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Schiavo Case Presents Perilous Moment for Patients' and Families' Right to Determine End-of-Life Care

Growing political intrusion into the continuing legal battle over the care of a brain-damaged Florida woman “threatens to reverse nearly 30 years of established legal precedent and bioethics practice, which have served to protect the rights of patients to die with dignity,” said Richard Payne, director of the Institute on Care at the End of Life at Duke University Divinity School.

Earlier today, doctors followed a judge’s order and removed Terri Schiavo's feeding tube, despite last-minute efforts by Republican legislators and others to keep her alive.

“The most disturbing feature about the Terri Schiavo case is the intrusion of political forces into the process of family decision-making at the most vulnerable of times in the life of a family and person,” Payne said. “If Congress has its way, lawmakers, not the husband of Terri Schiavo, will make the final decision about her feeding tube. We will lose ground on principles and rights that have been hard fought and won since 1976.”

In 1976, Karen Ann Quinlan was resuscitated from a coma but suffered irreversible brain damage and lapsed into a persistent vegetative state. Her parents waged a highly public legal battle for the right to remove her life support, with the New Jersey Supreme Court ultimately agreeing.

Although there are questions as to whether Schiavo’s husband, who favors removal of the feeding tube, or her parents, who oppose its removal, ultimately represent her best interest, there is no doubt that the family, not the government, is in the best position to act on Schiavo’s behalf, said Payne, who is a palliative medicine physician.

Noting how the controversy could have been avoided if Schiavo had provided “clear and convincing” evidence stating her preferences in this situation, Payne said it nonetheless served to highlight the ambivalence of many Americans about issues involving death and mortality.