentially beyond. "They are going to force me to become a father against my wishes," he said.

Mrs. Davis said she would not try to get pregnant immediately.

"I'm waiting to see about the appeal, then, hopefully after that, try to have a

child," she said. "I could (try) at any time, but I have to recover from all of this and then consider starting the program."

She added that the earliest she would try to get pregnant was January.

"As far as we are aware, this is the first judicial decision which has declared an embryo a human being," said Charles Clifford, Davis' attorney, adding that he would ask the court to prevent Mrs. Davis from implanting the embryos until appeals are settled.

Clifford said the ruling could conflict with the Supreme Court's landmark Roe vs. Wade decision allowing women to have abortions.

Janet Mayfield, the attorney who will handle Davis' appeal, said the decision might also conflict with state laws on property interests and anatomical gifts.

The case grew out of the decade-old technology of "test-tube babies," or in-vitro fertilization. The Davises became embroiled in the dispute after they were unable to have children and turned to

in-vitro fertilization.

The couple produced nine embryos in December under the guidance of Dr. I. Ray King at a Knoxville clinic. Two were implanted in Mrs. Davis but failed to develop. The others were put in cold storage.

But Davis sued for divorce in February.

During testimony in August, Davis, 31, said he would feel "raped of my reproductive rights" if Mrs. Davis were allowed to implant the embryos without his consent.

Mrs. Davis, 29, argued the embryos represented her best chance of becoming a mother. She contended that Davis was seeking a right not normally given to a man — whether a child should be born after he has fertilized the egg of his mate.

After declaring the four-to-eight-cell embryos to be children, Young in effect treated the case as a custody dispute, in which the overriding concern is the best interest of the child.

"From fertilization, the cells of a

human embryo are differentiated, unique and specialized to the highest degree of distinction," the judge said. Thus, he said, "human life begins at conception."

Young said Mrs. Davis could have temporary custody so that she could have the eggs implanted in her womb in hopes of becoming pregnant. Child support, visitation and final custody will be decided if a birth results, he wrote.

"It was the toughest decision of my life as a judge," Young said in an interview. "On a scale of one to 10, it was a 10. I have agonized over it."

Young's ruling relied on a 1988 federal appeals court decision from Florida affirming the reliability of DNA profiling in determining a person's

individuality — "that the life codes for each special, unique individual are resident at conception and animate the new person very soon after fertilization occurs."

The judge said the Roe vs. Wade decision was "in directly the opposite direction" from Davis vs. Davis. "Everything the court said in Roe vs. Wade dealt with the constitutionality of abortion statutes," he said. "That issue was not before this court."

But Clifford said the Roe decision "contains some explicit language that says that a fetus, which of course is much further along than an embryo, is not a human being for the purposes of the United States Constitution."

Regina Smith, executive director of the Pro-Life Council of Connecticut,

called the court's decision "a victory for unborn children."

Ellen Clayton, an associate professor of law and pediatrics at Vanderbilt University, called the ruling "a disaster ... that could have implications on in-vitro research and abortion."

In the in-vitro process, eggs are extracted surgically from a woman's body and mixed with sperm in a laboratory dish. Those that are fertilized can be implanted in the womb. Testimony indicated the success rate for the procedure averages about one in five.

The Davises' divorce is not yet final. In his ruling Thursday, Young instructed Mrs. Davis to file final papers that would complete the proceeding. The couple did not contest other issues such as division of household property.

Dyed steer must give up prize

From Associated Press reports
COLUMBUS, Ohio — A teenager who showed the Ohio State Fair's grand champion steer will lose her blue ribbon and \$28,000 prize because a patch of its coat had been dyed, officials said today.

The Ohio Expositions Commission approved 10-1 today an agreement reached with the family of 17-year-old Susan Shealy, whose Angus-cross steer Hank won the prize in August.

"The message is not to cheat at the livestock show at the Ohio State Fair," said Jack Foust, general manager of the fair.

Foust said officials could not prove suspicions that Hank had also been shown under the name Carl at an Illinois farm show in July — a violation of

the rules.

But there was no question, officials said, that a white spot on Hank's belly had been dyed black, which is against the rules.

Under the agreement, the Shealy family admits to no wrongdoing, but the girl from Tiro will not get her prize money and must give up her first-place ribbon. She and her family also were barred from competition for five years.

Family members did not return messages today.

Farm shows have become increasingly lucrative for farm children who raise champion livestock. Hank was sold for \$28,000 at the fair Aug. 14. Hank's credentials came into question when fair officials received a tip five

days later that Hank might be Carl, a second-place steer at a farm show in Illinois on July 24.

Investigators said black dye had been used to cover a swirl of white hair on Hank's belly. A similar white patch can be seen in a photograph of Carl.

Fair rules prohibit misrepresentation of an animal's history or ownership and any alterations in an animal's natural appearance.

Hank was impounded when the investigation began so investigators could wait for his hair to grow out.

The family of 12-year-old Jeremy Simmons, who exhibited Carl at the Illinois fair, has also denied any wrongdoing. They said Carl was destroyed after the Illinois fair.

Accidental joke costs editor his job

From Associated Press reports
PHILADELPHIA — The city editor of the Philadelphia Daily News has resigned after a joke he inserted into a news release was mistakenly printed, the newspaper announced Monday.

Tom Opydke had slipped the joke into an announcement of scholarships being established in memory of the late NBC newswoman Jessica Savitch. Savitch drowned in 1983 when the car in which she was riding plunged into the Delaware Canal in suburban New Hope.

Opydke had electronically inserted a phrase stating that the scholarships in broadcast journalism would also be available to students seeking "college instruction in automobile-escape techniques."

In an article in Monday's editions of the Daily News, editor Zachary Stalberg quoted Opydke as saying he never intended the phrase to appear in the newspaper. Opydke said he had planned to add a notation saying the phrase was not part of the news release, but forgot.

When Opydke saw the phrase in Thursday's early edition, he had it

corrected for the later edition and pointed out the error to Stalberg, the editor said.

The reporter who wrote the story, based on the altered news release, and other editors who handled it "did not know the phrase was anything but genuine," Stalberg said.

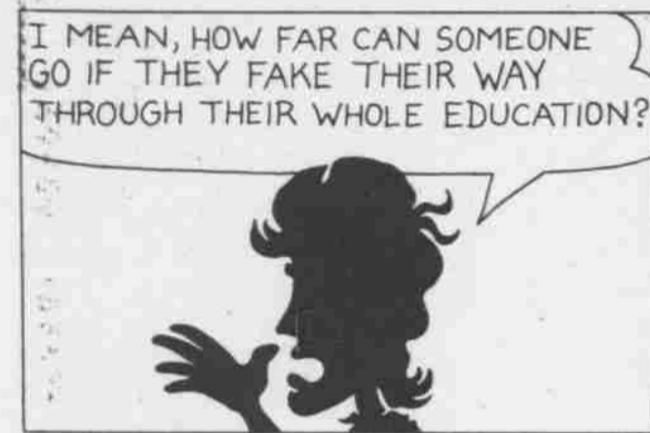
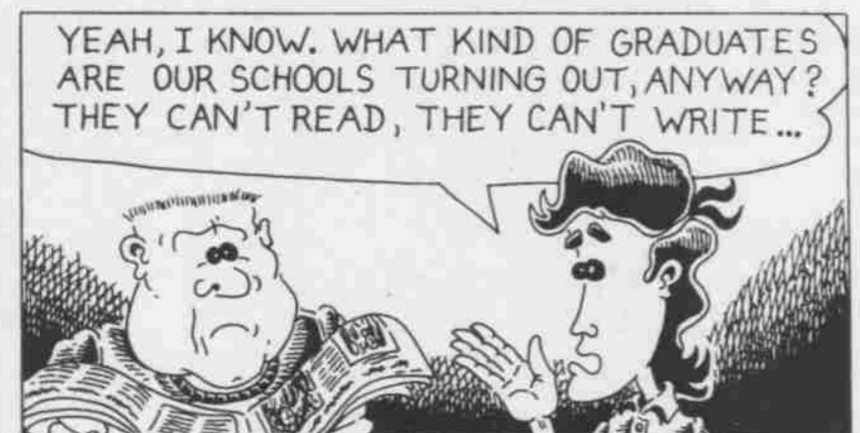
The newspaper ran a correction and apology Friday.

"It was a terrible error, and an apology to the Savitch family and to the name of Jessica Savitch seems to fall short," Opydke said in a statement.

Stalberg called Opydke a "skilled and serious newspaperman," but said he had violated "the one immutable standard of a professional news organization" — tampering with the news.

Opydke, 36, had been with the Daily News since 1986 and was named city editor in mid-March.

Sideshow



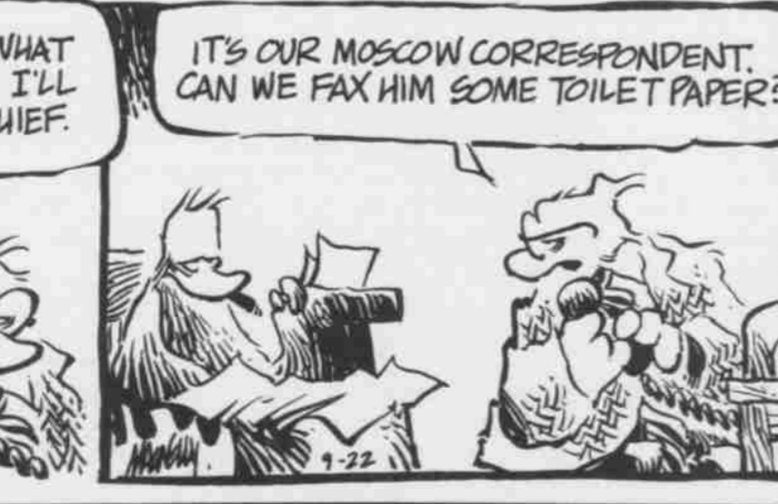
Calvin and Hobbes



Doonesbury

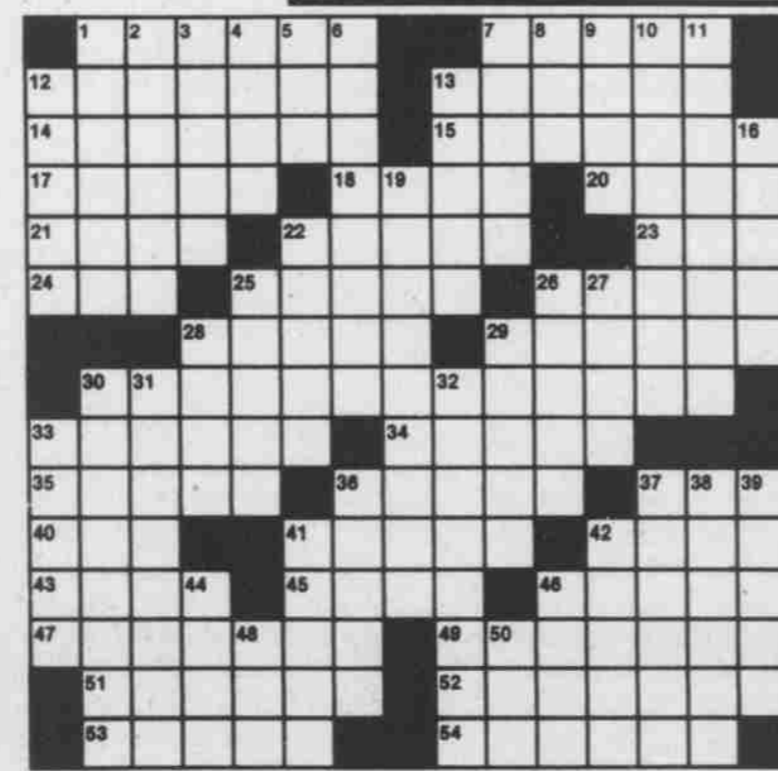
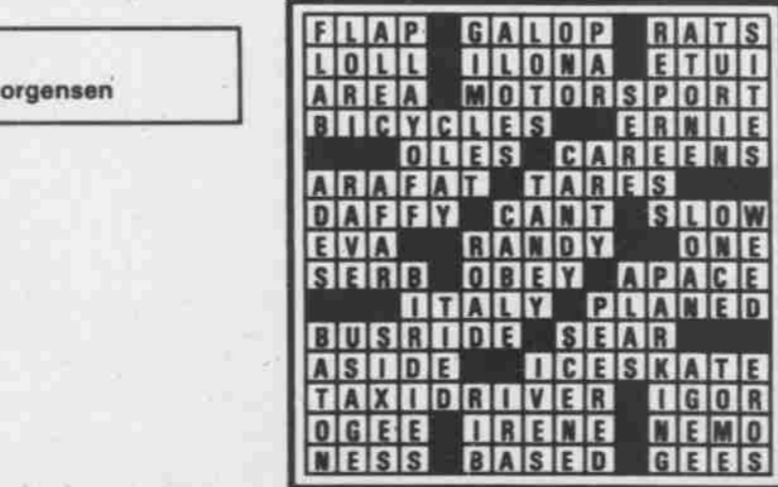


Shoe



THE Daily Crossword by Betty Jorgensen

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- ACROSS**
- 1 Make changes
 - 7 Belt
 - 12 Mount — (observatory)
 - 13 "To — things, and not my love" (Spenser)
 - 14 Copy
 - 15 Christmas reindeer
 - 17 Ciphers
 - 18 Pentacle
 - 20 Receipts
 - 21 Washington bills
 - 22 A Lewis
 - 23 Article
 - 24 Forom
 - 25 Saree wearer
 - 26 Others in Madrid
 - 28 Jolly visitor
 - 29 "— humanum est"
 - 30 Huxley novel
 - 33 Fumbles
 - 34 Clear up
 - 35 Fits snugly
 - 36 Antigone's uncle
 - 37 NCO
 - 40 Soul: Fr.
 - 41 College head
- DOWN**
- 1 Girl of old song
 - 2 Dodged
 - 3 Field mice
 - 4 Second of a Latin trio
 - 5 Pad
 - 6 Gifts
 - 7 Crowd together
 - 8 Pekoe
 - 9 Told
 - 10 Prison island
 - 11 Overabundance
 - 12 River to the Rio Grande
 - 13 Tire
 - 16 Della of song
 - 19 Fund keeper
 - 22 Fonda and Grey
 - 25 Breathing sounds
 - 26 Cathedral instrument
 - 27 Trolley
 - 28 Fall mo.
 - 29 Relish
 - 30 Recluses
 - 31 — National Park
 - 32 Amateurlish
 - 33 Insects
 - 36 Davit
 - 37 Small house of worship
 - 38 Aptitude
 - 39 Disables
 - 41 Menials
 - 42 "— day this has..."
 - 44 Sch. type
 - 46 Bluebonnet
 - 48 Three: prof.
 - 50 — Canals



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The Abyss PG-13 7:00, 9:45

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