Terri Schiavo

In 1976, the New Jersey Supreme Court held that Karen Ann Quinlan was entitled to the removal of her feeding tube. The Court noted that "[w]e have no doubt . . . that if Karen were herself miraculously lucid for an interval . . . and perceptive of her irreversible condition, she could effectively decide upon discontinuance of the life-support apparatus, even if it meant the prospect of natural death." See *In re Quinlan,* 355 A.2d 647 (N.J. 1976).

In *Cruzan v. Director, Missouri Department of Health*, 497 U.S. 261 (1990), the U.S. Supreme Court held that an individual in a persistent vegetative state has a liberty interest in refusing medical treatment, which must be balanced against the state interest in the preservation of life and ensuring that decisions reflect a patient's wishes. A state, according to the Court, may require that the individual's preferences be demonstrated by "clear and convincing evidence" and is not required to accept the "substituted" judgment of family members.

In 1990, Terri Schiavo, age twenty-six, collapsed in her Florida home and suffered massive brain damage as a result of a lack of oxygen. She remained in a coma for ten weeks. Terri was diagnosed as being in a persistent vegetative state in which she experienced normal sleep–wake cycles, although she did not respond to external stimuli.

A total of nine state court decisions between 2000 and 2003 culminated in a judicial order ordering removal of Terri's feeding tube. In October 2003, one week after the final judicial order removing the feeding tube, the Florida state legislature passed a law giving Governor Jeb Bush the authority to intervene in the case. Governor Bush ordered reinstatement of the feeding tube. The law subsequently was overturned as unconstitutional by the Florida Supreme Court. Terri's parents insisted that Terri responded to familiar voices and music, and they filed a series of unsuccessful judicial appeals before turning to the federal government. The Congress, with strong support from Republicans, passed and President George W. Bush signed an order transferring jurisdiction to the federal courts. The federal courts refused to intervene.

Terri passed away on March 31, 2005, at age forty-one. She managed to live for thirteen days following the removal of the feeding tube. Terri's death had been the subject of nineteen state and federal court decisions, legislation at both the state and federal levels, and four Supreme Court denials of review.

The Schiavo case raised the issue of whether the courts and the medical profession should make life and death decisions based on their view of the "value and quality of human life." Michael Schiavo and two other witnesses testified that Terri had remarked that she would not want her life perpetuated on a machine. On the other hand, we have no idea what Terri would have decided under the circumstances, and the notion that individuals have a "right to die" is open to debate. Critics warn that there is a temptation, as the population grows increasingly older, to make the denial of food and fluids ("passive euthanasia") an accepted part of the practice of medicine.