

# Woman's right to die being disputed in Florida

By Mitch Stacy  
THE ASSOCIATED PRESS

CLEARWATER, Fla. — Legal scholars predicted Wednesday that Gov. Jeb Bush's intervention in a bitter right-to-die case involving a brain-damaged woman would be ruled unconstitutional, and the husband's lawyer angrily complained the woman was "abducted from her deathbed."

"It was just an absolute trampling of her personal rights and her dignity," George Felos, the attorney for Michael Schiavo, said on NBC's "Today." "We believe that a court sooner or later, we hope sooner, will find this law to be unconstitutional."

Legal scholars also decried the move as an extraordinary end run around the courts. "In my view the bill is plainly unconstitutional," said University of Florida law professor Joseph Little.

Terri Schiavo, 39, has been in a what doctors call a "persistent vegetative state" since 1990, when her heart stopped because of a chemical imbalance. Her eyes are open, but doctors say she has no consciousness.

Her parents, Bob and Mary Schindler, have fought to keep her alive and say she still could recover. Michael Schiavo contends that she had told him she would rather die than be kept alive artificially.

Her feeding tube was removed by court order last Wednesday at the insistence of her husband. The case is one of the nation's longest and most contentious right-to-die cases, pitting members of the same family against each other.

On Tuesday, the Legislature rushed through a bill designed to save Schiavo's life, and Bush quickly invoked the law and ordered the feeding tube reinserted. A hospital then began giving the woman fluids intravenously to prepare her body for the resumption of feeding.

A judge later rejected an initial request by Michael Schiavo to block Bush's order but said he would consider it again after both sides file briefs.

Felos said that Terri Schiavo suffered signs of organ failure Tuesday and the reintroduction of fluids after a week without food or water could just make her suffer more. A Morton Plant

Hospital spokeswoman said Wednesday she could not release any information on Schiavo.

Family members complained Wednesday that they have not been allowed into the hospital to see her. Despite the state's intervention, Michael Schiavo is still her legal guardian and he has not allowed them to visit.

Felos did not return a call seeking comment Wednesday, but he told NBC that Michael Schiavo was "deeply troubled, angry and saddened that his wife's wishes have become a political pingpong."

He said it was "an absolute horrible tragedy for Terri Schiavo, literally being abducted from her deathbed and her death process."

The bill sent to Bush was designed to be as narrow as possible. It is limited to cases in which the patient left no living will, is in a persistent vegetative state and has had nutrition and hydration tubes removed, and where a family member has challenged the removal.

Legal experts widely agreed that the governor and Legislature went too far.

"This particular administration has not yet understood why we have separation of powers," said former Florida Supreme Court Justice Gerald Kogan. "They seem to believe that the governor and the Legislature can do whatever they want and the courts should not interfere and that's not right."

Harvard law professor Laurence Tribe said: "I've never seen a case in which the state legislature treats someone's life as a political football in quite the way this is being done."

Bush and the Republican-led Legislature have a reputation for being at odds with the courts. They have clashed over abortion and the death penalty.

Bush and lawmakers who supported the legislation said they had a legitimate reason to intervene in the case to save Schiavo's life.

"Let us err on the part of not condemning this woman to a painful death that she can feel," said GOP Sen. Anna Cowin.

During the years she has been in a vegetative state, her parents reported their daughter laughed, cried, smiled and responded to their voices. But the court-appointed doctor said the noises and facial expressions she made were reflexes.

**"Let us err on the part of not condemning this woman to a painful death that she can feel."**

— Anna Cowin  
Republican senator

## NEWS IN BRIEF

### Researchers 'on right path' to breast cancer vaccine

CHICAGO (AP) — After five major surgeries for a particularly aggressive form of breast cancer, Patricia Thomas called the little pinprick she received in a government study the simplest procedure she's undergone.

That pinprick above her knee was an experimental vaccine derived from tiny bits of tumor protein that researchers hope will keep the 70-year-old Arlington, Va., woman's cancer from

relapsing. Though only preliminary, early results in Thomas and 13 other vaccinated survivors of advanced breast cancer suggest the researchers might be on the right path.

They have detected signs that the vaccine triggered an immune-system response in all 14 that might potentially fight recurring cancer cells, said co-researcher Dr. George Peoples Jr. of Walter Reed Army Medical Center.

Peoples prepared study results for presentation Wednesday at an American College of Surgeons meeting in Chicago.

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