

Illegal Surrogacy Operation the "Tip of the Iceberg"

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"Surrogacy and adoption in California is a 'billion-dollar industry' that is 'corrupt' and needs to be changed... Legal has not caught up with medicine and medicine has created this technology that the law hasn't kept up with."

This fair assessment of California's surrogacy industry comes from an unlikely source: recent abuser of the law and baby-selling ring conductor Theresa Erickson (read more about the case [here](#)).

The elaborate scam was unraveled in August. Erickson, formerly a prominent and highly regarded surrogacy lawyer, and accomplices Hilary Neiman and Carla Chambers were sending women to the Ukraine to receive embryo transfer. Then, when the surrogates reached their second trimester, they tracked down potential parents, selling the babies for \$150,000, much higher than parents usually pay for legal surrogacy. Current law requires a surrogacy contract before impregnation. Erickson, Neiman, and Chambers took advantage of California's surrogacy-friendly laws, exploited their prestige as high-profile surrogacy lawyers, and even falsified documents.

Erickson was sentenced February 24 to five months in prison, followed by nine months of home confinement (nine months... a coincidence or an added lesson for Erickson?). Chambers and Neiman were both sentenced to less time, 5 months in prison and 7 months of home confinement. All three women have also been ordered to forfeit the substantial profits that they raised from the scheme.

While the legalities are now wrapped up, an important lesson to keep in mind is that this was not a case of a few bad apples. Erickson herself told NBC that with so little regulation of surrogacy and so many opportunities for corruption, she is "just the tip of the iceberg." And while California is known as the "Wild Wild West" for the largely unregulated fertility industry, the iceberg is much bigger.

Recent news from Canada indicates that the influence of the Erickson case may have been felt in that country. Last week, RCMP officers raided the eastern Ontario office of Canadian Fertility Consultants for violating a Canadian law that prohibits the buying or selling of sperm, eggs, or surrogacy services. Until now, the law has been widely seen as ineffective, allowing a black market in eggs, sperm, and surrogacy services to thrive. The raid occurred two days before Erickson was sentenced, and unconfirmed rumors have suggested that the FBI was involved.

These crackdowns on illegal surrogacy operations are important, but an even more important step would be increased legislation to prevent such corruption from happening.

The surrogates involved in the Erickson case testified against her, and one even

said that she treated babies like a commodity to be "made and sold like custom cars." Erickson apologized to the victims and told *NBC* that the hardest part was seeing the victims. "That was truly the hardest, and I mean that from my heart," she said.

But one of the surrogates involved spoke out publicly and said no apology could forgive the harm she did. She tells Erickson:

Shame on you, you hurt so many people. [Erickson, Chambers, and Neiman] took a dream, a hope, an ambition, something from me—a gift that I had to give to somebody—and basically manipulated and twist and turned it to make their pocketbooks fatter.

Hopefully Erickson's regret is earnest, but let's move toward policies that would prevent people from having to learn Erickson's lesson the hard way and the hurtful way.

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