

Florida Lawmakers Battle in Right-To-Die Case

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Mar 17, 7:15 PM (ET)

By SAMANTHA GROSS

TALLAHASSEE, Fla. (AP) - Working on at least four fronts, lawmakers and lawyers in Florida and in Washington raced to prevent the removal of a brain-damaged Terri Schiavo's feeding tube, but their options appeared to dwindle Thursday as the hours slipped away.

Under court order, the feeding tube was set to be removed at 1 p.m. Friday, in what could be the final act in the long-running right-to-die drama.

The Florida House passed a bill 78-37 to block the withholding of food and water from patients in a persistent vegetative state who did not leave specific instructions regarding their care. But hours later, the Senate defeated a different measure 21-16, and one of the nine Republicans voting against indicated that any further votes would be futile.

"As far as we're concerned we don't want anything to change the existing law," said Sen. Jim King.

As part of the last-minute flurry of activity, Congress was considering legislation to keep the feeding tube in place, Schiavo's parents appealed to the U.S. Supreme Court, and the Florida judge who approved the withdrawal of food and water denied a request from the state to keep the woman alive. The state appealed that decision to the Florida Supreme Court, which promptly dismissed it.

"Everything is a longshot," said David Gibbs, attorney for Schiavo's parents, Bob and Mary Schindler.

Schiavo suffered severe brain damage in 1990 when her heart stopped because of a chemical imbalance, and court-appointed doctors say she is in a persistent vegetative state. Her husband, Michael Schiavo, says she told him she would not want to be kept alive artificially. Her parents dispute that, and say she could get better.

Doctors have said it could take a week or two for Schiavo to die once the tube that delivers water and nutrients is removed.

Republican Gov. Jeb Bush has strongly urged the Legislature to pass a bill that would save Schiavo, as it did in 2003. That law allowed Bush to order doctors to restore Schiavo's feeding tube six days after it had been removed. But that law was later declared unconstitutional by the Florida Supreme Court.

Bush acknowledged Thursday that state legislation to intervene was halted.

"The bill is certainly not dead, but it does appear that they're having some difficulty," he said. "I'm just disappointed, but that's their decision."

The bill's sponsor, Republican Sen. Daniel Webster, said he might withdraw the measure Friday.

"I can count votes," Webster said.

In Congress, the U.S. House passed legislation late Wednesday, but several senators refused to pass the House bill and the Senate approved its own version Thursday afternoon allowing Schiavo's parents to appeal their case to federal court.

It was not immediately known whether the House would take the bill up, with many representatives already headed home for Easter recess.

"House Republicans knew we had a moral obligation to act and we did just that last night," said Speaker Dennis Hastert of Illinois and Majority Leader Tom DeLay of Texas. "As Terri Schiavo lays helpless in Florida, one day away from the unthinkable and unforgivable, the Senate Democrats refused to join Republicans to act on her behalf."

Also, Schiavo's parents filed an emergency motion at the U.S. Supreme Court to stop the removal of the feeding tube so lower courts could consider whether their daughter's religious freedom and other rights have been violated.

The state Department of Children & Families had requested a delay in the removal of the feeding tube while the agency investigates allegations Terri Schiavo was abused, but Pinellas Circuit Court Judge George Greer and an appeals court denied the request Thursday.

State Republicans who supported legislation to keep Schiavo alive said lawmakers have a responsibility to act on her behalf. "Sanctity of life is a Republican principle, and we stand on the side of sanctity of life," party Chairwoman Carole Jean Jordan said.

Republican state Rep. Kevin Ambler said: "This provides a safety net where the government stands up for the vulnerable who don't otherwise have a voice."

Critics of the efforts have accused Gov. Bush and the GOP of pandering to the religious right. Some have also questioned whether the campaign runs counter to Republican principles of less government and more freedom.

"If that's your standard operating procedure, then how in the world can you justify putting state government on the back of the most personal decision a family would have to make?" asked University of South Florida government professor Darryl Paulson. "It's a political lightning rod - fundamentally the wrong position for the Republican Party."

The White House was cautious Thursday not to comment on any specific legislation. Yet in a statement, President Bush left little doubt where he stands.

"The case of Terri Schiavo raises complex issues," he said. "Yet in instances like this one, where there are serious questions and substantial doubts, our society, our laws and our courts should have a presumption in favor of life. Those who live at the mercy of others deserve our special care and concern."

On the Net:

Florida Legislature: <http://www.leg.state.fl.us>

Schiavo Kin Wants Feeding Tube Reinserted

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Mar 20, 11:28 AM (ET)

By MITCH STACY

PINELLAS PARK, Fla. (AP) - Hanging their hopes on a last-minute compromise in Congress, Terri Schiavo's parents notified her hospice to prepare to have her feeding tube reinserted on Sunday, her third day without food or water.

Congressional leaders from both parties hoped an agreement reached on a bill would allow the tube to be restored while federal courts review her case. The House and Senate were expected to take up the legislation by Sunday or early Monday. If passed, President Bush planned to sign it.

"Everyone recognizes that time is important here. This is about defending life," White House press secretary Scott McClellan said in Texas, where the president planned an early return to Washington to be able to sign the bill as soon as possible.

The development was the latest in a contentious right-to-die battle between Schiavo's parents, Bob and Mary Schindler, and her husband, Michael Schiavo, over whether she should be permitted to die or kept alive by the feeding tube.

Michael Schiavo criticized congressional leaders Sunday for intruding in the fight.

"I'm outraged, and I think that every American in this country should also be outraged that this government is trampling all over a personal family matter that has been adjudicated in the courts for seven years," he told CNN. "I think that the Congress has more important things to discuss."

But Mary Schindler pleaded for parents nationwide to call their congressional representatives and pressure them to vote for a bill to prolong her daughter's life.

"There are some congressmen that are trying to stop this bill," she said outside her daughter's hospice. "Please don't use my daughter's suffering for your own personal agenda."

Schindler attorney Barbara Weller said a letter was faxed to the hospice and to the office of Michael Schiavo's attorney Saturday night notifying them of the action in Congress and that the tube could be reinserted as early as Monday.

She said the hospice and Terri Schiavo's doctor were asked to "take whatever measures necessary to prepare for the tube to be put back in."

The bill being considered in Washington would apply only to Schiavo and would allow a federal court to review the case. If it passes, attorneys would probably have to seek a federal court order to have the tube reinserted while courts review the decisions that allowed Michael Schiavo to remove the feeding tube, Weller said.

"We're going to be ready to do what we have to do immediately," she said.

Weller also learned Sunday that an appeal to the 11th Circuit Court of Appeals on due process issues is still alive, with the court asking for additional briefs before noon Sunday. The same action was denied by a federal court in Florida Friday.

Bob Schindler said he visited his daughter Sunday morning at her hospice and she seemed to be doing well as supporters maintained a vigil outside.

The 41-year-old woman's feeding tube was removed Friday on a Florida judge's order. Schiavo could linger for one or two weeks if the tube is not reinserted - as has happened twice before.

Doctors say she is in a persistent vegetative state with no hope of recovery. Her husband says she would not want to be kept alive in that condition.

Michael Schiavo, who has not responded interview requests from The Associated Press, continued his criticism Sunday of House Majority Leader Tom DeLay, who helped broker the congressional compromise.

"Tom DeLay should be ashamed of himself," Michael Schiavo told CNN. "He's sitting up there, making comments and bashing people. ... He's found a cause to hide behind, to lighten the load of his other problems."

Passage of the congressional measure would require the presence of only a handful of lawmakers and would allow Schiavo's parents to take their case to a federal judge.

Opposition waned after House leaders agreed to give up broader legislation and accept a narrowly crafted bill that applied only to Schiavo's case. The Senate convened briefly Saturday evening to give formal permission for the House to meet Sunday, when it otherwise would be adjourned for spring recess.

Rep. Robert Wexler, D-Fla., issued a statement late Saturday saying he will make an objection that would stop the vote Sunday. Any member can demand that a majority of members be present to do business. Rep. Earl Blumenauer, D-Ore., said he was trying to gather enough votes to defeat the bill Monday.

Meanwhile, emotions swelled outside the hospice. Four people, including right wing leader James Gordon "Bo" Gritz, were arrested Saturday on trespassing charges when they attempted to bring Schiavo bread and water - a symbolic move, since she is unable to eat.

A spokesman for Schiavo's parents, Paul O'Donnell, later told reporters that they do not want supporters to engage in civil disobedience on their daughter's behalf.

On Sunday, a small group of supporters congregated outside the hospice, including some who had camped out for days. New protest signs were put up Sunday saying "Save Terri Schiavo From State-Sponsored Murder!" and "Free Terri, jail the rest."

Guabe Garcia Jones, an attorney from Washington, said he's been on a hunger strike since the tube was pulled Friday, only drinking water for the roughly two days he has spent in a tent outside the hospice.

"I'm not going to eat until she can eat - or I break down," said Jones, 26.

Terri Schiavo suffered severe brain damage in 1990 when her heart stopped briefly because of a chemical imbalance. She can breathe on her own, but has relied on the feeding tube to keep her alive.

In 2001, Schiavo went without food and water for two days before a judge ordered the tube reinserted. When the tube was removed in October 2003, Gov. Jeb Bush pushed

through "Terri's Law," and six days later the tube was reinserted. The Florida Supreme Court ruled in September 2004 that Bush had overstepped his authority, declaring the law unconstitutional.

Congress Announces Deal in Schiavo Case

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Mar 19, 10:19 PM (ET)

By MITCH STACY

PINELLAS PARK, Fla. (AP) - As a deal in Congress was worked out to have federal courts decide Terri Schiavo's fate, emotions swelled outside the brain-damaged woman's hospice room Saturday, with protesters arrested after they symbolically tried to smuggle in bread and water on her second day without a feeding tube.

As supporters maintained a vigil outside the hospice, Schiavo's mother pleaded for the 41-year-old woman's life.

"We laugh together, we cry together, we smile together, we talk together," Mary Schindler told reporters. "Please, please, please save my little girl."

Congressional leaders announced a compromise between Senate and House Republicans that would allow the brain-damaged woman's case to be reviewed by federal courts that could restore her feeding tube. Opposition waned after House leaders agreed to give up broader legislation and accept a narrowly crafted bill that applied only to Schiavo's case.

The Senate convened briefly Saturday evening to give formal permission for the House to meet Sunday, when it otherwise would be adjourned for the Easter recess.

The plan is for the House to act on the two-page bill Sunday or just after midnight Monday morning. Senate Majority Leader Bill Frist said the Senate then would act on the House legislation, assuming it passes the House as envisioned, and rush the bill to the president for signature into law.

President Bush changed his schedule to return to Washington from his Texas ranch on Sunday to be on hand to sign the legislation.

"We should investigate every avenue before we take the life of a living human being," said House Majority Leader Tom DeLay, R-Texas. "That's the very least we can do for her."

Schiavo's husband, Michael, who has fought her parents in court for years to have the feeding tube removed, urged Congress to stay out of the matter, saying he is just trying to carry out his wife's wishes.

"I feel like the government has just trampled all over my personal life," he said on CNN's "Larry King Live" Friday. "It is incomprehensible that a government can walk all over somebody's private judicial matter, because of their own personal feelings."

The measure would effectively take Schiavo's fate out of Florida state courts, where judges ordered the feeding tube removed on Friday, and allow Schiavo's parents to

take their case to a federal judge. DeLay said that would likely mean restoration of the feeding tube "for as long as this appeal endures."

The development was the latest in an epic right-to-die battle between Schiavo's parents and Michael Schiavo over whether she should be permitted to die or kept alive by the feeding tube.

"We're elated primarily that they put politics to one side, and they're concentrating on the issue of saving Terri's life," Schiavo's father, Bob Schindler, said late Saturday.

Randall Terry, an anti-abortion activist who is acting as a Schindler family spokesman, said the parents also were concerned about the tight security in their daughter's room, which includes a police officer standing guard.

"They are so determined to kill her that they don't want mom or dad to even put an ice chip in her mouth," Terry said.

Passage of the measure would require the presence of only a handful of lawmakers. Congress is on its spring recess, making it more difficult to locate lawmakers.

Schiavo could linger for one or two weeks if the tube is not reinserted - as has happened twice before.

The attempted compromise would mark the latest wrinkle in the long-running legal battle over the fate of Schiavo, who doctors say is in a persistent vegetative state with no hope of recovery. Her husband has insisted she never wanted to live in such a condition.

"I am 100 percent sure," Michael Schiavo said Saturday on NBC's "Today." He did not respond to requests for an interview from The Associated Press.

Michael Schiavo was at his wife's bedside after the tube was removed and said he felt that "peace was happening" for her. "And I felt like she was finally going to get what she wants, and be at peace and be with the Lord," he said.

About three dozen supporters of Schiavo's parents, Bob and Mary Schindler, maintained a vigil outside the hospice where she lives. Four people, including right wing leader James Gordon "Bo" Gritz, were arrested on misdemeanor trespassing charges when they attempted to bring Schiavo bread and water, which she would be unable to consume.

"A woman is being starved to death, and I have to do something," said Brandi Swindell, 28, from Boise, Idaho. "There are just certain things that you have to do, that you have to try."

Schiavo's parents have been attempting for years to remove Michael Schiavo as their daughter's guardian and keep in place the tube that has kept her alive for more than 15 years.

Schiavo suffered severe brain damage in 1990 when a chemical imbalance apparently brought on by an eating disorder caused her heart to stop beating for a few minutes. She can breathe on her own, but has relied on the feeding-and-hydration tube to keep her alive.

Court-appointed physicians testified her brain damage was so severe that there was no hope she would ever have any cognitive abilities.

The case has encompassed at least 19 judges in at least six different courts.

In 2001, Schiavo went without food and water for two days before a judge ordered the tube reinserted when a new witness surfaced.

When the tube was removed in October 2003, the governor pushed through "Terri's Law," and six days later the tube was reinserted. The Florida Supreme Court ruled in September 2004 that Bush had overstepped his authority and declared the law unconstitutional.

Schiavo's parents appeal judge's refusal to reinstate feeding tube

By Larry Copeland and Laura Parker, USA TODAY

A federal judge on Tuesday refused to order the reinsertion of Terri Schiavo's feeding tube, denying an emergency request from the brain-damaged woman's parents. The parents' lawyer quickly filed a notice with the federal appeals court.

The ruling by U.S. District Judge James Whittemore comes after feverish action by President Bush and Congress on legislation allowing her contentious case to be reviewed by federal courts. The judge said the 41-year-old woman's parents had not established a "substantial likelihood of success" at trial on the merits of their arguments.

Rex Sparklin, an attorney with the law firm representing Terri Schiavo's parents, said lawyers were immediately appealing to the 11th Circuit Court of Appeals in Atlanta to "save Terri's life."

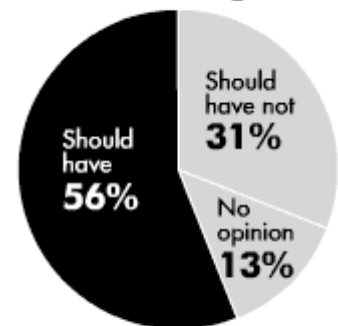
Howard Simon, executive director of the American Civil Liberties Union of Florida, praised the ruling: "What this judge did is protect the freedom of people to make their own end-of-life decisions without the intrusion of politicians."

Bobby Schindler, Terri Schiavo's brother, said his family was crushed. "To have to see my parents go through this is absolutely barbaric," he told ABC's *Good Morning America* on Tuesday. "I'd love for these judges to sit in a room and see this happening as well."

Florida Gov. Jeb Bush's spokeswoman said he was disappointed by the judge's decision.

The tube was disconnected Friday on the orders of a state judge, prompting an extraordinary weekend effort by congressional Republicans to push through unprecedented emergency legislation early Monday aimed at keeping her alive.

Remove feeding tube?



Schiavo did not have a living will. Her husband, Michael Schiavo, has fought in courts for years to have the tube removed because he said she would not want to be kept alive artificially and she has no hope for recovery. Her parents contend she responds to them and her condition could improve.

SOURCE: Telephone poll of 909 adults nationwide taken March 18-20. Margin of sampling error, +3 percentage points.

Schiavo entered her fourth day without nutrition and hydration after the feeding tube that has kept her alive for 15 years was removed Friday. She could die within two weeks.

In court Monday, words were passionate. "We are rushed and somewhat desperate because Terri may expire as I speak," David Gibbs, an attorney for her parents, told Whittemore. (**Graphic:** [Timeline](#))

The hearing convened less than a day after Congress interrupted its Easter recess to pass a bill that allowed Bob and Mary Schindler, Schiavo's parents, to take their efforts to maintain her feeding tube into federal court. President Bush signed the measure at 1:11 a.m. ET.

"I'm numb, I'm just totally numb," Bob Schindler said. "This whole thing, it's hard to believe it."

Florida state courts have ruled repeatedly that Schiavo is in a persistent vegetative state. She was stricken in 1990, when her heart stopped briefly and her brain was deprived of oxygen. Michael Schiavo, who fought to have the feeding tube removed, wants to allow his wife to die because he says she did not want to be kept alive by such measures. The Schindlers say they believe she can recover.

Gibbs argued that the 41-year-old woman was denied her religious rights and due process when the state judge who has presided over the case did not appoint an independent lawyer to represent her.

"It is a complete violation of her rights and her religious liberty to force her into a position of refusing nutrition," Gibbs told Whittemore, who was named to the bench by President Clinton in 1999.

George Felos, a lawyer for Michael Schiavo, told the judge the law Congress passed is "constitutionally defective" because it applies only to Terri Schiavo. "What you are being asked to do today is overturn seven years of judicial work of the state of Florida," he said. (**Video:** [Schiavo case back in court](#)).

Michael Schiavo expressed anger that Congress had stepped into the dispute. "This is a sad day for Terri," he told ABC's Good Morning America. "It's also is a sad day for everyone in this country because the United States government is going to come in and trample all over your personal, family matters."

In Tucson, Bush said: "This is a complex case with serious issues, but in extraordinary circumstances like this, it is wise to always err on the side of life." (**Audio:** [Bush's remarks](#))

Contributing: Laura Parker reported from McLean, Va. Judy Keen in Tucson and wire reports.

Schiavo appeal struck down

By Laura Parker and Larry Copeland, USA TODAY

A federal appeals court refused early today to restore a feeding tube to brain-damaged Terri Schiavo.

The three-judge panel ruled 2-1 to deny the request, a day after a federal judge in Florida also refused a similar appeal. The ruling was made known at 2:32 a.m. ET.

Schiavo's parents had begged the appeals court in Atlanta on Tuesday to restore the feeding tube before she dies.

It was the latest step in a wrenching public campaign that has already prompted intervention by Congress and President Bush.

The panel of the 11th Circuit Court of Appeals said Schiavo's parents "failed to demonstrate a substantial case on the merits of any of their claims."

"There is no denying the absolute tragedy that has befallen Mrs. Schiavo," the ruling read. "We all have our own family, our own loved ones, and our own children. However, we are called upon to make a collective, objective decision concerning a question of law."

Schiavo's parents, Bob and Mary Schindler, will appeal the decision to the Supreme Court, said Rex Sparklin, an attorney with the law firm representing Bob and Mary Schindler.

"The Schindlers will be filing an appropriate appeal to save their daughter's life," Sparklin said.

The Schindlers said Tuesday that their daughter was "fading quickly" and might die at any moment. The feeding tube was

disconnected on Friday, and doctors have said that Terri Schiavo, 41, could survive one to two weeks without water and nutrients.

Lawyers for the Schindlers appealed to the three-judge panel after a federal judge in Tampa denied their request. A tearful Mary Schindler urged Florida lawmakers to pass a law requiring that Schiavo be fed and given liquids.

"Please, senators, for the love of God, I'm begging you, don't let my daughter die of thirst," she said outside the hospice in Pinellas Park, Fla., where Schiavo is a patient.

The feeding tube was removed from Schiavo, 41, on Friday. She could die within days.

The case has become a frenzied race against the clock, with lawyers rushing from one court to the next, while politicians in Washington and Tallahassee search for another legislative solution that would keep Schiavo alive.

In a lawsuit filed Monday, the Schindlers said their daughter's rights had been violated by state courts. U.S. District Judge James Whittemore in Tampa ruled that her parents failed to establish that their claim could succeed if it went to trial. Whittemore's ruling noted that "it is apparent that Theresa Schiavo will die unless temporary injunctive relief is granted." But the judge also concluded that a seven-year legal battle in state court did not violate her rights.

Florida courts have ruled repeatedly that Schiavo is in a persistent vegetative state. She was stricken in 1990, when her heart stopped briefly and her brain was deprived of oxygen.

Her husband, Michael Schiavo, wants to allow his wife to die because he says she did not want to be kept alive by measures such as a feeding tube. The Schindlers say they think she can recover. In a USA TODAY/CNN/Gallup Poll taken Tuesday, 52% agreed with the judge's decision that left the feeding tube unattached, and 39% said Schiavo should be hooked up again. **(Related: [Poll results](#))**

Whittemore was assigned the case in Tampa after Congress hastily passed a law Monday allowing the Schindlers to move their claim into federal court. Bush signed the bill.

The judge suggested the new law may be unconstitutional but set that issue aside to consider the emergency request to restore the feeding tube.

The Schindlers alleged that Florida courts violated their daughter's rights in five areas, including her religious liberties. The judge rejected each of the claims, saying they are "without merit" and that the case has been "exhaustively litigated. Few if any similar cases have ever been afforded this heightened level of process."

Florida lawmakers may consider another bill Wednesday, but state Sen. Daniel Webster said he has yet to persuade any lawmakers to change their votes.

GOP right split on intervening in Schiavo case

Adam Nagourney

New York Times

Mar. 23, 2005 12:00 AM

WASHINGTON - The vote by Congress to allow the federal courts to take over the Terri Schiavo case has created distress among some conservatives who say that lawmakers violated a cornerstone of conservative philosophy by intervening in the ruling of a state court.

The emerging debate, carried out against a fast-moving rush of court decisions and congressional action, has highlighted a conflict of priorities among conservatives and signals tensions that Republicans are likely to face as congressional leaders and President Bush emphasize social issues over the next few years, party leaders say.

"This is a clash between the social conservatives and the process conservatives, and I would count myself a process conservative," said David Davenport of the Hoover Institute, a conservative research organization. "When a case like this has been heard by 19 judges in six courts and it's been appealed to the Supreme Court three times, the process has worked, even if it hasn't given the result that the social conservatives want. For Congress to step in really is a violation of federalism."

Sen. John Warner of Virginia, the sole Republican who opposed the bill in a voice vote in the Senate, said, "This senator has learned from many years you've got to separate your own emotions from the duty to support the Constitution of this country. These are fundamental principles of federalism."

In interviews over the past two days, conservatives who expressed concern about the turn of events in Congress stopped short of condemning the vote early Monday that was passed by overwhelming majorities, and they generally applauded the goal of trying to keep Schiavo alive. But they said they were concerned about what precedent had been set and said the vote went against Republicans who were libertarian, advocates of states' rights or supporters of individual rights. "My party is demonstrating that they are for states' rights unless they don't like what states are doing," said Rep. Christopher Shays of Connecticut, one of five House Republicans who voted against the bill.