

02132007

Dear Tennessee Supreme Court Justices,

In your decision, IN RE ADOPTION OF A.M.H., filed January 23, 2007, you stated, and I quote, "Here, the only evidence of substantial harm arises from the delay caused by the protracted litigation and the failure of the court system to protect the parent-child relationship throughout the proceedings. Evidence that A.M.H. will be harmed from a change in custody because she has lived and bonded with the Bakers cannot constitute the substantial harm required to prevent the parents from regaining custody." End quote.

After two previous courts had ruled that it was in the child's best interest to remain with the only family she has known we were shocked at your decision. What happened to?

"In all cases, when the best interest of the child and those of the adults are in conflict, such conflict shall always be resolved to favor the rights and the best interests of the child, which interests are hereby recognized as constitutionally protected and, to that end; this part shall be literally construed." Tenn. Code Ann. 36-1-101(d)

I would like to take a moment to say that A.M.H. is not just letters of the alphabet. Those initials stand for an eight year old young lady. She is a citizen of the United States by birth. She came into our home and became a part of our family when she was just three weeks old. Because of her oval eyes she is sometimes asked what part of China are you from. She will quickly say, "I am an American from Tennessee." While the rights of the Baker's and the rights of the He's were being debated in court after court, a strange thing happened. This infant turned into a toddler and then a young lady. Because we, in an attempt to protect her from the press year after year, never released her photograph, many think of her as a small child unable to make a decision for her self. That could not be further from the truth. Maybe, had we released a recent photograph each of you could have seen this for yourself.

The court uses initials in order to protect the child. How ironic is that? If only the five of you would have been as interested in protecting her rights as it appears you were the adults in this case. If only it was each of you who had to sit down with this beautiful young lady and explain to her why after years and years and courts after courts she must endure what is to happen next. Please explain to her that even though the evidence clearly indicated in two previous courts that a change in custody would constitute substantial harm each of you feel that because the harm was brought about by the courts themselves it does not count. Let me assure each of you that the trauma caused by this life altering event will be with this young lady and her seven year old sister the remainder of their lives.

I would like to invite each of you five supreme beings to our home the day she is to leave. I hope to be standing near by as you fasten her seatbelt so I can hear your response when asked, "When will I get to come home?" I might suggest you bring a large box of tissue for her as it is a long way to China. Maybe the five of you could chip in and purchase a book or tape on how to speak and understand Chinese. I would hate to think they might send her back to China alone like they did their son years earlier. I see no need for a van. Space on the plane will not allow for many personal items.

Since you directed the juvenile court on what it must do it seems that now another court will have to operate with hands behind its back. Or maybe I should say with hands covering its eyes and ears. If only this court would call this young lady into its chambers and ask her, "In what country do you want to live? With what family would you prefer to stay?" We are told there is little chance the Supreme Court of the United States will hear a family law case. Now we're praying that Americans will rise up together and in a loud voice scream, "When rights of the child conflict with those of adults the rights of the adults should be secondary!" Only then might the Supreme Court of the United States consider this appeal.

To the five Tennessee Justices that made this decision I would like to say, "A.M.H. stands for Anna Mae He!" She is more than letters on paper. Attached is a photograph of both Anna and Aimee. Please look into their eyes. All of us involved in this case deserve to see those faces every time we close our eyes for the rest of our lives.

Sincerely,
Jerry Baker

Father of Anna and Aimee