

THE TAMPA TRIBUNE

Terri
Schiavo

1963-2005



THE TAMPA TRIBUNE

and The Tampa Times

Legal Defeats Mount For Schiavo's Parents



Tribune photo by MARK GUSS

Kelly Moore of Seminole reacts as she learns of the U.S. Supreme Court's decision not to consider the Schiavo case. Others outside Terri Schiavo's hospice were collecting signatures to impeach Circuit Judge George Greer.

FEDERAL JUDGE WORKS ON APPEAL THROUGH NIGHT

U.S. Supreme Court Declines Case

By DAVID SOMMER
and ELAINE SILVESTRINI
The Tampa Tribune

TAMPA — A federal judge said late Thursday he planned to work through the night to rule on the latest attempt by Bob and Mary Schindler to keep their daughter alive.

But as Terri Schiavo entered her seventh day without food or water, her parents' legal setbacks continued to mount.

The U.S. Supreme Court declined to consider ordering Terri Schiavo's feeding tube reinserted.

Circuit Judge George Greer again denied the state Department of Children & Families' bid to have the tube reinserted. He also renewed a restraining order to stop the DCF from bypassing the courts and taking Schiavo into protective custody.

Gov. Jeb Bush said he was all but out of options for helping the couple.

"[My powers] are not as expansive as people would want them to be. I understand they are acting on their heart, and I fully appreciate their sentiments and the emotions that go with this," Bush told the Capitol News Service. "I've consistently said that I can't go beyond what my powers are."

The day's events were capped with



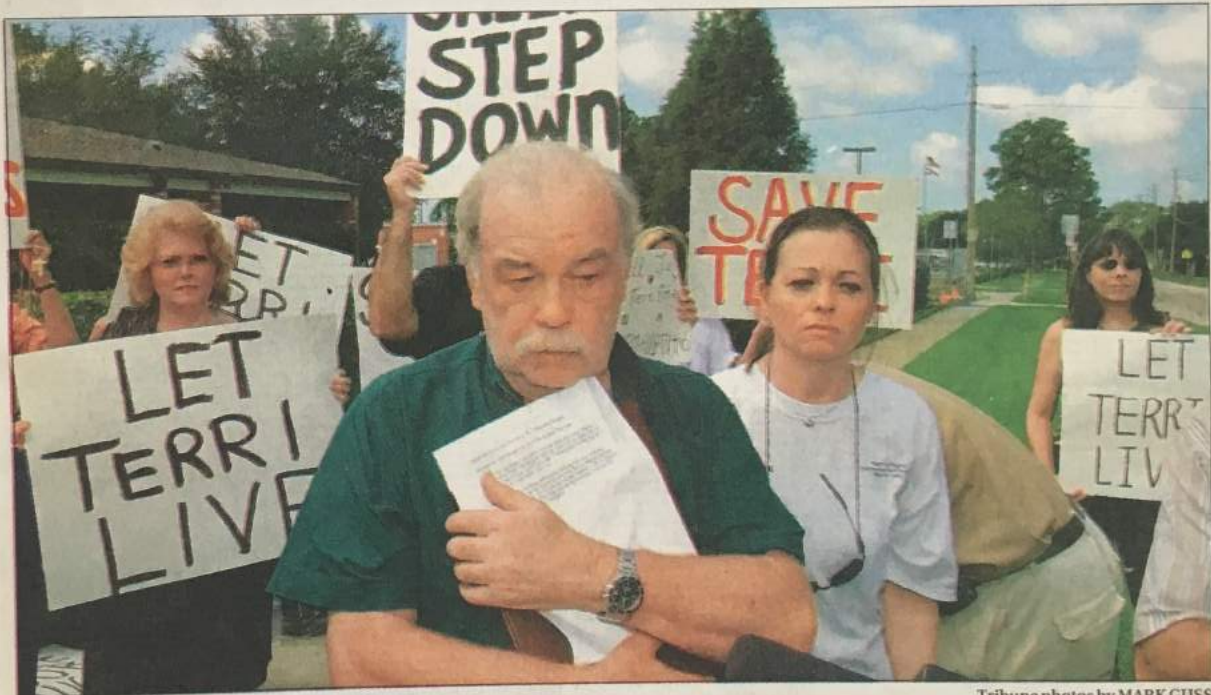
Schiavo
Seven days
without
food and
hydration

Phillip & Marie Buttram
24 D. St. - Floral Village
Plant City, Florida 33563-2920

THE TAMPA TRIBUNE

TUESDAY, OCTOBER 14, 2003 ♦ TAMPA, FLORIDA ♦ TBO.

Schiavo's Father, Sister Lead Vigil Outside Hospice



Tribune photos by MARK GUSS

Terri Schiavo's dad, Bob Schindler, and sister, Suzanne Carr, right, oppose removal of Schiavo's feeding tube, set for Wednesday.

Plant City, Fl.
October 24, 2009

Terri Schiavo Foundation
5562 Central Ave. Suite # 2
St. Petersburg, Fl. 33707
Attention: Bobby Schindler

Dear Bobby;

I felt like Terri was my own child, like thousands of people must have felt. At the time when all the conflict started, I knew your family was in too much turmoil to read the paper, let alone keep the articles, so I started this scrapbook for you. Then, I could never find where to send it.

When your father died, the newsman's number was on the article. He was so nice. God Bless you.

Much Love.

Marie.

Marie E. Buttram
24 D St. Floral Village
Plant City, Florida
33563-2920
(813) 707-1160

A little laughter is good medicine. Even Readers Digest has realized that, and has almost become a joke book lately. Let me tell you a couple things, in our own life that made us laugh:

I was telling my friend, Wilma Thompson, that when I worked with Phillip, in 1970, he said, "You're ten years older than me. If we were both single you'd be too old for me." Wilma asked thoughtfully, "Are you STILL ten years older than Phillip?"

Phillip and brother-in-law, Mark Horn were mapping our route from Indiana, back home to Florida. Mark said, "I know a short cut that'll cut off thirty miles, but it's a lot farther that way".

I'm still laughing.

Reader's Digest

In lectures on human genetics, I explained to my college students that males determine the sex of the offspring by contributing either an X or a Y chromosome. So at the end of the year, I put it on the final exam: "How is the sex of the child determined?"

One student wrote, "By examining it at birth."
Patricia S. Gindhart

My sister explained to my nephew how his voice would eventually change as he grew up. Tyler was exuberant at the prospect. "Cool!" he said. "I hope I get a German accent."

Staci Bailey, Lancaster, Pennsylvania

He Works in Mysterious Ways

• From this week's church bulletin: "Coming up—Theological Open House. We discuss thought-provoking topics. Your opinions are hardly welcome."

James Reider, Grand Island, Nebraska

My brother was alarmingly at ease speeding through a red light. I, on the other hand ... "What if traffic cameras are watching?" I shrieked.

"Stop worrying. Besides, it doesn't matter even if they are," he assured me. "I don't have license plates yet."

Andrew Benson, Kennesaw, Georgia

Everyone at Terri's Place,

It's a wonderful world! Someday everything will be perfect. Take good care of each other.

*God Bless You.
Much Love
Marie
& Phillip.*

May the newborn Jesus find room in your home this Christmas and bless you with His peace and joy.

Have a Blessed Christmas!

aders Digest has
book lately. Let
that made us laugh:

when I worked with
lder than me. If we
Wilma asked
than Phillip?"

apping our route
d, "I know a short
a lot farther that

...was the gift of His only son, the
gift of Love.
Let us remember this blessing throughout the new year,
and hold it in our hearts.

Merry, Merry Christmas



The Buttrams
Phillip and Marie

My brother was alarmingly at ease
speeding through a red light. I, on
the other hand ... "What if traffic
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"Stop worrying. Besides, it doesn't
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me. "I don't have license plates yet."

Andrew Benson, Kennesaw, Georgia

ri's Place,



May
Ch

home this
and joy.

Have a 'Blessed

A Matter Of Life Or Death



SCHIAVO VIGIL

Continued From Page 1

vo's husband, Michael, said claims of marked improvement — which have arisen in recent days — are impossible.

"There is no cognition, no consciousness," he said, referring to the result of an unexplained cardiac arrest 13 years ago during which her brain was deprived of oxygen.

And "she simply does not have the ability to take food or water by mouth," he said. "If they tried that, she would aspirate it and suffer an infection that would likely prove fatal."

At the vigil, Bob Schindler read a tearful appeal asking Michael Schiavo to walk away from his efforts to allow Terri Schiavo to die. Michael Schiavo has said that was her wish, but her parents disagree.

"We will sign any kind of agreement you want, giving you all the monies related to Terri's collapse and any insurance money that may be forthcoming — and give you money if you want it. ... We just want our daughter to live."

Joining Bob Schindler and Terri Schiavo's sister, Suzanne Carr, 35, at the vigil Monday was Operation Rescue founder Randall Terry, who led the radical antiabortion group through the 1980s when it blockaded clinics and harassed patients.

He was fined on many occasions and sentenced to jail for five months for conspiring to present a fetus to President Clinton during the 1992 Democratic National Convention.

Terry, who has not been associated with Operation Rescue for more than a decade, said the Schiavo case should be viewed as an assault on all disabled people who take nourishment through a tube.

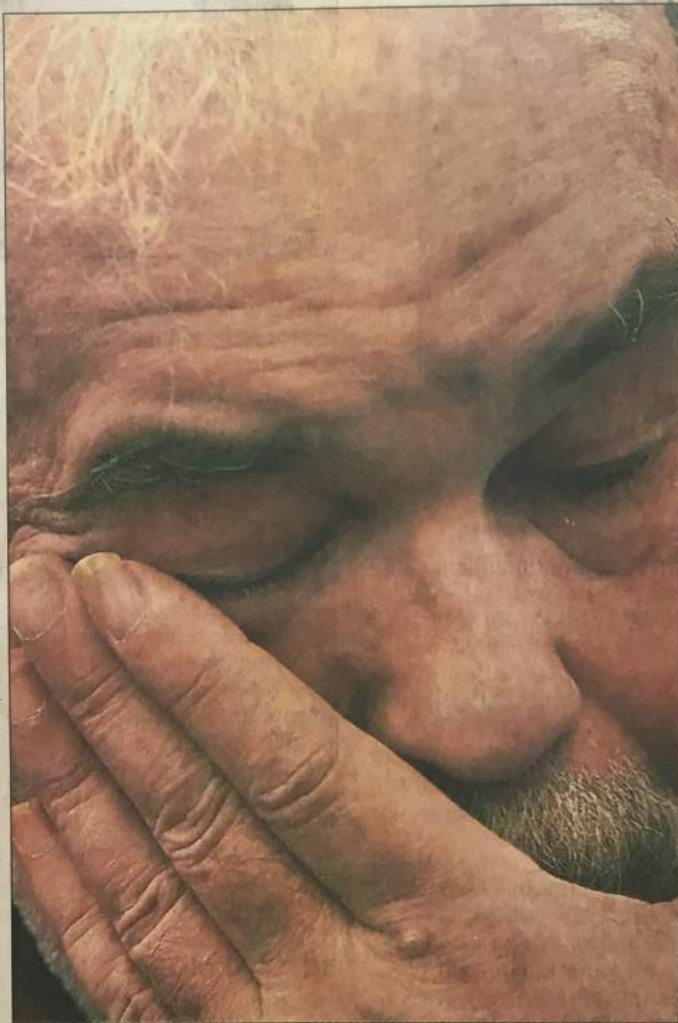
A news release from Terry stated Terri Schiavo "has clearly communicated that she does not want to be starved to death." He also appealed to Gov. Jeb Bush to in-



"There is no cognition, no consciousness. She simply does not have the ability to take food or water by mouth."

GEORGE FELOS

Attorney representing Schiavo's husband, Michael



The Associated Press

"We will sign any kind of agreement you want, giving you all the monies related to Terri's collapse and any insurance money that may be forthcoming — and give you money if you want it. ... We just want our daughter to live."

BOB SCHINDLER

Terri Schiavo's father, in an appeal to Michael Schiavo

tervene through the state Department of Children & Families, which he said enforces standards of hospice care and will "by definition" be providing inadequate care if Terri Schiavo's feeding tube is stopped.

DCF referred callers to the state Department of Elder Af-

fairs, which regulates hospices, where spokeswoman Martha Pratt, after consulting with an agency attorney, said: "Jurisdiction of this case is in the courts, and our agency cannot violate a court order."

Reporter Mike Salinero contributed to this report.

Who Speaks For Terri?

By JAN WARNER and JAN COLLINS

When she was a child, she was taught that if she did not brush her teeth, they would rot out. Now her teeth are rotting out, but no one speaks for her.

When she was a child, her parents took her to the doctor when she had an infection. Now, recurring infections and bedsores ravage her body, but no one speaks for her.

After she suffered unexplained brain damage in 1990, her husband became her guardian and collected more than \$1.5 million from malpractice cases for her rehabilitation and health care. But her funds have been used to warehouse, not rehabilitate, her and to pay hundreds of thousands of dollars to lawyers hired by her husband to make her die by starvation and dehydration. And still, no one speaks for her.

If she were a stray dog or a cat, she would be protected by Florida law from inhumane treatment. Her death would be swift and painless. But the death sentence for a disabled human being will not be so kind.

Her husband, who lives with another woman and their two children, is allowed to speak for Terri Schiavo.

If Terri Schiavo were your responsibility, adult protective services would take custody of her as a victim of abuse and neglect.

But no one will be charged or convicted for abusing or neglecting Terri Schiavo because Florida Circuit Judge George Greer has authorized such treatment.

A guardian is a fiduciary created by law for people who don't have written financial and health care powers of

qualify for Medicaid! That's right, now you and I can pay for her care

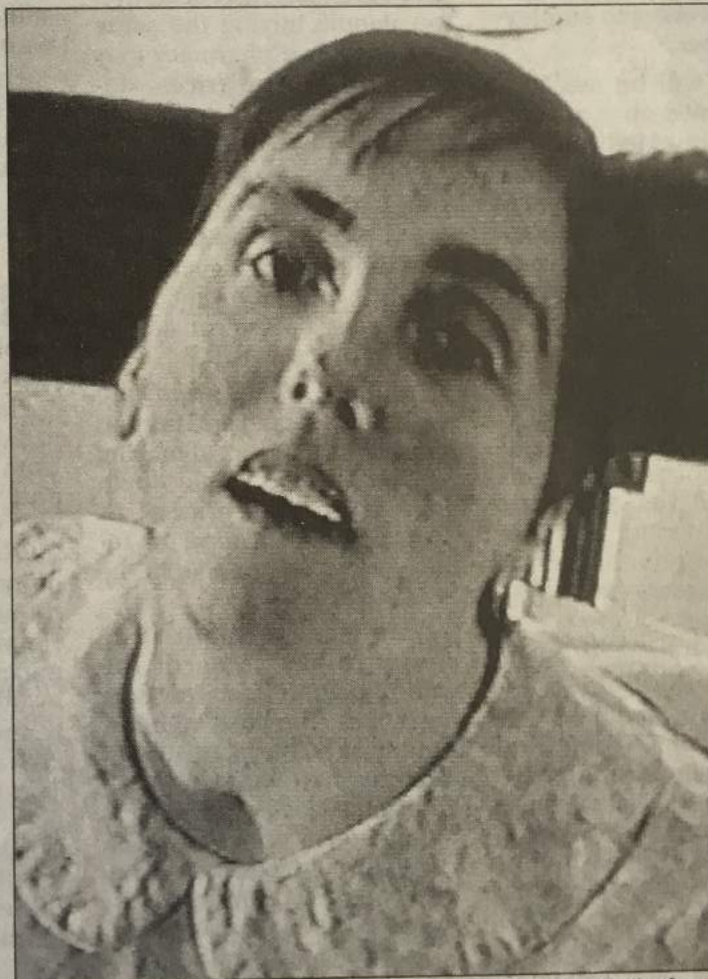
Guardian Michael has conflicts of interest that should disqualify him from serving as a fiduciary for his wife because he stands to gain financially at her death. But Judge Greer turns a blind eye.

Judge Rebuffed Objections

When Michael's conflicts were raised by a lawyer then acting on Terri's behalf, he was promptly removed, and Greer has chosen not to replace him.

Terri Schiavo has had no independent representation during the proceedings where her money is being used to pay lawyers hired by her husband to carry out a sentence of death by starvation and dehydration.

Based on recent case filings, Michael



Schindler family photo

attorney. The Florida Legislature requires that guardianships be administered by the courts. Judges are mandated to strictly comply with the dictates of the law. But Greer hasn't and, apparently, does not intend to.

For example, although the law requires guardians to file and follow annual reports and care plans, Judge Greer has excused Terri's husband from complying. This is a clear violation of Terri's rights and the law, especially in light of notes in Terri's records that reflect improper care over the years.

Warehoused — Now At Public Expense

At the same time, without guidelines for her guardian-husband to follow, Greer has authorized payment of expenses to warehouse Terri, but not for the rehabilitation that Michael Schiavo promised when he sought — and received — Terri's large malpractice settlements that have been controlled by Greer.

Rather than pay for swallowing therapy that may have allowed her feeding tube to be removed, Greer authorized payment of hundreds of thousands of dollars from Terri's rehabilitation money to lawyers hired by her husband to help her die by removing that same feeding tube.

And recently, at Michael Schiavo's request, Greer ordered that Terri's investments be liquidated and set aside to pay still more attorney's fees so that Terri can

Terri Schiavo has had no independent representation during the proceedings where her money is being used to pay lawyers hired by her husband to carry out a sentence of death by starvation and dehydration.

Michael Schiavo stands accused of withholding evidence of Terri's 1991 bone scan that substantiates fractures at or about the time of her brain damage. Yet, not surprisingly, Greer has ruled this relevant evidence as being irrelevant.

Michael Schiavo should be removed as guardian for Terri Schiavo. But Michael Schiavo is not the only one with conflicts. Judge Greer is in the same boat and should also be removed.

He has refused to follow the law, has allowed Michael Schiavo to act illegally as Terri's guardian and has ordered Terri's money squandered on lawyers who are proponents of her death, while refusing to provide Terri with independent representation or a even a dentist to repair her rotting teeth.

While most of us think of the courts as the safest place to preserve the rights of disabled persons, Judge Greer has set new standards for judicial *undersight* that shock the conscience of a civilized society.

Jan Warner, a matrimonial and elder law attorney, and Jan Collins, an editor and writer, co-author a weekly newspaper column about matters affecting the elderly and disabled (www.nextsteps.net).

Schiavo Arguments Reach High Court

'TERRI'S LAW' BATTLE ON DOCKET FOR AUG. 31

By VICKIE CHACHERE
The Associated Press

TAMPA — Gov. Jeb Bush forced Terri Schiavo from her deathbed, forcibly operated on her and now is force-feeding her, the woman's husband said in written arguments filed Monday to the Florida Supreme Court.

Terri Schiavo, who for years has been at the center of a right-to-die case, was "stripped of her most intimate personal rights," wrote Michael Schiavo's attorney, George Felos, in documents challenging the law keeping



Bush
A law he had enacted embroiled him in a right-to-die case.

the 40-year-old disabled woman alive.

Michael Schiavo has sued Bush over "Terri's Law," the measure Bush pushed through the Legislature in October after Michael Schiavo removed the feeding tube keeping his wife alive. Terri Schiavo had gone six days without food or water and was dying when the governor ordered her feedings resumed.

"Terri's current wishes are not known, and Michael Schiavo has a clear conflict of interest in respect to Terri's fu-

ture," Jacob DiPietre, a spokesman in Bush's office, said in a statement released Monday afternoon. "The governor is asking for our day in court."

Felos countered that the governor's contention that Michael Schiavo's motives need to be examined is an attempt to distract the court from the central issue at hand in the case: whether Bush overstepped his authority in taking control of Terri Schiavo's life.

Arguments are set for Aug. 31 before the Supreme Court.

Michael Schiavo says his wife, who left no written living will, never would have wanted to be kept alive artificially.

FINAL APPEALS BEGIN TO KEEP HER ALIVE

By RICK BARRY
rbarry@tampatrib.com

PINELLAS PARK — Terri Schiavo's father, sister and 13 volunteers began an around-the-clock vigil Monday outside the hospice where staffers may remove the 39-year-old woman's feeding tube Wednesday.

The vigil will last, the family said, either until Schiavo dies or the order allowing her to die is delayed or reversed.

Also, a final round of appeals began.

Attorneys for her parents, Bob and Mary Schindler, filed an emergency request with the 2nd District Court of Appeal on Monday asking the justices to reverse their decision denying "swallowing therapy" for the woman who physicians say is in a persistent vegetative state.

A second attempt to disqualify the trial judge, George Greer, is still pending.

Greer, on the strength of medical testimony, has ruled therapy was unlikely to have any effect, and his rulings were upheld by an appeals court.

The Schindlers said they think such therapy could ensure Schiavo would survive after the tube's removal, when she could be fed by hand. And Bob Schindler said Monday that his daughter recently had responded to a question with a "yeah" and showed other signs of improvement.

George Felos, the attorney representing Schiavo



Randall Terry, founder of antiabortion group Operation Rescue, asked Gov. Jeb Bush to intervene through the Department of Children & Families.



Judge George Greer, on the strength of medical testimony, has ruled therapy for Terri Schiavo was unlikely to have any effect, and his rulings were upheld by an appeals court.

See **SCHIAVO VIGIL**, Page 7 ▶

Father asks husband to walk away from efforts.

The Associated Press



Tribune photo by JAY NOLAN

Despite reassurances from supporters of Terri Schiavo's family, some lawmakers said they felt backed into a corner. "We're basically being asked to try a case without knowing all the facts," Sen. Alex Villalobos, R-Miami, said.

Ken Connor, former state and national president of Right To Life, said the bill doesn't violate the separation of powers. He said it's common for legislators to pass "remedial or corrective" laws in response to court rulings.

In Florida, he added, the Supreme Court is required to review any case that imposes the death penalty.

"In this case, the judge's order is the functional equivalent of a death penalty, but the Supreme Court declined to review it," Connor said. "Why would Terri Schiavo be entitled to fewer protections?"

Former Florida Chief Justice Gerald Kogan said "remedial or corrective" legislation involves changing existing law, but in this case the Legislature overrode a provision of the Florida Constitution. Florida's right-to-privacy amendment was held by the Supreme Court in 1990 to grant individuals the right to have a feeding tube removed.

Political Maneuvers

The Schiavo case has led to national publicity for Florida reminiscent of the 2000 presidential election recount.

On Tuesday night, Byrd and state Sen. Dan Webster of Winter Garden, one of Byrd's two leading opponents in the Republican Senate primary, spoke about the case on separate national television shows.

By then the bill's passage had reopened bitter divisions that arose this

year between the Byrd-led House and the more moderate Senate led by Republican Jim King of Jacksonville.

King said he first heard of Byrd's plans to seek the Schiavo legislation in a call from a reporter Sunday. By Monday there was talk of a sweeping bill, a moratorium on removal of feeding tubes in any case of a patient with no living will.

King, who worked on Florida laws allowing removal of terminal patients from life support, wouldn't accept it. After a day of intense pressure from Byrd allies and right-to-life groups, King said he would accept legislation written so narrowly that it could apply only to Schiavo.

Byrd's campaign staff issued a news release late Monday saying he would appear that night on Fox News' "Hannity & Colmes" show. But he kept the House in session late Monday night to pass a bill with the same limitations outlined by King. That delayed his TV appearance until Tuesday — and led some senators to grumble that Byrd had appropriated the Senate bill to get credit for it.

"Make no mistake about it: The concept and the moxie for this legislation started here in the Senate," King said Tuesday. Webster became the sponsor of the Senate version, putting him into the spotlight along with his rival Byrd.

Reporter Allison North Jones contributed to this report. Reporter William March can be reached at (813) 259-7761.

Senate President Orders District Offices To Offer Living Wills

KING HELPED CONSTRUCT RIGHT-TO-DIE LEGISLATION

By ALLISON NORTH JONES
anjones@tampatrib.com

TALLAHASSEE — When Florida's state senators trudged uneasily into the upper legislative chamber this week to debate the hastily crafted Terri Schiavo bill, they found copies of a living will on each desk and a directive from frustrated Senate President Jim King to sign them.

The forms specify what, if any, measures should be taken to keep the signers alive in the event they're comatose and unable to express those desires. King, R-Jacksonville, helped craft the state's right-to-die laws years ago, and the living will was supposed to end the kind of legal tug-of-war in the Schiavo case.

The political slugfest this week convinced King too many Floridians have forgotten the earlier, three-year legislative battle over right-to-die issues, so he is ordering every Florida Senate district office statewide to hand out living wills free to anyone requesting them. Copies also are available on the Senate's Web site.

"The unfortunate events surrounding the case of Terri Schiavo brought to light the importance of being prepared for unforeseen health complications," King said. "While these type of decisions are never easy, it is better to be prepared in the event that we find ourselves in a similar situation."

Gov. Jeb Bush also is hoping the emotional battle persuades Floridians to explore their options ahead of time, noting he and his wife, Columba, have filled out the forms.

King said the unusual circumstances of the Schiavo case cleared the way for the Legislature and governor to step in, noting he still thought it set a dangerous precedent.

"We sat in this Senate chamber trying to determine what we could do without jeopardizing legislation that is nearest and dearest to me," King said of the death-with-dignity law he worked three years to pass after watching both his parents struggle with terminal cancer.

Reporter Allison North Jones can be reached at (850) 222-8382.

Michael Schiavo To Sue Any Doctors Helping His Wife

SCHIAVO REACTION

Continued From Page 1

and others praising the bill.

"Nothing more than political grandstanding ... a cheap and easy way to look good to the public," declared businessman J. Jay Schwartz of Oldsmar, one of more than 500 people who sent e-mail to TBO.com late Tuesday and Wednesday responding to the case.

The rush of reaction was too much to tabulate, said Peter Howard of TBO.com. But some said Bush and the Legislature pandered to the religious right — "zealots and fanatics," in the words of Hudson's Todd King — and others backed the politicians.

"I praise God that her life has been spared ... since she could not speak for herself at this time in her life," said Cherron Douglas, 53, of Zephyrhills. With no living will, she said, "There was nothing to substantiate what her husband said were her wishes."

Emily Foster, 17, a home-schooled high school senior from Temple Terrace, said Schiavo's parents, who oppose ending her life support, should have more say.

"It wasn't right that the husband had complete guardianship and the parents had no rights," Foster said.

Legal Arguments

Among the experts, constitutional scholar Joseph Little of the University of Florida called the bill "very profoundly unconstitutional, the most egregious bill that's been passed and enacted by the governor that I remember."

Little said it authorizes Bush to override Schiavo's civil liberties, forcing her to accept medical treatment against what judges have ruled are her wishes.

"In our system of government, if the government wants to do something to you, they've got to have a warrant, probable cause or some evidence — none of which they have in this case," he said.



Tribune photo by MARK GUSS

Special education teacher Mary Porta of St. Petersburg spends Wednesday at Terri Schiavo's hospice to "help give spiritual support to the Schindlers."

Michael Allen, who teaches constitutional law at Stetson University, said legislators overrode the courts.

"The Legislature and the governor have looked at a judgment in a civil case, determined they think it's not correct and acted to reverse that judgment," he said. "What would stop them from doing the same in any civil case?"

But Mathew Staver, president of the Liberty Counsel, an advocacy

group that argues for conservative causes, said the bill shouldn't raise such concerns.

"In this case under this limited set of facts, I support it," he said. The Schiavo case "sort of fell between the cracks of existing Florida law. I don't think this will open up a parade of horrors" — meaning a string of undesirable consequences — "enabling the governor to interfere with other private end-of-life decisions."

SCHINDLERS GET OK TO VISIT, BUT HUSBAND CALLS SHOTS

By DAVID SOMMER
dsommer@tampatrib.com

CLEARWATER — Terri Schiavo was in stable condition late Wednesday and able to be released from the hospital.

But it will be several days before doctors know whether the 39-year-old woman's kidneys were damaged by going almost a full week without liquid nutrition supplied through a tube inserted in her stomach, said Deborah Bushnell, an attorney for husband Michael Schiavo.

The tube was reinserted on Gov. Jeb Bush's orders late Tuesday, Bushnell said. But the process was difficult because Terri Schiavo's treating physician resigned as soon as she was admitted to Morton Plant Hospital to be treated for dehydration and undergo the operation needed to insert the tube, the attorney said. The quest for a new physician was complicated by a

warning issued by Michael Schiavo on Tuesday that he intended to sue any doctor who inserted a feeding tube or gave intravenous hydration to his wife, Bushnell acknowledged.

The lack of a treating physician also delayed Terri Schiavo's return to a Pinellas Park hospice until Wednesday evening, Bushnell said.

Guardian Ad Litem To Be Appointed

Also Wednesday, Chief Pinellas-Pasco Circuit Judge David Demers began the process of appointing a guardian ad litem to investigate the dispute between Michael Schiavo and in-laws Bob and Mary Schindler over whether Terri Schiavo's feeding tube should be removed permanently.

Michael Schiavo and the Schindlers have been locked in a court battle for more than five years over his contention that his brain-damaged wife would not want to be kept alive without hope of improvement.

Terri Schiavo has been in what most doctors term a persistent vegetative state since suffering unexplained heart failure in 1990 at age 26.

The Schindlers contend their daughter reacts to them and could improve if given therapy.

After a January 2000 nonjury trial, Circuit Judge George Greer ruled evidence showed Terri Schiavo made statements prior to her illness indicating she would not want to be kept alive in her current state. That ruling has been repeatedly upheld by appeals courts.

On Oct. 15, Terri Schiavo's feeding tube was removed on court orders.

On Wednesday, Bob Schindler said he, his wife and their other children were coming down from the elation they experienced the day before, when the state Legislature passed an unprecedented bill giving Bush controversial power to override the court order that allowed the feeding tube's removal.

After their daughter was taken to the hospital to have the tube reinserted, the Schindler family was barred from visiting her or getting information on her condition. Permission to visit was restored late Wednesday.

Schindler said the inability to visit

Wednesday underscored that Michael Schiavo is his daughter's legal guardian and makes the rules for in-laws he has not spoken to for 10 years.

"The reality of this is the only difference from yesterday and today is that Terri had a sword over her head," Schindler said. "Today we are still under visiting restrictions. Nothing has changed except the threat is gone. He is still calling the shots."

'Bigger Than Mike And Terri'

Bushnell said Michael Schiavo is wrestling with whether to continue his quest to carry out what he says are his wife's wishes.

Michael Schiavo spent the past week living at Hospice House Woodside and is "devastated" that Bush and the Legislature halted his effort to remove his wife from life support, Bushnell said. Now, he is faced with fighting not only for what he says are his wife's wishes but also for the separation of powers that he says was violated when the governor overruled a court order, the attorney said.

"This case was never ground-

breaking" until Bush got involved, Bushnell said. "If Michael walks away, we as a state have this precedent. He is beginning to say to us 'This is bigger than Mike and Terri,'" Bushnell said.

"He is trying to decide how much of a crusader he wants to be," she said.

Acting in response to what has become known as "Terri's Law," the chief circuit judge late Wednesday asked attorneys on both sides of the case to try to agree on a guardian ad litem to investigate the case and report back to Bush and Greer.

In his order, Demers said that if the two sides cannot pick an impartial guardian, he will appoint University of South Florida medical school Professor Jay Wolfson. The guardian ad litem will not replace Michael Schiavo as guardian but will have the power to order tests on Terri Schiavo without Michael Schiavo's permission.

Michael Schiavo has refused the Schindlers' request that their daughter be tested for the ability to swallow food. Such a test has not been performed for several years.

Despite the criticism and an appearance on CNN, Byrd rebuffed the accusations: "I just try and do what's right and do good public policy."

Michael Schiavo's family couldn't have disagreed more, said Brian Schiavo, Michael's older brother, who visited Terri Schiavo on Monday night. "This is absolutely horrendous, absolutely crazy. ... This is the ultimate tragedy [for our family]. With death, you deal with, you go through the stages of grief, and eventually you move on. But this ..."

Brian Schiavo, 44, said he was so angry, he wrote Byrd a long e-mail. In it, he invited the House speaker "to come down, take a look at Terri and see the reality of the situation, like we invited Jeb [Bush]."

"But none of them will do that," he said. "They just want the votes."

Reporters Mike Salinero, David Wasson, Elaine Silvestrini and Rick Barry contributed to this report.



Terri Schiavo's parents, Mary and Bob Schindler, and a group of supporters continue their vigil at the hospice where Schiavo lives.

NOURISHMENT QUESTIONS

Continued From Page 1

Walter Bradley, chairman of the neurology department at the University of Miami School of Medicine, and Marc Yacht, director of the Pasco County Health Department, agreed Schiavo could return to the state she was in before life support was ended Oct. 15.

Bradley, Schonwetter and Yacht each cautioned that coming up with an accurate prognosis for someone who is not their patient is difficult.

George Felos, attorney for Michael Schiavo, Terri's husband and guardian who fought to have life support stopped, had a different outlook.

"There has been a notable change in Terri's condition within the last 24 hours," Felos said Tuesday. "Her heart could stop at any moment. The damage to her system will become so increasingly severe that reinstatement of life support won't keep her alive indefinitely."

Gov. Jeb Bush on Tuesday ordered a feeding tube reinserted into Schiavo, 39, who has brain damage and has been unable to speak since January 1990, when unexplained heart failure cut off blood to her brain.

Timing could be key.

"After eight to 10 days of not eating, the body packs up," Bradley said. "She's at about a week."

"Assuming she has not gone over an irrevocable threshold, it will be like treating a shipwreck victim come ashore. There will be a cautious restoring to get the body back to accepting nutrients. Then she will go back to the situation she was in before."

"This is a very tragic case," Yacht said. "To be renourished and in that state, she's very vulnerable to problems. But if it's restored in a timely fashion, I'd suspect she'd return to her current vegetative state."

Schonwetter said age and physical condition are important factors in a body recovering from a week without nourishment or hydration.

"An 80- or 90-year-old likely would have significant kidney problems ... and perhaps be in a coma," Schonwetter said. "A 30-year-old who is physically fit might not have a whole lot of changes. But she very likely does not have the body of a typical 39-year-old."

Reporter David Sommer contributed to this report.

HOW THEY VOTED

Here's how Tampa Bay area lawmakers voted Tuesday on the emergency legislation, which passed the House, 73-24, with 22 lawmakers not voting; and the Senate, 23-15, with two lawmakers not voting.

House

Kevin Ambler, R-Tampa: **Yes**
 Thomas Anderson, R-Dunedin: **No**
 Frank Attkisson, R-Kissimmee: **Yes**
 Kim Berfield, R-Clearwater: **Yes**
 Gus Bilirakis, R-Palm Harbor: **Yes**
 Marty Bowen, R-Haines City: **Yes**
 Johnnie Byrd, R-Plant City: **Yes**
 Faye Culp, R-Tampa: **Yes**
 Charles Dean, R-Inverness: **Yes**
 Frank Farkas, R-St. Petersburg: **Yes**
 Heather Fiorentino, R-New Port Richey: **Yes**
 Bill Galvano, R-Bradenton: **Yes**
 Bob Henriquez, D-Tampa: **Yes**
 Ed Homan, R-Tampa: **Yes**
 Arthenia Joyner, D-Tampa: **No**
 Charlie Justice, D-St. Petersburg: **No**
 Ken Littlefield, R-Wesley Chapel: **Yes**
 Sandy Murman, R-Tampa: **Yes**
 Frank Peterman, Jr., D-St. Petersburg: **Yes**
 Ron Reagan, R-Bradenton: **Yes**
 Dennis Ross, R-Lakeland: **Yes**
 David Russell, Jr., R-Brooksville: **Yes**
 Joe Spratt, R-La Belle: **Yes**
 John Stargel, R-Lakeland: **Yes**
 Donald Sullivan, R-St. Petersburg: **Did not vote**
 Baxter Troutman, R-Winter Haven: **Yes**
 Leslie Waters, R-Seminole: **Yes**

Senate

J.D. Alexander, R-Lake Wales: **No**
 Victor Crist, R-Tampa: **Yes**
 Paula Dockery, R-Lakeland: **No**
 Mike Fasano, R-New Port Richey: **Yes**
 Dennis Jones, R-Seminole: **Yes**
 Tom Lee, R-Brandon: **Yes**
 Les Miller, D-Tampa: **Yes**
 Jim Sebesta, R-St. Petersburg: **Yes**

Compiled by Michon Ashmore



Tribune photo by MARK GUSS

Terri Schiavo's father, Bob Schindler, received a call from Gov. Jeb Bush telling Schindler that he faxed orders to the hospice to restore the feeding tube.



Senate President Jim King, R-Jacksonville, stressed "the importance of being prepared for unforeseen health complications."

LIVING WILLS

Florida Senate district offices statewide are handing out free copies of living wills and other advance directive forms. Here's where Tampa Bay area residents can find them:

Tampa

- ◆ Sen. Victor Crist, 11961 N. Florida Ave., Suite B; (813) 975-6658
- ◆ Sen. Les Miller, 2109 Palm Ave., Suite 302; (813) 272-2381

Brandon

- ◆ Sen. Tom Lee, 915 Oakfield Drive, Suite E; (813) 744-8683

St. Petersburg

- ◆ Sen. Jim Sebesta, Gateway Corporate Center, Suite 319, 9887 Fourth St. N.; (727) 563-0377

New Port Richey

- ◆ Sen. Mike Fasano, 8217 Massachusetts Ave.; (727) 848-5885

Seminole

- ◆ Sen. Dennis Jones, 8940 Seminole Blvd.; (727) 549-6411

Lakeland

- ◆ Sen. Paula Dockery, 101 W. Main St., Suite 110; (863) 413-2900

Winter Haven

- ◆ Sen. J.D. Alexander, 391 Avenue A S.W.; (863) 298-7677

Internet

- ◆ Printable copies are available at www.flsenate.gov.

Michon Ashmore

Schiavo

Back On Life Support

Experts Cautious About Body's Resilience

By STEVE KORNACKI
skornacki@tampatrib.com

What now for Terri Schiavo?

Reinserting her feeding tube after she went nearly a week without food or water might mean Schiavo could return to the condition she was in before nourishment was stopped, medical experts say.

"There is a good chance she will go back to the same state of being if her kidneys did not shut down," said Ronald Schonwetter, professor and director of geriatric medicine at the University of South Florida and chief medical officer at LifePath Hospice in Tampa.

"That is the main area where she can experience problems. If she continued to have urine output, if she had functioning kidneys throughout this, it should reverse to where it was."

See **NOURISHMENT QUESTIONS**, Page 4 ▶
She is "very vulnerable to problems."



Well-wishers cheer an ambulance carrying Terri Schiavo to Morton Plant Hospital in Clearwater from Woodside Hospice in Pinellas Park. The status of her kidneys is crucial, doctors say.



“ This is a response to a tragic situation. People are responding to cries for help, and I think it's legitimate.
GOV. JEB BUSH



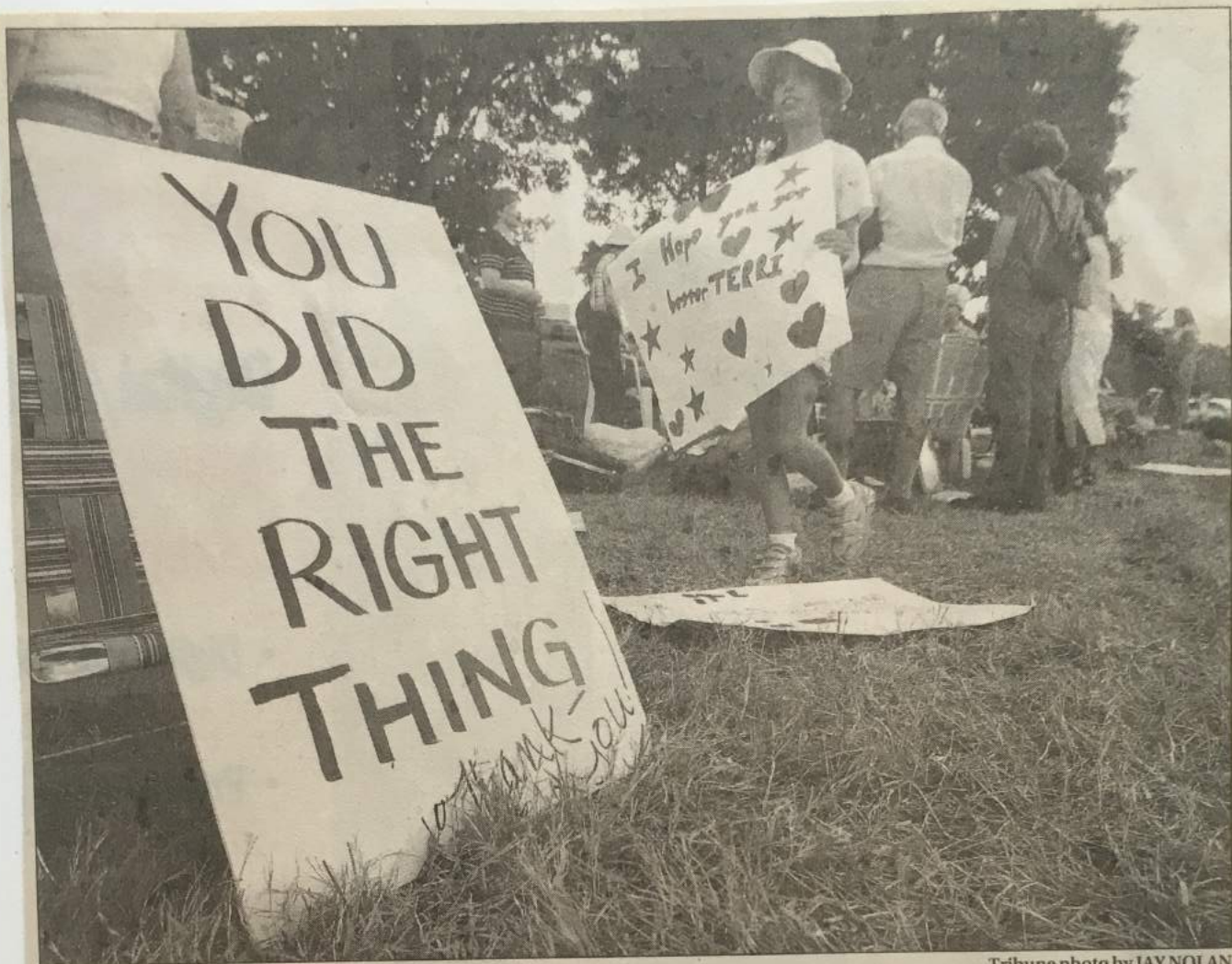
“ It ain't over until it's over. Until I see that IV running, she is not out of the woods.
PAT ANDERSON Schindler
family attorney



“ [Michael Schiavo was] deeply troubled ... that his wife's wishes have become a political pingpong.
GEORGE FELOS
Husband's attorney



“ I keep thinking: What if Terri didn't want this to happen at all? May God have mercy on us all.
JIM KING
Senate president



Tribune photo by JAY NOLAN

Despite reassurances from supporters of Terri Schiavo's family, some lawmakers said they felt backed into a corner. "We're basically being asked to try a case without knowing all the facts," Sen. Alex Villalobos, R-Miami, said.



Tribune photo by BRUCE HOSKING

Circuit Judge Douglas Baird said he would reconsider the constitutionality of "Terri's Law" later.

Byrd, a Plant City Republican running for U.S. Senate, was featured on cable TV news shows Tuesday, where he described his efforts to save Terri Schiavo. His role in the drama is expected to boost his appeal among Christian conservative voters who have embraced the Schiavo battle and are such faithful voters they can swing the outcome of primary elections.

King asked state Sen. Dan Webster, a Republican from Winter Park and Byrd's chief rival for the GOP nomination, to sponsor the upper legislative chamber's version of the bill.

It was a move that Sen. Tom Lee, R-Brandon, said drove Webster to tears because he knew "we had to inject ourselves into something because of political reasons."

"You could just feel in here that a lot of people felt pretty smothered being forced to vote for the legislation or be blamed by the political expedients down the hall for the death of Terri Schiavo," Lee said.

Schiavo's Spouse Explains Side, Tells Of Struggle

'REALITY IS THAT TERRI LEFT US 13 YEARS AGO'

By DAVID SOMMER
dsommer@tampatrib.com

CLEARWATER — Michael Schiavo faxed a statement to news organizations Monday in which he said he has difficulty accepting a court ruling allowing him to have his wife's feeding tube removed.

"Some people do not agree with the decision the court made to remove Terri's feeding tube," the three-page letter states. "I struggle to accept it myself."

Schiavo asked a probate court for permission to remove Terri Schiavo's feeding tube in 1998, saying that she would not have wanted to live in her current condition. He spent more than five years in courtroom battles with his in-laws seeking permission to remove the tube.

On Oct. 15, the tube that has supplied Terri Schiavo with sustenance since 1990, when she suffered unexplained heart failure at age 26, was removed.

Michael Schiavo was not available for comment Monday. His attorney, George Felos, said the letter reflects the self-examination that people typically go through when making the decision to remove a loved one from life support.

"Even when you decide to remove a loved one's life support, you continually struggle to accept it," Felos said.

Schiavo says in the letter, "The reality is that Terri left us 13 years ago, and none of us can bring her back."

Felos said his client decided to send the open letter Monday evening after days of hearing "attacks and misinformation" from his wife's



M. Schiavo
He first sought to remove wife's feeding tube in 1998; it was removed last week.

parents, Bob and Mary Schindler, and their supporters.

The Schindlers, who are maintaining a vigil outside a Pinellas Park hospice where Schiavo placed their daughter several years ago, could not immediately be reached for comment.

The couple want their daughter kept alive. They say she reacts to them and could improve with therapy.

In his letter, Schiavo states that for the first seven years of his wife's illness he provided her with experimental therapy and made sure she received stimuli in the form of outings to parks and museums. He said tests were done to see whether she could be weaned from the feeding tube, and they failed. He also apologizes to nurses and aides he states he scolded for offenses such as failing to apply his wife's makeup or not combing her hair.

The Schindlers say their son-in-law cut off all therapy and banned nurses from trying to stimulate his wife in 1993, after winning about \$300,000 for himself and more than \$700,000 for his wife's perpetual care in a medical malpractice lawsuit. The \$700,000 has been spent, with much of it going to legal fees incurred in the battle to remove the feeding tube.

Reporter David Sommer can be reached at (813) 259-7600.

Go to TBO.com to read the statement issued Monday by Michael Schiavo.



Photos from The Associated Press

More than a dozen people protest in Pinellas Park at Hospice House Woodside, where Terri Schiavo has lived for more than 2½ years. Family members visited her in shifts.

Schiavo Law Fuels Debate Of Politics

SEPARATION OF POWERS QUESTIONED

By WILLIAM MARCH
wmarch@tampatrib.com

TAMPA — Scholars denounced the Legislature's hastily enacted Terri Schiavo bill Wednesday as a violation of the separation of government powers and called it "profoundly unconstitutional," in the words of one.

But legal experts representing right-to-life and religious conservative groups defended the bill as an emergency measure to save the life of an incapacitated woman whose wishes and interests are in doubt.

The legislation passed Tuesday let Gov. Jeb Bush order the replacement of Schiavo's feeding tube in a Clearwater nursing home despite years of court rulings supporting her husband's claim that she didn't want to be kept alive in such fashion.

Beyond rousing division among lawyers, academics and the general public, the move roused charges of political pandering in the Legislature, even from Republicans who voted for the bill.

Those charges focused on House Speaker Johnnie Byrd of Plant City, the driving force behind the legislation and a Republican candidate for the U.S. Senate seat held by Democrat Bob Graham.

Byrd, who denies acting for political reasons, is running in a primary field dominated by social conservatives seeking the support of social conservatives.

"It's a sad, sad day when someone politicizes someone else's tragedy and pain for political gain," said state Sen. Alex Diaz de la Portilla of Miami, referring to his fellow Republican Byrd.

The action by lawmakers and the governor stirred more emotion among the public, with some echoing the charge of political expedience

INSIDE



Wills Power

Senate President Jim King is promoting use of living wills.

DETAILS, Page 8

Suit Threat

Husband may sue any doctor who connected feeding tube.

DETAILS, Page 8

LAW, BUSH RESTORE FEEDING TUBE Husband Considers Giving Up 6-Year Fight

By DAVID SOMMER,
ALLISON NORTH JONES
and STEPHEN THOMPSON
The Tampa Tribune

CLEARWATER — It took an unprecedented act of the state Legislature and an order from the governor backed with a threat of arrest, but Terri Schiavo's feeding tube was reinserted late Tuesday.

Acting on orders from Gov. Jeb Bush, Michael Schiavo had his wife transferred from a Pinellas Park hospice to a Clearwater hospital where doctors began rehydrating the brain-damaged woman after almost seven days without food or water.

It remained unclear late Tuesday whether Terri Schiavo suffered permanent damage from her ordeal, said George Felos, her husband's attorney.

Earlier in the day, Terri Schiavo's breathing had been irregular and her kidneys had begun to shut down, Felos said.

Terri Schiavo arrived at Morton Plant Hospital shortly after 7 p.m. Tuesday after the Florida Department of Law Enforcement warned hospice officials they faced arrest if they failed to follow the governor's order that a feeding tube be inserted into the 39-year-old woman's stomach, said Deborah Bushnell, another of Michael Schiavo's attorneys.

Felos called the emergency bill that Bush signed into law Tuesday an "odious and repugnant legislative enactment." He said it gave Bush the power to at least temporarily violate Terri Schiavo's constitutional right to privacy by overruling her proven de-

See SCHIAVO CASE, Page 4 ▶

Many lawmakers felt pressured.

RELATED GRAPHIC, Page 4:

How Bay area lawmakers voted on the legislation.

▶ *Do you think Gov. Bush and the Legislature did the right thing? Go to TBO.com to submit your comments and review background on the story.*

TUESDAY'S EVENTS

In Tallahassee, the House and Senate approved a bill Tuesday afternoon giving Gov. Jeb Bush power to save Terri Schiavo.

Bush subsequently signed the bill into law and ordered Schiavo's feeding tube be reinserted.

Suzanne Carr, Schiavo's sister, called the development "a miracle, an absolute miracle."

Schiavo was taken by ambulance from a hospice to Morton Plant Hospital in Clearwater, where she was being given fluids in preparation to restart nourishment.

A judge late Tuesday rejected a request by Schiavo's husband to overturn the governor's order.

TERRI SCHIAVO

Continued From Page 1

vene in the Schiavo case. Earlier in the day, House Speaker Johnnie Byrd, a Plant City Republican running for the U.S. Senate, opened the possibility of legislative intervention by confirming that he planned to propose legislation to "save" Schiavo. Rep. John Stargel, R-Lakeland, sponsored the bill.

"The family is elated," said Randall Terry, a spokesman for Terri Schiavo's parents who are trying to keep their daughter alive. "They recognize there are still hurdles to overcome. They're praying Terri's health holds out until the governor can intervene to save her."

Urging caution is Senate President Jim King, R-Jacksonville.

King said he is leery of interfering in a case that has been vetted in nearly "every court in the land." But citing "unique and unusual circumstances," he signed off on what he considers a narrowly drafted measure that still delivers what Byrd and Bush want.

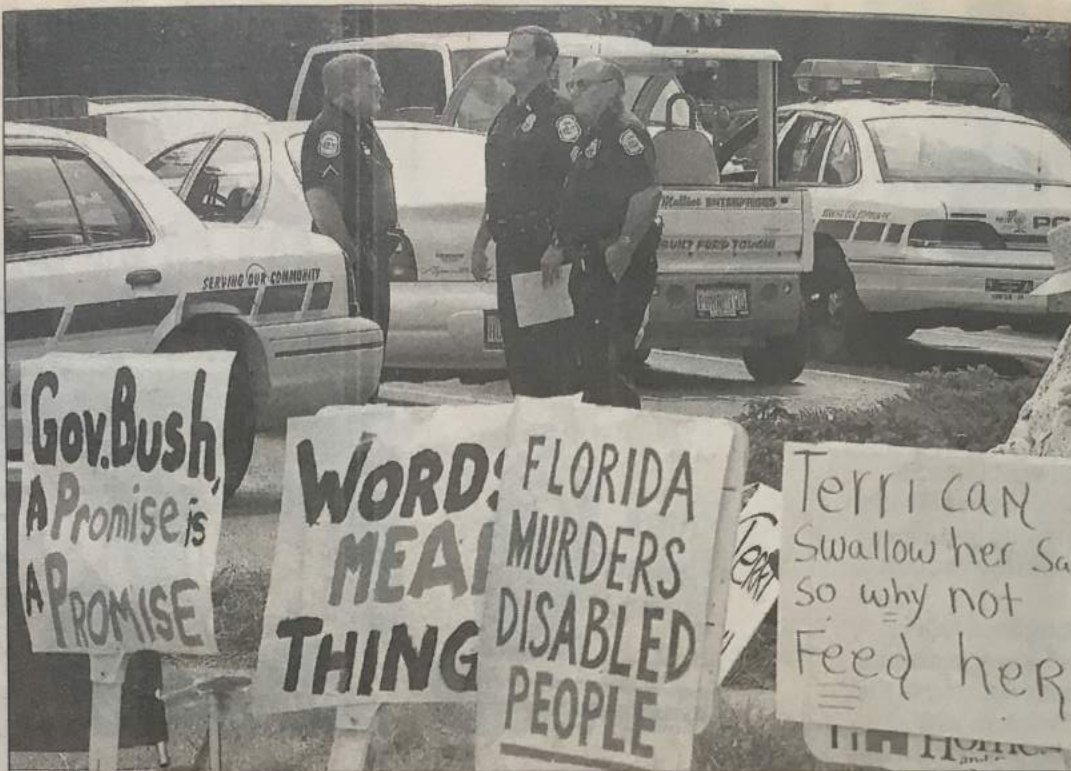
"If we are going to err, then let us err on the side of caution," King said. "I just hope to God we've done the right thing."

The bill gives Bush the power to issue a "one-time" stay under certain conditions.

All are designed to fit Schiavo's case. Among them, for example, is a requirement that the feeding tube must have been removed as of Oct. 15 — the day Schiavo's tube was removed. Others stipulate that the patient have no written advance directive or living will, and that a family member is actively challenging the judicial orders.

But the bill raised a variety of legal and constitutional concerns for lawmakers worried the Legislature was overstepping its bounds.

"This bill so oversteps our role, it not only sets a dangerous precedent, it turns democracy on its head," said Rep. Dan Gelber, D-Miami Beach.



The Associated Press

Pinellas Park police on Monday guard the entrance to the Woodside Hospice, where Terri Schiavo is being cared for. Supporters have set up a round-the-clock vigil outside the facility.

In Tampa, an Advocacy Center for Persons with Disabilities attorney told Judge Merryday that the private agency received a telephone complaint Friday alleging Schiavo was the victim of neglect and abuse. The center is designated by the state to receive federal funds under a number of laws, including the Americans with Disabilities Act.

Attorney Gordon B. Scott asked Merryday to order that Schiavo be given nutrition long enough for the agency to investigate the abuse complaint. Such a temporary order, Scott said, would be in force for 10 days, after which Scott would be required to report any findings to the court.

Merryday asked Scott whether the agency would be in court if Terri Schiavo had left written instructions expressing her desire not to be kept alive on life support. State courts have ruled in favor of Michael Schiavo's claim that his wife had verbally expressed those wishes.

Scott said that if there were a legally valid written statement from Terri Schiavo, he would not have filed the request for the restraining order.

At the Pinellas Park hospice where Terri Schiavo spent her



Tribune photo by MARK GUSS

People such as Barbara Keller of St. Petersburg have shown support for Schiavo, whose feeding tube was removed Wednesday.



Byrd
Earlier Monday, House speaker had said he would sponsor a bill to "save" Schiavo.



King
"I just hope to God we've done the right thing," the Senate president said of the bill.

fifth full day without food or water Monday, the Schindler family remained upbeat while awaiting word from Tampa and Tallahassee.

The family is praying that the Legislature acts quickly to force the hospice to resume feeding Terri Schiavo, said her sister, Suzanne Carr.

"She seems to be alert," said

her brother, Bob Schindler Jr. "But every day that goes by, we're getting into a crucial time for her. She's got an incredible will to live."

Reporter David Sommer contributed to this report. Reporter Allison North Jones can be reached at (850) 222-8382. Reporter Elaine Silvestrini can be reached at (813) 259-7837.

Legislature Acts To Save

Schiavo

HOUSE-OK'D BILL HEADS TO SENATE

By ALLISON NORTH JONES
and ELAINE SILVESTRINI
The Tampa Tribune

TALLAHASSEE— The battle to save Terri Schiavo has shifted to the state Capitol, where legislative leaders agreed Monday after intense, daylong negotiations to grant Gov. Jeb Bush the power to intervene in the emotionally charged case.

The state House passed a bill 68-23 Monday night that would give Bush the authority to or-

der the comatose Schiavo's feeding tube replaced, reversing a judicial order that other judges have upheld. Twenty-eight lawmakers did not vote.

The state Senate is expected to pass the same measure today and send it to Bush, who likely will sign the bill immediately.

"The proposed bill would allow for a stay in cases of withholding nutrition and hydration from patients in situations similar to that of Ms. Schiavo," Bush said in a statement.

Once the bill is signed, Bush will have 15 days to issue a one-time stay.

The move came just hours after an advocacy

group for disabled people pleaded with a federal judge in Tampa to keep Schiavo, 39, alive long enough to investigate a claim that she is being abused by her husband. U.S. District Judge Steven D. Merryday said he will issue a decision in the nationally watched case soon.

Phones and computers across the state Capitol rang and chimed throughout the day as lawmakers were flooded with pleas to inter-

See **TERRI SCHIAVO**, Page 9 ▶

"This bill so oversteps our role," lawmaker says.

RELATED STORY, Page 9:

Michael Schiavo explains his side, struggle in letter.



The bill would give Gov. Jeb Bush power to intervene to restore Terri Schiavo's feeding tube.

Sacramento Pits Family Against Hospice

POLICE DO NOT LET PRIEST GIVE WAFER TO SCHIAVO

By STEPHEN THOMPSON
spthompson@tampatrib.com

PINELLAS PARK — After a priest said he was blocked from giving Terri Schiavo her last holy communion at the hospice where she is cared for, her family demanded the hospice administrator produce a court order stipulating she could not receive the sacrament orally.

Sunday marked the fourth day Schiavo, 39, has gone without food. Her feeding tube was removed Wednesday at the behest of her husband, Michael Schiavo, who has long said his wife would not want to live in her current condition, described by some physicians as a persistent vegetative state.



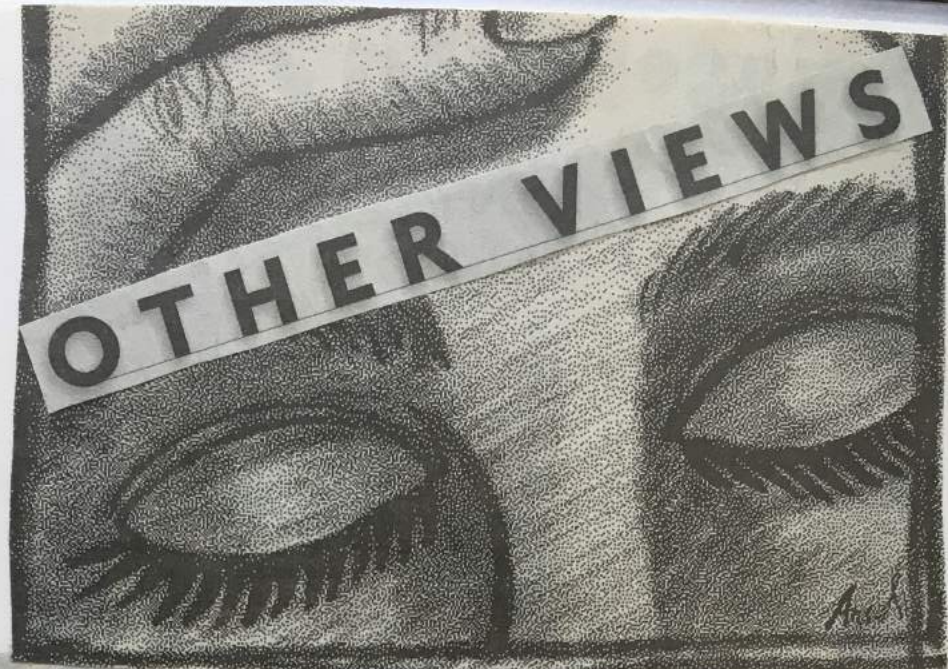
Malanowski

Saturday afternoon, Monsignor Thaddeus Malanowski was to give Schiavo a small bit of wafer as part of the rite of Viaticum, the last communion for a Catholic before death. But he was warned not to by a Pinellas Park police officer because of a doctor's order that nothing be placed in Schiavo's mouth to prevent choking.

George Felos, Michael Schiavo's attorney, said Malanowski spoke with the Rev. Tony Plathe, a Roman Catholic priest and hospice chaplain. Plathe maintained patients such as Schiavo, who are unable to ingest anything, can receive spiritual communion — the equivalent of communion without oral administration of the sacrament.

Malanowski was insistent he give Schiavo the wafer through her mouth but was warned he would be physically restrained from doing so, Felos said.

Reporter Stephen Thompson can be reached at (727) 823-3303.



The Pope And Terri Schiavo

By KEITH FOURNIER

Along with millions of virtual pilgrims, I watched the events that occurred in St Peter's Square this past week on television.

This once-robust, mountain-climbing pope who, it seems like only yesterday, had bounded out onto the world's stage in 1978 proclaiming, "Be Not Afraid, Open the Doors to the Redeemer," was now presiding over the sacred liturgy, and the church to which its redemptive work has been entrusted, from a wheelchair. His central message of the unrepeatable beauty and dignity of every single human person at every age and stage has not changed. In fact, now the messenger has become the message.

John Paul II is now unable to speak in a manner that can be easily understood. He is unable to walk. He is suffering and probably living what some would perceive as a diminished "quality of life." He is increasingly "disabled" by Parkinson's disease and seems a physical shadow of his former self. Or is he?

He is now speaking symbolically, in a language beyond words — one that transcends time, culture, nation and age. The content of this last living encyclical letter, the one framed by his visible witness in that chair, is the summary of everything he has been telling all who would listen for 25 years. It is more important than even the vast, rich treasury of teachings that he will soon leave behind.

Sadly, thousands of miles away, another disabled servant smiles, also unable to speak, but also manifesting that same Jesus to those who have the eyes to see. That Jesus who so identifies with the poor and the sick that he tells us we will all be judged by whether or not we recognized him in them (see the Gospel of St. Matthew, Chapter 25). Her name is Terri Schiavo, and she is being starved to death because she has become inconvenient.

Terri is not dying naturally; she is being euthanized, killed by not being fed or given wa-

ter. She continues to respond to the love of her parents and has shown remarkable non-verbal communicative skills. All of this is happening in the same week that the whole world is watching another disabled person contributing exceptionally to our human family, a week when we are celebrating his call to build a new "culture of life" and a "civilization of love."

This horrible drama in Florida is also occurring during the same week when this pope in a wheelchair is beatifying that little nun from Calcutta whose witness of a life of poured-out love on behalf of the "least of these" still speaks from the grave to a world that is waiting to be born.

Mother Teresa of Calcutta spoke with such simplicity concerning the horror of killing a child in the first home of the whole human race, a mother's womb: "It is poverty to kill a child so that you may live as you wish." Now, we live in a world where the disabled are being killed for the same reason. Now, we seem powerless while, with the protection of the state, Terri Schiavo is killed by not giving her a cup of water.

Prayer vigils are being held while legal efforts seem to have been exhausted. Through the Common Good Foundations' Legal Defense Fund, I joined with groups of other lawyers and submitted a legal memorandum to the governor of Florida, at his office's request, giving him the legal grounds to intervene. However, at least as of the writing of this article, he has not done so.

The best response to what we have seen in Rome this week is to live what John Paul II and Mother Teresa proclaimed. They have proved there is beauty and dignity in every human life, including Terri Schiavo's life.

Deacon Keith Fournier, president of the Your Catholic Voice Foundation, is a constitutional lawyer and a graduate of the John Paul II Institute of the Lateran University.

Courts Turn Down Action On Schiavo

GOVERNOR BLOCKED FROM INTERVENING

By ALLISON NORTH JONES
anjones@tampatrib.com

TALLAHASSEE — Another last-ditch effort to replace Terri Schiavo's feeding tube failed Friday when a Leon County Circuit Court judge refused to issue a court order allowing Gov. Jeb Bush to intervene under his constitutional authority to protect life.

The round-the-clock vigil in Pinellas Park continued at Hospice House Woodside, Schiavo's home for more than 2½ years. Family mem-

bers visited her in shifts, and more than a dozen supporters gathered outside to hold protest signs and wait.

Leon County Circuit Judge Jonathan Sjostrom said he was "without power to act," because the Tallahassee-based court did not have jurisdiction in the Schiavo case, adding the petition should have been directed to Pinellas County courts, where Schiavo's guardian, husband Michael, lives.

That ruling later was filed with the 1st District Court of Appeal, which also denied the request. It was filed by lawyers pressed into service

See **SCHIAVO CASE**, Page 6 ▶
Mother offers statement.

6 • METRO • SATURDAY, OCTOBER 18, 2003 • THE TAMPA TRIBUNE • TBO.CO



Former antiabortion activist Randall Terry, with Terri Schiavo's father, Bob Schindler, at left, had his lawsuit rejected Friday.

SCHIAVO CASE

Continued From Page 1

by former antiabortion activist Randall Terry — who inserted himself into the controversy Monday — without cooperation from the Schindlers' long-time counsel in the case.

The lawyers in Tallahassee filed their emergency petition early Friday, claiming rulings by the Pinellas County Circuit Court allowing Schiavo's feeding tube to be removed resulted in "means so cruel and unusual in nature that no death row inmate could be executed by this means."

The petition asked that Gov. Jeb Bush be allowed to intervene under his constitutional authority to protect "the right to life, liberty and the pursuit of happiness."

Bush's legal staff has been searching for a way to involve the governor, but Friday's petition did not result from any suggestions by his legal advisers.

Although "the governor had hoped that the court would

rule in such a way that would have allowed him to intervene, he fully understands the separation of powers and respects the courts' independence," Bush spokeswoman Alia Faraj said.

After the requests were rejected in Tallahassee, Mary Schindler offered an emotional statement directed to the governor, judges, and Michael Schiavo and his attorney, George Felos:

"I hope and pray that they never have to go through watching their son or daughter die [such] a horrific, cruel death," she said, with her husband, Bob, at her side and their children behind them.

The family's attorney, Pat Anderson, said the Schindlers are so grief-stricken that "the point is going to come this weekend ... when [they] will simply not be emotionally able to go in and see Terri again.

"Nobody wants to see a child go through this," Anderson said. "And as much as they love Terri ... there are some things that are beyond human capacity to do."

Tribune reporter Carlos Moncada and WFLA, News Channel 8, reporter Rod Challenger contributed to this report.

ACLU Joins Schiavo In Dispute

BRIEF FILED ARGUING AGAINST 'TERRI'S LAW'

By DAVID SOMMER
dsommer@tampatrib.com

CLEARWATER — Bolstered by a resourceful new ally, Michael Schiavo on Wednesday filed a detailed brief outlining why Gov. Jeb Bush had no right to get involved in the Terri Schiavo case.

Attorney General Charlie Crist has until Nov. 5 to file his written response on why "Terri's Law" should stand in the face of a variety of constitutional challenges.

The new law granted Bush the power to order doctors to reinsert a feeding tube into Terri Schiavo's stomach six days after the tube was removed and feeding stopped under court order.

The controversial law was drafted, passed by the Legislature and signed into law within hours Oct. 21.

Wednesday, the American Civil Liberties Union joined Michael Schiavo's attorney in filing a 44-page legal brief detailing why Terri's Law should be ruled unconstitutional.

Attorney George Felos said he welcomed the ACLU's expertise on the issue of separation of powers, which he said prohibits the executive and legislative branches of government from usurping court duties.

Time To Take Sides

The ACLU had avoided taking sides in the matter until Terri's Law was enacted, said Howard Simon, the ACLU's Florida director.

"We had been beseeched by both sides in this case to get involved on one side or the other," Simon said. "We resisted because the courts were following the law, ... then the governor and Legislature changed everything."



The Associated Press

George Felos, Michael Schiavo's attorney, says he welcomes the ACLU's help on the issue of usurpation of court powers.

If Bush can order that Terri Schiavo's feeding tube be reinserted, he could someday order a cancer patient to undergo unwanted chemotherapy, the ACLU official said. "It's a very dangerous precedent."

Terri Schiavo, 39, has been in what her husband's doctors term a persistent vegetative state since suffering heart failure in 1990.

Michael Schiavo's doctors and one appointed by the court contend his wife has no cognitive function and would not want to be kept alive with no hope of improvement.

Bob and Mary Schindler contend their daughter reacts to them and could improve if given therapy.

After a January 2000 nonjury trial, a judge ruled that Terri Schiavo made statements before her illness indicating she would not want to be kept alive in her current state. That ruling has been upheld repeatedly by appeals courts, and the feeding tube was removed Oct. 15 on court orders.

Bush had the tube reinserted Oct. 21.

Schindlers Object To Guardian

Also Wednesday, the Schindlers' attorneys filed an objection to the appointment of a proposed guardian ad

litem to serve as an independent analyst of whether any of Terri Schiavo's rights have been ignored in the ongoing court battle over her fate.

The proposed independent guardian, University of South Florida Professor Jay Wolfson, gave a television interview that aired Oct. 22 in which Schindler attorney Pat Anderson said Wolfson exhibited bias against Terri's Law.

Chief Circuit Judge David Demers suggested Wolfson act as guardian and could appoint a guardian today.

A guardian ad litem would not replace Michael Schiavo as his wife's overall guardian but would have the power to order medical tests without Michael Schiavo's permission.

The Schindlers desire the appointment of a guardian ad litem empowered to investigate a wide range of issues, including whether their daughter would want a divorce, since her husband lives with another woman, has fathered a child by her and has a second on the way, Anderson wrote in a memorandum filed Wednesday.

Reporter David Sommer can be reached at (813) 259-7600.

Governor Seeks Dismissal Of Suit Over Terri's Law

HUSBAND'S ATTORNEY CALLS IT DELAY TACTIC

By DAVID SOMMER
dsommer@tampatrib.com

CLEARWATER — Gov. Jeb Bush cried foul in the dispute over Terri Schiavo's fate Wednesday, moving to block any rapid court action in the case.

A lawsuit filed against Bush by Michael Schiavo should not go forward because the governor was not served legal notice he is being sued, said Kenneth Connor, special counsel for the governor.

Also, all such suits against the governor must be filed in Tallahassee, Connor said.

"The governor has a right to a home venue privilege," Connor said. Otherwise, Bush would have to "trot all over the state" every time someone sued him, Connor said.

Bush will not file a response to Michael Schiavo's constitutional challenge to Terri's Law until the case is put on a proper footing with proper notice in the proper venue, Connor said.

"This is one of the most shameful delaying tactics I've ever seen," Michael Schiavo's attorney, George Felos, said.

Michael Schiavo filed his lawsuit against Bush and Attorney General Charlie Crist on Oct. 21, the same day the Legislature enacted a measure dubbed Terri's Law. The law gave Bush the power to intervene in the Terri Schiavo case.

That evening, Bush ordered that a feeding tube be reinserted into Schiavo's stomach so she could begin receiving liquid nutrition after almost seven days without food or water.

Schiavo's feeding tube had



Michael Schiavo, right, named Gov. Jeb Bush in a suit over a law that let Bush intervene in Terri Schiavo's case.

been removed on court orders Oct. 15 after almost 5½ years of litigation between her husband and her parents, Bob and Mary Schindler.

Schiavo, 39, has been in what some doctors term a persistent vegetative state since suffering heart failure in 1990.

After a January 2000 nonjury trial, a judge ruled Terri Schiavo made statements prior to her illness indicating she would not want to be kept alive in her current condition with no hope of improvement. The judge granted Michael Schiavo's request to discontinue feeding his wife, a ruling that has been upheld under repeated appeals by the Schindlers.

The St. Petersburg couple say their daughter reacts to them and could improve with therapy.

Bush first tried to intervene in the case in August, when he asked that Terri Schiavo be assigned an independent guardian ad litem to ensure her rights and interests were being protected. Bush said then he was acting in response to more than 25,000 e-mail messages and phone calls from people who want Schiavo kept alive.

Michael Schiavo's attorney has complained for years that the Schindlers and their supporters are engaged in delaying tactics designed to discourage his client and cause him to give up on what Michael Schi-

vo maintains is a quest to honor his wife's wishes.

On Wednesday, Felos accused Bush of using delay tactics to avoid the inevitable court ruling that Terri's Law is unconstitutional because it allowed the governor to violate the separation of powers and intrude on Terri Schiavo's right to refuse medical treatment.

"He is trying to avoid the day of reckoning by some niggling procedural grounds," Felos said.

Bush waived any need to be formally served with the lawsuit the night it was filed, when a member of his legal staff participated by telephone in an emergency hearing over whether Schiavo's feeding tube should be reinserted, Felos said.

The governor's attorney made no mention of the need to file the lawsuit in Tallahassee, he said.

"Why didn't they raise those objections at that time? It's shameful," Felos said.

Circuit Judge Douglas Baird said late Wednesday that he had not read the governor's motion to dismiss the lawsuit over Terri's Law. He said he will take no action until Felos has a chance to respond.

The attorney general is following the lead of the governor's office and will not be filing a response to the lawsuit, Crist spokeswoman Joann Carrin said.

Y AREA

Advocacy Group Supports Schindlers In Court Fight

PERMISSION SOUGHT TO INTERVENE IN SUIT

By DAVID SOMMER
dsommer@tampatrib.com

CLEARWATER — A second legal advocacy group has entered the battle over Terri Schiavo's fate, this time on the side of Bob and Mary Schindler.

On Thursday, the Schindlers sought court permission to intervene in a lawsuit filed last week against Gov. Jeb Bush by their estranged son-in-law, Michael Schiavo.

If the request is granted, the Schindlers' legal team will be joined by lawyers from the American Center for Law and Justice, a conservative legal advocacy group founded by Pat Robertson and known for championing right-to-life issues.

Pat Anderson, the Schindlers' lead attorney, said she asked the Virginia Beach, Va., organization for help after learning the American Civil Liberties Union was assisting Michael Schiavo in his constitutional challenge of what has been dubbed "Terri's Law."

The controversial statute was drafted, adopted by the Legislature and signed into law by the governor within hours Oct. 21. Bush immediately used the law as justification for ordering a feeding



Anderson
Schindlers' attorney obtained help from conservative group to counter ACLU action.



Bush
Governor targeted by suit for ordering return of Terri Schiavo's feeding tube.

tube reinserted into Terri Schiavo's stomach after almost seven days without food or water.

The 39-year-old woman's feeding tube had been removed Oct. 15 on court orders. The removal came after a nearly 5½-year legal battle between the Schindlers, who want their daughter kept alive, and Michael Schiavo, who wants feeding stopped.

Terri Schiavo has been in what her husband's attorneys term a persistent vegetative state since suffering unexplained heart failure in 1990.

Constitutional scholars quickly condemned Terri's Law as a violation of the separation of powers and an intrusion on Terri Schiavo's right to refuse medical treatment.

But Jay Sekulow, chief counsel for the American Center for Law and Justice and a nationally recognized constitutional expert, said the scholars are wrong.

"We think the Legislature and the governor have a role here," Sekulow said Thursday. The governor has the right to stay executions ordered by the courts, and has a similar right to intervene

when family members disagree about life-ending decisions for loved ones who cannot speak for themselves.

"When you have a life-or-death issue, you should err on the side of caution," Sekulow said.

Sekulow said the ACLU's involvement on the side of Michael Schiavo was a factor in his group's decision to get involved.

Anderson said it is vital the Schindlers' interests be represented in their son-in-law's lawsuit against Bush. On Thursday, she asked Circuit Judge Douglas Baird for permission to intervene. Sekulow's group would be able to bolster written legal arguments due next week from state Attorney General Charlie Crist, who represents the governor and is also a defendant in the case.

"I will provide the facts, and they will provide the law," Anderson said of her new partners. "This is a big, sexy case from a constitutional standpoint."

Attorney George Felos, who represents Michael Schiavo, did not respond for a request for comment Thursday.

SCHIAVO DECISION

Continued From Page 1

to such divisive issues, and until Tuesday he had not publicly spoken about the Florida case. He clearly did not want to discuss its details.

"The president is committed to creating a culture of life at all stages," his press secretary, Scott McClellan, said when asked to elaborate on Bush's comments. "That means at all stages of life, many different conditions."

Many antiabortion groups see the ban on the abortion procedure as a starting point for a wider legislative attack on abortion and on *Roe v. Wade*,

the 1973 Supreme Court decision that recognized a constitutional right to abortion. But repeating a position he took in the 2000 presidential campaign, Bush made it clear he did not believe the country was ready to take that step.

"I don't think the culture has changed to the extent that the American people or the Congress would totally ban abortions," Bush said in his news conference in the Rose Garden. His aides say they still expect the Republican platform to contain a strong antiabortion plank, as it has in the past.

Bush's abortion statement seemed to indicate his signature on the abortion legislation and his nomination of judges who oppose *Roe v. Wade* might be all social conservatives will get out of his first term, though several related issues are pending in Congress.

Richard M. Doerflinger, the deputy director of antiabortion activities at the U.S. Conference of Catholic Bishops, said he believed Bush left open the possibility of signing some of those bills if they reached his desk.

"As a statement of fact about where Congress is now on a total ban on abortion, the president assessed the situation correctly," Doerflinger said. "But there are many other bills out there we think he would support," including legislation that would allow people accused of committing violence against a pregnant woman to be prosecuted for a second offense if the fetus was injured.

By endorsing his brother's decision to replace the feeding tube of the Florida woman, Terri Schiavo, Bush also heartened social conservatives,

though his statement placed him at odds with most case law outside of Florida, which puts such decisions in the hands of a spouse.

"We're delighted that the president supported his brother's position that Terri Schiavo should not be starved," said Burke Balch, the director of the Robert Powell Center for Medical Ethics, which is associated with the National Right to Life Committee here.

A number of doctors have said Schiavo has been in a persistent vegetative state for years. Florida courts, after extensive litigation, approved her husband Michael's efforts to have her feeding tube removed. Her parents have opposed that decision, arguing that Schiavo could improve with the proper therapy.

Balch said, "Our perspective

is that when there has been no indication of the patient's wishes, leaving this to the subjective decision of a surrogate is not appropriate."

"We are very grateful to the president for his support," said lawyer Pat Anderson, who represents the parents, Bob and Mary Schindler.

Michael Schiavo's attorney, George Felos, did not respond to a request for comment Tuesday.

The Florida case is a highly unusual one. The state Legislature passed, with little debate, legislation clearly intended to apply only to Schiavo's case. Gov. Bush signed it, and a feeding tube was reinserted to keep Schiavo alive. Michael Schiavo is challenging that law.

Critics of the Florida decision saw electoral politics in Gov. Bush's action and in the president's endorsement of it.

"You have to remember that she has been like this for 13 years," said Ron Cranford, a clinical ethicist at the University of Minnesota. "One thread throughout this has been tremendous sympathy for the family, and it was pure politics on the part of the Florida Legislature."

"They did this all in one day, with not a shred of thinking about the implications."

Bush also was deeply involved in this issue as governor of Texas. He vetoed a living will statute there because it did not include a provision that would have guaranteed patients the right to be transferred to a health care facility that promised it would sustain their life even if doctors believed further treatment was futile.

Tribune reporter David Sommer contributed to this report.

TERRI SCHIAVO

Continued From Page 1

she has been in a persistent vegetative state since suffering unexplained heart failure 13 years ago that cut off oxygen to her brain.

The restrictions on visiting Terri Schiavo came at about the same time Anderson was coming to the conclusion that all legal appeals to block the tube's removal have been exhausted.

"We will try to have Mike or a representative there as much as possible after the feeding tube is removed, hopefully at all times," said Bushnell. Michael Schiavo's attorney.

"I told Pat we would accommodate the Schindlers to the extent that we can."

Anderson voiced skepticism.

"I'd say it's likely Terri is going to die without her mother at her side. ... It's pretty heartless of Michael to do this."

Bob and Mary Schindler, along with their son, Robert Schindler, tried visiting their daughter after Bushnell faxed her letter. They were turned away by one of the Pinellas Park police officers hired for security by the hospice as a precautionary measure.

Robert Schindler told WFLA, News Channel 8, "Terri is going to die alone without her family."

Anderson explained that all legal avenues have been exhausted.

The 2nd District Court of Appeal in Lakeland on Tuesday rejected two motions filed earlier. One asked the appeals

court to reverse its decision denying "swallowing therapy" for Terri Schiavo.

The other motion that was denied asked that Circuit Judge George Greer be disqualified. Greer, on the strength of medical testimony, ruled therapy was unlikely to have any effect, and his rulings have been upheld.

On Tuesday, Anderson filed a motion with Greer. It asked, among other things, that Terri Schiavo be fed by mouth. But Greer denied that request, Anderson said.

"I've done everything in this case," Anderson said. "I've turned over every rock."

Stetson University College of Law Professor Mike Allen said it might take intervention from the U.S. Supreme Court to stop the order removing the feeding tube today, but that is highly unlikely. "They've made a stop at every level of the state judiciary at least once," said Allen, who has been following the case closely.

The Schindlers now can only seek an emergency stay, either from U.S. Supreme Court Justice Anthony Kennedy, who handles the South, or from the U.S. 11th Circuit Court of Appeals in Atlanta — and neither of those is likely, Allen said.

Gov. Jeb Bush doesn't plan to intercede, either, although he has been sympathetic with those who want her kept alive.

"The governor does not have the authority to overrule a court's ruling," said Bush spokesman Jacob DiPietro. "The governor has the responsibility to both ensure the laws of the state are faithfully executed, and give a voice to the citizens of the state. And he's done both, with a letter to the judge and the friend-of-the-court brief he filed."



The Schindlers on Tuesday released a video of their daughter taped in defiance of a court order two years ago.

The videotape released by the Schindlers Tuesday was taken two years ago in defiance of an order by Greer that no more videotaping take place.

In the five-minute tape, Terri Schiavo, 39, makes a moaning noise as her mother coos affectionately the words, "ma, ma," repeatedly within inches of her face. To the Schindlers, the tape is further evidence their daughter is "a live human being," Bob Schindler said.

But Bob Schindler acknowledged the videotape was similar to one which has already been made available to the media. At Tuesday's news conference, the Schindlers also spoke of their daughter nearly falling out of her chair when a new-age healer told her over the phone if she didn't get up, she would die.

Bushnell said, if true, this, too, constituted another violation of a court order, because the Schindlers were told not to have their daughter undergo therapy without permission from the court.

Supervising the video release was Randall A. Terry, president of the Society for Truth and Justice, which he de-



Tribune photo by MARK GUSS

Leslie Hanks of the Colorado Right to Life group takes part in the vigil Tuesday. "PVS" refers to persistent vegetative state.

scribed as a Judeo-Christian pro-life and natural law group based in St. Augustine. Bob Schindler and Terry both said releasing the video violated Greer's old court order and that Schindler risked arrest on a charge of contempt of court.

"Obviously, all bets are off because her life is on the line," said Terry, who also founded the antiabortion group Operation Rescue.

The roughly two dozen sign-carrying supporters who served as a backdrop for the

video release vowed to keep vigil as Terri Schiavo dies. Some protesters were right-to-life supporters, others anti-euthanasia and many Catholic.

Their number appeared to swell and lessen depending on how many news organizations were around.

Reporters Tom Krause and Rick Barry contributed to this report. Reporter Stephen Thompson can be reached at (727) 823-3303. Reporter Rod Challenger can be reached at (727) 536-8443.

Supreme Court Won't Review Lower Court's Schiavo Ruling

CLEARWATER — The Florida Supreme Court said no to the parents of Terri Schiavo on Friday, clearing the way for the woman's husband to have her feeding tube removed.

That could happen as early as next week, although it is possible Bob and Mary Schindler will try another appeal in their fight to keep their daughter alive.

"We are formulating what our next step will be, but frankly I think the chances of getting relief in the U.S. Supreme Court are remote," said Pat Anderson, the Schindlers' attorney.

Anderson said Schiavo's death could be imminent.

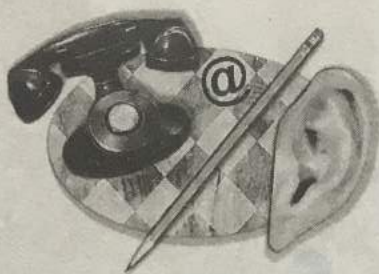
Bob Schindler said he and his wife are numb to the disappointment after three years of losing court battles.

"I guess we are accustomed to adversity when it comes to the courts," Schindler said.

In the ruling Friday, the court unanimously declined to review an appellate court ruling that clears the way for the removal of Schiavo's feeding tube.

Schiavo, who has been in a comalike state since suffering heart failure in 1990, would die from a lack of food and water, a process that could take a week or more.

David Sommer



CITIZENS' VOICE

Questions Arise About Debate Over Schiavo

Coverage of the debate over Terri Schiavo's fate has drawn a host of responses to The Tampa Tribune, TBO.com and WFLA, News Channel 8.

Some residents said extensive media coverage of Schiavo, who suffered brain damage after heart failure in 1990 at age 26, has left them confused. Some said newspaper articles and TV news reports have triggered more questions than answers.

These e-mail messages to Citizens' Voice typify the kind of questions newspaper readers, TV viewers and online users want reporters to tackle.

"I would like to know what caused Terri Schiavo to suffer a heart attack back in 1990," Beverly Beckett of Lake Wales wrote.

C.T. Olson of Dunedin wanted to know: "Why is it that no one has said how much it has cost to keep Ms. Schiavo alive for 13 plus years? Who's paying the tab?"

Mary Williams of Sarasota wrote: "What is considered a 'persistent vegetative state'?"

And Margaret Whorton of Lakeland asked: "Why can't the courts give Mr. Schiavo a divorce and let her mom and dad take care of her?"

Tackling The Questions

The Tribune's coverage of Schiavo has been led by reporter Dave Sommer. Here are answers drawn primarily from his stories:

Schiavo, 39, suffered severe brain damage when her heart stopped from what doctors say was likely a potassium imbalance, perhaps the result of an eating disorder. Loss of oxygen to her brain left her in a persistent vegetative

state, doctors said. She is fed through a tube in her stomach.

Physicians define a persistent vegetative state as a condition in which individuals have lost cognitive neurological function and awareness of their environment but retain noncognitive functions such as breathing and a sleep-wake cycle. They cannot walk, talk or otherwise communicate.

Terri's husband and legal guardian, Michael, has been battling in court for years to carry out what he says — and the courts agree — is his wife's stated wish not to be kept alive artificially. He has not sought a divorce.

Terri's parents, Bob and Mary Schindler, have fought him, saying their daughter had no such wish and is not in a permanent vegetative state. They say she responds to them and could improve.

Schiavo's medical expenses have been paid with money from a \$1.2 million medical malpractice settlement received in 1992. The malpractice suit centered on why Schiavo's doctors had failed to diagnose the eating disorder behind her potassium imbalance.

Michael Schiavo has said he has spent almost all of the money caring for his wife, whose current medical bills outstrip the \$50,000 that remains. But other sources of reimbursement are available for hospice care.

Terri Schiavo recently went without food and water for six days under a court order that allowed Michael Schiavo to withdraw the feeding tube. It was reinserted hours after the Legislature passed "Terri's Law" on Oct. 21.

Last week, attorneys for Michael Schiavo filed briefs challenging the constitutionality of the law, which gave Gov. Jeb Bush the authority to keep Terri Schiavo alive.

Articles Focus On Schiavo

Others have expressed concern that the debate over Terri Schiavo's fate has overshadowed who she is. Tribune Senior Regional Editor Ken Koehn said the Tribune has tried to keep her in focus.

Tribune reporters have interviewed people who knew her before her heart attack, Koehn said. They also have been interviewing more of her friends and family for stories.

"We remain keenly aware of the need to keep her humanity at the forefront of our coverage," Koehn said.

Call the Citizens' Voice automated voice mailbox at 1-800-527-2758. Or write to P.O. Box 191, Tampa FL 33601. Or e-mail voice@TBO.com.

Governor Sidetracks Schiavo's Lawsuit

APPEAL ON PROCEDURES DELAYS LAW'S CHALLENGE

By DAVID SOMMER
dsommer@tampatrib.com

CLEARWATER — Gov. Jeb Bush on Monday moved to block any quick action on the constitutional challenge to Terri's Law, a bid that could keep Terri Schiavo alive for at least as long as it takes to appeal a procedural issue.



Schiavo is suing Gov. Bush and the at-

Bush received an automatic stay of Michael Schiavo's lawsuit against him and Attorney General Charlie Crist by filing a notice of appeal on a decision by Circuit Judge Douglas Baird.

Now, before any constitutional chal-

torney general

lenge to Terri's Law can be decided, both sides will have to make their cases before the 2nd District Court of Appeal on whether the lawsuit was filed in the right county and whether the governor was properly notified that he is a defendant.

Michael Schiavo's attorney accused Bush of engaging in "shameless delaying tactics."

"The governor wants to delay this case through any possible legal maneuver for as long as he can," attorney George Felos said. "I wish the governor would be a man about it and stand up and defend the law. He is almost like hiding in the bushes with his tail between his legs."

Last week, Baird denied Bush's motion to dismiss Schiavo's lawsuit on the grounds that it should have been filed in circuit court in Tallahassee rather than in Pinellas County because the governor traditionally enjoys a home venue privilege.

Also, Bush complained he was not properly served notice that he was being sued.

Baird said a legal concept known as the "sword-wielder exception to the home venue privilege" allows citizens to defend themselves from government action in their home county.

Also, Bush waived his right to complain about not being properly served with the lawsuit when one

See **SCHIAVO LAWSUIT, Page 6** ▶
Bush plans to meet with guardian.

SCHIAVO LAWSUIT

Continued From Page 1

of his attorneys participated in an emergency hearing Oct. 21, the night Schiavo's lawsuit was filed, the judge said.

That same night, Bush used the new state statute dubbed Terri's Law to order that a feeding tube be reinserted into Terri Schiavo's stomach so she could again receive liquid nutrition after almost seven days without food and water.

The feeding tube was removed Oct. 15 on court orders after an almost 5½-year legal fight between Michael Schiavo

and his wife's parents, Bob and Mary Schindler.

Terri Schiavo's brain was damaged in 1990 when she suffered heart failure at the age of 26.

The now 39-year-old woman has been in what her husband's doctors term a persistent vegetative state ever since. In a nonjury trial in January 2000, Circuit Judge George Greer agreed with Michael Schiavo's contention that his wife would not want to be kept alive with no hope of improvement.

The Schindlers contend their daughter reacts to them and could improve with therapy. In addition to battling their son-in-law in court, they have mounted an Internet-based

public relations campaign featuring snippets of video that appear to show Terri Schiavo smiling at her mother and following a balloon with her eyes.

In August, Bush cited tens of thousands of calls and e-mails from Schindler supporters as his reason for seeking to intervene in the case.

Two months later, the Legislature responded by enacting Terri's Law, which gave Bush the power to stay a court order. The law also provided for the appointment of a guardian ad litem to investigate the case.

In a Nov. 6 letter to the new guardian, University of South Florida Professor Jay Wolfson, Bush requested a meeting to discuss issues the governor wants Wolfson to investigate.

Arrangements for a meeting were being discussed Monday, Bush spokesman Jacob DiPietre said.

Meanwhile, Michael Schiavo's attorney said he will ask Baird to lift the stay on his client's constitutional challenge to Terri's Law. The law violates Terri Schiavo's right to refuse medical treatment and improperly grants the governor power to interfere in a court case, Felos said.

Terri Schiavo has more to lose than Bush does if the stay remains in place, Felos said. It is a matter of her rights being "violated on a daily basis" versus Bush "having to defend the case on its merits even though the sheriff did not knock on his door and serve him with a summons."

Changes Proposed In Right-To-Die Laws

BILL HAS NO CHANCE, SENATE PRESIDENT SAYS

By JEROME R. STOCKFISCH
jstockfish@tampatrib.com

TALLAHASSEE — Weeks after Gov. Jeb Bush and the Legislature intervened in the Terri Schiavo case, a lawmaker is proposing to rewrite Florida's right-to-die statutes to make it harder to remove feeding tubes from all comatose patients.

Senate Bill 692, introduced by Republican state Sen. Stephen Wise of Jacksonville, would prohibit courts from ordering feeding tubes removed from any mentally incompetent patient in Florida who doesn't have a living will or other advance directive stating otherwise. Experts predict fewer than 12 percent of American adults have living wills.

The measure faces stiff opposition. Senate President Jim King, a fellow Jacksonville Re-

publican who helped craft the state's current right-to-die statutes and controls which bills reach the chamber floor, said Tuesday that Wise's bill will go nowhere in the 2004 session.

Wise said it's the Schiavo case that persuaded him to introduce the "Starvation and Dehydration of Persons with Disabilities Prevention Act." The measure would require courts and medical professionals to presume that mentally incapacitated patients would want life-sustaining nutrition and hydration unless they have a written document stating otherwise.

A disagreement among family members over Schiavo's wishes led to the current controversy over her care.

"The Schiavo case is he-said, she-said, who-said — and she's not able to talk," Wise said. "I don't know who said what. And that's the issue we wanted to get to — have something in writing."

Not so fast, King said. When

asked Tuesday whether Wise's bill would get a hearing in the coming session, he abruptly answered, "No."

In the 1980s, King was the architect of Florida's right-to-die law, considered a national death-with-dignity model and touted by the Senate leader as one of his key accomplishments.

"I don't want anything on the floor in that Senate that is going to give platforms to people who want to roll back the hands of time for whatever reason," King said. "As soon as you put something on the floor, as well-intended as it may be, anybody can amend it. Then all of a sudden I'm sitting there facing a bill or bills that can dismantle what I consider to be my legacy."

Wise acknowledged that he crafted the bill with the help of Florida Right To Life and the Florida Catholic Conference.

As written, Wise's bill contains a glitch that could allow the end of treatment to someone providing "express and in-

formed consent." That could be interpreted as verbal direction, but Wise said that language was included in error and would be stricken.

Larry Spalding, legislative counsel for the American Civil Liberties Union, said there is a constitutional issue with requiring end-of-life wishes in writing.

Spalding offered the example of a physician tending to a patient in a vegetative state who has no written instructions. Even if all family members agreed withdrawal of treatment was what the patient wanted, the doctor is setting himself up for civil or criminal penalties if he abides, Spalding said.

The doctor "would have to say, 'I'm sorry, we're going to have to continue to provide treatment whether he would have wanted it or not,'" Spalding said. "If you're going to make [the law] so strong as to say, 'No, not even if all the players agree,' ... I just can't see a court sustaining that."

SCHIAVO CASE

Continued From Page 1



Bush
Governor says guardian's report convinced him Schiavo should be kept alive.

tests and therapy.

"Based on this third party analysis, I am hopeful that Mr. [Michael] Schiavo and his attorney will no longer prevent this vital testing from taking place," the governor said in a written statement.

Terri Schiavo, who turns 40 today, has been in what most doctors term a persistent vegetative state since suffering heart failure in 1990 at age 26. Her husband, Michael Schiavo, has been fighting for 5 1/2 years for court permission to remove her feeding tube so she will die.

Bob and Mary Schindler say their daughter reacts to them

and could improve if her husband would allow therapy.

Bush intervened in October, ordering that Schiavo's feeding tube be reinserted six days after it was removed on court orders.

"Nothing in Dr. Wolfson's report leads me to believe the stay should be lifted at this time, or that Mrs. Schiavo should be deprived of her right to live," Bush said.

Wolfson, who made daily visits to Schiavo's bedside during the past month, also reported nearly resolving the case through mediation. An agreement among Bush, the Schindlers and Michael Schi-

vo collapsed Sunday night on the eve of the due date for his report, Wolfson wrote.

Under the proposed settlement, Wolfson would have selected "neutral clinical specialists to make a formal determination about the feasibility and value of swallowing tests and therapy," he reported. The specialists' identities would remain confidential, as would the identities of a similar team that would "make a formal determination about neurological capacity and prognosis," the report states.

Michael Schiavo's attorney said his client never agreed to anything suggested by Wolfson. The governor's intervention and Wolfson's appointment were based on hastily drafted legislation known as "Terri's Law" that is unconstitutional and a violation of Terri Schiavo's right to refuse medical treatment, attorney George

Felos said.

"We don't want to participate in settlement negotiations suggested by the guardian ad litem because we don't agree that his appointment was proper," Felos said.

However, Felos praised Wolfson's conclusion that the court decision allowing Michael Schiavo to remove his wife's feeding tube was, in Wolfson's words, "firmly grounded within Florida statutory and case law."

Pat Anderson, the Schindlers' attorney, said portions of Wolfson's report were confusing. But the Schindlers are gratified Wolfson concluded swallowing tests are in order 10 years after the last such test was performed, she said.

"I'm glad he recognized that eating by mouth should be a considered alternative to death for Terri," Anderson said.

Bush Seeks Probe Of 10 Hang-Ups In Schiavo Case

HE ASKS ABOUT HOW SHE BECAME ILL

By DAVID SOMMER
dsommer@tampatrib.com

CLEARWATER — Gov. Jeb Bush wants an independent investigator to take a closer look at how Terri Schiavo became ill and the suitability of her husband to serve as her guardian.

In letters to the chief judge of the Pinellas-Pasco circuit and to University of South Florida Professor Jay Wolfson, Bush said he wants Wolfson to answer a series of questions not directly addressed in Wolfson's earlier investigation of whether Schiavo is so severely brain damaged that she would not want to be kept alive by a feeding tube inserted into her stomach.

Wolfson, who served as Schiavo's court-appointed guardian ad litem for about two months before being discharged last week, said late Monday that he was not sure he wanted to wade back into the controversial case.

Bush's three-page letter listing the questions he wants answered had not yet reached him, Wolfson said.

"Your call comes as a surprise to me," the professor said. "The questions the governor is asking are those that ... some interested parties have begun to raise. I have not addressed those questions straight on."

Bush listed 10 areas he wants investigated, including what happened the night Schiavo's heart stopped in February 1990, cutting off oxygen to her brain and leaving her in what has been diagnosed as a persistent vegetative state.

The governor also asked about "statements of law enforcement, emergency medical professionals and staff members of medical facilities where Schiavo was treated." He asks what hus-

See **SCHIAVO CASE**, Page 5 ▶

Prior guardian said husband had conflict of interest.

SCHIAVO CASE

Continued From Page 1

band Michael Schiavo, his wife's legal guardian, said "at the time regarding her condition and how she was found."

Bush Asks About Conflicts

Terri Schiavo was face-down when emergency crews arrived, and they immediately called law enforcement, said attorney Pat Anderson, who represents Bob and Mary Schindler in their quest to keep their daughter alive. The Schindlers contend the cause of their daughter's heart failure was never properly investigated, and point to a later medical report in which a radiologist concluded Schiavo had suffered physical trauma.

Bush also wants Wolfson to report on any conflicts of interest Michael Schiavo may have in acting as his wife's guardian. If there are conflicts, Bush wants to know whether Schiavo acknowledges them.

Michael Schiavo contends his wife made statements before her illness indicating she would not want to be kept alive in a condition with no hope of improvement. The Schindlers contend their daughter reacts to them and could improve if given therapy.

Schiavo's attorney, George Felos, said Wolfson has already looked at all the medical and legal evidence and concluded that Michael Schiavo is a loving husband who wants to do what is best for his wife.

"I think the governor's correspondence is not only disgusting, it's immoral," Felos said. "Does anyone anywhere believe that Jeb Bush under any circumstances is going to lift the stay?"

Felos was referring to Bush's last-minute intervention in a 5½-year court battle over Terri Schiavo's fate. In October, Bush used hastily drafted legislation dubbed "Terri's Law" to order the feeding tube reinserted six

"Does anyone anywhere believe that Jeb Bush... is going to lift the stay?"

GEORGE FELOS

Michael Schiavo's attorney

days after Michael Schiavo had it removed with court permission.

Schiavo won that permission after a nonjury trial in January 2000 at which a judge concluded his testimony and that of two relatives showed his wife would not want to be kept alive.

Settlement Mentioned

The Schindlers have accused their son-in-law of wanting to inherit more than \$700,000 awarded for his wife's perpetual care after a medical malpractice lawsuit in the early 1990s. That money has since been spent, most of it to pay for Schiavo's attorneys in his battle with the Schindlers.

Bush alluded to that in his letter to Wolfson when he asked the professor to interview an earlier guardian ad litem who concluded Michael Schiavo did have a conflict of interest because of the inheritance issue. That guardian ad litem recommended that the feeding tube not be removed.

The governor also asked Wolfson what Terri Schiavo would experience "in the process of dying by starvation," and to address medical opinions that the process would be painless for a person in her condition.

It will be up to Chief Circuit Judge David Demers to decide whether Wolfson should be reappointed to answer the governor's questions.

In other action Monday, Bush's attorneys filed a new notice of appeal in the related court battle over the constitutionality of Terri's Law and announced an automatic stay of a hearing at which Circuit Judge Douglas Baird could decide the issue this afternoon.

Felos said Bush's attorneys were misinterpreting the law to assume he was entitled to an automatic appeal.

On page 37 of his 42-page report released Tuesday in Pinellas County, he is blunt. At times neither Michael Schiavo or the Schindlers acted in the best interests of Terri. "As a consequence of this circumstance, extensive urban mythology has created toxic clouds, causing the parties and others to behave in ways that may not, in the order of things, serve in the best interests of the ward." In short, as I have written before, there is no evidence that Michael is in it for the money, or that at any time he actually abused Terri and seeks to hide it. There is also no evidence, as Michael has contended, that the Schindlers are willing to do anything, including cut off Terri's limbs, if necessary, to keep her alive.

Throughout the report Dr. Wolfson documents that all of the legal actions thus far taken by Michael are firmly rooted in case law. Terri is in a persistent vegetative state and is unable to take nourishment by mouth. Any hopes of a miraculous recovery are based purely on undocumented and nonverifiable opinions of those on the medical and scientific fringe.

However, having stated what should be the obvious to anyone who has truly followed this case and not the hype surrounding it, Dr. Wolfson says, in order for Terri's interests to be represented additional testing MAY be in her best interests.

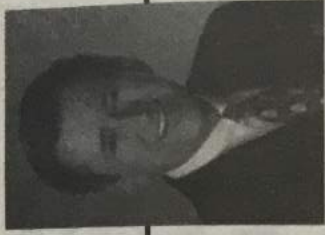
To quote again from page 37 of Dr. Wolfson's report to Governor Bush: "Until and unless there is objective, fresh, mutually agreed upon closure regarding measurable and well accepted scientific basis for deducing Terri's clinical state, Terri will not be done justice. There must be at least a degree of trust with respect to the process that the factions competing for Terri's best interest can agree. To

Sadly, this same process was rejected by both parties and the Governor just hours before the document was to be signed on November 30th. Michael Schiavo doesn't want to give up because he's convinced Terri wants to die. The Schindlers won't agree to abide by the results of the tests because they want Terri alive, period. The Governor understands politics and this case is a huge vote getter. He wants full control and a win. Let's face it. No one gives a whip about Terri, it's all about agendas.

So who is looking out for Terri Schiavo now? Is it possible that a man, a stranger, who has no interests in this case other than seeing justice done, is the only one whose vision for Terri isn't clouded?

To his credit, Dr. Wolfson has asked to remain as Terri's guardian ad litem hoping the courts may allow some limited testing. There's a good bet he's also praying the courts don't declare Terri's law unconstitutional. If they do, all this work is for naught.

Dr. Wolfson is a man of science and compassion who understands what's truly at stake here and understands his charge. No, it's not public policy or warring family or political factions. It's a 39 year-old woman who lies in a bed trapped by her disabled body, trapped by the uncertainty of no written directive, trapped by the lawyering that, with the advent of the legislature and the Governor, could drag on for years and years leaving Terri, in Wolfson's words, "in the continued netherworld of the unresolved."



Finally! Sanity In The Schiavo Case!

Several weeks ago, when I asked attorney Pat Anderson what she thought of a new court appointed guardian for Terri Schiavo she was extremely skeptical. "I'm not happy with his background in end of life issues. I just don't feel comfortable," she told me outside the Hospice center where Terri is being cared for.

Today, Anderson should thank her lucky stars. Dr. Jay Wolfson may be the guardian angel everyone has been praying for, or at least that's the way it appears to me. He's not God and he's not hell bent on being a martyr for the Pro-life movement or being an advocate for the right to die. He is an extremely intelligent man, a doctor and a lawyer, who has put together a gutsy plan that could resolve this issue maybe once and for all.

Wolfson was appointed by a Pinellas county judge to serve as Terri's guardian ad litem after the legislature decided, in clear violation of the constitution, to create a law that gave Governor Bush the authority to re-insert Terri's feed tube. A teaching professor at no less than 3 of the state's medical colleges, Wolfson jumped in with both feet. He exhaustively reviewed all of the court records and rulings from more than 19 different judges who've presided over parts of this incredibly complicated mess for the past ten years. He also masterfully waded through all the publicity and hype and legislative posturing. And, most amazingly, used his powers of perception to sort through the spinning both Michael Schiavo and Bob and Mary Schindler have been involved in from day one.

benefit Terri, and in the overall interests of justice, good science and public policy, there needs to be a fresh, clean-hands start."

I hope you can set aside your emotions in this case long enough to understand the wisdom in this statement. This isn't about Randal Terry and the Pro Life movement. This isn't about how many e-mails talk radio can generate on behalf of a woman nobody even heard about until one year ago. This isn't about trying to create a Frankenstein out of her husband. This isn't about pulling a tube and starving someone to death. This isn't about a bunch of come-lately lawmakers trying to score a few points and votes in their upcoming run for the senate. This is about establishing a process that will fairly and accurately establish Terri's medical state once and for all.

Now here's the little tidbit of new information in this case. Dr. Wolfson, again in his wisdom, attempted to resolve this issue with a memorandum of understanding that spelled out in detail how this matter of Terri's medical condition could be resolved. In short, Dr. Wolfson would be granted the authority to exercise his judgment in assembling a panel of independent experts to scientifically evaluate ALL aspects of Terri's condition. All of their findings would be kept from the public. Both parties would agree on a set of standards of interpretation before the tests are conducted. All of the costs associated with this extensive evaluation would be paid for by the state since this action was initiated by the state. Both parties would request the Court accept and honor this understanding in the interests of justice. And finally, if both parties still cannot agree on the information gathered and presented the good faith process could be abandoned.

Schiavo Is Moved Into New Facility

RENOVATION OF HOSPICE
DICTATED THE DECISION

By DAVID SOMMER
dsommer@tampatrib.com

CLEARWATER — Terri Schiavo has been moved from a hospice to an assisted living facility, but the move does not signal a change of heart by her husband, who insists his wife would not want to be kept alive with a feeding tube.

The move, from Hospice of the Suncoast in Pinellas Park to Park Place of Clearwater, was made late Tuesday or early Wednesday because the Pinellas Park facility is about to undergo renovations, said George Felos, attorney for Michael Schiavo.

Schiavo is locked in a series of court battles with his in-laws, Bob and Mary Schindler, over their daughter's fate. The Schindlers dispute their son-in-law's contention — supported by most examining physicians — that his wife is in a persistent vegetative state with no hope of improvement.

On Wednesday, Bob Schindler and his son, Bobby, said Terri Schiavo was exceptionally expressive

See **ASSISTED LIVING**, Page 8 ►
Family wants speech therapy.

ASSISTED LIVING

Continued From Page 1

during a visit at her new home.

"We had a really good session today. She talks to me, and she is saying something," the senior Schindler said.

"She seemed to be really re-

Circuit Judge George Greer again was asked to transfer the original probate and guardianship case to another judge. Greer did not issue a ruling.

It was Greer who, after a January 2000 nonjury trial, found testimony from Michael Schiavo and his relatives showed Terri Schiavo made statements before her illness indicating she would not want to be kept alive with a feeding tube.

The 40-year-old St. Peters-

burg woman suffered brain damage when her heart failed in January 1990. Doctors have said a potassium deficiency — possibly due to an eating disorder — might have caused her heart to stop, cutting off oxygen to her brain.

Gov. Jeb Bush intervened in October after the feeding tube had been removed for six days on court orders intended to allow her to die. Bush ordered the tube reinserted based on

powers granted to him by legislation dubbed "Terri's Law."

Michael Schiavo immediately filed a lawsuit challenging the constitutionality of the law.

At a second hearing Wednesday, Circuit Judge Douglas Baird postponed until next week a scheduled showdown over whether he should decide the constitutionality of Terri's Law quickly or allow Bush to reopen the issue of Terri Schiavo's wishes.

COURTS

Request Denied For Schiavo Probe

CHIEF JUDGE IGNORES BUSH'S QUESTIONS

By DAVID SOMMER
dsommer@tampatrib.com

CLEARWATER — Gov. Jeb Bush's request for additional independent investigation of the Terri Schiavo case has been denied by Pinellas and Pasco counties' chief judge.

Bush wanted a guardian ad litem to take a closer look at how the 40-year-old St. Petersburg woman became ill and the suitability of her husband to serve as her guardian.

Last month, Bush sent Chief Circuit Judge David Demers a list of questions he said were not addressed in an earlier investigation by University of South Florida Professor Jay Wolfson.

Wolfson served as Schiavo's court-appointed guardian ad litem for about two months before being discharged in December. The governor said then that Wolfson had not had the opportunity to probe deeply enough into the case.

Bush listed 10 areas he wanted investigated, including what happened the night Schiavo's heart stopped in February 1990, cutting off oxygen to her brain and leaving her in what has been diagnosed as a persistent vegetative state.

The governor also asked about "statements of law enforcement, emergency medical professionals and staff members of medical facilities where Schiavo was treated." He asked what Michael Schiavo, his wife's legal guardian, said "at the time regarding her condition and how she was found."

Demers subsequently asked Michael Schiavo and his in-laws, Bob and Mary Schindler, for their positions on Bush's request.

The two sides have been locked in a 5½-year battle over whether Terri Schiavo should be kept alive with the help of a feeding tube.

Michael Schiavo contends his wife made statements prior to her illness indicating she would not want to be kept alive with no hope of improvement. His doctors have testified that her brain was destroyed and she will never be able to eat normally.

The Schindlers say their daughter reacts to them and could improve. They say their daughter never said she would not want to be kept alive with a feeding tube.

In response to Bush's request, Michael Schiavo argued Wolfson had performed his duties as outlined in Terri's Law, a legislative measure enacted in October to allow for Wolfson's appointment and to allow Bush to intervene in the case.

Bush used the law to order that the feeding tube be reinserted after the woman spent six days without nourishment. It had been the second time the tube was removed with court permission.

The Schindlers supported Bush's request and added some questions, including "the advisability of the dissolution of the marriage" since Michael Schiavo is living with another woman with whom he has had two children.

In a three-page ruling signed Thursday, Demers said the 2nd District Court of Appeal recently ruled Terri's Law is presumptively unconstitutional. Demers denied the governor's request without further explanation.

Guardian Urges Therapy, Tests For Schiavo

By DAVID SOMMER
dsommer@tampatrib.com

CLEARWATER — Swallowing tests and therapy that might wean Terri Schiavo from a feeding tube could help resolve the dispute about whether the brain-damaged woman should be kept alive, an independent investigator has reported to Gov. Jeb Bush.

But the bitter court battle over Schiavo's fate will rage on for months or years unless both sides agree to settle the issue based on the outcome of any tests or therapy, concluded Jay Wolfson, an independent guardian



Wolfson

Mediator's report after visiting Terri Schiavo this past month is viewed by both sides as supporting, at times, their cause.

appointed to advise Bush on whether to lift a gubernatorial stay keeping the woman alive.

Both sides in the case said they believed Wolfson's sometimes ambiguously worded report supported their cause. Wolfson said the best medical evidence shows Schiavo has no hope

of improvement and will never be able to eat on her own. But he also said that the "evidence is compromised by the circumstances and the enmity between the parties" and that Schiavo "has a distinct presence about her."

Bush said he read the report as a clear recommendation that Schiavo be kept alive and be given swallowing

See **SCHIAVO CASE, Page 7** ►
Wolfson: *Mediation nearly a success.*

RELATED STORY, Page 7:
Bill would change right-to-die laws.

Poll Finds 65% Of Voters Oppose 'Terri's Law'

AND 66% OF RESPONDENTS ARE AGAINST GAY MARRIAGE

The Associated Press

ST. PETERSBURG — About two-thirds of Florida voters oppose a law that required a brain-damaged woman's feeding tube to be reinserted over the objections of her husband, according to a poll.

Almost two-thirds, or 65 percent, of respondents said they oppose the law, which only applied to Terri Schiavo, according to the poll for The Miami Herald and St. Petersburg Times. About a quarter, or 23 percent, of those surveyed said they favored "Terri's Law," and 12 percent had no opinion or refused to answer.

Opposition to the law requiring the tube be kept in crossed party lines, religious affiliation, age groups, income levels and most ethnic groups, the poll found.

Schiavo's parents said their daughter wanted to stay alive, and her husband argued she would prefer to die. She never signed a living will. The Legislature and Gov. Jeb Bush sided with Schiavo's parents and quickly passed the law in October.

"Two-thirds of voters disagree with the policy, and 75 percent of voters think that these types of decisions should be made by the spouse," pollster Rob Schroth said.

The poll was conducted Dec. 1-3 by the Washington polling firms Schroth & Associates and The Polling Company. The statewide telephone survey of 800 registered voters had a margin of sampling error of plus or minus 3.5 percentage points.

Schiavo, 40, has been in what has been ruled a persistent vegetative state for 13 years after collapsing from a chemical imbalance. Her husband has waged a six-year legal battle against his in-laws to remove the feeding tube that is keeping her alive.

Doctors had removed the feeding tube when the Legislature gave Bush the power to intervene and order the tube reinserted, which he did.

Meanwhile, a group favoring doctor-assisted suicide and the rights of people to die without government interference wants to use the case to start a national discussion over the issue, starting with Florida.

End-of-Life Choices, formerly known as the Hemlock Society, planned to take out ads on the issue, beginning with a newspaper ad scheduled to run today in Tallahassee.

That ad simply calls on people to have living wills, or advance directives, so loved ones know their wishes when in similar situations.

The newspapers' poll also showed 54 percent of Florida voters say they have a living will, more than double the rate found in national studies, perhaps because of the high number

of retirees in the state and the attention given the Schiavo case.

The poll found the governor's approval rating slightly lower than it was in May.

Fifty-two percent of Florida voters approve of the job Bush is doing as governor, and 41 percent disapprove. In May, the governor enjoyed a 56 percent approval rating.

The poll also showed voters support Bush and the Legislature in opposing gay marriage, an issue pushed to the forefront nationally by a Massachusetts Supreme Court ruling declaring homosexual couples have a constitutional right to marry.

Florida voters oppose gay marriage 66 percent to 28 percent, with 6 percent undecided. The state forbids homosexuals from marrying and does not recognize gay marriages performed out of state.

Bush's Defense Of 'Terri's Law' Due Today

JUDGE TO HEAR ARGUMENTS ON ITS CONSTITUTIONALITY

By STEPHEN THOMPSON
spthompson@tampatrib.com

CLEARWATER — Gov. Jeb Bush has been given another deadline by which to file a written defense of the constitutionality of "Terri's Law":

Today, by 5 p.m.

Pinellas-Pasco Circuit Judge Douglas Baird handed down the new timeline Tuesday within hours after an appeals court rejected a plea from Bush for a stay.

Bush signed Terri's Law Oct. 21, in effect ordering the surgical reinsertion of a feeding tube into the abdo-



Bush

He signed Terri's Law Oct. 21 and has been given several deadlines to file defense. He wants case adjudicated in Tallahassee.



Schiavo

A court ordered her feeding tube removed in October. Bush's law ordered reinsertion. Her right to privacy is at issue.

men of Terri Schiavo, who most doctors say and every court has consistently ruled is in a persistent vegetative state.

Six days earlier, the tube had been removed as the result of a court order won by Schiavo's husband, Michael, who has long contended his wife would not want to be kept alive in her current state.

Michael Schiavo's attorney, George Felos, has attacked Terri's Law as unconstitutional on the grounds it violated Terri Schiavo's right to privacy.

Felos also has argued that Bush, by essentially nullifying a slew of court rulings that led the way to the tube-removal order, violated separation-of-power provisions of the Florida Constitution.

Bush has been given several deadlines by which to file a written defense of the law written to apply to Terri Schiavo alone — including one Monday. But Friday, Bush's attorneys asked for a stay from the 2nd District Court of Appeal while technical issues are resolved.

The court issued a temporary stay Friday, apparently while its judges waited for Felos to respond. The Dunedin attorney did so late Monday. And on Tuesday, the appeals court decided there was no reason to further delay arguments on the constitutionalality of the law, which Baird will hear locally.

Meanwhile, Felos said, the appeals court will continue to look at whether Bush was properly served with papers in the case. Bush's attorneys also have said the case should be adjudicated in Tallahassee, and not Pinellas County, where Terri Schiavo has been kept alive.

Bush's office did not return a call for comment.

TIMELINE

FEB. 25, 1990: Terri Schiavo, 26, suffers a heart attack and slips into a comalike state.

JANUARY 1993: \$1 million is awarded in a medical malpractice suit against a physician who treated Schiavo before her illness. Of that, \$700,000 is for her perpetual care.

MAY 1998: Schiavo's husband, Michael, files a petition to discontinue life support.

FEB. 11, 2000: Circuit Judge George Greer grants Michael Schiavo's request and rules the feeding tube regimen can be discontinued.

JAN. 24, 2001: 2nd District Court of Appeal upholds Greer's ruling to discontinue feedings.

APRIL 24: Feeding regimen ends.

APRIL 26: Circuit Judge Frank Quesada orders feeding to resume.

OCT. 17: Appeals court orders Greer to hold a second trial to decide whether new therapies might help Terri Schiavo.

OCT. 11-22, 2002: Greer hears a majority of medical experts say Terri Schiavo's condition cannot improve.

NOV. 22: Greer orders the feeding tube be removed.

OCT. 15, 2003: Doctors remove feeding tube.

OCT. 21: After an emergency act of the state Legislature is signed quickly into law by Gov. Jeb Bush, Terri Schiavo is placed back on life support. The law becomes known as "Terri's Law." A lawsuit on its constitutionality is immediately filed to be heard by Circuit Judge Douglas Baird.

JAN. 9, 2004: Bush's request for a guardian ad litem to perform an independent investigation is denied.

MARCH 12: Baird refuses for a second time to allow Terri Schiavo's parents to intervene in the court battle over Terri's Law.

JUNE 15: The Florida Supreme Court agrees to hear arguments on the constitutionality of Terri's Law.

SEPT. 23: The Florida Supreme Court strikes down Terri's Law.

end his wife's life. Schiavo is engaged to another woman and lives with her, along with their two children, in the north Clearwater community of Countryside. He works as a nurse at a nearby hospital.

The majority of more than \$700,000 awarded in a medical malpractice case for Terri Schiavo's perpetual care has been spent by Schiavo in the legal battle with his in-laws. Any assets remaining from his approximately \$300,000 award from the same 1993 malpractice case could be considered joint property if he were to divorce his wife.

Schindler attorney Pat Anderson is scheduled to take Schiavo's sworn deposition next week.

Invoking Words Of The Pope

Anderson said her strongest challenge may be a third action. It asks Greer to reconsider his 2000 verdict in light of a speech made by Pope John Paul II in March.

The pope said food and water are not considered medication under church teachings and never should be withheld from a person in a persistent vegetative state. The pontiff also took issue with the term "vegetative," stating it was an affront to human dignity.

Schiavo contends his wife no longer was a devout Catholic.

Anderson said Thursday that she now has evidence Terri Schiavo attended Mass within 12 hours of her 1990 collapse.

"There is no way Terri Schiavo would act in defiance of that papal pronouncement," she said of John Paul's speech.

Greer said next week's hearing will determine whether there will be a trial over Anderson's contention that his 2000 ruling no longer is equitable in light of the pope's position.

"It's a two-step process," the judge said. "First, the court needs to determine if the motion is legally sufficient, and if so, we proceed to trial."

'Terri's Law' Faces Supreme Scrutiny



A ruling in Michael Schiavo's favor survived repeated appeals.



Photos by The Associated Press

Justice Charles Wells, left, is concerned "Terri's Law" was intended to affect only the Schiavo case. Chief Justice Barbara J. Pariente, right, says it lacks "standards and procedures" that limit the governor in death penalty cases.



Connor
Justices questioned Bush's attorney on the scope of "Terri's Law," and whether it applies to other cases.



Felos
Judge disputed claim by Schiavo's attorney that Bush and the Legislature went too far by overturning a final court order.

contention that Bush and the Legislature overstepped their bounds by acting to overturn a final court order issued after years of litigation and appellate review.

"We are not really, though, talking about a judgment which was final," Wells said. "It's not final as long as Ms. Schiavo is still alive."

Justice R. Fred Lewis reminded Felos that the Legislature has the right to "protect the well-being" of disabled children.

Pariente said the Legislature can "always change the law" and ap-

peared to empathize with its concerns over the Schiavo case.

"This type of situation is getting tragic for everyone."

Tuesday's long-anticipated oral arguments drew more than 100 spectators and reporters from around the nation. More than a dozen lawyers, many representing groups that were allowed to file friend-of-the-court briefs, lined the well in front of the long, curved bench of robed justices.

Outside the courthouse, a handful

See SCHIAVO CASE, Page 6 ►
No indication when court might rule.



Mary Schindler, mother of Terri Schiavo, listens Tuesday.

SCHIAVO CASE

Continued From Page 1

sire not to be kept alive with a feeding tube.

After Bush acted, Michael Schiavo made two unsuccessful attempts to get local circuit judges to stop the replacement of the feeding tube.

After the second defeat, Michael Schiavo's attorneys said he might reconsider continuing his almost six-year battle with his in-laws defending his belief that his wife would not want to be kept alive in this condition.

Terri Schiavo has been in what most doctors term a persistent vegetative state since suffering heart failure in 1990 at age 26.

Her parents, Bob and Mary Schindler, say their daughter responds to them and could improve.

A Family Victory

For the Schindler family, their legal advisers and the six dozen supporters who were keeping vigil outside the hospice, the midafternoon Senate vote approving "Terri's Law" was the turning point.

The crowd burst into whoops of gratitude, surrounded the Schindler family and then broke into a rendition of "How Great Thou Art."

Said Bob Schindler, with tears in his eyes: "I was like totally blindsided when I heard what they were doing up there. ... Who would even think to write a bill for one person in a state of so many people?"

Said his daughter, Suzanne Carr: "I think it's a miracle."

Minutes later, when the family went inside the hospice to see Terri Schiavo for the first time since the vote, Carr gave a bright smile. Supporters applauded.

The Schindlers were worried Bush's executive order — signed after both houses passed the measure — would come too late.

Earlier in the day, Carr had said Terri looked "very, very gaunt." Monsignor Thaddeus Malanowski, who has tended to Schiavo's spiritual needs, said her skin, when pinched Monday night, didn't retract — a sign her physical condition had deteriorated.

Bob Schindler Jr., Schiavo's brother, said: "Every second here is an hour."

Lawmakers Deliver

The turnaround came after another hectic day at the Florida Capitol, where many lawmakers expressed concern over delving into the case without reviewing medical files, hearing from physicians or taking expert testimony.

But they delivered to Bush and House Speaker Johnnie Byrd exactly what they wanted: new gubernatorial power to keep Schiavo alive and please the thousands of pro-life activists burying politicians under a deluge of phone calls, e-mails and faxes.

Bush wasted no time signing the emergency legislation into law, then issued his executive order. "Any life or death decision should be made only after careful consideration," Bush said in a prepared statement Tuesday night. "For that reason, I appreciate the extraordinary action of the Legislature today and will use the discretion they have granted [to restore] nutrition and water to Terri Schiavo."

Many expected the legislation to be challenged in court, and Felos quickly did so.

At an emergency hearing Tuesday, Circuit Judge Douglas Baird denied Felos' request for an immediate injunction to block the feeding tube's reinsertion. But he gave Felos five days to put his arguments in writing and said he would reconsider the constitutionality of Terri's Law later.

Earlier in the day, U.S. District Judge Steven D. Merryday denied a request from an advocacy group for disabled people that Schiavo be kept alive long enough for the group to investigate allegations of abuse and neglect.

"This case offers a vivid opportunity for the public, whose collective will ultimately decide such matters, to contemplate the confounding issues

associated with degenerative illness and catastrophic disability," Merryday wrote, and "redirect their representatives to legislate in accord with their concerted desires."

A New Guardian

Under the measure Bush signed into law Tuesday, Terri Schiavo will soon be appointed a new guardian by the Pinellas Circuit Court to review her case and make recommendations.

The mammoth political battle, which split partisan allegiances, has become a major distraction in a special session initially called to lure a biomedical research facility to Florida.

"I'm grappling with my religious beliefs and the oath that we took to uphold the Constitution," state Sen. Alex Villalobos, R-Miami, told fellow lawmakers Tuesday afternoon. "We're basically being asked to try a case without knowing all the facts."

Villalobos said he couldn't vote for the bill because it overturned the decision of numerous courts over 13 years.

"Courts are there for a reason, and just like you don't like it when we feel like the court has stepped on our authority, that's exactly what we've done" to them.

But Senate President Jim King, R-Jacksonville, said it was important the Senate pass a bill because if it didn't, "It would be perceived as a vote against Terri's life."

"I hope we did the right thing," King said. "I keep thinking: What if Terri didn't want this to happen at all? May God have mercy on us all."

King had serious concerns over introducing such a bill. During the 1980s, he won passage of Florida's "right-to-die" legislation, a death-with-dignity model for other states.

Still, some Republican leaders worried the rush to pass the legislation smacked of political opportunism.



Terri Schiavo's husband and parents have battled for six years.

GOVERNOR'S ACTIONS AT CENTER OF JUSTICES' QUERIES

By DAVID SOMMER
dsommer@tampatrib.com

TALLAHASSEE — Florida's Supreme Court justices questioned the reasoning of both sides in the Terri Schiavo controversy Tuesday morning as they moved closer to deciding whether Gov. Jeb Bush violated the state constitution by acting to keep the brain-damaged woman alive.

Justices focused on whether Bush and the Legislature violated the separation



Bush
Law may have violated separation of powers

of powers doctrine by pushing through a measure dubbed "Terri's Law" that allowed the governor to countermand years of rulings.

Chief Justice Barbara J. Pariente said Terri's Law lacked the "standards and procedures" that limit the governor's

options when he intervenes in death penalty cases.

Justice Peggy A. Quince agreed: "The governor isn't really required to do anything. The state could stay indefinitely" a court order allowing the removal of Terri Schiavo's feeding tube, Quince said.

Also, Pariente repeatedly expressed concern that the law was tailored to affect only the Schiavo case, a point Justice Charles T. Wells also pressed.

"Are you not asking us to really hold that this act doesn't pertain just to Terri Schiavo?" Wells asked Bush attorney Ken Connor. "We would have to ignore reality to do that, would we not?"

Michael Schiavo's attorney, who has twice won permission for his client to remove his wife's feeding tube, also faced rapid-fire questioning.

Wells questioned George Felos'

SCHIAVO VISITS

Continued From Page 1

ordering Michael Schiavo to restore visitation rights. He also denied Schiavo's request to further restrict his in-laws' visitation, but issued a stern warning to the Schindlers.

At last week's hearing, Bob Schindler admitted under oath that he knowingly violated another court order by videotaping his daughter in October.

Schindler said he did so because a feeding tube that keeps her alive was about to be removed.

The tube was removed for six days before Gov. Jeb Bush ordered it reinserted based on a hastily crafted law enacted by the legislature.

Michael Schiavo, who has been battling his in-laws for more than six years for court permission to remove the feeding tube, is now challenging the constitutionality of what has become known as Terri's Law.

This week, an appeals court forwarded that challenge to

the Florida Supreme Court after ruling that the case was one of great importance and deserving of the high court's immediate attention.

In Friday's ruling, Greer wrote that because of Bob Schindler's decision to videotape his daughter, "the court may have no alternative but to later require Mr. Schindler to show cause why he should not be held in contempt."

The judge also warned that any further violations of court orders may cause him to reconsider the visitation rules.

Attorney Deborah Bushnell, who represents Michael Schiavo

on guardianship issues, said her client has not decided whether to request a contempt hearing.

Terri Schiavo, 40, has been in what a majority of doctors testified is a persistent vegetative state since suffering heart failure in 1990 at age 26.

Her husband contends that she would not want to be kept alive with no hope of improvement.

The Schindlers say their daughter reacts to them and could improve if given therapy.

Reporter David Sommer can be reached at (727) 799-7413.

No Crime Found Against Schiavo, Police Say

AUTHORITIES INVESTIGATE NEEDLE MARKS, SCRATCHES

By DAVID SOMMER
dsommer@tampatrib.com

CLEARWATER — There is no evidence a crime was committed against Terri Schiavo this week, police said Tuesday, but authorities will continue to investigate a complaint from her husband that someone repeatedly stuck a needle into the brain-damaged woman.

"The medical experts found nothing that gave them any pause," Clearwater police spokesman Wayne Shelor said. "Our position right now is information gathering. We have a complaint, but at this point we have no evidence of a crime."

Michael Schiavo "considers it a criminal assault on her person," attorney George Felos said of multiple needle marks on Terri Schiavo's arms, reportedly found Monday by a nurse. The discovery came after Bob and



Schiavo
A nurse reportedly found needle marks and scratches on the arms of the brain-damaged woman.

Mary Schindler spent 45 minutes visiting their daughter, Felos said.

Terri Schiavo was hospitalized Monday night while her blood was tested for unauthorized substances, Felos said. The toxicology tests found nothing abnormal, and the 40-year-old woman, in a coma-like state since 1990, was returned to her room Tuesday at Park Place of Clearwater, an assisted-living facility.

Michael Schiavo and the Schindlers are locked in a 5 $\frac{3}{4}$ -year dispute over Terri Schiavo's fate. Her husband contends her brain was destroyed when her heart failed in 1990 at age 26. He has convinced a series of judges that, prior to her illness, Terri Schiavo made statements indicating she would not want to be kept alive in such condition.

The Schindlers contend their daughter expressed no such wishes. They say she responds to them during visits and could improve with therapy. The St. Petersburg couple have blocked repeated attempts by their son-in-law to have Terri Schiavo's feeding tube removed so she can die.

Michael Schiavo's complaint to police this week is the latest in a series of cruelties inflicted on the Schindlers, their new criminal defense attorney, George Tragos, said Tuesday.

"It's an excuse for him to cut off the family's access. Once again he has cut off the flow of information," said Tragos, a former federal and state prosecutor who volunteered to represent the Schindlers.

Not only wouldn't the Schindlers do anything to hurt their daughter, it would have been virtually impossible for them to draw blood or inject medicine without being caught, he said.

An off-duty police officer guards Terri Schiavo around the clock. "Her door is open during the entire visit, and medical people are in and out during the entire visit," Tragos said.

Felos said Terri Schiavo was found in a disheveled state with her feeding tube wrapped around her back and an allergy alert wristband pulled up her arm "tight, like a tourniquet."

What appeared to be a purple needle cap was found in the folds of her hospital gown, Felos said.

Terri Schiavo's physician, Stanton Tripodis, identified what he termed "needle puncture marks" on both her arms, a scratch on her abdomen near where the feeding tube is inserted, and a second scratch over the needle marks on her right forearm, Felos said.

Gov. Jeb Bush, who intervened in the case in October and ordered Terri Schiavo's feeding tube reinserted after she went six days without nourishment, on Tuesday asked the Florida Department of Law Enforcement to keep him abreast of the Clearwater police investigation, spokesman Jacob DiPietre said.

Reporter David Sommer can be reached at (727) 799-7413.

Court Extends Schiavo Case

JUDGE MUST RULE AGAIN ON LAW

By DAVID SOMMER
dsommer@tampatrib.com

CLEARWATER — Gov. Jeb Bush and Terri Schiavo's parents both won court victories Friday in their battle to keep the brain-damaged woman alive.

Bush will get another shot at possibly questioning Michael Schiavo and his relatives about their contention that his wife made statements before her illness indicating that she would not want to be kept alive in such a state.

Bob and Mary Schindler will get another



Gov. Jeb Bush, left, gains a win after a court set back Michael Schiavo's efforts to let his wife, Terri, die.



his in-laws. Bush, in essence, overrode that court order.

Schiavo immediately filed a lawsuit challenging the constitutionality of Terri's Law. He contends Bush violated his wife's right to privacy and to refuse medical treatment when he ordered her feeding tube reinserted.

Circuit Judge Douglas Baird, who is presiding over Schiavo's lawsuit against the governor, ruled last year that the Schindlers do not have a legal stake in the fight over the constitutionality of the law.

Baird also ruled that Bush does not need to investigate Terri Schiavo's wishes because that

See **SCHIAVO CASE, Page 6** ▶
Guardianship also at issue.

chance to join Bush in defending "Terri's Law."

Bush used the hastily crafted law in October to order a resumption of feeding after Terri Schiavo had gone six days without liquid nourishment.

Michael Schiavo won a court order to remove the tube after a 5½-year legal battle with

SCHIAVO CASE

Continued From Page 1

matter was decided by another judge after a January 2000 trial at which Michael Schiavo and his relatives gave sworn testimony.

On Friday, the 2nd District Court of Appeal overturned both of Baird's rulings and ordered him to reconsider them.

The appeals court did not say that Bush can question Schiavo and his relatives, or that the Schindlers can join Bush as a defendant in the lawsuit over Terri's Law. Rather, the appellate panel said Baird's legal reasoning in rejecting those requests was flawed.

Bush and the Schindlers took the ruling as a victory. "I am pleased the Second District Court of Appeal ruling today will provide us the opportunity to present the questions we believe are still open in this case," Bush said in a prepared statement. "We are hopeful that when the judge hears these questions he will allow us the opportunity to gather the facts necessary to defend the constitutionality of the statute.

"Additionally, in the Court's ruling relating to the Schindlers' petition, recognizing that parents have an interest in whether their child lives or dies, is a victory not only for Terri but for all parents in Florida as well."

Bob Schindler said he and his wife are surprised to have a victory in what has been a mostly losing battle. "We are very gratified," Schindler said. "The courts are finally approaching this with the proper perspective."

Michael Schiavo's attorney, George Felos, said the appeals court basically ordered a do-over of legal battles fought last year after the passage of Terri's Law. "I don't read this to say the governor is entitled to discover

learn to swallow food. The Schindlers contend their daughter reacts to therapy. They, and Bush, have sought new tests of Terri Schiavo's ability to swallow or to learn to swallow food.

Terri Schiavo, now 40, has been in what her husband's doctors call a persistent vegetative state since her heart failed in 1990. Her treating physician says her brain damage has left her unable to swallow food without getting it in her lungs.

The Schindlers contend and could improve with therapy. They, and Bush, have sought new tests of Terri Schiavo's ability to swallow or to learn to swallow food.

Terri Schiavo, now 40, has been in what her husband's doctors call a persistent vegetative state since her heart failed in 1990. Her treating physician says her brain damage has left her unable to swallow food without getting it in her lungs.

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Bush Argues For Schiavo Evidence

APPEAL QUESTIONS HUSBAND'S TACTICS

By DAVID SOMMER
dsommer@tampatrib.com

CLEARWATER— Gov. Jeb Bush told an appeals court Tuesday that he cannot defend his right to keep Terri Schiavo alive without gathering evidence and questioning witnesses.

Bush wants to know why Michael Schiavo was able to win a "seven-figure award" in a medical malpractice case over his wife's 1990 heart failure without telling the jury in that case that she would not want to be kept alive with a feeding tube, the governor said in a pleading filed with the 2nd District Court of Appeal.

"Why did Mr. Schiavo present evidence regarding the

cost of a long-term life care plan during that civil case when he knew that his wife wouldn't want to live under those circumstances?" the pleading states.

Bush also wants to question nursing home personnel regarding allegations raised in recent sworn statements in which a nurse reported Michael Schiavo called his wife an insulting name and expressed a wish for her to die.

Bush further questions whether Terri Schiavo would want her husband making "end-of-life decisions for her" if she knew he was living "with another woman with whom he has conceived two children."

Those and other issues raised by Bush were addressed by a probate judge in a 5½-year battle between Michael Schiavo and his in-laws,



M. Schiavo
Governor questions husband's right to decide Terri Schiavo's fate.

Bob and Mary Schindler, over Terri Schiavo's fate.

That judge, backed by appeals courts, allowed Michael Schiavo to remove his wife's feeding tube in October.

The Legislature responded by passing "Terri's Law," which allowed Bush to order the feeding tube's reinsertion.

Michael Schiavo in turn sued Bush, alleging Terri's Law is unconstitutional because it allowed the governor to intrude on his wife's right to medical privacy.

Circuit Judge Douglas Baird, who is presiding over the Terri's Law case, has ruled that

Bush should not be allowed to question witnesses and collect evidence. To do so would be to relitigate the underlying probate case over whether Terri Schiavo would want to be kept alive in what her husband's doctors say is a persistent vegetative state with no hope of recovery, Baird ruled.

Bush is appealing that and another Baird ruling.

Baird has said he is ready to rule on the constitutionality of Terri's Law, but is awaiting the outcome of the appeals.

George Felos, who represents Michael Schiavo, said Tuesday that Bush continues to raise issues that are irrelevant or already have been decided in the underlying case.

"The governor may disagree whether the probate court was right or wrong, but that is not an issue in this case," he said.

COURTS

Schiavo Tries To Bar Bush's Questioning

By MITCH STACY
The Associated Press

TAMPA — Michael Schiavo, who is battling Gov. Jeb Bush in court over the fate of his severely brain-damaged wife, Terri, is trying to block Bush's attorneys from questioning potential witnesses.

George Felos, an attorney for Michael Schiavo, asked a judge Tuesday to stop Bush's attorneys from taking depositions from seven people, including Schiavo and the woman with whom he now lives.

Felos contends testimony of those witnesses would be irrelevant to the issue at hand — the constitutionality of a state law that let Bush order reinsertion of Terri Schiavo's feeding tube last month.

He accused Bush of trying to improperly intervene in the fight over Terri Schiavo's guardianship. Her parents are trying to show in court her husband is unfit to be guardian.

Bush's attorney, Kenneth L. Connor, in a court filing Monday, said that in addition to Michael Schiavo and the woman with whom he lives, Jodi Centonze, depositions will be sought from Schiavo's brother and sister-in-law, Scott and Joan Schiavo, and three doctors who have examined Terri Schiavo.

All but Centonze have testified in previous court proceedings in the case.

Senator Crafts Bill On Life Support To Prevent Schiavo-Like Disputes

TALLAHASSEE — A state senator has filed a bill that he says will prevent disputes over feeding tubes and other artificial life-prolonging measures like the bitter court fight between family members of Terri Schiavo.

Sen. Steve Wise, R-Jacksonville, says comatose and brain-damaged people would be presumed to want to be artificially fed and have their life prolonged if they don't specify otherwise in writing.

Schiavo, 40, suffered severe brain damage in 1990. Her husband, Michael, has sought to have her feeding tube removed, while her parents have gone to court to keep her alive. They lost, and her feeding tube was removed, but Gov. Jeb Bush ordered the tube reinserted.

Senate President Jim King, R-Jacksonville, said he will try to prevent Wise's bill from coming up for a vote by the full Senate.

The Associated Press

"Are you not asking us to really hold that this act doesn't pertain just to Terri Schiavo? We would have to ignore reality to do that, would we not?"

Justice Charles T. Wells
During questioning of Bush attorney Ken Connor



Photos by The Associated Press

The Florida Supreme Court hears oral arguments in the Schiavo case Tuesday morning in Tallahassee. The justices grilled both sides in the case, which has been in the courts for years.

SCHIAVO CASE

Continued From Page 1

of demonstrators sought to focus attention on their overall right-to-life agenda.

"We're arguing that this particular case has broader implications for the disabled community as a whole," said Carrie Sandahl, a member of the Society for Disability Studies, a group that examines disability from a cultural and social perspective.

"We are not against advance directives, but in this case we don't see clear evidence, and that almost always leads to the assumption that people are better off dead than disabled."

Battle Arrives In High Court

In the courtroom, the two sides of Terri Schiavo's family



Robert Schindler, center, father of Terri Schiavo, is joined by his children Robert Schindler Jr. and Suzanne Vitadamo as he speaks about Terri Schiavo after the court date. "She loved life," he says.



Michael Schiavo, left, had restricted his wife's visits from her parents, Bob and Mary Schindler.

Family, Friends Able To Visit Schiavo Again, Judge Rules

By DAVID SOMMER
dsommer@tampatrib.com

CLEARWATER — Terri Schiavo's parents, siblings and friends can resume visiting her at will under rules agreed upon more than four years ago, a judge ruled Friday.

Michael Schiavo had banned Bob and Mary Schindler from visiting their brain-damaged daughter in March, after he asked Clearwater police to investigate his estranged in-laws' conduct during a previous visit.

sat in the front row, husband Michael Schiavo on one side of the aisle, parents Bob and Mary Schindler on the other.

The Schindlers have been fighting for more than six years to block Schiavo from ending their daughter's life.

Terri Schiavo, 40, has been in what her husband's doctors say is a persistent vegetative state since her heart failed in 1990. The Schindlers contend their daughter is not in a vegetative state and say she reacts to them and could improve if given therapy.

After a January 2000 nonjury trial, Pinellas Circuit Judge George Greer ruled that testimony from Schiavo and his relatives showed Terri Schiavo made statements prior to her illness indicating she would not want to be kept alive in her current state.

That ruling has repeatedly been upheld during a series of appeals that went as high as the U.S. Supreme Court.

In October, six days after Terri Schiavo's feeding tube

was removed on Greer's order, the Legislature passed the hastily crafted Terri's Law and Bush stepped in to order the tube reinserted. The governor's action came after lawmakers were inundated with e-mail and telephone calls from people, many of them from other states, who characterized themselves as pro-life.

Schiavo immediately attacked the constitutionality of Terri's Law on the grounds that it violated the separation of powers doctrine, that it was crafted to affect only his wife's case, and that it violated his wife's right to refuse medical treatment.

In May, Pinellas Circuit Judge Douglas Baird agreed and ruled Terri's Law to be unconstitutional. That set the stage for Tuesday's face-off after the Supreme Court ruled the case to be one of great public importance.

The judges gave no sign Tuesday when they might rule.

Schiavo said then that puncture wounds apparently caused by a hypodermic needle were found on Terri Schiavo's arms after they left.

After more than six weeks of investigation, detectives found no evidence of criminal activity or harm done to Terri Schiavo.

Her husband then offered to allow the Schindlers to visit if they paid for an off-duty officer to watch them while in their daughter's room at a Clearwater assisted living facility.

Last week, Circuit Judge George Greer heard testimony from witnesses called by Michael Schiavo in a bid to have further restrictions added to a 2000 visitation order entered by another judge.

At the hearing, the Schindlers contended that their son-in-law violated that judicial order by unilaterally banning all visitation following the alleged hypodermic needle incident.

On Friday, Greer handed the parents a victory by

See **SCHIAVO VISITS**, Page 8 ►
Husband has not decided about contempt hearing.

State's Role Questioned

After the about 45-minute court session, the Schindlers' lead attorney said the justices were clearly concerned about whether the governor and Legislature usurped power from the judiciary.

"I would characterize this as a hot bench," Schindler attorney Pat Anderson said.

The panel did not seem overly concerned with Terri Schiavo's privacy right to decline medical treatment, Anderson said.

Felos, who has hammered the privacy issue as central to the case, said the court needs to act to protect the right to decline medical treatment.

"The citizens of the state of Florida need to know Big Brother will not be peering over their shoulder when they make these personal decisions," he said.

Michael Schiavo criticized Bush for not attending Tuesday's hearing. "If this is so im-

portant to the governor, where is he?" Schiavo said.

He said Bush asked for and received privacy when his own daughter was in trouble. "Why aren't you giving me my privacy, and Terri's?" Schiavo said.

Bob Schindler said he doesn't understand court proceedings, just the feelings of a loving family.

"Terri is responsive ... she has emotions," he said. "It breaks our hearts to see our daughter when she is loving and loved by her family and we can't do anything for her."

Schindler said his daughter would never have said she would not want to be kept alive, as her husband testified at the 2000 trial.

"Anyone who knows Terri well, knows Terri would never, ever make that statement. She loved life," he said.

Reporter Michon Ashmore contributed to this report. Reporter David Sommer can be reached at (727) 799-7413.

Disabled-Rights Groups Support 'Terri's Law'

STATE SUPREME COURT TO HEAR ARGUMENTS TODAY

By JACKIE HALLIFAX
The Associated Press

TALLAHASSEE — Several groups advocating the rights of people with disabilities spoke out Monday in support of the law that gave Gov. Jeb Bush the power to order that Terri Schiavo's feeding tube be reinserted.

The fight to keep the severely brain-damaged woman alive "is basically the struggle for all of our lives," said Rebecca Ramage-Tuttle of Atlanta, speaking for the National Spinal Cord Injury Association.

A state judge has ruled the law violated Schiavo's privacy rights. The state Supreme Court will consider the governor's appeal today in oral arguments televised nationally by C-SPAN2.



Bush
Governor has worked to keep Terri Schiavo alive, despite court rulings against him.

An attorney for Schiavo's husband, who is fighting to have the tube removed, said the objections voiced Monday by the disability groups have already been reviewed by more than two dozen state and federal judges.

"All these issues have been raised by Terri's parents throughout the litigation, and they've been rejected by the courts," George Felos said.

Terri Schiavo, 40, is living in a Clearwater nursing home. She can breathe on her own but relies on a feeding and hydration tube to live.

She left no written directive before she sustained brain damage when her heart temporarily stopped beating 14

years ago. In Florida, a person's medical surrogate — in this case, her husband — can carry out their wishes without one.

For more than a decade, Schiavo's husband and parents have battled over what her wishes were. The courts have most often sided with Michael Schiavo, who says his wife had said she would not want to live hooked up to the feeding tube.

However, Robert and Mary Schindler have never given up the battle over their daughter and have won several last-minute stays to keep her alive.

The latest came in the fall. With court approval, Michael Schiavo had the feeding tube removed. State lawmakers were in session in Tallahassee, though, and quickly passed a law that gave Bush the power in this case to order the feeding tube reinserted.

The governor used that power. Michael Schiavo challenged the consti-

tutionality of the law, and in May a trial judge ruled that the law is unconstitutional because it violated Terri Schiavo's right to privacy and delegated legislative power to the governor.

Bush appealed that ruling to the 2nd District Court of Appeal, which asked the state's high court to take the case. In a 4-3 order, the justices agreed to take the case in June.

National groups have lined up on each side. Opponents of the law include the American Civil Liberties Union, the Academy of Florida Elder Law Attorneys, 55 of the nation's leading bioethicists and Autonomy Inc., a group that supports the decision-making rights of the disabled.

Felos pointed Monday to that support.

"Their point is disabled people as well as other people also have a right to privacy and also have a right to make their own medical treatment decisions," he said.

Governor's Attorney Outlines Arguments In Terri's Law Case

POPE'S DECLARATION CITED IN BRIEF

By DAVID SOMMER
dsommer@tampatrib.com

CLEARWATER — A matter of life and death should never be decided on old evidence, and Gov. Jeb Bush is entitled to find out what Terri Schiavo's wishes would be today, Bush's attorney suggested to the Florida Supreme Court on Tuesday.

In Bush's first written arguments submitted in the upcoming Supreme Court battle over the constitutionality of Terri's Law, attorney Ken Connor listed a number of issues he said ultimately should be decided by a jury.

None of those issues, including the importance of Schiavo's Roman Catholic faith in deciding whether she should die, were addressed by a circuit judge who this year declared Terri's Law to be an unconstitutional infringement of her right to decline medical treatment, Connor said.

The governor's new legal arguments also cite a declaration by Pope John Paul II this year after an international congress held at the Vatican titled "Life Sustaining Treatments and Vegetative State: Scientific Advances and Ethical Dilemmas."

In his March 20 proclamation, the pope said

See **SCHIAVO CASE**, Page 6 ►
Husband's attorney blasts brief.

SCHIAVO CASE

Continued From Page 1

the term "vegetative state" is demeaning and that a person should never be denied food and water.

"I should like particularly to underline how the administration of water and food, even when provided by artificial means, always represents a natural means of preserving life, not a medical act," Bush quotes the pontiff as stating.

Schiavo's husband, Michael, has been locked in a six-year battle with his in-laws over his quest for court permission to remove his wife's feeding tube.

His attorney, George Felos,

termed Bush's legal brief an "offense to the citizens" of Florida.

"The brief is really shocking in its profound disrespect for the rights of Floridians to chart the course of their own lives," Felos said.

Terri Schiavo, 40, has been in what most doctors term a persistent vegetative state since her heart failed and her brain was damaged in February 1990.

Bob and Mary Schindler say their daughter is not in a vegetative state. She reacts to them during bedside visits and their doctors say she could improve with aggressive therapy, the Schindlers say.

After a nonjury trial in January 2000, Circuit Judge George Greer ruled testimony from Michael Schiavo and two of his relatives showed Terri Schiavo

made statements prior to her illness indicating she would not want to be kept alive in her current condition.

After more than three years of appeals, Terri Schiavo's feeding tube was removed in October. It was reinserted on Bush's orders six days later, after the Legislature passed what quickly was dubbed "Terri's Law." The controversial law allowed Bush to intervene in a case exactly like Schiavo's.

Michael Schiavo immediately sued Bush, saying the law is unconstitutional. In May, Circuit Judge Douglas Baird agreed, and Bush filed an appeal, setting the stage for an Aug. 31 hearing before the Florida Supreme Court.

Felos likened Bush's powers under Terri's Law to those of medieval kings. He said the pronouncements of the pope have no place in Florida law.

"It's preposterous to assume her wishes would change based upon arcane statements of theologians years afterward," Felos said.

If the Schindlers believe something has changed since the 2000 trial, they can petition the trial judge to amend his ruling, Felos said.

Terri Schiavo "came from a devout Catholic family," Connor countered Tuesday. "Terri's wishes should be construed in light of what the [church's] teachings are."

Michael Schiavo is under pressure to marry another woman with whom he has fathered two children, and no jury would ever take his word that his wife does not want to be kept alive, Connor said.

Reporter David Sommer can be reached at (727) 799-7413.

COURTS

Schindlers Use Papal Decree In Schiavo Case

POPE DEFINES ENABLING HER TO DIE AS SIN, PARENTS SAY

By DAVID SOMMER
dsommer@tampatrib.com

CLEARWATER — A judge should reconsider Terri Schiavo's wishes in light of a recent pronouncement by Pope John Paul II, her spiritual leader, the brain-damaged woman's parents said in their latest legal bid to keep her alive.

In March, the pope said people in a persistent vegetative state deserve to be provided nutrition and health care. Death by starvation or dehydration, "if done knowingly and willingly," amounts to "euthanasia by omission," he said.

A circuit judge twice has granted Michael Schiavo permission to remove his wife's feeding tube so she can die.

In October, Gov. Jeb Bush intervened in the second attempt, and he and Schiavo now are in a court battle pending before the state Supreme Court.

"Terri does not want to commit a sin of the gravest proportions by for-



T. Schiavo
Family says allowing her to die, in light of pope's decree, would be 'euthanasia by omission.'

going treatment to effect her own death in defiance of her religious faith's express and recent instruction to the contrary." Bob and Mary Schindler said in a motion filed Tuesday in their daughter's local probate case.

The St. Petersburg couple want Circuit Judge George Greer to rescind his finding that Terri Schiavo would not want to be kept alive more than 14 years after her heart failed and her brain was damaged at age 26.

They also want Greer to remove their son-in-law as his wife's legal guardian.

Schiavo and his in-laws have been locked in a six-year court battle over Terri Schiavo's fate. After a January 2000 nonjury trial, Greer ruled Terri Schiavo made statements prior to her illness indicating she would not want to be kept alive by artificial means.

In a second development Tuesday, Greer granted the Schindlers permission to depose Michael Schiavo and his fiancée, Jodi Centonze, with whom he has fathered two children.

Schindler attorney Pat Anderson contends the liaison is a conflict of interest and that Schiavo has not been adhering to guardianship law.

The two sides of the family have been feuding since the early 1990s, when Michael and Terri Schiavo won more than \$1 million in a medical malpractice lawsuit over Terri Schiavo's February 1990 heart failure.

The bulk of the money, more than \$700,000 for Terri Schiavo's future care, has been spent, much of it on legal bills in Michael Schiavo's quest to remove his wife's feeding tube.

The Schindlers say their daughter reacts to them and could improve with therapy.

Michael Schiavo and a majority of court-appointed doctors say her brain was destroyed in 1990.

Terri Schiavo went through 12 years of Catholic education and married Michael Schiavo in her parish church. Despite her husband's contention that she did not regularly attend Mass in the years prior to her ill-

ness, Terri Schiavo had been accompanying her parents to church on Saturday evenings while her husband worked as a restaurant manager, the Schindlers asserted Tuesday.

In the pope's March statement, he said: "I should like particularly to underline how the administration of water and food, even when provided by artificial means, always represents a natural means of preserving life, not a medical act."

"The pope did everything but put her name in the speech," Anderson said.

Michael Schiavo's attorney said Tuesday that the papal argument is "legally preposterous."

A number of Catholic ethicists and theologians have said the pope did not rule out the removal of feeding tubes, attorney George Felos said.

Also, "the characterization of Terri Schiavo as a devoutly practicing Catholic is not the case," Felos said. "Terri Schiavo has had no cognition, no thought ... for 14 years. To say that Terri Schiavo has now changed her mind is just ridiculous."

Reporter David Sommer can be reached at (727) 799-7413.

SCHIAVO RULING

Continued From Page 1

"vulnerable individual whose death decisions are being made by a husband who is consorting with another woman, has fathered two children with another woman ... who stands to inherit his wife's estate and who never told a civil jury of her alleged wishes," Connor said.

No Questions For Husband

Baird's ruling also means the governor will not be able to question Michael Schiavo about his motives for saying his wife, who suffered heart failure and severe brain damage in 1990 at age 26, would not want to be kept alive with a feeding tube, Connor said.

"Michael Schiavo has run like a scalded dog from any attempts to put him under oath," Bush's attorney said.

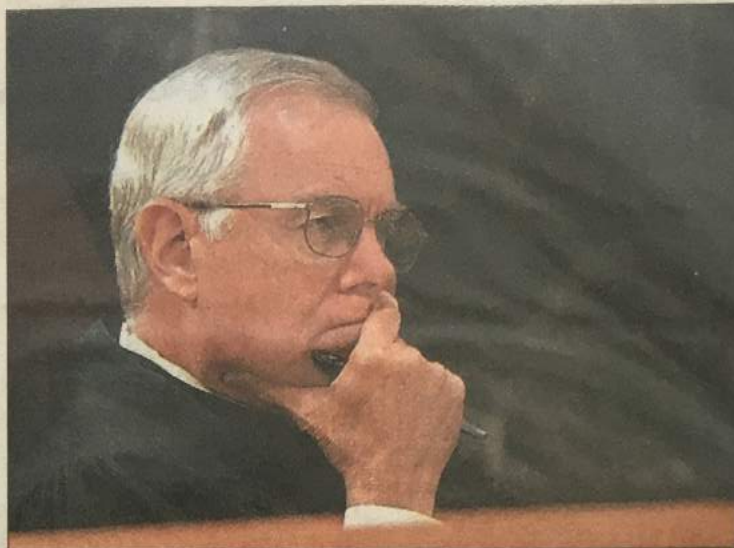
Michael Schiavo's attorney George Felos said Connor is engaging in "demagoguery" by raising emotional issues that have nothing to do with whether the governor has the right to intrude on a private matter that has been decided by a series of court rulings.

Felos has represented Schiavo in a six-year battle to gain court permission to remove his wife's feeding tube over the objections of his in-laws.

"If anyone is acting like a scalded dog, it's the governor's representative and the governor who were rebuked by this judicial decision," Felos said. "What you don't hear from them is discussion of the constitutional issues."

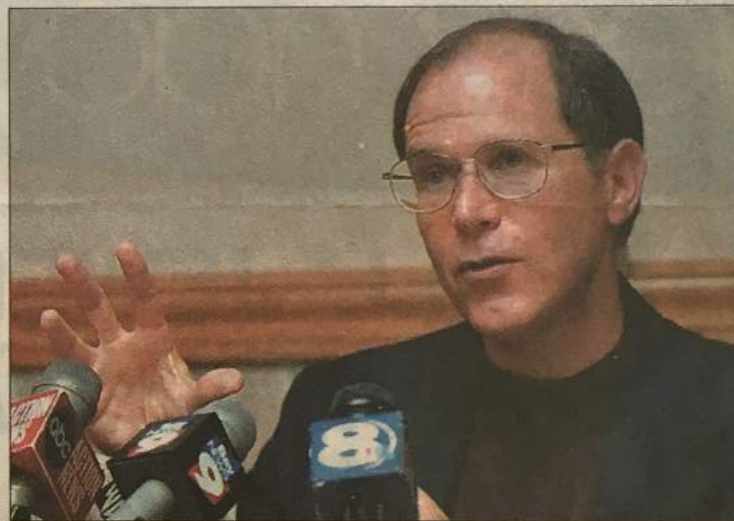
Michael Schiavo gave two sworn statements to attorneys representing Bob and Mary Schindler before testifying at a January 2000 nonjury trial to decide their daughter's fate, Felos said.

After that trial, Circuit Judge George Greer ruled testimony from Michael Schiavo and two of his relatives proved that, be-



Photos from The Associated Press

Judge Douglas Baird ruled the law to prevent Terri Schiavo's death violates her right to privacy in declining medical care.



George Felos, attorney for Michael Schiavo, said Gov. Bush and his lawyer, Ken Connor, "were rebuked by this judicial decision."

LEGAL TIMELINE

May 1998: Terri's husband, Michael Schiavo, files a petition to discontinue life support.

Feb. 11, 2000: Circuit Judge George Greer grants Schiavo's request and rules the feeding tube regimen can be discontinued.

Jan. 24, 2001: 2nd District Court of Appeal upholds Greer's ruling to discontinue feedings.

April 24: Schiavo's feeding regimen ends.

April 26: Circuit Judge Frank Quesada orders Schiavo's feeding to resume.

Oct. 17: The appeals court orders Greer to hold a second trial to decide whether new therapies might help Terri Schiavo.

Oct. 11-22, 2002: Greer hears a majority of medical experts say Terri Schiavo's condition cannot improve.

Nov. 22: Greer orders Terri Schiavo's feeding tube to be removed.

Oct. 15, 2003: Doctors remove her feeding tube.

fore her illness, Terri Schiavo made statements indicating she would not want to be kept alive with no hope of recovery.

Greer and a succession of appeals courts have concluded Terri Schiavo is in a persistent vegetative state with no awareness of her situation and no realistic hope of improvement.

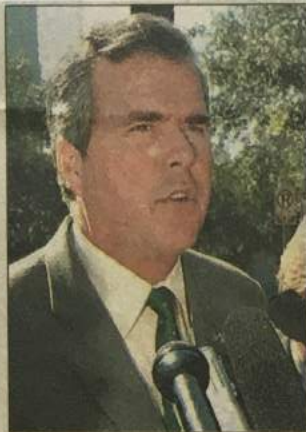
The Schindlers contend their daughter reacts to them when they visit her. Their medical experts have said that Terri Schiavo could improve if given aggressive and in some cases unconventional therapy.

At the time of the trial, the Schindlers alleged Michael Schiavo wanted his wife out of the way so he could inherit about \$700,000 awarded for her perpetual care by jurors in a 1993 medical malpractice case. That money has been spent, much of it for legal bills in the battle over Terri Schiavo's fate, court records show.

Michael Schiavo countered his in-laws coveted their daughter's estate, and he offered to donate leftover funds to charity, an offer the Schindlers spurned as insincere.

Case Headed For High Court

Felos and Connor said they expect the Florida Supreme Court will ultimately determine the constitutionality of Terri's Law. Felos said he might ask the 2nd District Court of Appeal, to which Connor appealed Baird's decision, to declare the case an issue of great public importance so the high court can take immediate jurisdiction.



Gov. Bush signed into law "Terri's Law" on Oct. 21.

Mar. 12: Baird refuses for a second time to allow Schiavo's parents to intervene in the court battle over "Terri's Law."

Oct. 21: After an emergency act of the state Legislature hastily is signed into law by Bush, Schiavo is placed back on life support. A lawsuit on the law's constitutionality is immediately filed to be heard by Circuit Judge Douglas Baird.

Nov. 20: Baird refuses to step down as requested by Bush. In court filings, Bush had asked Baird to disqualify himself.

Dec. 10: Bush's second attempt to remove Baird from the case is turned down by the 2nd District Court of Appeal.

Jan. 9, 2004: Bush's request for a guardian ad litem to perform an independent investigation of the case is denied.

In the meantime, Bush is entitled to an immediate stay of Baird's ruling and Felos said he has agreed not to seek court permission to remove Terri Schiavo's feeding tube until the constitutionality of Terri's Law is settled.

"I spoke to the governor's attorney in advance of the order, and we agreed to not remove Terri's feeding tube before they could file an appeal. The last thing we want is a situation where her feeding would be started and stopped repeatedly. That would be an affront to her personal dignity," Felos said.

October's abortive tube removal marked the second time Terri Schiavo's liquid nourishment was halted on court orders. In April 2001, the tube

was removed on one judge's order and then reinserted two days later after a second judge ordered that feeding be resumed.

On Thursday, Bob Schindler decried the latest setback in his family's battle to keep Terri Schiavo alive.

"These Pinellas County judges have displayed an utterly cavalier attitude and a complete disregard for the rule of law. ... This current order is nothing more than an unjust killing of a young woman who has demonstrated time and again that she very much wants to live," he said in a prepared statement.

Reporter Steven Isbitts contributed to this report. Reporter David Sommer can be reached at (727) 799-7413.

COURTS

Schindlers Win Ruling On Visits

PARENTS ALLOWED TO SEE BRAIN-DAMAGED DAUGHTER

By DAVID SOMMER
dsommer@tampatrib.com

CLEARWATER — A judge on Wednesday ordered Michael Schiavo to allow his in-laws to visit their brain-damaged daughter.

But the temporary ruling by Circuit Judge George Greer prompted a new dispute between attorneys battling over Terri Schiavo's fate.

Bob and Mary Schindler had been unable to visit their daughter since late March, when Michael Schiavo asked police to investigate whether the couple may have injected their daughter with an unknown substance. Detectives found no evidence the couple stuck Terri Schiavo with a needle or did anything illegal.

Schiavo had offered to let the Schindlers visit their daughter if they paid him to hire an off-duty police officer to keep and eye on them. The Schindlers objected but were allowed to visit last weekend under the supervision of a relative of Michael Schiavo's fiancée, Greer was told Wednesday.

Greer said he does not understand why Michael Schiavo continues to block his in-laws from freely visiting their daughter. The alleged needle incident "has become a nonevent," the judge said, and Michael Schiavo is under standing court orders to allow visitation.

Schiavo attorney Deborah Bushnell said her client remains concerned about the Schindlers' behavior. Testifying under oath, Bob Schindler acknowledged that he violated Greer's ban on videotaping his daughter by surreptitiously filming her in October, when her feeding tube was removed for about a week.

"I was aware my daughter was going to die, and I wanted a tape of her," Schindler said.

Terri Schiavo's feeding was resumed under orders from Gov. Jeb Bush, and her fate remains the subject of ongoing court battles.

Michael Schiavo has convinced a series of judges that his wife, who suffered heart failure in 1990 at age 26, would not want to be kept alive in a persistent vegetative state with no hope of improvement.

The Schindlers contend their daughter reacts to them and could improve with therapy.

Greer said he may amend the visitation rules next month. Until then, the Schindlers can visit their daughter on Saturday afternoons "and they do not need supervision," he said.

Judge Decides Against Terri's Law

IT'S UNCONSTITUTIONAL, HE RULES; BUSH APPEALS

By DAVID SOMMER
dsommer@tampatrib.com

CLEARWATER — Gov. Jeb Bush and the Legislature violated at least four provisions of the Florida Constitution when they took action last year to prevent the death of Terri Schiavo, a judge ruled Thursday.

Bush immediately appealed Circuit Judge Douglas Baird's ruling that the measure, dubbed "Terri's Law," violates the brain-damaged woman's right to privacy in declining medical care.

Baird also found the hastily drafted law, which allowed Bush to order that Schiavo's feeding tube be reinserted after she went six days without nourishment in October, was an encroachment on judicial powers, among other constitutional issues.

Bush's attorney, Ken Connor, said that Terri's Law provides an extra level of protection for a disabled woman who has been unable to articulate her wishes for more than 14 years.

"Courts don't have a monopoly on protecting the weak and feeble," Connor said.

The 40-year-old woman is a



Schiavo
Has been in a vegetative state since 1990.

See **SCHIAVO RULING**, Page 12 ►
Her father decries latest decision.

TAMPA BAY AREA

Schiavo's Parents Prevented From Intervening In Lawsuit

JUDGE TURNS DOWN SCHINDLERS' MOTION

The Associated Press

CLEARWATER — A judge has rejected a request by Terri Schiavo's parents for permission to intervene in the court battle over a law that allowed Gov. Jeb Bush to order reinsertion of her feeding tube last fall.

Circuit Judge W. Douglas Baird denied for a second time an attempt by Bob and Mary Schindler to join the fight against a constitutional challenge to the law that authorized the governor to save the severely brain-damaged woman's life. Baird said the parents' legal rights were not affected by the litigation.



Schiavo
Forty-year-old has been in a comalike state for 14 years.

by the 2nd District Court of Appeal as "strong encouragement" for the parents to intervene.

The Florida Legislature passed a law in October that allowed the governor to order Schiavo's feeding tube reinserted after her husband had won court permission to remove it so she could die.

Her husband, Michael Schiavo, claimed the new law was unconstitutional and sued Bush. The Schindlers, who have fought to keep their daughter alive, then filed a motion to intervene in Bush's legal battle with their son-in-

law.

Baird ruled against the Schindlers, but the appeals court ruled he didn't follow proper judicial rules when he denied their motion, leading to the parents' second attempt to intervene.

Terri Schiavo has been in what some doctors have called a persistent vegetative state for 14 years after collapsing from a chemical imbalance.

Her parents have battled Michael Schiavo in court for years as he has tried to have her feeding tube removed. He argues she would not have wanted to be kept alive artificially.

The Schindlers say they doubt their now 40-year-old daughter had any such end-of-life wishes and her condition could improve with therapy.

Baird wrote Thursday that the law allows Bush "to exercise his discretion to determine Mrs. Schiavo's life or death. The litigation will resolve whether the decision regarding her life belongs to Mrs. Schiavo or to the Governor. In either event, the Schindlers will not gain or lose by the direct legal operation and effect of the judgment."

A ruling by the 2nd District Court of Appeal last month had allowed the Schindlers to attempt to intervene.

Pat Anderson, the Schindlers' attorney, said she was surprised by Baird's ruling and had interpreted the ruling

Schiavo Parents Say Information Kept From Them

CLEARWATER — The husband of a brain-damaged woman is violating a court order by not sharing enough medical information about the woman with her parents, their attorney told a judge Friday.

Bob and Mary Schindler say Michael Schiavo, the legal

guardian of their 40-year-old daughter, Terri, will not allow them details of her medical condition, despite a judge's ruling in 1996 that requires it.

An attorney for Michael Schiavo countered that the husband has shared sufficient information with the Schindlers through attorneys, which

he said is the protocol.

The Schindlers asked Judge George W. Greer to hold a hearing during which Michael Schiavo would defend himself against contempt-of-court charges.

Greer said he will decide as early as Monday whether to proceed.

Terri Schiavo's family said her caregivers have been instructed by Michael Schiavo not to talk to them about her condition. They say they are not getting sufficient information from his attorneys.

"We've been fighting this for eight years," said her brother, Bob Schindler Jr.

The Associated Press

King Regrets Schiavo Vote

TOP SENATOR BACKED LAW TO REPLACE TUBE

The Associated Press

TALLAHASSEE — Senate President Jim King regrets voting for a measure in special session last year that allowed the governor to order a feeding tube reinserted into Terri Schiavo to keep her alive.

King told the St. Petersburg Times editorial board that voting for the legislation allowing the governor to keep her fed and hydrated was "probably one of the worst votes that I've ever done."

King, R-Jacksonville, has long supported a Florida law that allows surrogates such as spouses and relatives to decide whether to keep alive



King
GOP senator says that if he could do it over, he'd vote against replacing feeding tube.

people in a vegetative state who haven't specified their own wishes.

Schiavo was found to be in a persistent vegetative state, and although she never put in writing what she would want in such a situation, her husband insisted she would not want to live that way. Her parents vigorously disagreed and fought to keep her alive.

Eventually a court allowed her husband, Michael Schiavo, to have her feeding tube removed. King said lawmakers were overwhelmed with calls and e-mail telling them to intervene to keep the Pinellas County woman alive.

The Legislature was in special session and on Oct. 21 quickly passed a law giving Gov. Jeb Bush the power to order her feeding tube reinserted, which Bush did. That law is being challenged in court.

King told the newspaper's editorial page editors Monday that there was unbelievable pressure to help Schiavo and that he was worried about being blamed for Schiavo's death if he didn't go along with the effort.

"After the vote there were far more people critical of what we had done and very vehemently angry at what we had done than there were people supporting it," he said. There was "no question" he would not vote that way today, he said, "and if it comes up again, I will not do it."

TAMPA BAY AREA

Schiavo's Parents Renew Effort To Join Court Fight

SON-IN-LAW IS SUING BUSH OVER TERRI'S LAW

The Associated Press

CLEARWATER — The parents of Terri Schiavo renewed efforts Thursday to intervene in the court battle over a law that let Gov. Jeb Bush order reinsertion of the woman's feeding tube last fall.

A ruling by the 2nd District Court of Appeal last month opened the door for Bob and Mary Schindler to again try to join the fight against a constitutional challenge to the law that authorized Bush to save Terri Schiavo's life.

The state Legislature passed a law in October that allowed Bush to order Schiavo's feeding tube reinserted after her

husband had won court permission to remove it.

Her husband, Michael Schiavo, claimed the law was unconstitutional and sued Bush. The Schindlers, who have fought to keep their daughter alive, then filed a motion to intervene in Bush's legal battle with their son-in-law.

Circuit Judge W. Douglas Baird ruled against the Schindlers, but the appeals court ruled he didn't follow proper judicial rules when he denied their motion. Thursday's motion seeks another hearing on the issue.

Michael Schiavo claims his wife would not have wanted to be kept alive artificially.

The Schindlers say they doubt their now-40-year-old daughter had any such end-of-life wishes.

Judge Lifts Stay Of 'Terri's Law' Suit

GOVERNOR PLANS TO APPEAL DECISION

By DAVID SOMMER
dsommer@tampatrib.com

CLEARWATER — Gov. Jeb Bush cannot stop a constitutional challenge to Terri's Law from going forward, the judge ruled Friday.

Bush needs to explain why he thinks the controversial law that allowed him to intervene in the Terri Schiavo case should not be thrown out as unconstitutional, Circuit Judge Douglas Baird said.

The governor has until Monday to file his written defense of Terri's Law and cannot delay the case indefinitely while he asks an appeals court to review legal technicalities, Baird said.

Bush used what has been dubbed "Terri's Law" to order that Schiavo's feeding tube be reinserted Oct. 21. The tube was removed Oct. 15 on court orders. Baird noted Friday that the decision to allow Michael Schiavo to remove his wife's feeding tube came after 5½ years of litigation in which a series of judges examined every aspect of the case.

"The governor's order unquestionably intruded on Terri Schiavo's right to privacy,"



Circuit Court Judge Douglas Baird gave the governor until Monday to file a written defense of the new law.

Baird said. "Any legislation that interferes with Mrs. Schiavo's right to privacy is presumptively unconstitutional."

But the governor served notice Friday night that he will appeal Baird's decision to the 2nd District Court of Appeal rather than submit specific arguments in defense of the law.

Bush's attorneys so far have raised only technical arguments.

Baird said he was inclined to block Bush from having the feeding tube reinserted the evening of Oct. 21, after Michael Schiavo filed a suit seeking emergency court action de-

claring Terri's Law invalid.

But Bush's attorneys asked for time to file a brief explaining why there was a "compelling state interest" in keeping Terri Schiavo alive against her wishes as determined by the court system, Baird said.

The governor's attorneys even suggested a time frame for filing their brief, the judge said.

But instead of defending Terri's Law, Bush asserted that he was not properly served with Michael Schiavo's lawsuit and complained that the lawsuit should have been filed in Tallahassee, where the governor enjoys a home venue privilege.

After Baird refused to dismiss the lawsuit, Bush announced he would appeal that decision, which triggered an automatic stay that could have delayed the case indefinitely.

Baird said Friday that he sees no harm to Bush in proceeding and announced he is lifting the stay.

Bush spokeswoman Alia Faraj said the governor will file a second appeal over the stay issue.

"These are serious issues," Faraj said. "These procedural issues will impact future governors."

Also Friday, Bush met privately with Terri Schiavo's new

court-appointed guardian ad litem, University of South Florida Professor Jay Wolfson.

Wolfson was appointed as a result of a provision in Terri's Law, by Chief Pinellas-Pasco Circuit Judge David Demers. In making the appointment, Demers said he was limiting Wolfson's duties to recommending whether there would be anything to gain by giving Schiavo therapy that might help her eat food by mouth.

Bush has said he wants Wolfson to investigate additional issues. Terri's Law requires Wolfson to make a report to the governor in early December.

After Friday's meeting in Tallahassee, Wolfson avoided reporters and Bush declined to comment.

Terri Schiavo, 39, has been in what some doctors term a persistent vegetative state since suffering heart failure that cut off oxygen to her brain in 1990. Michael Schiavo contends his wife would not want to be kept alive with no hope of improvement, and the courts have agreed.

Bob and Mary Schindler say their daughter reacts to them and could improve if given therapy.

Reporter David Sommer can be reached at (727) 799-7413.

COURTS

'Terri's Law' Sent To Florida Supreme Court

BUSH ATTORNEYS TRY TO HALT ALL APPEALS

By VICKIE CHACHERE
The Associated Press

TAMPA — An appeals court moved Tuesday to put the legal battle over the fate of a brain-damaged woman on the fast-track to the Florida Supreme Court, and attorneys for Gov. Jeb Bush responded with a request to halt the case.

The 2nd District Court of Appeal granted a motion from attorneys for Michael Schiavo to send the case directly to the Florida Supreme Court and bypass a lower-court review. Meanwhile, attorneys for Bush filed a motion to halt all appeals until the issue of whether Michael Schiavo has the au-

thority to fight the governor on his wife's behalf is resolved.

Michael Schiavo has sued the governor, challenging a law that allowed Bush to order the reinsertion of Terri Schiavo's feeding tube last year six days after her husband had it removed. Michael Schiavo contends that his 40-year-old wife, who some doctors say has been in a persistent vegetative state for more than a decade, does not want to be kept alive artificially.

"As this case progresses, we continue to stress the importance of following the procedural safeguards at each step of the process to insure the resolution is the result of a thorough and deliberate review," the governor's office said in a written statement.

The law was designed to address concerns that Terri Schi-

avo's wishes had not been adequately evaluated and the interests of her guardian may conflict with her own, the statement said.

Michael Schiavo argues the law is unconstitutional because it violates Terri Schiavo's right to privacy and the separation of powers. The governor has defended his action, saying the law allows for another level of protection for disabled adults, especially in a case where the patient's family is at odds over his or her wishes.

George Felos, the attorney for Michael Schiavo, had argued that the constitutionality of "Terri's Law" needed to be decided by the state's high court because of the gravity of the issue.

Felos said he was pleased with the court's action to move the case forward and said the

governor's action has had a chilling effect on families who face end-of-life issues.

"Families in Florida need to know that police and the governor are not going to be knocking on their door if they decide to remove a feeding tube in accordance with the patients' wishes," Felos said.

Terri Schiavo's parents say their daughter is not in a persistent vegetative state and recognizes them, cries and laughs. Bob and Mary Schindler said their daughter had no such end-of-life wishes before her collapse in 1990.

The Florida Supreme Court does not have to take the case immediately and can tell the lower court to hear it and issue a ruling before deciding whether to hear the matter.

In its order, the Lakeland appeals court said the matter

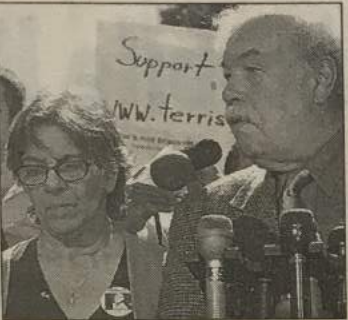
should be decided by the Supreme Court because it is "of great public importance and has a great effect upon the proper administration of justice throughout the state."

Last week, the governor's attorneys objected to sending the case directly to the high court, saying essential facts were still in dispute.

The governor's office has pushed for permission to gather evidence in the case and wants to have a trial on whether Terri Schiavo ever expressed wishes not to be kept alive artificially.

Terri Schiavo did not have a living will when she collapsed from a potassium imbalance brought on by an eating disorder and suffered severe brain damage.

Also Tuesday, Bush's attorneys asked the 2nd District



Mary and Bob Schindler have fought to keep Terri Schiavo alive, saying that she is not in a persistent vegetative state.

Court of Appeal to stop the proceedings while the Schindlers challenge Michael Schiavo's handling of his wife's care.

Pat Anderson, an attorney for the Schindlers, is challenging Michael Schiavo's capacity to represent his wife's interests in the case against the governor.

The Schindlers were able to visit their daughter for the first time in nearly two months this weekend, Anderson said.

State's High Court Tosses Out Terri's Law

RULING: BUSH, LEGISLATURE INTERFERED

By DAVID SOMMER
dsommer@tampatrib.com

The Florida Supreme Court struck down a controversial measure known as Terri's Law on Thursday, ruling Gov. Jeb Bush had no right to get involved in a family dispute over a brain-damaged woman's last wishes.

WHAT'S NEXT



The case goes back to Circuit Judge George Greer's courtroom, where a hearing on what amounts to a request by Terri Schiavo's parents for a new trial is scheduled for next week.

In a unanimous decision, the seven justices said the Legislature and the governor overstepped their bounds and violated the state constitution's tenet of separation of powers in October 2003 when Bush used the hastily crafted Terri's Law to order a feeding tube reinserted after Terri Schiavo had gone six days without nourishment.

"It is without question an invasion of the authority of the judicial branch for the Legislature to pass a law that allows the executive branch to interfere with the final judicial determination in a case," Chief Justice Barbara J. Pariente wrote. "That is precisely what occurred here and for that reason the act is unconsti-

See **SCHIAVO DECISION, Page 4** ▶
Governor says he will respect the court's ruling.

SCHIAVO DECISION

Continued From Page 1

tutional."

Bush, who has acknowledged getting involved in the case after being deluged with e-mail and other communication from people opposed to the feeding tube's removal, maintained his position Thursday.

"In my heart I believe we did what was right, but we respect the Supreme Court decision," the governor said.

The Supreme Court ruling is not final until Bush has a chance to ask for a rehearing, but it is unlikely the governor can come up with a persuasive argument to that effect, his attorney, Ken Connor, acknowledged.

Likewise, "the options are severely limited" as to whether Bush can find a federal issue that would allow him to appeal the case to the U.S. Supreme Court, Connor said.

The Florida justices limited their review to the separation of powers issue and a finding that the Legislature also delegated too much of its own authority to the governor when it passed Terri's Law. That, Connor said, means the justices still have not considered whether lower court findings that Terri Schiavo would not want to be kept alive were proper.

"If Terri Schiavo were Ted Bundy, convicted by a jury beyond all reasonable doubt of serial killings, the high court would have to review the facts of the case," Connor said. "Here, everything has been done on an expedited basis."

Ruling A 'Huge Milestone'

Lawyer George Felos, who has represented Michael Schiavo throughout a more than six-year quest for court permission to end his wife's life, said that her parents, Bob and Mary Schindler, with the aid of the governor, have waged a battle of delay and postponement of the inevitable.

"A point in time comes when the phrase 'justice delayed is justice denied' comes into play," Felos said. "It is time to have Terri's wishes carried out. This is a huge milestone in the case."

Michael Schiavo, who has been his wife's guardian since she had heart failure in 1990 at age 26, contends she made him promise not to keep her alive by artificial means if she ever fell ill with no hope of recovery. Most doctors involved in the case say Terri Schiavo is in a persistent vegetative state and her brain was destroyed by a lack of blood after her heart failure.

The Schindlers say their daughter reacts to them during bedside visits and could improve if given aggressive therapies.

Terri Schiavo lives at a Clearwater nursing home and is in good health, Felos said Thursday.

After a nonjury trial in January 2000 in Clearwater, Circuit Judge George Greer ruled testimony from Schiavo and his relatives showed Terri Schiavo would not want to be kept alive. That ruling was repeatedly affirmed by appellate courts, and in August 2003 the 2nd District Court of Appeal issued a mandate ordering Greer to schedule the feeding tube's removal.

Bush, saying he wanted to investigate the woman's wishes, ordered the tube reinserted six days after it was removed and after the Legislature passed the now unconstitutional Terri's Law.

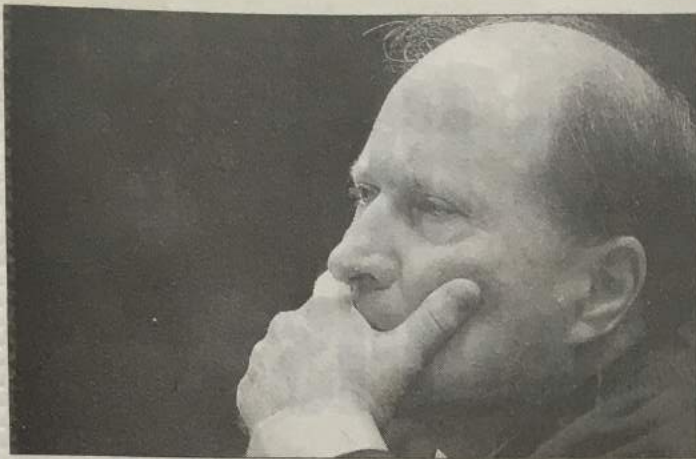
Back To Circuit Court

Now the case will head back to Greer's courtroom, where a hearing on what amounts to the Schindlers' request for a new trial is scheduled for next week.

The St. Petersburg couple are fighting their legal battle on three fronts.

They are appealing Greer's refusal to remove Michael Schiavo as their daughter's guardian on the grounds he has not followed state guardianship law by filing annual plans for his wife's care.

Schiavo's suitability as guardian also is under attack in a motion before Greer that accuses him of having a conflict of interest and motive to



The Associated Press

Pasco-Pinellas Circuit Judge George Greer listens as the attorney for Bob and Mary Schindler seeks a new trial.

Schiavo's Parents Cite Pope In Legal Fight

THEY SAY SHE WOULD HEED CHURCH RULES

By DAVID SOMMER
dsommer@tampatrib.com

CLEARWATER — Terri Schiavo's adherence to Roman Catholic doctrine could go on trial if a judge decides a recent pronouncement by Pope John Paul II may have an effect on whether she would want to be kept alive.

The brain-damaged woman's parents contend their daughter would not willingly violate the rules of the church. They dispute son-in-law Michael Schiavo's contention that Terri Schiavo made statements indicating she would not want to be kept alive with no hope of recovery before her 1996 heart failure that left her in what most

WHAT'S NEXT

Terri Schiavo's parents want a new trial to prolong the life of their brain-damaged daughter based on Pope John Paul II's pronouncement that the removal of a feeding tube would amount to the "morally unacceptable killing of a human being." Circuit Judge George Greer appears to lean in favor of a new trial.

doctors say is a persistent vegetative state.

But even if their daughter did make such statements, she would have changed her mind after learning Pope John Paul II stated that people in her condition always should be provided nourishment, an attorney represent-

See **SCHIAVO CASE**, Page 8 ►
Ruling not expected for weeks.

SCHIAVO CASE

Continued From Page 1

ing Bob and Mary Schindler told Circuit Judge George Greer on Thursday afternoon.

The Schindlers want Greer to hold what would amount to a new trial over their daughter's end-of-life wishes.

They have been fighting in court for six years to block Michael Schiavo from removing their daughter's feeding tube. After a January 2000 trial, Greer ruled in Michael Schiavo's favor and twice has issued orders allowing him to do so.

After the most recent removal, in October 2003, Gov. Jeb Bush ordered feeding resumed based on a measure quickly passed by state legislators and dubbed Terri's Law. In a ruling issued last week, the state Supreme Court struck down the law as unconstitutional.

Meanwhile, the pope convened an international congress at the Vatican titled "Life Sustaining Treatments and Vegetative State: Scientific Advances and Ethical Dilemmas."

At its conclusion, the pontiff made a speech in which he stated, "I should like particularly to underline how the administration of water and food, even when provided by artificial means, always represents a natural means of preserving life, not a medical act."

The pope went on to say that removal of a feeding tube would amount to the "morally unacceptable killing of a human being."

At the hearing Thursday,

Greer heard arguments from both sides on whether he should hold another trial to determine whether Terri Schiavo still would want her feeding tube removed.

"Clearly, the pope has laid down a statement that would have a profound impact on the thinking of Terri Schiavo," the Schindler's new attorney, David C. Gibbs III, told Greer. "This is the first time a pope has spoken directly on this issue."

Michael Schiavo's attorney, George Felos, disputed that, and said nothing in the pope's statement is different from what was presented to Greer during testimony in the 2000 trial.

At the 2000 trial, Felos called a priest to the witness stand who testified that a feeding tube could be removed if it created an undue burden on the patient.

Greer, who is not expected to rule for several weeks, appeared to lean in favor of a new trial.

He told Felos what the pope said was not the same as the priest's testimony.

"The pope said it is wrong, for lack of a better word, to remove feeding tubes," the judge said.

Later, when Gibbs was making his argument, Greer said he would have to focus on Terri Schiavo's adherence to Catholic teachings before her heart failure to decide how she would react to the pope's pronouncement.

After the hearing, Terri Schiavo's sister, Suzanne Vitadamo, said she expects Michael Schiavo to testify that his wife used birth control in violation of church teachings.

"I'm sure they are going to put her on trial," Vitadamo said.

Reporter David Sommer can be reached at (727) 799-7413.

Governor To Take Terri Schiavo Case To U.S. High Court

By DAVID SOMMER
dsommer@tampatrib.com

CLEARWATER — Both Gov. Jeb Bush and Terri Schiavo's parents will pursue appeals aimed at keeping the brain-damaged woman alive, their attorneys said Friday after the second in a pair of courtroom defeats.

Bush will ask the U.S. Supreme Court to restore the balance of power between Florida's judicial branch and the legislative and executive branches, attorney Ken Connor said.

"This case is not only about Terri Schiavo, but also about the role of the courts and the Legislature and the governor," he said.

"Who is going to be the chief architect of policy in this state?" Connor asked. "The largely unelected judiciary or the elected branches with the most accountability?"

Also Friday, a day after Florida's highest court refused to revisit the constitutionality of a measure dubbed "Terri's Law" that allowed Bush to intervene in what had been a family dispute, Bush asked the Florida Supreme Court to block Michael Schiavo from removing his wife's feeding tube while the U.S. Supreme Court is asked to review the case.

See **TERRI SCHIAVO**, Page 6 ▶

Feeding tube can't be removed before Dec. 6.

TERRI SCHIAVO

Continued From Page 1

Connor said he did that in response to a letter Schiavo attorney George Felos sent to a local judge stating his client intended to remove the feeding tube as early as Friday.

The recipient of that letter, Circuit Judge George Greer, issued his own stay Friday without being asked.

Greer ordered Schiavo not to touch the feeding tube until midnight Dec. 6. He said he did so to allow the Schindlers time to appeal another order Greer issued Friday denying them a new trial regarding their daughter's wishes.

Bob Schindler said he and his wife, Mary, will ask the 2nd District Court of Appeal to allow them to present evidence that a March pronouncement by Pope John Paul II would have changed their daughter's mind — if indeed she did not want to be kept alive in her condition — about being kept alive as she is.

Felos said Greer gave the Schindlers too much time.

"Delaying this for another seven weeks serves no constructive purpose whatsoever," Felos said. "Every credible issue in this case has been gone over again and again."

The Schindlers and their son-in-law have been locked in a bitter legal dispute over Terri Schiavo's wishes.

Michael Schiavo contends his wife made statements prior to her January 1990 heart failure, at age 26, indicating she would never want to be kept alive by artificial means.

Doctors hired by Michael Schiavo say his wife is in a persistent vegetative state after her brain was destroyed by a lack of oxygen. She cannot swallow and can only be kept alive with the help of a feeding tube inserted into her stomach, Schiavo's doctors say.

The Schindlers contend their daughter reacts to them and could improve with thera-

py. Their doctors say she could learn to swallow and might not need the feeding tube.

After a January 2000 trial, Greer ruled Terri Schiavo would not want to be kept alive with no hope of improvement. After a second trial, in 2002, he ruled credible medical evidence shows Terri Schiavo will never improve or learn to swallow.

Terri Schiavo's feeding tube was removed twice with Greer's permission, only to be reinserted. In October 2003, after the tube was removed the second time, Bush ordered that feeding resume after the Legislature passed the measure dubbed Terri's Law.

Last Month, the Florida Supreme Court unanimously affirmed a lower court finding that Terri's Law is unconstitutional for several reasons. The high court specifically cited the separation of powers doctrine that bars lawmakers from making laws to change court rulings.

Bush contends he should have been allowed his own trial on Terri Schiavo's wishes and her husband's possible motives for wanting her feeding tube removed. Michael Schiavo is engaged to another woman, has fathered two children with her, and has refused requests from the Schindlers to divorce their daughter and relinquish guardianship.

The Schindlers repeatedly have asked their church to intervene.

In March, after a Vatican congress on how to treat people in a persistent vegetative state, the pope said such people always should be provided nourishment. To do otherwise would be an act of euthanasia and contrary to church teaching, he said. The pope made no mention of Terri Schiavo.

In his ruling Friday denying the Schindlers a new trial, Greer cited an opinion from the 2nd District Court of Appeal stating Terri Schiavo "was raised in the Catholic faith, but did not regularly attend Mass or have a religious advisor who could assist the court in weighing her religious attitude about life support."

Court Refuses New Hearing Over Schiavo

TAMPA — The Florida Supreme Court on Thursday declined a request from Gov. Jeb Bush to reconsider its decision striking down a state law designed to save the life of a severely brain-damaged woman.

The high court ruled 7-0 last month that Bush and state lawmakers overstepped their authority with the year-old law ordering that Terri Schiavo's feeding tube be reinserted six days after her husband had it removed so she could die.

Bush's attorney asked the court for a rehearing, which was rejected in a one-page ruling issued Thursday in Tallahassee.

Lower courts had ruled that Michael Schiavo — who says his wife never wanted to be kept alive artificially — could have the tube removed.

But the Legislature passed the law to overrule the courts, and Bush then used the law to order the tube reinserted a year ago after Michael Schiavo had it removed.

The Associated Press

TERRI SCHIAVO

Continued From Page 1

Felos said. "I think it's outrageous."

The Schindlers, who contend their daughter reacts to them and could improve if they are given control over her care, reacted with joy to Friday's developments.

"Eventually they are going to get the point that maybe what they are trying to do is just wrong," Bob Schindler said of Schiavo and Felos.

"The longer this goes, more and more people are recognizing it, and we are getting more

and more help from the legal profession," Schindler said in reference to his lawyers, some of whom have donated their time to the case.

Felos said he will ask the 2nd District Court of Appeal to lift Greer's stay but expects the legal battle to drag on indefinitely.

The Schindlers, meanwhile, are appealing Greer's decision last week not to grant them another trial over their daughter's feelings about being kept alive with the aid of a feeding tube.

The St. Petersburg couple have argued that a March pronouncement by Pope John Paul II concerning the feeding of people in persistent vegetative states has changed the facts of the case.

Terri Schiavo has been unable to communicate since January 1990, when her heart failed, possibly because of an eating disorder, at age 26.

Her heart now beats and she breathes on her own, but she cannot swallow and must be fed through a tube inserted into her stomach.

After a January 2000 trial, Greer ruled that testimony from Michael Schiavo and his

relatives showed that Terri Schiavo made statements before her heart failure indicating she would not want to be kept alive through artificial means.

The Schindlers dispute that. Even if it is true, they say, their daughter would have changed her mind after hearing the pope state that people in her condition should always be provided sustenance and to do otherwise would be a sin.

In denying them a new trial, Greer cited an appeals court finding that Terri Schiavo "did not regularly attend Mass or have a religious adviser who could assist the court in weighing her religious attitude about life support."

Friday's developments came two days after the Florida Supreme Court issued its own one-month stay on removing the tube in a separate court battle between Schiavo and Gov. Jeb Bush.

Bush used a controversial measure dubbed "Terri's Law" to order the feeding tube reinserted in October 2003 after Greer ordered it removed under instructions from the 2nd District Court of Appeal.

Schiavo immediately sued the governor, contending Terri's Law violated his wife's right under the Florida Constitution to make a private medical decision. In September, the Florida Supreme Court threw out Terri's Law, saying Bush overstepped his constitutional authority by intervening in the case.

Bush is appealing to the U.S. Supreme Court.



The Associated Press

Terri Schiavo's sister, Suzanne Vitadamo, center, and parents, Bob and Mary Schindler, follow the proceedings Wednesday in Circuit Judge George Greer's courtroom in Clearwater.

State's High Court Issues Schiavo Stay

RULING GIVES PARENTS MORE PROTECTIONS

By DAVID SOMMER
dsommer@tampatrib.com

CLEARWATER — Terri Schiavo's parents received an extra layer of protection Wednesday when the Florida Supreme Court issued a month-long stay in her multifaceted case to allow Gov. Jeb Bush time to involve the U.S. Supreme Court.

A local judge handling another aspect of the case had imposed his own stay in the complex battle over the brain-damaged woman's fate.

The judge issued his stay last week to give the Schindlers time to appeal his decision denying them a new trial over their daughter's feelings about being kept alive with the help of the feeding tube.

The Schindlers contend that even if their daughter made statements before her illness indicating she would not want to be kept alive, she would have changed her mind earlier this year when Pope John Paul II proclaimed that withholding nutrition from a person in a persistent vegetative state is a sin against church teachings.

In denying them a new trial, Greer cited an appeals court finding that Terri Schiavo

The high court's action came just hours after a lawyer for Michael Schiavo, her husband, asked Circuit Judge George Greer to shorten the stay Greer imposed last week.

Schiavo wants to remove his wife's feeding tube so she will die. At a January 2000 trial, he convinced Greer his wife would not want to be kept alive in a persistent vegetative state with no hope of improvement.

At the hearing Wednesday morning, Schiavo attorney George Felos asked Greer to shorten his stay, which is set to end at midnight Dec. 6.

Attorney David Gibbs, who represents Terri Schiavo's parents, Bob and Mary Schindler, countered with a request that Greer extend the stay indefinitely.

The Schindlers contend their daughter does not want to die and could improve if given aggressive therapy.

Terri Schiavo has been unable to communicate since suffering heart failure in 1990 at age 26.

Greer is presiding over a probate court battle that has been raging between the Schindlers and their son-in-law since he first sought court permission to remove the feeding tube in May 1998.

vo "was raised in the Catholic faith, but did not regularly attend Mass or have a religious adviser who could assist the court in weighing her religious attitude about life support."

The judge said he will try to decide by late Friday whether to extend his stay beyond Dec. 6, as the Schindlers wish, or shorten it to end Friday, as Michael Schiavo requested.

The Supreme Court matter involves a measure known as Terri's Law that allowed Bush to inject himself into the local case. Last October, after Terri Schiavo's feeding tube had been removed for six days, the governor used Terri's Law to order the tube reinserted so feeding could resume.

Earlier this month, Bush announced he would ask the U.S. Supreme Court to overrule the Florida Supreme Court's finding that Terri's Law violated Florida's constitution.

Felos said the Florida court gave Bush more time than needed to file his appeal.

"He's the governor of the state and the brother of the president," Felos said. "I think [giving him until Nov. 30] was being very generous."

Schiavo's Parents Win Again In Court

SON-IN-LAW'S ATTORNEY TALKS ABOUT GIVING UP

By DAVID SOMMER
dsommer@tampatrib.com

CLEARWATER — Terri Schiavo's parents won an indefinite ban on the removal of their daughter's feeding tube Friday, prompting their son-in-law's attorney to ponder ending their fight.

"I think we are coming very close, if we are not here already, where proceeding in the judicial system is futile," said George Felos, who represents Michael Schiavo in his quest for court permission to stop feeding his brain-damaged wife.



Greer Ruling keeps tube in place indefinitely.

Schiavo has been fighting his in-laws for 6½ years over his contention that Terri Schiavo would not want to be kept alive in a persistent vegetative state with no hope of improvement.

Twice, Schiavo has won permission to remove his wife's feeding tube, only to have it reinserted as Bob and Mary Schindler used one tactic after another to keep their daughter alive.

Felos said it might be time to advise Schiavo to end his quest.

"It would appear that pursuing any remedy through the judicial system is simply a waste of time," Felos said. "It is hard to see where there is any benefit in staying the course in this case."

Friday's decision by Circuit Judge George Greer to stay the case indefinitely while the Schindlers appeal his latest ruling "could delay this case months, even years,"

See **TERRI SCHIAVO**, Page 8 ►
Felos will appeal for lifting of stay.

Schiavo's Husband Tries To Stop Bush

HE ASKS HIGH COURT TO REFUSE REHEARING

The Associated Press

TALLAHASSEE — The husband of a severely brain-damaged woman asked the Florida Supreme Court on Monday to reject Gov. Jeb Bush's effort to seek another hearing on a law designed to keep the woman alive.

Florida's high court ruled 7-0 in September that Bush and state lawmakers overstepped their authority with the year-old law ordering that Terri Schiavo's feeding tube be reinserted six days after her husband had it removed so she could die.

Since a judge had heard evidence in the case and ruled for the husband, the law violated the fundamental doctrine of separation of powers

in the Florida Constitution, the Supreme Court ruled.

An attorney for the governor filed a motion last week asking the Supreme Court to rehear the case.

In a court filing Monday, George Felos, an attorney for Schiavo's husband, Michael, called the governor's arguments for a rehearing "meritless" and urged the court to stick by its ruling.

"The governor's motion represents simply another attempt to delay effectuation of Mrs. Schiavo's right to decide her own medical treatment," the filing states.

The court did not indicate when it would rule.

Terri Schiavo's parents, Bob and Mary Schindler, have been battling their son-in-law in court for years as they try to keep their 40-year-old daughter alive.

Schiavo's Parents Ask For New Trial

TAMPA — The parents of Terri Schiavo asked an appellate court Wednesday to reconsider and grant a new trial in the case of the severely brain-damaged woman whose husband wants to remove her feeding tube against their wishes.

Barbara Weller, the attorney representing Bob and Mary Schindler in their legal fight against their son-in-law, said the Schindlers hope the court will give them another chance to argue that recent statements by Pope John Paul II declaring

euthanasia a sin apply in the case.

Schiavo, 41, is at the center of a long legal battle between her husband, Michael Schiavo, and her parents after suffering severe brain damage nearly 15 years ago. Her husband contends his wife is in a permanent vegetative state with no hope for recovery; her parents say she could be rehabilitated.

Michael Schiavo has argued his wife would not want to be kept alive artificially.

The Associated Press

Schiavo's Parents Lose New Trial Bid

'WE ARE HEADING TOWARD FINALITY'

By DAVID SOMMER
dsommer@tampatrib.com

CLEARWATER — The U.S. Supreme Court may be the only hope left for Terri Schiavo's parents in their quest to keep her alive.

Without commenting, a state appeals court ruled that Bob and Mary Schindler are not entitled to a new trial over their daughter's fate based on statements made this year by Pope John Paul II.

Once the decision is finalized, which could happen in mid-January, there will be nothing to prevent Michael Schiavo from removing his brain-damaged wife's feeding tube over her family's ob-

jections, Schiavo's attorney, George Felos, said Wednesday.

"I would certainly hope this is an indication we are heading toward finality in this case," Felos said.

"We don't believe it's necessary to obtain any further court orders" to remove the feeding tube, Felos added.

Schindler attorney David Gibbs III said he will ask the 2nd District Court of Appeal to reconsider Wednesday's ruling. Because there was no written opinion, the Schindlers are precluded from appealing to the Florida Supreme Court.

Gibbs said he was incredibly disappointed that the appeals court ruled without holding hearings

See **TERRI SCHIAVO**, Page 6 ►
Governor's attorney talks of seeking a stay.

TERRI SCHIAVO

Continued From Page 1

"in a case being watched by the whole world," Felos said his client did not ask to be heard on the appeal. That the appeals court ruled in his favor without hearing Schiavo's position "shows how frivolous their [the Schindlers'] position was."

Twice in recent years, Michael Schiavo has won court permission to remove the tube, only to be overruled. Most recently, in October 2003, Gov. Jeb Bush intervened and ordered Terri Schiavo's feeding tube isolation based on quickly drafted legislation dubbed "Terri's Law."

In August, the Florida Supreme Court ruled Terri's Law is unconstitutional, in part because it allowed the governor to block a court ruling.

Now Bush has asked the U.S. Supreme Court to take the case. The high court is expected to announce its intentions in mid- to late January. The original judge in the case issued a blanket stay on removing the feeding tube during the state court fight over whether a statement this year by Pope John Paul II af-

fects the case. The pope said people in persistent vegetative states should be given nourishment.

To do otherwise would be a sin, the pope said. The Schindlers contend their daughter, who was raised Catholic, would never violate a papal decree.

After a January 2000 nonjury trial, Circuit Judge George Greer ruled Terri Schiavo made statements before her illness indicating she would not want to be kept alive with no hope of improvement.

Greer said medical evidence shows Terri Schiavo, 41, has been in a persistent vegetative state since suffering heart failure in 1990 at age 26.

Both of those findings repeatedly have been upheld by higher courts. U.S. Supreme Court Justice Anthony Kennedy, who acts as the portal to the high court for emergency appeals from the Southeast, once declined to block the feeding tube's removal.

Bush's attorney, Ken Connor, said the governor may ask Kennedy to stay any tube removal if the Schindlers cannot persuade the state appeals court to reconsider. Wednesday's appeals court ruling means the U.S. Supreme Court may be the Schindlers' last hope, Connor said.

Bush Asks High Court To Rule On Schiavo

FEDERAL ISSUES INVOLVED, HE SAYS

By DAVID SOMMER
dsommer@tampatrib.com

CLEARWATER — It is now up to the nation's highest court to decide whether Terri Schiavo's constitutional right to equal treatment under the law has been violated, attorneys for Gov. Jeb Bush said Wednesday.

The governor filed a petition asking the U.S. Supreme Court to intervene in the dispute over the fate of the brain-damaged woman.

Her husband and parents disagree on whether she would want to live or die.

Michael Schiavo contends his 40-year-old wife would not want to be kept alive after almost 15 years in a persistent vegetative state.

Bob and Mary Schindler contend their daughter is not vegetative, could improve and would not want to defy a recent papal declaration that removing a feeding tube keeping someone alive would be a sin.

Bush's involvement in the case on behalf of the Schindlers has been ruled a violation of Florida's constitution. In October 2003, Bush used a hastily crafted measure dubbed "Terri's Law" to have Terri Schiavo's feeding tube reinserted six days after it was removed on a court order.

Now, Bush is attempting to convince the U.S. Supreme Court that the controversial case involves significant issues of federal law that are likely to affect other people with "profound cognitive disabilities," as Bush attorney Ken Connor describes Schiavo in Wednesday's petition.

When the Florida Supreme Court ruled Terri's Law to be in violation of the state's separation of powers doctrine because it allowed the governor to overturn a court ruling, a dangerous precedent was set in all cases involving end-of-life decisions for people who cannot speak for themselves, Connor said.

Schiavo should have had her own legal guard-



T. Schiavo
Is at center of nearly 15-year battle



Bush
Seeks validation for rejected Terri's Law

SCHIAVO CASE

Continued From Page 1

ian, and Bush and the Legislature had the right to prevent her death after learning that she did not, Connor said.

"The implications of the Florida Supreme Court's opinion for persons with disabilities are ominous," Connor and co-counsel Robert Destro wrote in the petition seeking the U.S. Supreme Court's involvement in the case.

The legal arguments that Bush's attorneys make in their petition are so frivolous that the Florida Supreme Court justices did not allow them to be discussed when Connor and Destro appeared before them in August, Felos said.

"The Florida Supreme Court thought so little of the governor's due process argument that they didn't even address it," he said.

One of Bush's chief arguments, that the original 2000 trial over Terri Schiavo's end-of-life wishes was not fair because she was not represented by an independent guardian, has been rejected by the U.S. Supreme Court, Felos said.

"Unless the State of Florida retains the power to protect the rights of its most vulnerable citizens to due process and equal protection of the laws, the Fourteenth Amendment's guarantees will apply only to those who are capable of defending them on their own," the Bush legal team wrote.

Bush's bid for U.S. Supreme Court review is simply another attempt to delay the case, opposing attorney George Felos said Wednesday.

"Every independent legal expert who has looked at this case has said there is absolutely no credible federal issue," said Felos, who represents Michael Schiavo.

Justice Anthony Kennedy rejected that argument when the Schindlers asked for emergency review of the case in April 2001, Felos said.

Felos said he and his client have not decided whether to respond to Bush's request. In a separate but related dispute pending before the state's 2nd District Court of Appeal, Michael Schiavo has decided, "We are not going to get on the merry-go-round" of responding to the Schindlers' latest appeal, Felos said.

Reporter David Sommer can be reached at (727) 799-7413.

THE TAMPA TRIBUNE

and The Tampa Times

High Court Declines Schiavo Case



The Associated Press

"We're going to fight for her as much as we can fight for her," Bob Schindler says of his daughter.

LIFE SUPPORT MORE LIKELY TO END

By CARLOS MONCADA
cmoncada@tampatrib.com

ST. PETERSBURG — What likely was the best remaining hope for Terri Schiavo's parents to keep their brain-damaged daughter alive dissolved Monday when the nation's highest court refused to intervene in the bitter legal battle.

The justices refused an appeal by Gov. Jeb Bush to review the Florida Supreme Court's decision that struck down "Terri's Law," the special state legislation passed in 2003 requiring that Schiavo's feeding

tube be reconnected.

The high court's decision, made without comment, ends all legal avenues available to the governor and clears the way for Schiavo's feeding tube to be removed, said Bush's attorney, Ken Connor.

"The effect of this decision is that Terri Schiavo will die from dehydration and starvation pursuant to the equivalent of a judicial death warrant," Connor said in a conference call from Atlanta.

When that might happen is unclear because other legal motions filed by Schiavo's parents, Bob and Mary Schindler, are pending.

See **SCHIAVO BATTLE, Page 4** ▶
Appeal focuses on pope's statements.

SCHIAVO BATTLE

Continued From Page 1

"It's judicial homicide. They want to murder her," Bob Schindler said at a right-to-life rally Monday in Washington. "I have no idea what the next step will be. We're going to fight for her as much as we can fight for her. She deserves a chance."

Schiavo, 41, has been in a persistent vegetative state since suffering heart failure in 1990 at age 26. Since then, she has lived in nursing homes and a Pinellas Park hospice.

Her husband, Michael, has been fighting with her parents over whether his wife should be allowed to die in a seven-year legal battle that has drawn national attention.

Michael Schiavo has said his wife had told him that she would not want to be kept alive artificially. The Schindlers have maintained that their daughter is responsive and could be helped with therapy.

In October 2003, after years of litigation, Terri Schiavo's feeding tube was removed, only to be reinserted six days later, after the Florida Legislature passed the law that gave Bush the power to intervene. Bush ordered the feeding tube reinserted.

Bush said he was "disappointed but not surprised" by the high court's decision not to hear his appeal.

"I'm respectful of their decision," Bush said. "There are ongoing efforts in the courts by Mr. and Mrs. Schindler, and we will continue to support them in those efforts."

George Felos, the attorney for Michael Schiavo, said that his client was "very pleased" with the court's deci-

sion and that "it effectively ends Gov. Bush's interference in this case."

Yet Felos was hesitant to predict whether the continued legal motions would mean Schiavo is kept alive for weeks, months or longer.

"Up to now we've had this pattern where the Schindlers file a frivolous motion, the trial judge denies it, but he permits them a stay or a postponement while they appeal it," Felos said. "The parents' appeal is denied, and then they file a new motion. We're kind of at the beginning of the merry-go-round again."

Among the pending motions is one asking the 2nd District Court of Appeal to reconsider and grant a new trial based on statements last year by Pope John Paul II declaring euthanasia a sin. The Schindlers contend their daughter, who was raised Catholic, would never violate a papal decree.

On Friday, the Schindlers will argue before Pinellas Circuit Judge George Greer that their daughter was denied her right to due process because she never had her own attorney.

Consequently, Greer should void his 2000 order allowing Michael Schiavo to have doctors remove his wife's feeding tube, the Schindlers said.

A separate pending motion asking Greer to remove Michael Schiavo as guardian has not been set for hearing.

Meanwhile, Schindler attorney David Gibbs urged Michael Schiavo to reconsider a settlement offer the parents made in November and Schiavo rejected this month.

"Essentially the offer is, 'Would you please let us take care of our daughter?' " Gibbs said. "You can walk away without consequence and get on with your life."

Felos said he doesn't expect his client to accept the offer.

"Terri said, 'No tubes for me. I don't want to be kept alive artificially,'" Felos said. "He's not going to abandon his promise to his wife."

Tribune reporter Jerome Stockfisch and News Channel 8 reporter Rod Challenger contributed to this report. Information from The Associated Press was also used.

COURTS

"Terri is not a piece of property."

GEORGE FELOS

Michael Schiavo's attorney on the settlement offer from his client's in-laws

Michael Schiavo Rebuffs Offer From Wife's Family

SCHINDLERS PUT FORWARD SETTLEMENT PROPOSAL

By DAVID SOMMER
dsommer@tampatrib.com

CLEARWATER — Michael Schiavo will not leave his wife to live on against what he maintains is Terri Schiavo's stated wish not to be kept alive with the help of a feeding tube inserted into her stomach, his attorney reiterated Friday.

"Terri is not a piece of property that one person can give over to another," attorney George Felos said when asked why his client has rejected the latest offer made by his wife's parents, Bob and Mary Schindler.

"He made a promise to his wife [not to keep her alive by artificial means], and that's what this case is about for him," Felos said.

Speaking on the courthouse steps after a hearing on the Schindlers' latest legal maneuver to keep their daughter alive, Bob Schindler said his son-in-law's position as a loyal husband upholding a promise to his brain-damaged wife is "poppycock."

Michael Schiavo has a common law marriage with another woman who has borne him at least two children, Schindler said. "He's breaking his wedding vows by living with another woman."

Schindler attorney David Gibbs III said he hoped that by going public with the settlement offer, Michael Schiavo might be persuaded to reconsider.

In an Oct. 26 letter to Schiavo's attorneys, Gibbs said the Schindlers wrote that they are prepared to sign over any rights to Terri Schiavo's marital assets or to any money or assets that might be left over from malpractice awards granted the couple after Terri Schiavo suffered heart failure and subsequent brain



Schiavo
U.S. Supreme Court refused to hear an appeal that the Gov. Bush-backed "Terri's Law" was constitutional.

damage in 1990 at age 26.

Gibbs said Friday that would include any rights to book, television and movie deals stemming from the nationally publicized case.

Also in the October letter, the Schindlers offered to give Michael Schiavo any money or assets in their daughter's estate if he ends his struggle to have her feeding tube removed and she is allowed to die a natural death. They said he could dictate visitation rights, regardless of whether he divorced their daughter.

"The Schindlers would permit Michael's attorneys to draft any agreement regarding this matter that Michael would desire ... excluding payment of Michael's previous legal fees and costs," the letter states.

Twice, Michael Schiavo has won court permission to disconnect his wife's feeding tube so she would die from lack of nutrition and hydration. Both times, the feeding tube was reinserted, most recently in October 2003 on orders of Gov. Jeb Bush.

Earlier this week, the U.S. Supreme Court refused to hear Bush's appeal of a Florida Supreme Court finding that the special legislative measure known as "Terri's Law," which allowed Bush to intervene, was enacted in violation of the state constitution.

Michael Schiavo contends that his wife is in a persistent vegetative state, unaware of her surroundings. The Schindlers say their daughter reacts to them and could improve with therapy.



The Associated Press

Bob and Mary Schindler are pressuring their son-in-law to accept their settlement proposal by going public with the terms.

COURTS

Schiavo's Parents Look Into New Case

WOMAN SPEECHLESS FOR 20 YEARS TALKS

A staff and wire report

A Kansas woman unable to talk since she was struck by a drunken driver 20 years ago has begun to regain her memory and speak, sending her father "from despair to joy."

Sarah Scantlin's family and friends plan to celebrate the development today at the Hutchinson, Kan., health care center where she lives.

"She's 100 percent Sarah again. The family is back together, and it's just simply a joyous situation," her father, Jim Scantlin, told CNN.

News of the woman's

sudden improvement prompted Terri Schiavo's parents, who live in Gulfport, to wonder if their daughter might be going through the same thing, Bob Schindler said Friday.

Scantlin was 18 when she was struck while walking to her car in 1984. She had been aware of her surroundings but unable to make any sounds other than loud crying until a month ago, when she told staff members, "OK, OK."

"It just happened one day and nobody really knows why," said Sharon Kuepker, administrator for the Golden Plains Health Care Center.

She now is forming other words aloud, counting and remembering people and places, staff members said.

"You condition yourself to be able to try to deal with something like this, and then all of the sudden, the world instantly changed from despair to joy because it's amazing how important communication is between human beings," her father said.

Bob Schindler said he would like to meet Sarah Scantlin and ask her about her experience during the years in which she was unable to speak.

Bob and Mary Schindler have been locked in a seven-year court battle with son-in-law Michael Schiavo over his desire to remove his wife's feeding tube. The Schindlers say their daughter reacts to them and tries to respond when they talk to her.

Schiavo contends his wife's brain was destroyed when she had heart failure in 1990 at age 26, and that she would not want to be kept alive with the help of a feeding tube.

Bob Schindler said he wants to contact the Scantlin family and hopes to travel to Kansas.

"From what I understand, their conditions were very similar. I'd like to find out from her if she understood what was being said to her" during the years Scantlin could not communicate, Schindler said.

"When we talk to Terri we believe she understands us, so I'd like to hear what this gal has to say," he said.

Also Friday, the Schindlers were dealt a setback in court when Circuit Judge George Greer denied their request to void his 2000 finding that Terri Schiavo made statements before her heart failure indicating she would not want to be kept alive by artificial means.

The Schindlers contend their daughter should have had her own lawyer during the 2000 nonjury trial over her wishes.

2 Comatose Men Display Some Brain Activity

IMAGES COULD HELP RESOLVE DISPUTES LIKE TERRI SCHIAVO

By BENEDICT CAREY
The New York Times

Thousands of brain-damaged people who are treated as if they are almost completely unaware may in fact hear and register what is going on around them but be unable to respond, a new brain imaging study suggests.

The findings, if repeated in follow-up experiments, could have sweeping implications for determining the best care for these patients. Some experts said the study, which appeared Monday in the *Journal of Neurology*, could also have consequences for legal cases, when parties dispute the mental state of a patient who is unresponsive.

The research showed that brain-imaging technology could be a powerful tool to help doctors and family members determine whether a person had lost all awareness or was still somewhat mentally engaged, experts said.

"This study gave me goose bumps, because it shows this possibility of this profound isolation, that these people are there, that they've been there all along, even though we've been treating them as if they're not," said Joseph Fins, chief of the medical ethics division of New York Presbyterian Hospital-Weill Cornell Center. Fins was not involved in the study but collaborates with its authors on other projects.

Other experts warned that the new research was more suggestive than conclusive, and that it did not mean that unresponsive people with brain damage were more likely to recover or that treatment was yet possible.

But they said the study did open a window on a world that has been neglected by medical inquiry. "This is an extremely important work, for that reason alone," said James Bernat, a professor of neurology at Dartmouth.

Bernat said findings from studies like these would be relevant to cases like that of Terri Schiavo, a Florida woman with brain damage who has been kept alive for years against her husband's wishes. In that case, relatives of Terri Schiavo disagree about her condition, and a brain-imaging test — once it has been standardized — could help determine whether brain damage has extinguished awareness.

The patients in question have significant brain damage. Three million to 6 million Americans live with the consequences of serious brain injuries, neurologists say. An estimated 100,000 to 300,000 of them are in what is called a minimally conscious state: They are bedridden, cannot communicate and are unable to feed or care for themselves, but they typically breathe on their own.

They may occasionally react to instructions to blink their eyes or even reach for a glass, although such responses are unpredictable. By observing behavior in a bedside examination, neurologists can determine whether a person is minimally con-

scious or in a "persistent vegetative state" — without awareness, and almost certain not to recover.

In the study, a team of neuroscientists in New York, New Jersey and Washington, D.C., used imaging technology to compare brain activity in two young men determined to be minimally conscious with that of seven healthy men and women. In a measure of overall brain activity, the two groups were vastly different: The two minimally conscious men showed less than half the activity of the others.

But the researchers also recorded an audiotape for each of the nine subjects in which a relative or loved one reminisced, telling familiar stories and recalling shared experiences. In each of the brain-damaged patients, the sound of the voice prompted a pattern of brain activity similar to that of the healthy participants.

"We assumed we would get some minimal response in these patients, but nothing like this," said Nicholas Schiff, an assistant professor of neurology and neuroscience at Weill Medical College of Cornell University in Manhattan and the study's lead author.

The two men showed near-normal patterns in the language-processing areas of their brains, Schiff said, suggesting that some neural networks "could be perfectly preserved under some conditions."

Although the number of patients studied was very small, the specificity and intricacy of the patterns made it all but impossible that the results

were a fluke, said Joy Hirsch, director of the Functional MRI Research Center at Columbia University Medical Center and the study's senior author.

One of the two minimally conscious men lay still in a brain-imaging machine while his sister recounted his toast at her wedding and recalled times playing together as children. Although his eyes were closed, the researchers found that visual areas of his brain were active, suggesting that he might have been producing imaginary images, Hirsch said.

"We do not know for sure what is happening in this man's head, but if he were imagining things at the sound of his sister's voice, that would suggest some connection to emotion," Hirsch said.

Since the study was completed, Hirsch said, the team has run the same kinds of tests on seven similar brain-injury patients, with similar results: The language processing networks in their brains display seemingly normal patterns upon their hearing the voice of a loved one. The government has provided financing for the team to conduct a larger study of mental activity in minimally conscious people.

A better understanding of brain patterns in minimally conscious patients should also help cut down on misdiagnosis by doctors, Fins said. He said one study had found that as many as 30 percent of patients identified as being unaware, in a persistently vegetative state, were not. They were minimally conscious, like the men in the imaging study.

Schiavo's Parents Launch Campaign

PUBLIC OPINION BATTLE MAY BE FINAL OPTION

By VICKIE CHACHERE
The Associated Press

TAMPA — With their legal options dwindling, the parents of a woman at the center of a life-or-death legal fight again are mounting a campaign of public and political pressure in hopes of keeping their son-in-law from allowing her to die.

Bob and Mary Schindler announced Monday that Operation Rescue founder Randall Terry again will coordinate efforts to keep courts from allowing Michael Schiavo to disconnect his wife's feeding tube.

Terry was a key player in a massive campaign to lobby state lawmakers and Gov. Jeb Bush in October 2003 to enact a law blocking her death. Michael Schiavo contends his wife, Terri, 41, who suffered severe brain damage 15 years ago, would not want to be kept alive artificially; her parents contend she had no such wish.

The case has been fought in the courts for nearly eight years. On Friday, the Schindlers were turned down in a new attempt to stop their son-in-law from removing the tube. They also have been unsuccessful in persuading either the Florida Supreme Court or the U.S. Supreme Court to intervene.

In a statement released Monday, Bob Schindler described the move as an effort to block "death by judicial homicide."

Protests are planned for out-



The Associated Press

On Monday, Bob and Mary Schindler said Operation Rescue founder Randall Terry will coordinate the push to keep Michael Schiavo from disconnecting his comatose wife's feeding tube.

side the Pinellas Park hospice where Terri Schiavo lives, Terry said, adding that there will be e-mail and letter writing campaigns to lawmakers.

Terri Schiavo suffered severe brain damage at age 26 when a chemical imbalance brought on by an eating disorder caused her heart to stop beating. Doctors have ruled that she is in a persistent vegetative state with no hope for recovery; others have said she has some mental capabilities.

Michael Schiavo has testified his wife told him she wouldn't want to be kept alive artificially, but her family disputes she made such statements. The Schindlers say their daughter laughs, cries and responds to them.

In October 2003, the Florida Legislature and Bush passed a bill allowing the governor to order Terri Schiavo's feeding tube be reinserted six days after it was removed.

The Florida Supreme Court ruled the measure unconstitutional, and the U.S. Supreme Court has refused to hear the case.

The Schindlers since have launched a series of legal maneuvers aimed at either ordering a new trial on what their daughter's wishes would be or voiding the original judgment allowing Michael Schiavo to remove the feeding tube.

Michael Schiavo is looking to Feb. 22 as the date when removal of the tube could become an option.

The Schindlers' attorneys did not return telephone calls for comment Monday.

George Felos, Michael Schiavo's attorney, said he doubts a new round of political pressure could move lawmakers to act.

"The Florida Legislature would have to be much more reluctant to jump into this case now," Felos said. "I think the Florida Supreme Court made it

clear that although they [lawmakers] may legislate prospectively for future cases, there is nothing they can do to overturn the result of Mrs. Schiavo's case."

There has been at least one bill filed that if enacted could apply to Terri Schiavo's case. Rep. Dennis Baxley, R-Ocala, has filed a bill that would not allow withdrawal of nutrition and hydration unless specifically noted in a living will. The bill would apply in cases in the court system, including the Terri Schiavo case.

The Schindlers contention that their daughter is not brain-dead was buoyed last week by news that a Kansas woman began speaking after being comatose since being hit by a car 20 years ago. Sarah Scantlin, of Hutchinson, Kan., began to speak after years of only being able to communicate in the simplest ways.

Adding to their hopefulness, Terry said, is medical research published in the journal *Neurology* showing brain scans of some severely brain damaged patients prompted a pattern of brain activity similar to that of healthy people.

The two men in the study were in a state doctors called "minimally conscious," which is a higher level of functioning than a persistent vegetative state.

Felos said these cases don't apply to Terri Schiavo, whose brain damage is so profound that she has no cognitive abilities. According to doctors, the sounds and expressions she makes are reflexes, not conscious attempts to communicate, Felos said.

TAMPA TRIBUNE

and The Tampa Times

Schiavo Saga Strains Courts

CRITICS SAY SYSTEM HAS BROKEN

By DAVID SOMMER
dsommer@tampatrib.com

CLEARWATER — The end could be near for Terri Schiavo, or not.

Time and again the legal battle over the brain-damaged woman's wishes has appeared to be drawing to a close.

The protracted dispute has prompted some to question whether the court system can become gridlocked when one side has

the determination and financial backing to fight indefinitely and the other refuses to compromise.

Twice, the feeding tube that has kept the St. Petersburg woman alive since 1990 has been removed so she would die.

Both times the tube was reinserted, once on an emergency court order, and once on the order of Gov. Jeb Bush.

The emergency court order subsequently was overturned on appeal, and the Flori-

See **SCHIAVO PROCESS**, Page 4 ►
Christian groups, ACLU back legal efforts.

IS THE SYSTEM BROKEN?



MICHAEL P. ALLEN
Stetson University College of Law professor

“If you are a right-to-die advocate, you'll think that the courts have let this go on far too long.

“[The right-to-life] group is probably not court-friendly anyway, and did this change their minds? No, it probably confirmed it.”

SCHIAVO PROCESS

Continued From Page 1

THE CASE THAT REFUSES TO GO AWAY

Battles over whether Terri Schiavo would choose to live or to die have wound their way repeatedly up and down the judge some to wonder whether the case has damaged the integrity of the courts.

Case	Circuit Court	2nd District Court of Appeal	Florida Supreme Court	U.S. Supreme Court
Michael Schiavo's request to have his wife Terri's feeding tube removed reaches court. Bob and Mary Schindler, Terri's parents, oppose the move.	2/11/2000 Judge George Greer orders tube removed	1/24/2001 Upholds ruling	4/18/2001 Refuses to hear case	4/23/2001 Refuses to stay removal
A separate suit by the Schindlers claims Michael perjured himself when he claimed Terri had an aversion to life support.	4/26/2001 Judge Frank Quesada orders tube reinserted	7/11/2001 Remands case to Greer		
The feeding tube case returns to Greer's courtroom.	8/7/2001 Greer orders tube removed	10/17/2001 Asks 5 doctors to examine Terri	3/14/2002 Refuses to review case	
After hearing from 5 doctors, Greer rules again.	11/22/2002 Greer orders tube removed	6/6/2003 Upholds ruling	8/22/2003 Refuses to review case	
	9/17/2003 Greer orders tube removed	10/14/2003 Upholds ruling		
The Legislature passes a law pushed by Gov. Jeb Bush allowing him to order the tube reinserted. Michael Schiavo responds immediately to the enactment of Terri's Law, claiming in court that it is unconstitutional.	10/21/2003 Judge W. Douglas Baird allows tube reinserted	4/23/2004 Says circuit court has jurisdiction over Terri's Law		
	5/6/2004 Baird rules Terri's Law is unconstitutional		9/23/2004 Rules Terri's Law unconstitutional	1/24/2005 Refuses to review case

Tribune graphic; research by BUDDY JAUDON; Sources: court documents, news reports

da Supreme Court found Bush and the Legislature that backed him on the second order to be in violation of the state constitution.

Now lawyers on both sides of the almost 7-year-old legal dispute are girding for what husband Michael Schiavo hopes will be the third — and final — time the feeding tube is removed.

Meanwhile, Terri Schiavo's parents, Bob and Mary Schindler, will seek a way to keep the litigation going and their daughter alive.

The Schindlers have said they will do anything to keep her alive. They dispute doctors who say their daughter's brain is gone. The couple say she reacts to them and could improve with therapy.

Michael Schiavo has pledged never to waiver from what he maintains was his promise to his then-healthy wife that he never would allow her to live on artificial life support if she suffered the sort of debilitating illness that struck her 15 years ago.

On Monday, the judge who presided at a 2000 trial over Terri Schiavo's wishes again will be asked to stay his finding that the 41-year-old woman would not want to be kept alive in what a majority of doctors say is a persistent vegetative state brought about by heart failure at age 26.

Regardless of what Circuit Judge George Greer decides, neither side expects the case to end quietly.

Is The System Broken?

"I think the courts have done a bad job, and a lot of the public could feel that way, too," said Michael P. Allen, a Stetson University College of Law professor who specializes in constitutional law and civil procedure.

"If you are a right-to-die advocate, you'll think that the courts have let this go on far too long," Allen said. "I'm unaware of any right-to-die case that's received anywhere close to the level of process that this case has gone through."

And people on the other side, the right-to-lifers: "That group is probably not court-friendly anyway, and did this change their minds? No, it probably confirmed it," Allen said.

Other legal scholars agree people might perceive the court system to have failed in the Terri Schiavo case. Even Greer acknowledged last week that public perception of a paralyzed



we are not here already proceeding in the judicial system," Felos said in October. "It appears that pursuing this through the judicial system is a waste of time."

Felos and his client filed briefs in response to the appeal in state court and the governor's appeal to the Florida Supreme Court over Bush's decision.

In both cases, the court denied relief with the judge.

"I think it's time for the courts to agree that it's a waste of time," Shepherd said of the recent defeat. "The courts are starting to do that. In my opinion, they are just wasting time."

Stetson's Allen said the courts should stop giving the case more appeals.

"There might be a wrong [about Terri Schiavo], but there is always a wrong," he said. "If you're like this in all cases, it's a problem for the judicial system."

Focus Again Becomes

court system is a real possibility. Although the battle over Terri Schiavo's wishes is nearing its seventh anniversary, some legal experts said the longevity of the case proves the legal system is working to ensure justice is dispensed as fairly as possible.

"I think the courts have been trying to be open to the Schindlers, to let them have their day, and they have taken it to a new level," said Professor Lois L. Shepherd, who teaches bioethics and health law at Florida State University College of Law.

"I don't think the court system is broken. The doors of the courthouse are open, which is a good thing," she said. "It's just been an unusual case. ... I do think the legal maneuverings of the Schindlers, they seem almost an abuse of procedure."

Other legal experts agreed that the Schindlers' tenacity, rather than Schiavo's intractability, is the driving force behind the case's longevity.

"A part of your heart goes out to [the Schindlers]. There doesn't seem to be anything that would ever console them," said former Florida Speaker of the House Jon L. Mills, now a professor and dean emeritus at the University of Florida's Fredric G. Levy College of Law.

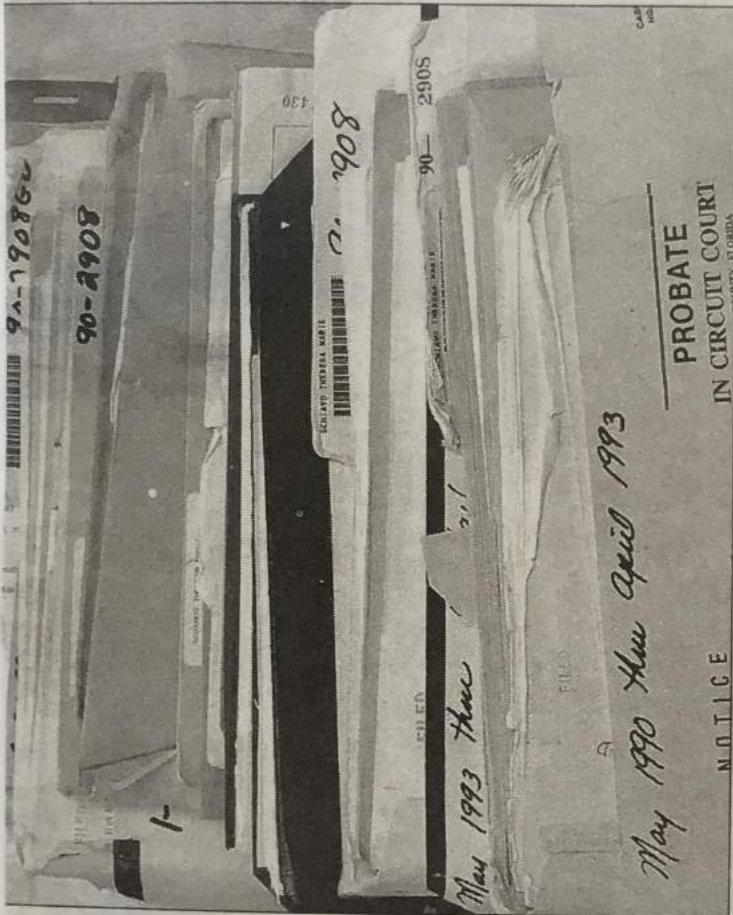
"The parents disagree with a legal conclusion that is supposed to represent their daughter's will," Mills said. "I don't think anyone wants to do this."

That probably accounts for the length of time it has taken to decide Terri Schiavo's fate, Mills said.

"I think the court system, from the pure constitutional sense ... has done its job," he said. "It's a tough issue, and often tough issues don't get resolved easily."

Case 'Too Unusual' To Count

Professor Joseph W. Little, a colleague of Mills' at UF, said the fight



Tribune photo by MARK GUSS

The Terri Schiavo case, which fills 45 volumes, is nearing its seventh anniversary. Some say the courts' inability to resolve the case shows they are failing.

over whether Terri Schiavo would wish to live is too unusual to serve as a measure of court system integrity.

"In other cases, the fight is simply about money owed because of something that has already happened," Little said. "As long as she's alive and her parents want her to stay alive ... they are likely to file lawsuits to keep her alive."

The system is doing its job well by allowing the Schindlers to pursue every option, Little said.

"The courts are tolerating a lot of repetitious efforts to preserve life, and I don't know that this is a bad thing. It's like appealing a death penalty," Little said. "You can't use it to judge the court system."

Ken Connor, who spearheaded the

Terri Schiavo's fate once again will be in Greer's hands Monday, when Schindler attorney David Gibbs asks for another stay while he pursues yet another legal avenue.

The Schindlers also have stepped up public relations efforts with the help of Christian right-to-life groups.

Early on, the Schindlers financed their battle themselves, while Micheal Schiavo was able to tap into the approximately \$700,000 medical malpractice award given to his wife for her perpetual care.

Now the Schindlers' attorneys receive financial backing from the California-based Life Legal Defense Foundation and the family receives moral support from groups including Operation Rescue and the Christian Defense Coalition.

Meanwhile, Schiavo's legal team has not been paid since Terri Schiavo's money ran out in July 2002, Felos said last week. However, they have received legal help from the American Civil Liberties Union, he said.

Felos said his client is ready to remove his wife's feeding tube as early as Tuesday, when the 2nd District Court of Appeal is expected to formalize its latest rejection of a Schindler legal argument.

Michael Schiavo was heartened last month when both the appeals court and the U.S. Supreme Court sided with him, Felos said. However, he said he is making no promises to his client.

"The process will continue indefinitely because the parents will file frivolous motions," Felos said. "Some court, some time, is going to have to say 'No more stays; no more delays' if the case is ever to end."

"If there is an inability to do that, then the court system certainly is broken."

Reporter David Sommer can be reached at (727) 799-7413.

Citing Kansas Case, Parents Seek More Tests For Schiavo

By MITCH STACY
The Associated Press

CLEARWATER — The parents of a severely brain-damaged woman at the center of a contentious right-to-die case said Thursday that they will ask a judge to delay the removal of her feeding tube so medical tests can be performed to better determine her condition. An attorney for Bob and

Mary Schindler said new medical technology could better assess Terri Schiavo's brain activity and tests should be done before her husband is allowed to order the removal of the feeding tube keeping her alive.

The attorney, David Gibbs III, said he will file a motion Monday asking Circuit Judge George Greer to allow the tests. Also Monday, a hearing is

scheduled in which Gibbs will ask the judge to extend a court-ordered stay set to expire Tuesday. Barring more court-ordered delays, the tube could be moved after Tuesday. Terri Schiavo could live for 10 days to two weeks afterward.

"I think the bottom line is that Terri deserves to get these tests," Bob Schindler said. "It would be unconscionable for Judge Greer or any other judge to order her death without these tests."

The Schindlers have been fighting their son-in-law, Michael Schiavo, in court for years over what should happen to their daughter. He contends his 41-year-old wife, who suffered severe brain damage 15 years ago, would not want to be kept alive artificially; her parents contend she had no such wish and could get better with therapy.

The Schindlers dispute that she is in what the court has determined is a persistent vegetative state. They say she reacts to them and tries to speak. The family pointed to recent news that a woman left in a coma 20 years ago in a car acci-

dent recently began to speak. Sarah Scantlin, of Hutchinson, Kan., began to speak after years of being able to speak after years only in the simplest ways.

Michael Schiavo's attorney, George Felos, said the Scantlin case doesn't apply to Terri Schiavo because tests have shown she "is in a vegetative condition and has no consciousness."

Terri Schiavo's Food Might Be Stopped Today

COURT EXPECTED TO REJECT APPEAL

By DAVID SOMMER
dsommer@tampatrib.com

CLEARWATER — Michael Schiavo plans to disconnect his wife's life-sustaining feeding tube today if an appeals court formally rejects her parents' latest legal appeal, his attorney said Monday.

"Unless a court orders otherwise, when the mandate is issued, then the life support will be discontinued," attorney George Felos said.

Felos was referring to the 2nd District Court of Appeal's announced intention to formalize its latest ruling in the Terri Schiavo case by issuing what is known as a mandate at 1 p.m. today.

A circuit court stay that prohibits Schiavo from removing his brain-damaged wife's feeding tube is set to expire immediately when the appeals court issues the mandate.

Circuit Judge George Greer on Monday declined to extend that stay as requested by Bob and Mary Schindler, who have fought to keep their daughter alive against their son-in-law's wishes.

Greer also postponed a hearing on the Schindlers' emergency request for a new stay. The hearing was to have been Monday afternoon but now will be Wednesday afternoon.

See **SCHIAVO APPEAL**, Page 4 ▶

Who would remove tube in question.

APPEAL

Continued From Page 1

Schindler attorney David Gibbs noted that could result in Terri Schiavo being denied nutrition and hydration for more than 24 hours if her husband removes the tube and a court later issues a stay requiring it to be reinserted.

"We don't need to rush to Terri's death," Gibbs said. "I don't know why Mr. Felos and the guardian [Michael Schiavo] are so bent on just killing her. It's kind of barbaric."

U.S. Supreme Court Justice Anthony Kennedy, who presides over emergency matters for Southeastern states, also will be asked to issue a stay while the Schindlers again ask the high court to intervene, Gibbs said.

In the past, Greer has expressed doubt whether Michael Schiavo can

find a medical professional to remove his wife's feeding tube without a specific court order.

Felos declined to say whom his client intends to have remove the feeding tube, or whether Michael Schiavo, a registered nurse, would perform the procedure himself.

On Monday, Greer's judicial assistant said the judge will not consider issuing any order, whether for or against removing the tube, until he sees the state appeal court's mandate.

Bob Schindler said he and his wife again are bracing for the worst while praying that their daughter will be kept alive while the fight over her final wishes continues.

Michael Schiavo and his in-laws have been locked in a battle over Terri Schiavo's wishes almost seven years. His doctors say she is in a persistent vegetative state and that most of her brain was destroyed when her heart failed in 1990 at age 26. The Schindlers contend she reacts to them and could improve with therapy.

After a nonjury trial in 2000, Greer

ruled Terri Schiavo made statements to her husband and his relatives indicating she would not want to be kept alive by artificial means with no hope of improvement.

The Schindlers contend their daughter never made such statements and say she talked of divorce before her heart failed.

Greer should issue a new stay so the couple can appeal the issue of whether recent statements by Pope John Paul II would have changed their daughter's wishes, Schindler attorney Gibbs said Monday.

Last year, the pope said people in a persistent vegetative state should receive nutrition and hydration. The Schindlers contend their daughter is a devout Catholic who would not act against the pope's advice.



Keyword: Schiavo, for background information on the case.

Information from The Associated Press was used in this report.



Tribune photo by MARK GUSS

From left, Terri Schiavo's father, Robert Schindler, and attorney David Gibbs address the media outside the Pinellas County Courthouse on Monday, joined by supporters of their fight to keep Schiavo on life support.



Terri Schiavo has been in what doctors call a persistent vegetative state since 1990.

Judge Puts A Hold On Schiavo Case

HER PARENTS HEAD BACK INTO COURTROOM TODAY

By DAVID SOMMER
dsommer@tampatrib.com

CLEARWATER — The Terri Schiavo case lurched and sputtered Tuesday as the anticipated withdrawal of the brain-damaged woman's feeding tube suddenly was blocked by a judge acting on his own initiative.

Action is set to resume today in the courtroom of Circuit Judge George Greer, who entered a stay of his ruling that Schiavo does not want to be kept alive after 15 years in what most doctors say is a persistent vegetative state.

Greer acted 45 minutes after an appeals court ruling cleared the way for Michael Schiavo to remove his wife's feeding tube over the objection of her parents.

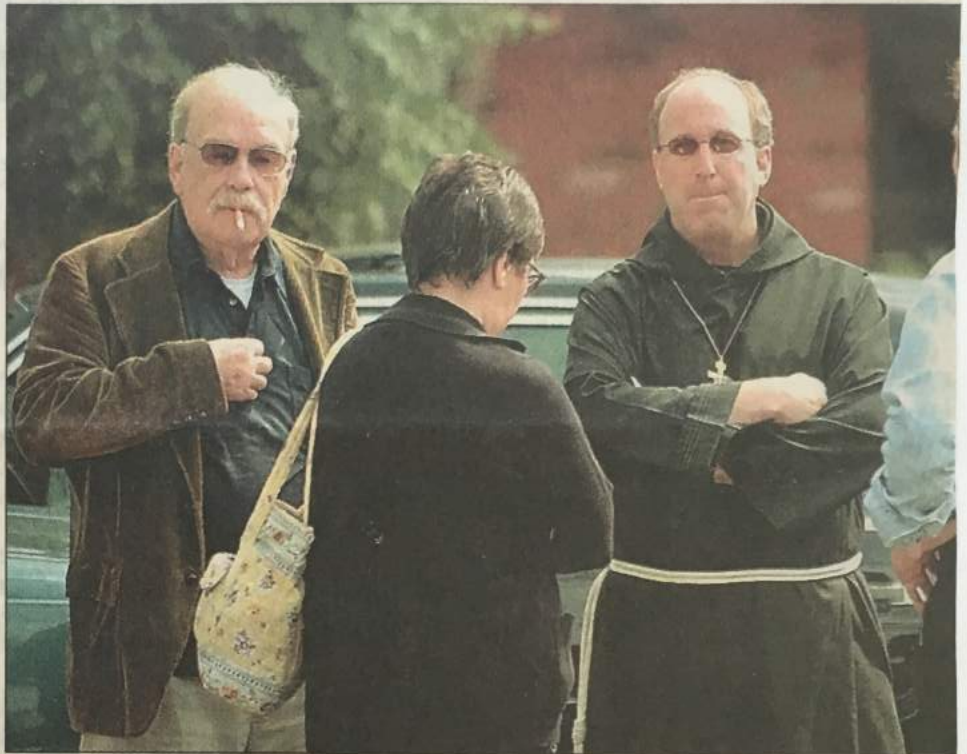
Bob and Mary Schindler will return to Greer's courtroom this afternoon to ask for more time and testing to show their daughter has a chance of improving.

Michael Schiavo will argue that after winning every court battle for five years, he should be allowed to remove his wife from the life-supporting feeding tube for a third and final time.

Meanwhile, legislators in Tallahassee mulled whether to hold a special session in an attempt to intervene in a case that has pitted national right-to-life organizations against a husband who contends his wife would choose to die if she could speak.

On Tuesday morning, a small group of Schindler supporters protested in front of Michael Schiavo's home in Countryside's Northwood subdivision.

Activists from as far as California and Washington state then moved their demonstration to the Pinellas



Bob and Mary Schindler and their son, Bob Jr., speak with Franciscan Brothers of Hilary McGee outside Woodside Hospice in Pinellas Park. They plan an e-mail car

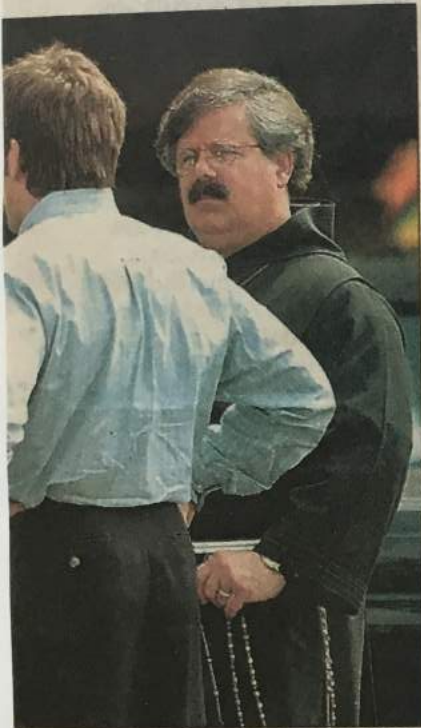


Jim Carpenter, 7, of Clearwater, leads Schindler supporters in reciting the Holy Rosary outside the hospice where Terri Schiavo is being kept.

See **SCHIAVO REPRIEVE**, Page 8 ►
House speaker explores legal options.



Michael Schiavo says he is fighting to fulfill his wife's wish not to be kept alive this way.



Tribune photos by BRUCE HOSKING

Peace Paul O'Donnell, center, and campaign to enlist legislative action.

"We are begging and pleading with legislators and Gov. Jeb Bush to keep Terri from being murdered in cold blood."

BOB SCHINDLER
Terri Schiavo's father

SCHIAVO REPRIEVE

Continued From Page 1

Park hospice where Terri Schiavo has been since her husband's first abortive attempt to remove the feeding tube on Greer's order in 2002.

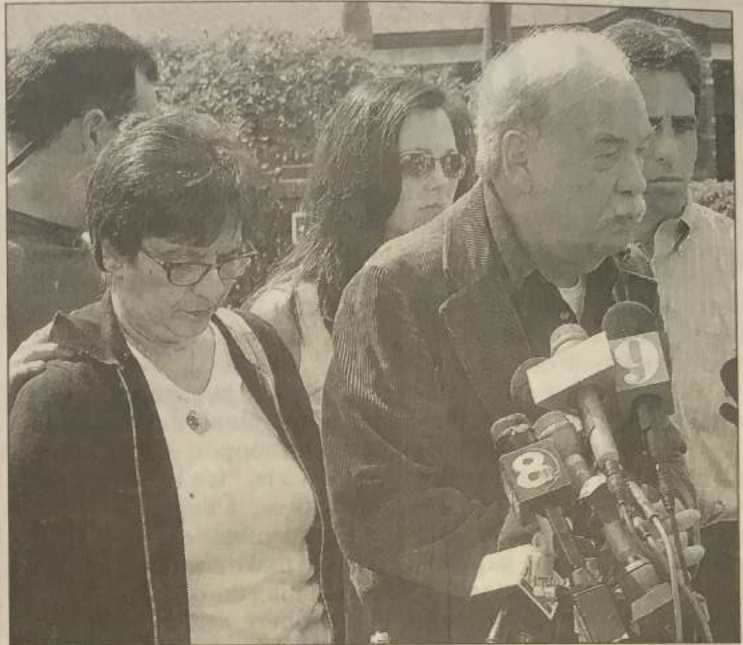
The group swelled to about 30, half of them children. Many embraced Bob Schindler as he left the facility after visiting his daughter.

"We are begging and pleading with legislators and Gov. Jeb Bush to keep Terri from being murdered in cold blood," Schindler said minutes before Greer issued the stay.

After Greer's ruling, Paul O'Donnell of the Minnesota-based Franciscan Brothers of Peace said Schindler supporters plan to mount "another massive e-mail campaign to the governor, legislators and do what we can to keep Terri before the public eye."

A similar campaign in October 2003 prompted the Legislature to pass what quickly was dubbed "Terri's Law." The law, later struck down as unconstitutional, allowed Bush to order Terri Schiavo's feeding tube reinserted six days after Michael Schiavo had it removed for a second time on Greer's order.

House Speaker Allan Bense, R-Panama City, said Tuesday that he would not support involving the Legislature in the case again until all court op-



Tribune photo by BRUCE HOSKING

Bob and Mary Schindler's case has drawn right-to-life activists from as far away as California and Washington state.

tions have been exhausted by the family.

"We'll look at it," he said. "We're not sure if there's anything constitutional we can pass. I've got some very bright minds looking at it right now."

Also in Tallahassee on Tuesday, Operation Rescue founder Randall Terry, who coordinated the 2003 e-mail campaign, expressed hope that Bush and legislators again would act to save her life.

Terry said he would seek support among legislators for an amendment to the existing guardianship law, which would revoke guardianship from the spouse of a disabled person if he or she lives with someone else.

Michael Schiavo has said he is fighting his in-laws to fulfill a promise made to his wife before heart failure cut off oxygen to her brain in 1990 at age 26.

The Schindlers contended their daughter never asked to be taken off life support should she ever suffer a debilitating illness. They have said Michael Schiavo has broken his wedding vows by having children with a woman whom he identifies as his fiancée.

Reporters Michon Ashmore and Steven Isbits contributed to this report.



Keyword: Schiavo, for the latest developments and background on the case.

TERRI SCHIAVO

Continued From Page 1

that if there was anything they could think of [to keep Terri Schiavo alive] they would," said George Felos, who represents Michael Schiavo in his quest to remove his wife's feeding tube.

"The DCF is part of the executive branch and Jeb Bush heads the executive branch," Felos said.

Michael Schiavo has cooperated with the DCF during past investigations, Felos said.

"There have been an endless series of complaints made to the DCF over the past six years and all were unfounded. ... I can't think of a logical reason why the DCF would take action now" absent political pressure, he said.

The DCF's move came just hours after Gov. Bush said he was looking for a way to keep Terri Schiavo alive.

Bush said at a news conference earlier in the day he would do anything "within the laws of the state" to help the Schindlers keep their daughter alive.

The Gulfport couple say their daughter reacts to them and could improve with therapy. They dispute



The Schindlers' goal at Wednesday's hearing was to get more time to fight for their daughter's life, and Gibbs called the DCF intervention "another in a series of miracles" that have kept her alive.

The judge granted the Schindlers an additional 48-hour stay while he considers their latest requests for time to appeal earlier rulings, seek additional medical testing and contest Michael Schiavo's fitness as their daughter's legal guardian.

"We are really elated," Bob Schindler said. "Forty-eight hours to us right now seems like six years."

DCF Chief of Staff Bill Spann, reached in Tallahassee, said the agency is required by state law to investigate any allegations of abuse or neglect of elders, disabled and other vulnerable adults.

The law also prohibits the DCF from disclosing abuse allegations or other information about specific cases, he said.

If an allegation is made by an individual who has credible knowledge of abuse or neglect, the state launches an adult protective investigation, Spann said. If the allegations are found to be credible, the DCF determines what actions are necessary.

Reporter Allison North Jones contributed to this report.

Circuit Judge George Greer granted Terri Schiavo's parents a 48-hour stay while he considers their requests for time to appeal earlier rulings.

their title, at any time can do," the governor said of his desire to help the Schindlers.

In October 2003, Bush ordered Terri Schiavo's feeding tube reinserted six days after her husband had it removed on court orders. The hastily crafted measure Bush relied on to intervene, dubbed Terri's Law, was struck down as unconstitutional.

Schindler attorney David Gibbs said the DCF will need time to investigate what he characterized as "medical, physical and legal neglect."

their son-in-law's contention that Terri Schiavo made statements before her illness indicating she would not want to be kept alive by artificial means with no hope of improvement.

Terri Schiavo, 41, suffered a still-unexplained heart failure that cut off oxygen to her brain in 1990 at age 26. After a 2000 nonjury trial, Greer ruled that testimony from Michael Schiavo and his relatives showed Terri Schiavo would not want to be kept alive.

"I will do what I can. But there are limits to what anyone, irrespective of

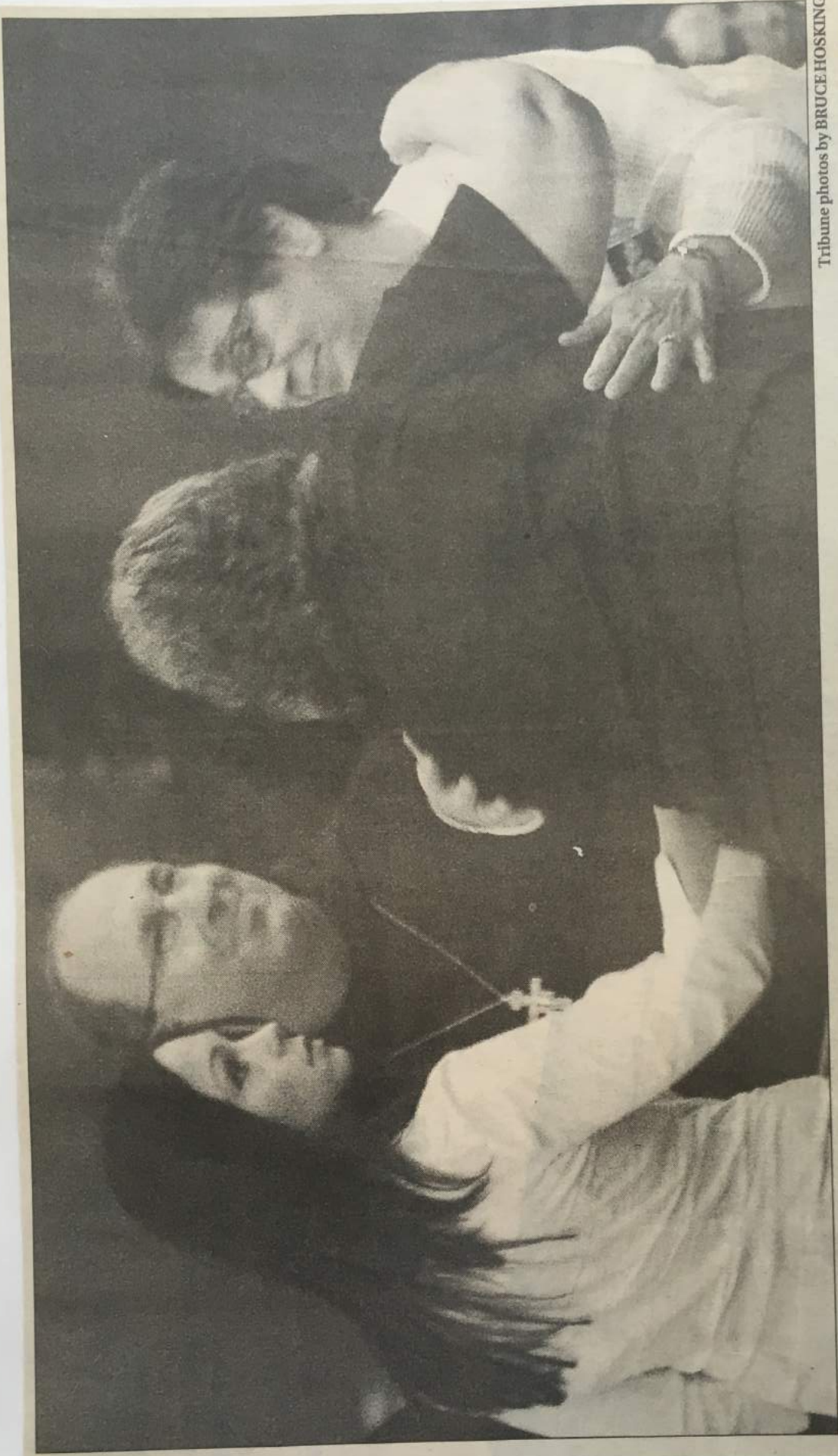
THE TAMPA TRIBUNE

and The Tampa Times

DCF Enters Schiavo Case

Judge Delays Ruling On Request To Remove Feeding Tube For At Least 2 Days





Tribune photos by BRUCE HOSKING

Terri Schiavo's sister Suzanne Vitadamo, left, and Franciscan Brother Paul O'Donnell offer support to Schiavo's mother, Mary Schindler, in court Wednesday.

Schiavo Case Ruling Due Today

FAMILY WANTS TIME FOR MORE BRAIN TESTS

By DAVID SOMMER
and ALLISON NORTH JONES
The Tampa Tribune

CLEARWATER — A judge is set to rule today on a request by Terri Schiavo's parents that he block the removal of her life-sustaining feeding tube for an indefinite period.

The Gulfport couple want Circuit Judge George Greer to stay his February 2000 ruling that Terri Schiavo made statements before suffering brain damage in 1990 at age 26 indicating she would not want to be kept alive without hope of improvement.

In a petition filed Wednesday, Bob and Mary Schindler ask permission to have their daughter undergo a new test of brain activity outlined in the February issue of the medical journal *Neurology*. They also want her to undergo a new treatment known as VitalStim that uses electric charges to retrain throat muscles to swallow.

In the past, husband Michael Schiavo has been successful in blocking his in-laws' requests for therapy they contend might wean their daughter from the feeding tube, which is legally considered artificial life support.

Michael Schiavo has fought the Schindlers successfully for almost seven years to gain court permission to remove his wife's feeding tube so she will die. The Schindlers want him



Tribune photo by BRUCE HOSKING

Randall Terry outlines plans Thursday for protests at the Pinellas County courthouse. He backs Terri Schiavo's parents.

to divorce their daughter so they can care for her.

At a hearing Wednesday, Schiavo attorney George Felos argued that the Schindlers have exhausted all of their appeals and that it is time for the courts to stop letting the couple treat the system as a "revolving door" to file "frivolous motions."

"It is an abuse of the judicial system. ... A continuing process with no prospect of finality has no integrity," Felos said.

Medical testimony has shown Terri Schiavo's brain to be a "giant black hole," incapable of anything other than instinctive behavior, he said.

Felos also said that only an appeals court can issue an indefinite stay at this point.

Schindler attorney David Gibbs argued that there are still at least three pending legal issues in addition to the new

tests his clients are seeking for their daughter.

The Schindlers are appealing Greer's ruling that their daughter's due process rights were not violated when the judge acted as her legal guardian at the 2000 trial. They also plan to ask the U.S. Supreme Court to consider whether statements by Pope John Paul II regarding the need to never stop feeding patients such as Terri Schiavo affect the case.

Finally, Gibbs told the judge, the parents' almost 3-year-old challenge to Michael Schiavo's fitness as his wife's guardian is still pending.

Also Wednesday, the state Department of Children & Families filed a "petition for intervention" that Greer is not allowing into the public record pending a hearing next week on a DCF motion to seal it.

By law, DCF investigations

into reports of abuse of disabled persons are not public record. However, Terri Schiavo's guardianship case file is a public record, so there is a potential legal dispute over whether the DCF filing should be treated as a public record, Greer said Thursday.

The DCF said Thursday that it couldn't discuss any specific cases or allegations.

Meanwhile, the governor's staff and lawyers are bracing for a long weekend if the judge's ruling allows DCF to intercede.

State lawmakers also were busy looking for ways to prevent Schiavo's feeding tube from being removed. Although they all said they weren't eager to pass another law interfering in the case, lawyers and policy makers were scrambling to find ways "within the boundaries of state law" to save Schiavo.

House Speaker Allan Bense, R-Panama City, said Thursday that whether DCF intervenes is not within the Legislature's purview but that every allegation of abuse or neglect should be investigated.

Bense and Senate President Tom Lee, R-Brandon, say they are reluctant to pass legislation that would prevent Schiavo's feeding tube from being removed.

"I don't see us going back to the same remedy again," Lee said, noting the flaw in the law found unconstitutional is that it only applied to one individual and one case.

"There's not much learned by the second kick of a mule," Lee said.

Gov. Jeb Bush said he would do everything within state law to help Terri Schiavo's parents, Mary and Bob Schindler, right, who were in court Wednesday.

Tribune photos by BRUCE HOSKING

By DAVID SOMMER

dsommer@tampatrib.com

CLEARWATER — Terri Schiavo will continue to receive nourishment at least until Friday afternoon while a judge ponders the latest requests to keep the brain-damaged woman alive.

Meanwhile, the state Department of Children & Families has suddenly asked to intervene in the seven-year-old legal dispute over whether Schiavo would want to be kept alive after 15 years in what most doctors say is a persistent vegetative state.

A DCF attorney filed a "petition for

"We are really elated. Forty-eight hours to us right now seems like six years."

BOB SCHINDLER

intervention" minutes before Circuit Judge George Greer took the bench Wednesday to hear Bob and Mary Schindler's request that he hold off on allowing the removal of their daughter's life-sustaining feeding tube.

DCF attorney Kelly Jo McKibben asked Greer to seal her petition. Greer declined to hear the request but sub-

sequently kept the document in his chambers and it was unavailable for review.

Afterward, McKibben declined to reveal the grounds for DCF's involvement in the case.

The lawyer leading the battle to remove Terri Schiavo's feeding tube said the agency's sudden interest at such a late stage in the case "reeks of the intervention of politics."

"It's no secret that the politicians were saying yesterday in Tallahassee

See TERRI SCHIAVO, Page 4 ▶
DCF can't disclose information on case.

WEEK OF LEGAL MANEUVERS

Tuesday

Just 45 minutes after an appeals court cleared the way for the removal of Terri Schiavo's feeding tube, Circuit Judge George Greer issues a stay prohibiting the tube's removal.

Wednesday

The Department of Children & Families files a petition seeking to intervene, and Greer grants an additional 48-hour stay to consider the Schindlers' various appeal-related requests.

What's Next

The Schindlers' attorney says DCF will need time to investigate what he termed "medical, physical and legal neglect." The department's specific concerns have yet to be revealed.



Kelly Jo McKibben, an attorney for the state Department of Children & Families, filed a motion with the court to intervene in the case.

March Date Set To Remove Feeding Tube

DCF PETITION, VATICAN MESSAGE ARE FACTORS

By DAVID SOMMER
dsommer@tampatrib.com

CLEARWATER — Terri Schiavo's parents will have three more weeks to fight to keep her alive before her life-sustaining feeding tube is removed, a judge ruled Friday.

Husband and guardian Michael Schiavo now is under court order to have the feeding tube removed at 1 p.m. March 18, unless her parents can persuade a higher court to order otherwise, Circuit Judge George Greer wrote in a ruling issued Friday afternoon.

Greer said he would issue no more stays of his February 2000 order authorizing removal of the feeding tube because trial evidence showed the brain-damaged woman made statements before falling ill 15 years ago indicating she would not want to be kept alive by artificial means.

"Five years have passed since the issuance of the February 2000 order, ... and there appears to be no finality in sight to this process," the judge wrote.

WHAT HAPPENED

◆ Pinellas Circuit Judge George Greer denied a motion by Terri Schiavo's parents to indefinitely delay an order to disconnect the feeding tube that helps keep her alive. Greer ruled the tube will be removed at 1 p.m. March 18.

◆ Schiavo's husband and legal guardian, Michael Schiavo, praised the judge's ruling: "I am very pleased that the court has recognized there must be a finality to this process."

"The process does not work when the trial court finds a motion to be without merit but then stays the effect of such denial for months pending appellate review," Greer wrote. "There will always be 'new' issues that can be pled."

Michael Schiavo, who fought against his in-laws for almost seven years to win court permission to end his wife's life, hailed the decision.

"I am very pleased that the court has recognized there must be a finality to this process."

See **TERRI SCHIAVO, Page 5** ▶
"We are in a 21-day race."



Tribune photo by BRUCE HOSKING

Bob and Mary Schindler, outside Hospice House Woodside in Pinellas Park, where they were visiting their daughter when

Be Sure To Put It In Writing



LETTER OF THE DAY

Regarding "No One Can Know For Sure If Schiavo Would Choose Life" (Our Opinion, Feb. 23):

I loved your headline on your editorial. I am a pastor, and I have counseled every couple getting married to get a will and a living will. Now we are faced with a man

who claims that his wife would not want to live under the present circumstances. What legal document does he have that says he has the right to decide? We have living wills that clearly spell out the rights of our survivors.

This whole charade is a disaster. The Florida Legislature needs to clarify that you *must* have a legal document to act on behalf of someone who is disabled, comatose or in a "persistent vegetative state."

I am prolife and I believe Terri should live, but I do not argue here for a philosophical or religious position. I am saying that the courts have dropped the ball. They need to say that no single person who has an interest in this matter has a right without legal certification. If Terri did not leave written instructions, the state has a legal and moral obligation to preserve her life. Am I being too simple? If it is not written in the record, it did not happen. Period.

JOHN CLARK

TERRI SCHIAVO

Continued From Page 1

cess," Schiavo says in a written statement issued by his attorney. "I am hopeful and confident that the appellate court will also agree that Terri's wishes not to be kept alive artificially must now be enforced."

Bob and Mary Schindler, who were visiting their daughter when Greer issued his ruling, vowed to use the time to file every court challenge and petition every authority they can think of.

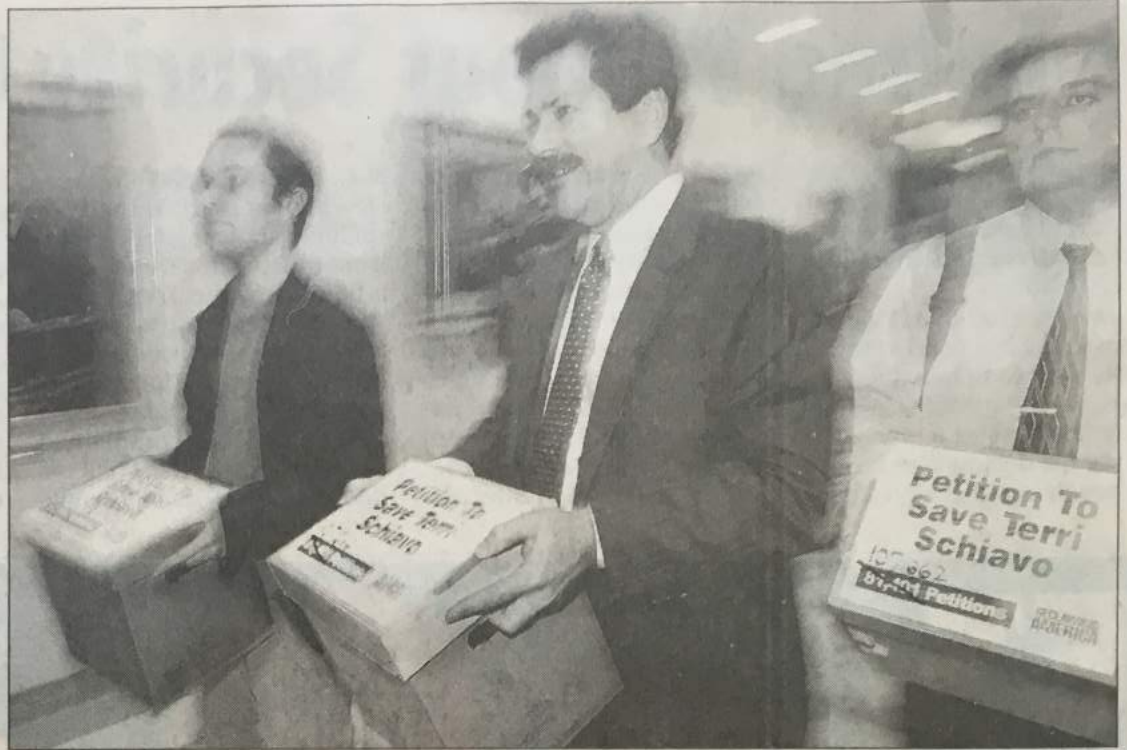
"We are happy that we have at least three weeks before they kill her. We are unhappy that we don't have much time," Bob Schindler told a throng of local and national media and right-to-life supporters gathered in the rain outside Hospice House Woodside in Pinellas Park, where Terri Schiavo has lived since the first of two prior attempts to remove her feeding tube in 2002.

"For three weeks we are off the griddle. That's the horrible feeling that my wife and family are going through. I don't see it as a victory. The victory is when we take Terri home and get her therapy," Schindler said to applause from the family's supporters.

Two positive developments have given his wife and other children reason to hope this week, Schindler said.

On Wednesday, the state Department of Children & Families filed a petition to intervene in the case and is seeking a 60-day stay on the removal of Terri Schiavo's feeding tube so it can investigate new allegations of abuse and neglect of the 41-year-old woman.

On Thursday, a high-ranking Roman Catholic official made a statement on Vatican Radio specifically identifying the Terri Schiavo case. In a statement last year, Pope John Paul II said people in a persis-



Tribune photo by COLIN HACKLEY

Members of the Center for Reclaiming America carry boxes marked "Petition To Save Terri Schiavo" to Gov. Jeb Bush's office Friday. The center says it received 107,662 e-mails.

"We are happy that we have at least three weeks before they kill her. We are unhappy that we don't have much time."

BOB SCHINDLER

tent vegetative state should be fed, and to do otherwise is a violation of church teaching. The pope, however, made no specific mention of Schiavo, a lifelong Catholic who the courts have ruled is in a persistent vegetative state.

A priest who had been holding an umbrella over Schindler's head as he spoke stepped forward to read the new statement made by Cardinal Renato Martino.

Martino is the Vatican's former ambassador to the United Nations and speaks as the "official voice" of the Holy See, the Rev. Thomas Euteneuer said.

"If Mr. Schiavo succeeds legally in causing the death of his wife, this not only would be tragic in itself but would be a grave step toward the legal approval of euthanasia in the United States," Euteneuer quoted the cardinal as saying in Thursday's radio address.

"No one can be the arbiter of life except God himself."

Schindler attorney David Gibbs said he is preparing to ask the U.S. Supreme Court to review Florida court findings that last year's papal pronouncement would not have changed Terri Schiavo's mind about wanting to be taken off life support.

"We are in a 21-day race" to get either the Supreme Court or a Florida appellate court to block the feeding tube's removal, Gibbs said, calling the cardinal's statement "a significant new development."

Gibbs said the DCF's investigation could result in Michael Schiavo's removal as guardian. He said the investigation is confidential, and he declined to provide details contained in the 11-page petition filed with Greer on Wednesday.

However, Matt Davis, a lawyer in Gibbs' firm, previously

told The Associated Press that the document appears to echo complaints made publicly by the Schindlers that their daughter has not had adequate therapy and medical care and has been deprived of other rights at her husband's direction.

A hearing could be held next week on the DCF's request for a 60-day stay, Davis told the AP.

Michael Schiavo's attorney, George Felos, who did not respond to a request for comment Friday, previously said the DCF investigation is politically motivated.

Last year, Gov. Jeb Bush was able to order Terri Schiavo's feeding tube reinserted after she went six days without nourishment based on a new law that subsequently was found to be unconstitutional.

The DCF ultimately is controlled by Bush, and Bush once again is the target of a massive e-mail campaign mounted by national right-to-life groups that are backing the Schindlers, Felos said.

Reporter Angela Delgado contributed to this report, which also includes information from The Associated Press.

Schiavo's Parents File Motions For Her Life, Possible Death

By DAVID SOMMER
dsommer@tampatrib.com

CLEARWATER — Terri Schiavo's parents filed a flurry of motions Monday aimed at averting her death or ensuring her family's religious and personal concerns are respected should that effort fail.

Bob and Mary Schindler want quick action on 15 pending motions so they can start asking appeal courts to block the scheduled March 18 removal of their daughter's life-sustaining feeding tube, attorney David Gibbs said Monday.

The 11 motions filed Monday include a divorce petition seeking appointment of a legal guardian to act on the brain-damaged woman's behalf.

"Mr. Schiavo has engaged in open adultery. ... [Terri Schiavo] clearly would not desire to die while married to Mr. Schiavo," the motion states.

Circuit Judge George Greer immediately refused to hear two of the 11 new motions, including the divorce petition, along with four pending motions asking for new medical tests, treatment and the removal of Michael Schiavo as his wife's guardian, Gibbs said.

The motions rejected by Greer are the ones aimed at keeping Terri Schiavo alive. Gibbs said he will begin appeals that could put the case

See **SCHIAVO CASE**, Page 10 ►
Burial plans also are addressed.

Error Mised Judge, Schiavo Parents Say

By DAVID SOMMER
dsommer@tampatrib.com

CLEARWATER — A mistake about a famous precedent to the Terri Schiavo case may have caused the trial judge to wrongly conclude Schiavo would not want to be kept alive with the help of a feeding tube, her parents contend.

Judge George Greer's ruling in February 2000 discounted the testimony of a key witness for parents Bob and Mary Schindler based on the mistaken assumption that Karen Ann Quinlan died in the mid-1970s after a celebrated New Jersey court case resulted in her removal from life support.

Quinlan went on to live nine years without life support, a fact that went unmentioned when a former close friend of Terri Schiavo testi-



The parents of Terri Schiavo, left, say Judge George Greer was wrong about the case of Karen Ann Quinlan.

fied in 2000 that Schiavo expressed disapproval of the Quinlan family decision to remove the woman from life support, Schindler attorney David Gibbs said Wednesday.

The witness said the exchange took place in 1982 when Schiavo was 18 or 19. Greer later concluded it took place six years earlier.

See **SCHIAVO APPEAL**, Page 6 ►
Access sought to DCF papers.

SCHIAVO CASE

Continued From Page 1

before the U.S. Supreme Court.

The remaining motions deal with issues such as the administration of last rites and the Schindlers' desire that their daughter be buried according to Catholic tradition rather than cremated, as Michael Schiavo has ordered.

Bob Schindler faulted the judge Monday for not considering whether his daughter should have more medical tests.

Greer has ruled repeatedly that Terri Schiavo's brain was destroyed when her heart

failed in 1990 at age 26 and that she is in a persistent vegetative state. After a January 2000 trial, Greer found testimony from Michael Schiavo and his relatives showed she would not want to be kept alive.

"He is on a death march," Schindler said of the judge.

Michael Schiavo should have no say over his wife's fate, Schindler said.

"The guy has been living with a woman for the past 10 years and has two children," he said. "It's an insult to Terri."

Michael Schiavo's attorney, George Felos, said any spouse who truly loves his or her partner would want that spouse to "seek some sort of happiness rather than to be alone."

Felos called Monday's flurry of new motions a "smoke

screen ... aimed at subverting Terri Schiavo's wish" not to be kept alive in a vegetative state.

"I think the real issue is what the state is going to do, either the Legislature or the governor," Felos said of talk in Tallahassee about intervening again.

In October 2003, Gov. Jeb Bush used a hastily crafted measure dubbed "Terri's Law" to order the woman's feeding tube reinserted six days after it was removed by court order. Terri's Law since has been ruled unconstitutional.

"The Florida Supreme Court made it clear they can't do anything to undermine the judicial decisions in Terri's case," Felos said. "The citizenry should be highly concerned about what they might pass in a failed attempt to hurt this case that

hurts countless Floridians."

Also Monday, Florida's bishops issued a plea that Terri Schiavo "continues to receive all treatments and care that will be of benefit to her."

Bishop Robert Lynch, of the Diocese of St. Petersburg, added: "I urge and pray that before the finality, one last effort be made for mediation."

One other motion filed Monday, by The Tampa Tribune and WFLA, News Channel 8, asks that Greer release the contents of a Department of Children & Families motion to intervene in the case. The agency wants the motion sealed while it investigates allegations that Terri Schiavo has been abused.

Reporter David Sommer can be reached at (727) 799-7413.

SCHIAVO APPEAL

Continued From Page 1

"We believe the clear and convincing evidence no longer exists that Terri would have wanted to die," Gibbs said.

Greer has ordered that Schiavo's feeding tube be removed March 18. She is expected to die a week to 10 days after nutrition and hydration are halted.

"Obviously, time is ticking," Gibbs said of the urgency of the motion he filed Wednesday asking Greer to overturn the verdict he reached after a non-jury trial in January 2000.

In a ruling issued the following month, Greer questioned the credibility of witness Diane Christine Meyer.

Greer concluded that Meyer was mistaken about the date of her discussion with Schiavo and speculated that it occurred when the two were children, not young adults.

The judge went on to conclude that testimony from husband Michael Schiavo and his relatives showed Terri Schiavo made comments as an adult indicating she would not want to be kept alive by artificial means with no hope of improvement.

Terri Schiavo has been in what her husband's doctors testified is a persistent vegetative state since suffering heart failure in 1990 at age 26.

Bob and Mary Schindler contend their daughter reacts to them and could improve with therapy.

Michael Schiavo has been fighting the Schindlers for almost seven years for court permission to remove his wife's life-sustaining feeding tube.

"This motion is worse than frivolous and an abuse of the legal system," Schiavo attorney George Felos said Wednesday.

Greer discounted Meyer's testimony for a number of reasons, including her admission that she blamed Michael Schiavo for breaking up her close friendship with Terri Schiavo, Felos said.

The issue of Meyer's credibility should have been raised years ago when the Schindlers first appealed Greer's ruling, Felos said. He disputed Gibbs' assertion that the Schindler legal team only recently realized Quinlan did not die until 1985.

In his 2000 judgment, Greer wrote that the conversation Meyer testified to probably took place in the mid-1970s when she and Terri Schiavo were children because Meyer recounted the conversation as occurring in the present tense.

"The court is mystified as to

how these present tense verbs would have been used some six years after the death of Karen Ann Quinlan," the judge wrote.

Also Wednesday, Greer heard arguments from an attorney representing The Tampa Tribune and WFLA, Channel 8, in favor of opening court documents that could show why the state Department of Children & Families is now investigating accusations that Terri Schiavo has been or is being abused.

Similar allegations have been made repeatedly during the past five years, yet the state agency only now has chosen to get involved after Gov. Jeb Bush said he would do anything within the law to help keep Terri Schiavo alive, attorney Gregg Thomas said.

DCF Secretary Lucy Hadi, appearing before the Tiger Bay Club in St. Petersburg, said "no" when asked whether her agency is being used by the governor.

"The allegation was screened and is from a substantive, credible source with firsthand knowledge of possible abuse," Hadi said.

Greer said he will rule today on the request to open up the DCF documents to public inspection.

Reporter Steven Isbitts contributed to this report.

DCF's Schiavo Petition Unsealed

INJUNCTION SOUGHT WHILE ABUSE CLAIMS INVESTIGATED

By DAVID SOMMER
dsommer@tampatrib.com

CLEARWATER — Credible new reports alleging abuse against Terri Schiavo make it imperative that she not be removed from life support until an investigation is completed, the state agency charged with protecting disabled adults said in court records unsealed Thursday.

Also Thursday, U.S. Rep. Dave Weldon, R-Melbourne, announced his intention to file the Incapacitated Persons Legal Protection Act, which would afford federal appeal rights to disabled persons facing removal from life support similar to the rights afforded death row inmates.

Weldon said he would file the bill Tuesday, 10 days before Terri Schiavo's feeding tube is scheduled to be removed at the request of her husband and against the wishes of her parents.

The brain-damaged woman's husband and guardian, Michael Schiavo, should not be allowed to remove her feeding tube March 18, Department of Children & Families official Michael Will said in a petition filed last week and unsealed Thursday at the request of The Tampa Tribune and News Channel 8.

"The allegations in the abuse re-

See **TERRI SCHIAVO**, Page 6 ▶
Some allegations investigated previously.



**Schiavo
Feeding
tube may
come out
March 18.**

TERRI SCHIAVO

Continued From Page 1

ports go to the heart of whether abuse, neglect and/or exploitation has been perpetrated by the guardian such that any relief afforded by this court to this guardian prior to the conclusion of such investigation would be tragically misplaced," wrote Will, DCF's Adult Protective Investigations supervisor.

The DCF petition seeks a stay of Circuit Judge George Greer's order allowing Michael Schiavo to remove his wife's feeding tube for up to 60 days while the allegations are investigated. It also seeks an injunction preventing Schiavo from

removing the feeding tube, and the appointment of a lawyer to represent Terri Schiavo.

Filed with Greer on Feb. 23, the DCF petition states the agency received "30 detailed allegations of abuse, neglect or exploitation in a 34 page document received by the DCF hotline" Feb. 18 and Feb. 21, "whereupon an investigation has been commenced."

Greer kept the petition out of the public record at the DCF's request until Thursday, when he granted The Tampa Tribune's and News Channel 8's motion for access based on a finding that any privacy concerns have "long since been lost" because of the extensive publicity afforded the case.

Also, the petition neither names individuals involved in making the abuse report nor lists specific allegations, the judge said in his written ruling.

The petition does state the allegations include failure to file proper guardian plans and reports, "confinement issues at the ward's residence," failure to provide therapies, "experimental procedures performed without proper medical and legal procedures observed," and a lack of manipulation of Terri Schiavo's arms "causing severe contractures."

Some of the allegations previously have been investigated by the DCF, while others are new, the document states.

The document also references a prior attempt to remove Terri Schiavo's feeding tube in 2003.

"Allegations which predate the order of removal of nutrition and hydration of Sept. 17, 2003 ... are particularly supportive of a grant for intervention" by the DCF, it states.

In October 2003, the feeding

tube was reinserted on order of Gov. Jeb Bush, who relied on a hastily crafted law that since has been struck down as unconstitutional.

Last week, Bush said he would seek any legal avenue to keep Terri Schiavo alive, prompting Schiavo attorney George Felos to allege the governor is behind the DCF's request to intervene in the case.

DCF Secretary Lucy Hadji has denied that accusation.

"The [abuse] allegation was screened and is from a substantive, credible source with firsthand knowledge of possible abuse," she told the Sun-coast Tiger Bay Club on Wednesday.

Felos said Thursday that the decision of a Florida congressman to get involved underscores the politicized nature of the case.

"We had a [Roman Catholic] cardinal make a statement the other day, so certainly it's not surprising a congressman wants to get into the act," Felos said. "It's just amazing how the politicians blow with the wind here."

Last week, Cardinal Renato Martino, the Vatican's former ambassador to the United Nations, said the removal of Terri Schiavo's feeding tube "would be a grave step toward the legal approval of euthanasia in the United States."

Attorney David Gibbs, who represents Bob and Mary Schindler in their quest to keep their daughter alive, said Weldon's proposed legislation would remove a hurdle in seeking federal court review of a state court decision to end a life.

Reporter Keith Epstein contributed to this report.

Judge Begins Ruling On Schindlers' Requests

GREER NOW WILL MULL ORAL FEEDING PETITION

By DAVID SOMMER
dsommer@tampatrib.com

CLEARWATER — The judge in the Terri Schiavo case heard arguments Monday over whether she should be fed orally if her feeding tube is removed on March 18.

Judge George Greer said he will decide today whether to hear medical testimony or simply deny the request for oral feeding from parents Bob and Mary Schindler.

Greer denied most of the Gulfport couple's requests for changes in the way their son-in-law plans to handle his wife's death, but the judge did leave them room for hope. Schindler attorney David Gibbs said after the first in what could be a weeklong series of hearings.

Gibbs likened the situation to that of Karen Ann Quinlan, a comatose New Jersey woman who started breathing on her own after being removed from a respirator in 1976 and survived for nine years.

"There is no reason why a court order ruling out life-support must become a death sentence," Gibbs said.

A new form of therapy that uses electrical impulses to stimulate throat muscles has shown remarkable success in training brain-damaged people to swallow, Gibbs said.

Michael Schiavo contends his wife will never be able to swallow after severe brain damage suffered when her heart failed 15 years ago at age 26. He has been battling his in-laws in court for permission to remove her from life support since 1997.

After a January 2000 nonjury trial, Greer ruled that evidence showed Terri Schiavo would not want to be kept alive in her condition. That finding has been upheld repeatedly by appellate courts.

If the Schindlers were to try to feed their daughter orally, she would aspirate food into her lungs and contract a massive infection, Schiavo attorney George Felos said. "Instead of having a painless, short death, she'd have a long, gruesome death."

Felos also expressed concern Monday about a pro-

posed bill in the Legislature that would block the scheduled removal of Terri Schiavo's life-sustaining feeding tube on March 18.

In October 2003, the Legislature passed a bill that allowed Gov. Jeb Bush to order feeding resumed six days after her feeding tube was removed on court order. That measure has been struck down as unconstitutional.

Felos urged those who support his client to contact their legislators, a tactic used by Schindler supporters in 2003 and again this year.

"If it happened once, it can happen again," Felos said of the Legislature's attempt to change law to save Schiavo.

The judge did grant the Schindlers some victories Monday. Terri Schiavo can receive Communion as part of the Catholic rite of Extreme Unction through her feeding tube before it is removed, and, if doctors allow it, a priest can put a drop of wine and a particle of Communion wafer on her tongue when death draws near, the judge ruled Monday.

He also said the parents may have photographs and videos taken with their daugh-

ter, allowed for the appointment of a medical witness to ensure she is not in pain while dying, and said Michael Schiavo cannot block visits by the Schindlers and their children.

Greer denied the Schindlers' request that their daughter not be cremated and said he would not overrule Michael Schiavo's plans to have her ashes buried in their native Pennsylvania, though she and the Schindlers live in Florida.

Another hearing is scheduled for this afternoon to determine whether two new Schindler challenges meet the legal threshold for Greer to reconsider whether the tube should be removed.

The Schindlers want new medical tests and say Greer erred in 2000 when he discounted a key witness based on the erroneous belief that Quinlan died in 1976.

On Wednesday, Greer is scheduled to consider a request from the state Department of Children & Families that he delay the feeding tube's removal while the agency investigates allegations that Schiavo has been abused by her husband.

Seeking Divorce For Terri

Regarding "Schiavo's Parents File Motions For Her Life, Possible Death" (Metro, March 1):

The love of a mother is unconditional, and this is the way Terri Schiavo's mother, Mary Schindler, feels. The Schindlers have offered Terri's husband a divorce and would take nothing but their daughter. No insurance money, if there is any left, and nothing else. He has a two children with another woman, and I do not fault him for that. His wife has been "gone" for 15 years. Why can't he get on with his own life and let her parents take care of his wife?

"Terri wouldn't want to live like this," he says.

Well, we don't know that, now, do we? The woman is brain-damaged, not brain-dead or breathing with a respirator. It scares me to think that now if someone is an inconvenience and has brain damage, we can just let her starve to death.

If he doesn't divorce her because of a religious thing, what does he think adultery is?

KERRI BOWMAN OUSLEY
Trinity



THE TAMPA TRIBUNE

and The Tampa Times

Congressmen Rush Schiavo Bill

IT WOULD LET FEDERAL COURTS REVIEW MATTER

By KEITH EPSTEIN
kepstein@tampatrib.com

WASHINGTON — In a race against the clock and a court-sanctioned withdrawal of Terri Schiavo's feeding tube, a group of congressmen say they have the support to possibly force an additional review of her fate — this time in fed-

eral court.

Even as a Florida judge appeared to clear the way for an end within days to Schiavo's life in Pinellas County, House and Senate leaders were considering swift action on a measure that would extend due process rights to the severely disabled.

The Incapacitated Persons Legal Protection Act would extend "habeas corpus" rights to people unable to speak for themselves. These rights, allowed for convict-



Martinez
Senator says the Incapacitated Persons Legal Protection Act would ensure due process in such cases.

ed murderers awaiting execution, provide for last-minute review by federal courts of evidence weighed in state courts.

A House Judiciary Committee could consider the legislation as early as today. If passed by Con-

gress and signed by President Bush before March 18 — when a state judge has allowed for removal of Schiavo's feeding tube — attorneys for Schiavo could ask a federal judge to weigh the evidence one more time.

The introduction of federal legislation represents the latest in

See **SCHIAVO LEGISLATION, Page 6** ▶
Christian groups get behind measure.

RELATED STORY, Page 6:

DCF investigates reports of abuse.

SCHIAVO LEGISLATION

Continued From Page 1

seven years of maneuvering by Schiavo's parents, Bob and Mary Schindler, to keep Schiavo alive in a legal skirmish with her husband, Michael, who has sought to remove her feeding tube.

U.S. Sen. Mel Martinez, R-Orlando, and U.S. Rep. Dave Weldon, R-Melbourne, said they had asked House and Senate leaders to move their measure swiftly.

"We're on a very short fuse. We don't have much time," Weldon said.

"This is an issue of legal rights for the disabled, not necessarily part of the right-to-life debate," said Martinez, adding he agreed to the bill because it is "sensitive, narrow and filled with compassion."

Weldon said he acted after being approached by Ken Connor, lead attorney for Gov. Jeb Bush, during last year's political battle over Schiavo's fate. Connor is a former president of the conservative Family Research Council.

The bill's outcome is anything but certain, and not everyone is a fan.

"Politicians in Tallahassee and Washington injecting themselves into this tragic situation only makes the situation worse," said U.S. Rep. Jim Davis, D-Tampa.

Martinez said he has discussed the case with President Bush.

Last year, Gov. Bush, the Florida Legislature, and the state Supreme Court all weighed in on the case, and the Legislature may take it up again. Federal judges have twice turned down the family's efforts to move the case out of state courts, citing lack of jurisdiction.

To Weldon, who questions the motives of Michael Schiavo and the rulings of state courts, the case illustrates the judicial system's inability to appropriately resolve life-and-death matters involving the incapacitated.

"This is an example of the failure of the system," said Weldon, who is a physician. "Her parents had legal counsel. Her husband had legal counsel. But nobody represented her."

In a letter to Senate colleagues Tuesday, Martinez pleaded that Schiavo "deserves to have her due process rights discussed before her death sentence is carried out by court order. Time is of the essence."

The 14th Amendment to the Constitution prevents states from depriv-

ing "any person" of life "without due process of law."

Martinez and Weldon argue that someone such as Terri Schiavo deserves the same constitutional protections as a convicted murderer.

The state court's order allowing withdrawal of nutrition, hydration and medical treatment on March 18, "can be viewed as cruel and unusual punishment since she will essentially be starved to death without due process of law," Martinez said.

Weldon says the legislation was carefully drafted so that it would apply only to contested judicial proceedings over the wishes and best interests of a person unable to make a choice about treatment that could save his or her life.

If the bill is passed, lawyers representing a "party in standing" — typically a family member — could file a petition with a federal court to review the evidence and state courts' handling of the case. A petitioner also could appeal a U.S. District Court's ruling to an appellate court and to the U.S. Supreme Court.

The law would break with judicial precedent in the United States, however, where habeas corpus generally has been used by prisoners seeking review of their detention. The law refers to people who are "in custody."

Is an incapacitated patient subject to the orders of a judge "in custody"? Martinez and Weldon suggest so, citing a 1968 U.S. Supreme Court case that referred to uses of habeas corpus in which someone is not in "actual, physical custody" of the government.

The measure has the support of an array of Christian groups, from Focus on the Family and the National Right to Life Committee, and 17 organizations advocating for the disabled, such as Not Dead Yet, the Hospice Patients Alliance and the National Spinal Cord Injury Association.

"The disabled deserve due process. In the United States we don't execute people without due process, and we shouldn't execute the incapacitated by starvation," said Tony Perkins, president of the Family Research Council. "This is an opportunity for Congress to finally check the power of runaway courts."

Fifteen years ago, Schiavo suffered a heart attack, leading to severe brain damage. While hospitalized, doctors inserted tubes in her digestive system to deliver nutrition and fluids, keeping her alive.

The fight over her fate has been going on since.

"This bill does not extend her life," said Weldon. "It merely affords her legal counsel."

Husband's Lawyer Fears DCF's Intent

AGENCY IS INVESTIGATING REPORTS OF SCHIAVO ABUSE

By DAVID SOMMER
dsommer@tampatrib.com

CLEARWATER — Terri Schiavo could be taken away by state agents if the Department of Children & Families fails in its bid to delay the removal of her life-sustaining feeding tube, her husband's attorney said Tuesday.

Also Tuesday, DCF attorney Keith Ganobsik announced in court that his agency will ask Judge George Greer to ban reporters from a hearing today on its request to intervene in the case.

Last week, the DCF lost a bid to keep that same request a secret.

In a document made public through the efforts of the The Tampa Tribune and News Channel 8, a DCF official said the agency needs up to 60 days to investigate "30 detailed allegations" of Michael Schiavo's actions as guardian of his brain-damaged wife.

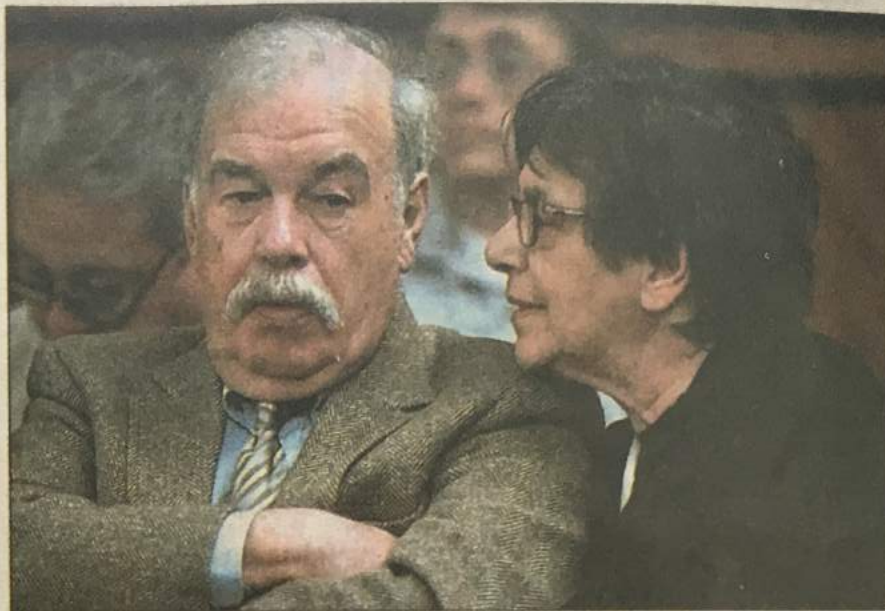
"The allegations in the abuse reports go to the heart of whether abuse, neglect and/or exploitation has been perpetrated by the guardian such that any relief afforded by this court to this guardian prior to the conclusion of such investigation would be tragically misplaced," wrote DCF Adult Protective Services supervisor Michael Will.

Michael Schiavo's attorney, George Felos, has said the allegations are nothing more than a veiled attempt by Gov. Jeb Bush to again interfere in the case.

In 2003, Bush ordered feeding resumed six days after Terri Schiavo's feeding tube was removed on court order. Bush intervened based on a hastily crafted measure known as Terri's Law that was subsequently found to be unconstitutional.

Greer, who found that Terri Schiavo would not want to be kept alive on artificial life support based on testimony at a January 2000 nonjury trial, has ordered the tube be removed again March 18.

Bush said last week that he would use any legal method to keep Schiavo alive.



The Associated Press

Bob and Mary Schindler were told at Tuesday's hearing that they will not be allowed to feed their daughter orally once her feeding tube is removed.

The DCF, which is controlled by the governor, has investigated and rejected at least 89 previous abuse allegations against Michael Schiavo, Felos has said.

Now, the agency is refusing to say whether it will take Terri Schiavo into protective custody, Felos said.

"They will not state on the record that they will not take Mrs. Schiavo into custody after the 18th tube removal," Felos said. "We asked specifically if this is what they will do, and that [lack of response] is very troubling."

Felos' comments came after the latest in a series of hearings where Terri Schiavo's parents are seeking to block their son-in-law from removing his wife from life support.

Bob and Mary Schindler say their daughter reacts to them and dispute Michael Schiavo's contention that her brain was destroyed when her heart failed in 1990 at age 26.

At Tuesday's hearing, Greer announced he will not allow the Schindlers to attempt to feed their daughter orally once the tube is removed.

The judge said he will rule today on whether to hear testimony from doctors in support of the parents' request for more medical tests.

Also, Greer is considering the Schindlers' request for a new trial based on a mistake the judge made

in his finding that testimony from Michael Schiavo and his relatives showed Terri Schiavo made statements prior to falling ill indicating she would not want to be kept alive by artificial means with no hope of recovery.

In his 2000 ruling, Greer discounted testimony from a key Schindler witness based on the mistaken assumption that Karen Ann Quinlan died in the mid-1970s after a high-profile New Jersey court ruling resulted in her removal from life support.

Quinlan went on to live for nine years without life support, a fact that went unmentioned when a former close friend of Terri Schiavo testified in 2000 that Schiavo expressed disapproval of the Quinlan family decision to remove the woman from life support, Schindler attorney David Gibbs argued Tuesday.

The witness, Diane Meyer, said the exchange took place in 1982 when Schiavo was 19. Greer concluded it took place when Schiavo was a child and not "some six years after the death of Karen Ann Quinlan."

"It would be a travesty to think that a person's life would be ended ... based on a mistake," Gibbs said.



Rep. Dennis Baxley, R-Ocala, the measure's sponsor, says he would rather err "on the side of allowing someone to live."

Legislature Re-Enters Schiavo Dispute

BILL WOULD COMPLICATE END-OF-LIFE DIRECTIVES

By GARRETT THEROLF
gtherolf@tampatrib.com

TALLAHASSEE — The Florida Legislature is considering a bill that would block efforts to end the life of Terri Schiavo and make it more difficult for all Floridians to make end-of-life decisions for themselves or loved ones.

The bill would presume that anyone who is severely incapacitated — which it defines as those who are in an end stage of life without hope of recovery or in a persistent vegetative state — would want a feeding tube unless they explicitly refused the tube in writing. Currently, many with living wills simply refuse "life-prolonging treatment" and the state considers that a refusal of feeding tubes. It's unclear how oral instructions would be treated.

The bill would also require that a loved one spend an average of 10 hours every month for three months with the patient before they could order the removal of a feeding tube.

The bill would apply retroactively to the Terri Schiavo case and all other incapacitated residents who did not leave such written directions.

Proponents face an uphill battle to pass the bill by the March 18 court deadline for the removal of Schiavo's feeding tube and as they struggle to find language that will survive a constitutional test.

The sponsor of the rapidly evolving bill, Rep. Dennis Baxley, R-Ocala, said: "I certainly hope that whatever error I make is on the side of allowing someone to live rather than to die. ... I hope that this is a defining moment for our culture."

George Felos, attorney for husband Michael Schiavo, said the current language would be challenged in court if passed and is

See SCHIAVO BILL, Page 10 ▶
Parents' attorney pleased by effort.

RELATED STORY, Page 10:
State seeks delay over new allegations.

SCHIAVO BILL

Continued From Page 1

"blatantly unconstitutional" because it revisited some of the same legal issues that doomed the Legislature's last attempt to intervene in the case in 2003.

That law, called Terri's Law, was overturned by the Florida Supreme Court in September 2004 when it was ruled to be too narrowly crafted — affecting only the Schiavo case — and overstepped the power of the Legislature and the governor.

Howard Simon, head of the American Civil Liberties Union of Florida, which helped to bring the successful challenge, agreed with Felos that the legislation returned to the issue of limits on the power of the two branches, but also introduced ripe new legal issues.

"The lengths that the politi-

cians are going to try to intervene in the Terri Schiavo case have now jeopardized the privacy rights of every Floridian," he said. "I don't think you can keep people on artificial life support against their wishes because they didn't use the correct words."

House aides worked all night alongside aides to the governor, according to Bush spokesman Jacob DiPietro, to craft the bill. DiPietro said the governor's aides had not, however been involved in the amendment that made the bill retroactive.

Schiavo collapsed in her home 15 years ago and suffered severe brain injury.

Her husband, Michael Schiavo, has successfully argued in court that she gave oral instructions that she did not wish to live by artificial means. Her parents, Bob and Mary Schindler, dispute that claim. An attorney for the couple, Barbara Weller, said she was ecstatic because of the Legislature's new move to block Terri

"There are too many unintended consequences to this version."

BOB HENRIQUEZ
State representative, D-Tampa

Schiavo's death.

The case has wound through the courts since 1998. Currently, the Department of Children & Families is seeking a stay of the court order for up to 60 days while allegations of abuse are investigated.

Meanwhile, in Washington, Sen. Mel Martinez, R-Orlando, would extend habeas corpus rights to incapacitated patients such as Schiavo, allowing final review by federal courts before allowing death.

The debate in committee was often emotional as lawmakers and members of the public who testified said they were informed by the experience of their own family members' end-of-life choices.

Rep. Bob Henriquez, D-Tampa, who had supported Terri's Law, said he could not support this bill despite a friendship with Terri's brother, Bobby, who teaches with him at Tampa Catholic High School.

"There are too many unintended consequences to this version," Henriquez said.

Howard Tuch, a doctor at Hospice of Southwest Florida in Sarasota, said he opposed the bill because it would force scores of incapacitated patients to undergo invasive procedures to provide them with feeding tubes.

His own mother would be affected, Tuch said, and that "goes against everything she stood for."

House Speaker Allan Bense, R-Panama City, said his chamber is moving in an expedited manner partly because of the March 18 deadline but that he wanted a "good bill" and a "well-thought-out plan."

In the Senate, the bill faces a tougher obstacle to pass by the



Physician Howard Tuch opposed the bill, saying it would force invasive procedures on incapacitated patients.

deadline since it has not yet been scheduled for committee hearings.

Reporter Allison North Jones contributed to this report.

OUR OPINION

Our Lawmakers May Not Be Acting In Terri's Interest

The fight over Terri Schiavo has taken on a life of its own, with new legislation introduced in Congress and the state capital to save her.

We understand that compassionate people want to "help" her, but what they are doing may not be helping her at all. In the name of preserving life, they may be acting precisely against her wishes.

Judge George Greer, who had no stake in the matter, found by clear and convincing evidence nearly five years ago that Terri would not want to live in her brain-damaged state, bound to a feeding and hydration tube to stay alive. He has issued a final order to have the tube removed next week.

Prescribed legal procedures were followed in her case and resulted in a decision. What we are seeing now is an attempt to change the rules in an effort to thwart it.

We have said many times that we wish Michael Schiavo, who now lives with another woman with whom he has two children, would turn his wife over to the parents who love her, but he insists that he is carrying out her wishes.

So now in Washington and Tallahassee, lawmakers are seeking to "protect people like Terri."

And at the 2nd District Court of Appeal, lawyers for the Schindlers are now claiming, after so much time and so many hearings before so many judges, that Terri has not received due process.

They would litigate and litigate and litigate until some court, some judge agrees with them. Or maybe they can trump the judiciary by enacting legislation that is not well-considered.

The federal bill — the Incapacitated Persons Legal Protection Act — would allow a "party in standing" to petition the federal court to review the evidence and state courts' handling of the case.

But how is a federal trial judge any more competent to make this kind of painful decision than state judges?

Worse still is what is happening in Tallahassee, where lawmakers are moving a bill that presumes anyone who is severely incapacitated and in the end stages of life or in a persistent vegetative state would want a feeding tube. In other words, unless that person has written instructions, he'll be kept alive endlessly by artificial means.

While it's no doubt best for people to put their wishes in writing, there are occasions when people make their desires known to loved ones. Those should be family decisions. Not the state's.

This is such a painful and horrible case, but lawmakers need to slow down. There has been a ruling that Terri Schiavo would have consented to the removal of her feeding tube, as many people we know would.

There comes a point when the pursuit of any legal tactic in the name of compassion becomes lawlessness. In the matter of Terri Schiavo, we're coming close to that point.

Schindlers Running Out Of Judicial Options

JUDGE REJECTS APPEALS; DCF STATES ITS CASE

By DAVID SOMMER
dsommer@tampatrib.com

CLEARWATER — Terri Schiavo's parents will turn to the state's appeals courts, and possibly federal courts, in a last-ditch bid to keep their daughter alive.

Circuit Judge George Greer shot down the Gulfport couple's two remaining challenges to the removal of their daughter's life-sustaining feeding tube, scheduled for March 18.

All that remains for Bob and Mary Schindler is a pending appeal of Greer's earlier decision that Schiavo did not have to have her own attorney during the couple's seven-year battle with son-in-law Michael Schiavo over the brain-damaged woman's wishes.

Too little time remains for more state appeals if the case is to move to federal court, Schindler attorney David Gibbs said late Wednesday.

His comments came after the judge rejected a call for more medical tests, and a request that Greer vacate his February 2000 finding that Terri Schiavo would not want to be kept alive in a persistent vegetative state with no hope of improvement because of a factual error in Greer's ruling.

"I think what Judge Greer is

saying, and it's a scary thought for any disabled person, is that unless we can get Terri to a significant improvement in her quality of life, it doesn't matter," Gibbs said. "The court is asking us to be able to guarantee that she will recover."

Also Wednesday, Greer appeared poised to reject the state Department of Children & Families' request to join in the lawsuit over Terri Schiavo's last wishes.

DCF officials told Greer they want a delay in the feeding tube's removal while they investigate new allegations that Michael Schiavo has abused his wife and used what was once an \$800,000 medical trust fund to pay legal fees in his battle with the Schindlers.

At a closed-door hearing from which reporters were excluded, Greer rejected the DCF's request for secrecy after hearing testimony from DCF Program Administrator Susan McPhee about a series of abuse allegations she said the agency has been investigating since late February.

All the allegations except one had been lodged previously, and many of them have been the subject of prior court hearings, Greer said.

"Everything you want me to [rule that] the public has no right to know, the public already knows, except [not] fixing the wheelchair," Greer said after McPhee's testimony. He later ordered a transcript of the hearing made public.



The Associated Press

Pinellas County Circuit Judge George Greer has set March 18 as the date to allow the removal of Terri Schiavo's feeding tube. Her parents are mounting another last-ditch effort to fight it.

In it, McPhee listed abuse allegations that included failure to treat infections and provide dental care; denial of physical therapy and swallowing therapy; subjection of Terri Schiavo to an experimental implant of a brain stimulation device in the early 1990s; confinement

to a dark room; and denial of access to Catholic rites.

Under cross-examination by Michael Schiavo's attorney, George Felos, McPhee acknowledged the core issue of seven years of court rulings, whether Terri Schiavo would want to be kept alive with the

help of a feeding tube, is under DCF investigation.

Asked why the DCF is only now asking to get involved in the case after investigating similar complaints on 89 occasions since 1999, McPhee said: "Our duty is to look at every allegation in the report as a new allegation."

McPhee denied the new investigation was ordered by political appointees higher up the DCF chain of command.

Greer said he would rule today on the DCF petition.

Afterward, Felos reiterated his contention that Gov. Jeb Bush is behind the DCF's interest in the case.

In 2003, Bush used a hastily crafted law to order Terri Schiavo's feeding tube reinserted after she had gone six days without food and water. The measure, known as Terri's Law, subsequently was deemed unconstitutional.

"It is obvious this is coming from political operatives in the DCF," Felos said. "This is simply a rehash of previous allegations, and they could not come up with a reason why [they] are doing this now."

Greer said Bush should have learned his lesson the last time around.

"The DCF simply is acting as an arm of the executive branch to undermine a court order they don't like," he said. "It's a shame and it's sad that the executive branch of state government is pulling this stunt."

DCF Intervention Barred From Dispute Over Schiavo

JUDGE SUGGESTS MOVE HAS ULTERIOR MOTIVE

By DAVID SOMMER
dsommer@tampatrib.com



Greer
Judge concluded that most allegations had been dealt with in court.

CLEARWATER — The state Department of Children & Families will not be allowed to delay the removal of Terri Schiavo's life-sustaining feeding tube, a judge ruled Thursday.

In denying the DCF's request to intervene in the dispute between Schiavo's husband and her parents over the brain-damaged woman's wishes, Circuit Judge George Greer also suggested the agency had an ulterior motive.

On Wednesday, DCF officials appeared before Greer to say they needed more time to investigate abuse allegations against Michael Schiavo than is afforded by the judge's order that Schiavo remove his wife's feeding tube March 18.

After hearing a list of allegations that included failure to provide therapy, medical neglect, improper expenditures from a medical trust fund and failure to fix a broken wheelchair, Greer concluded that all of the allegations except failure to repair the wheelchair previously had been dealt with in court.

Also, DCF investigation supervisor Susan McPhee acknowledged that the agency had investigated and cleared Michael Schiavo of similar accusations on scores of occasions since 1999.

On Thursday, Greer said he found that the DCF's assertion that it has a statutory obliga-

tion to open new investigations every time allegations are made rang hollow.

"The requested intervention by DCF in this proceeding, although ostensibly brought to ensure compliance with its statutory mandate, appears to [be] brought for the purpose of circumventing the court's final judgment and order setting the removal date in violation of the separation of powers doctrine," Greer wrote in his ruling denying the motion to intervene.

The judge went on to quote the Florida Supreme Court's September ruling that Gov. Jeb Bush violated the separation of powers doctrine when he used an unconstitutional law to order Terri Schiavo's feeding tube reinserted six days after it had been removed on court order a year earlier.

"The judicial branch cannot be subject in any manner to oversight by the executive branch," the high court ruling states.

Lawyer Not Surprised By Ruling

DCF spokesman Tim Bottcher said agency officials "are reviewing the judge's decision and are weighing our legal options."

Michael Schiavo's attorney, George Felos, said he was not surprised Greer ruled in his client's favor by denying the DCF petition to intervene, "but the

judge's order is striking in its intensity."

"He basically hung the DCF out to dry," Felos said. "The petition was just a sham for the purpose of circumventing his order."

Felos accused the governor of ordering the DCF to delay the removal of Terri Schiavo's feeding tube last week after Bush said he would try any legal avenue to keep Schiavo alive.

Schiavo has been in what her husband's doctors say is a persistent vegetative state since suffering heart failure in 1990 at age 26.

Bob and Mary Schindler contend their daughter reacts to them and could improve with therapy.

After a January 2000 nonjury trial, Greer ruled that testimony from Michael Schiavo and his relatives showed Terri Schiavo had made statements prior to her illness indicating she would not want to be kept alive in such a condition.

Schiavo Rejects \$1 Million Offer

Also Thursday, Michael Schiavo rejected a California man's offer of \$1 million in exchange for letting the Schindlers take control of their daughter, Felos said.

Schiavo rejected a similar offer of \$10 million this week after a Florida lawyer contacted Felos on behalf of an anonymous client, Felos said.

"He has always said this case is not about money, it's about his wife's wishes," Felos said of Schiavo. "We would say: Stop making these offensive offers."

Bill Advances To Halt Removal Of Feeding Tube

LAWMAKERS LIKELY TO VOTE THURSDAY

By GARRETT THEROLF
gtherolf@tampatrib.com

TALLAHASSEE — Momentum was building in the Florida Legislature on Monday for a bill that would prevent the removal of Terri Schiavo's feeding tube Friday.

Under the bill, which passed the House Judiciary Committee 8-3, a feeding tube could be refused if doctors think it could not extend the life of the patient, if a living will prohibits life-prolonging procedures, or if there is convincing evidence the patient had orally instructed no food or water.

Provisions in an earlier version of the legislation that would have nullified the living wills of thousands of Floridians were dropped, and the bill would apply only to those in a persistent vegetative state, such as Schiavo.

The bill's House sponsor, Dennis Baxley, R-Ocala, said, "The target population that we're trying to reach is people in a vegetative state. There's been an earnest effort in the last 48 hours to ensure that we properly respect anyone who enunciated a clear expression of their desires."

The Senate immediately announced it would take up the bill in its new form and evaluate it in a committee today before a probable vote by the full chamber Thursday. Gov. Jeb Bush, who has met with Baxley on the legislation, said he supports the

See **TERRI SCHIAVO, Page 6** ▶
DCF again to ask for approval to intervene.

TERRI SCHIAVO

Continued From Page 1

bill.

The Capitol has been under intense pressure to intervene in the highly publicized case of the Pinellas County woman. Schiavo was severely brain

damaged 15 years ago when her heart stopped.

Her husband, Michael Schiavo, successfully has argued before the courts that his wife told him she did not want her life to be artificially prolonged in such a case. Schiavo's parents, Bob and Mary Schindler, have battled him in court for seven years to keep their daughter alive.

The case has aroused great passion on both sides. Mon-

day, in a nod to Schiavo's circumstances, Christian youth activists delivered dying roses to lawmakers along with notes stating, "Do not feed or water."

In the past few weeks, House Speaker Allan Bense, R-Panama City, and Senate President Tom Lee, R-Brandon, have received more than 40,000 letters, e-mails and phone calls, with fewer than a dozen opposed to legislative intervention, according to their offices.

Baxley's bill would require "clear and convincing" evidence that patients had instructed no food or water if in a persistent vegetative state.

House Judiciary Chairman David Simmons, R-Longwood, said Schiavo would not meet that threshold. The bill also would allow "any interested person" to challenge a decision to end feeding.

Democrats argued that the provision would create an end-

less amount of litigation and limit a family's ability to make decisions for a loved one.

Rep. Dan Gelber, D-Miami Beach, said parents would not be able to refuse a feeding tube on behalf of their children because a young child would not be competent or likely to leave written instructions.

Also Monday, the state Department of Children & Families filed notice that it will ask the 2nd District Court of Ap-

peal for permission to intervene in the Schiavo case.

Last week, Circuit Judge George Greer denied the DCF's request to intervene so it could seek a stay of the feeding tube removal while the agency investigates abuse allegations recently lodged against Michael Schiavo.

Reporter Garrett Therolf can be reached at (850) 222-8382.

ST. TAMPA TRIBUNE

and The Tampa Times

DEVELOPMENTS



♦ The 2nd District Court of Appeal on Wednesday rejected two requests from Terri Schiavo's parents, Bob and Mary Schindler. Their attorney said they next will ask the U.S. Supreme Court to intervene.



♦ Florida lawmakers hustled to reconcile House and Senate bills intended to keep Schiavo alive. In Washington, the U.S. House passed a bill intended to delay removal of Schiavo's feeding tube.



♦ Activists arrived outside the Pinellas Park hospice where Schiavo lives. They expect thousands of demonstrators will show up if her feeding tube is removed later this week. **Story, Page 4**

Deadline Nears In Schiavo Case



Tribune photo by BRUCE HOSKING

Kristene Mueller, right, of Niagara Falls, N.Y., takes a stand with others Wednesday at Hospice House Woodside in Pinellas Park, where Terri Schiavo resides.

Judges Reject Schindlers' Appeal

PARENTS TURN TO U.S. SUPREME COURT

By DAVID SOMMER
and JEROME R. STOCKFISCH
The Tampa Tribune

CLEARWATER — While state and federal legislators debated bills that could be enacted quickly enough to keep Terri Schiavo alive, her parents lost their last pending state appeal Wednesday and now will ask the U.S. Supreme Court to intervene.

"This was no surprise, but still disappointing," attorney David Gibbs said of the sharply worded rejection issued by the 2nd District Court of Appeal to Schiavo's parents, Bob and Mary Schindler.

"We intend to appeal, and that appeal will be to

the U.S. Supreme Court," Gibbs said.

A request for a stay of Friday's scheduled removal of Terri Schiavo's life-sustaining feeding tube will be filed with the high court no later than early today, Gibbs said.

Meanwhile, on Capitol Hill, where the U.S. House approved a Schiavo bill late Wednesday, and in Tallahassee, where conflicts may be ironed out this morning, lawmakers are trying to craft measures that can pass constitutional muster and come to a vote in time.

Michael Schiavo's attorney hailed Wednesday's appeals court ruling as "an amazing document."

The court clearly stated that by law, even the Schindlers would be obligated to remove their



M. Schiavo
His attorney hails court ruling.

daughter's feeding tube should they somehow reverse five years of court decisions granting that right to husband and guardian Michael Schiavo, attorney George Felos said.

"No matter who her guardian is, the guardian is required to obey the court order because the court, and not the guardian, has determined the decision that Mrs. Schiavo herself would make," the ruling states.

The appeals judges were referring to the original, February 2000 finding by Circuit Judge George

See **TERRI SCHIAVO, Page 4** ▶
Lawmakers hope to have bill to Bush by 1 p.m. Friday.

Keyword: Schiavo, for the latest developments and an extensive timeline on the legal battles waged in the case.



TERRI SCHIAVO

Continued From Page 1

Greer that "clear and convincing" testimony at a nonjury trial the previous month showed Terri Schiavo made statements before her 1990 heart failure that she would not want to be kept alive in a vegetative state without hope of improvement.

Bob and Mary Schindler dispute medical evidence that their now 41-year-old daughter's brain was destroyed by lack of oxygen. They say she reacts to them and can improve.

The appeals court also rejected the couple's contention their daughter's due process right to legal representation was violated during five years of review by higher courts after

Greer's 2000 ruling.

"That decision has been subject to appeals and postjudgment scrutiny of all varieties," the appeals court wrote. "Not only has Mrs. Schiavo's case been given due process, but few, if any, similar cases have ever been afforded this heightened level of process."

The appeals court ruling closed with a "message that what's happening now in the case and the proposed legislation is a threat to democracy," Felos said.

Noting the process used by the courts to decide Terri Schiavo's fate was created by lawmakers, the appeals court wrote: "Neither the trial court nor this court can change this established law at this stage of these proceedings."

"No one who considers the dismal history of countries in which courts and judges have

abandoned the rule of law would ask us to abandon the rule of law even in this case," the ruling concluded.

State Lawmakers Haggie

In Tallahassee, negotiations continued late Wednesday on conflicting Senate and House bills seeking to keep Schiavo alive.

Both chambers are scheduled to be in session today and Friday. Advocates were not expecting to have a compromise by this morning but still hoped to have a bill to the governor for his signature before the 1 p.m. Friday deadline for removing the feeding tube.

The House bill that cleared its last committee Tuesday prohibits the removal of a feeding tube from someone in a persistent vegetative state if the person has no written directive or there is no clear and convincing evidence that they

specified that food and water be withheld. The Senate version blocks the withholding of a feeding tube only in cases in which family members or guardians are in dispute over the decision to withhold it.

Lawmakers are wrangling with language some consider unconstitutional. That was the fate of the original "Terri's Law," a 2003 bill that was deemed by the courts to be too narrowly crafted.

House and Senate sponsors were not tipping their hands late Wednesday on what specifics they were negotiating.

State Rep. Dennis Baxley, the House sponsor, said he was "cautiously optimistic" a consensus would be reached. "I'm still on the mission to try to pass a bill by the end of the week that's good public policy and would affect all living persons at the time the bill takes effect," Baxley said Wednesday.

day. "Around here, 48 hours can be a long time."

Action On Capitol Hill

In Washington, meanwhile, Republicans continued efforts to pass a law that would give a federal court the final say over Terri Schiavo's life.

The U.S. House passed legislation late Wednesday that would move such a case to federal court. Federal judges have twice turned down efforts by the Schindlers to move the case out of Florida courts, citing a lack of jurisdiction.

Under the House legislation by Rep. Dave Weldon, R-Palm Bay, and Judiciary Committee chairman James Sensenbrenner, R-Wis., a federal judge would decide whether withholding or withdrawing food, fluids or medical treatment from an incapacitated person violates the Constitution or U.S. law.

It would apply only to incapacitated people who had not left directives dealing with being kept alive artificially and for whom a state judge had authorized the withholding of food or medical treatment.

With time running out, Senate Majority Leader Bill Frist expects to continue efforts today to secure agreement among Democrats in that chamber to act quickly by unanimously consenting to vote on a measure rather than putting it to a full debate.

"The leadership in the Senate is completely committed to getting a bill passed and having it on the president's desk by Friday," said Sen. Mel Martinez, R-Orlando, who was pushing the bill.

Information from The Associated Press was used in this report. Reporter Keith Epstein contributed to this report.



Tribune photo by BRUCE HOSKING

Jesse Engle, 18, of the Washington-based antiabortion group Bound 4 Life, came to "identify with those who do not have a voice."

Many Pour Heart Into Schiavo Vigil

MORE READY TO RALLY IF FEEDING IS STOPPED

By STEVEN ISBITTS
sisbitts@tampatrib.com

PINELLAS PARK — It was a typical afternoon for the roughly 30 young adults who wailed and wept in prayer for Terri Schiavo and then taped their lips shut Wednesday near the sidewalks outside her hospice.

Back home in Washington, they perform the same acts daily in front of the Supreme Court — to “identify with those who do not have a voice,” said Jesse Engle, 18, a member of the Washington-based anti-abortion group Bound 4 Life.

On Wednesday, the Christian groups’ demonstration outside the Hospice House Woodside on 102nd Avenue was “part of building the infrastructure” for a rally of thousands there if the severely brain-damaged woman’s feeding tube is removed, said the Rev. Patrick Mahoney, director of the Washington-based Christian Defense Coalition.

“We’ve installed our portable toilets, garbage cans, and we have bottled water and a sound system,” Mahoney said of preparations outside Schiavo’s hospice.



The Rev. Patrick Mahoney, of the Christian Defense Coalition, warned police that he expects thousands more protesters as early as Saturday.

mouth for the speechless in the cause of all who are appointed to die.”

“Our cause is mainly anti-abortion, but now Terri Schiavo is in our DNA. We just want her feeding to continue,” said Aysa Rogers, 24, an Oregon resident who moved to Washington to spend six months with Bound 4 Life.

Mahoney helped organize the trip to Pinellas County for the members of a few Christian groups from the Washington area. They arrived Tuesday and are staying at local churches.

“If Terri’s tube is removed, immediately a national call will go out to faith- and value-based groups across the country, who will send members here immediately,” Mahoney said. “It’s a call we don’t want to make, but we are preparing to do it.”

Pinellas-Pasco Circuit Judge George Greer has ordered that Schiavo’s feeding tube be removed Friday.

Doctors called by Schiavo’s attorneys and the court say most of her brain was destroyed after her heart failed in 1990.

Terri Schiavo does not have a living will. Michael Schiavo, Terri’s husband, and Terri’s parents, Bob and Mary Schindler, have been locked in a battle over Terri’s wishes for almost seven years.

In 2000, Greer ruled that her feeding tube regimen could be discontinued at the discretion of her husband.

For those gathered between police barricades outside the hospice Wednesday, the court rulings were an afterthought.

Their focus was on the New King James Bible’s translation of Proverbs 31:8: “Open your

Their plan is to work in shifts holding 24-hour prayer vigils outside of the hospice.

Mahoney said he met with local police to inform them of the thousands of people he expects could arrive as early as Saturday on narrow 102nd Avenue to protest the removal of Schiavo’s feeding tube.

Across from the hospice Wednesday, a local merchant prepared for a major influx of national and international news media as early as Friday.

A woman working at the largely industrial warehouse complex who would not give her name sold parking spaces for \$100 per day. She had a long list of customers: local, national and international media who have reserved parking through the weekend.

NOS public television in Holland expects to be part of Friday’s throng. Producer Tim Veplamcke’s two-person crew is flying to Tampa today.

“Our news hour follows the Schiavo case once in a while,” Veplamcke said. “There is great interest in Holland in euthanasia.”

Reporter Steven Isbitts can be reached at (727) 541-2336.

"We might as well not have any state courts."

MICHAEL SCHIAVO

MICHAEL SCHIAVO

Continued From Page 1

ates, Felos said his client has been the subject of an "unprecedented campaign of misinformation ... in an effort to impair every citizen's constitutional right to refuse or have withdrawn unwanted medical treatment."

Michael Schiavo said he was speaking in response to "outrageous" proposed legislation.

"It's really uncomprehensible to think that a private family matter that has gone through the judiciary system for the past seven years — I mean we are talking all the way up to the United States Supreme Court — and for a governor to come into this without any education on the subject and push his personal views ...

"We might as well not have any state courts."

Schiavo also expressed frustration at his in-laws' ability to keep their daughter alive through an Internet-driven publicity campaign that in 2003 prompted Gov. Jeb Bush to intervene in the case.

Bob and Mary Schindler want Schiavo to divorce their daughter so they can get her therapy that they say could allow her to eat on her own and interact with others.

They refuse to believe medical experts who have convinced courts that their daughter is in a persistent vegetative state with no hope of improvement since suffering heart failure in 1990 at age 26.



Tribune photo by MARK GUSS

Protesters are kept away from the street and hospice by two rows of temporary fencing. Advocacy groups have rallied to assist Terri Schiavo's parents, which has frustrated Michael Schiavo.

telling everybody you better call your congressman, because they are going to run your life."

The Internet video clips that appear to show Terri Schiavo

interacting with her mother are "small segments ... which they edited from the six hours of court-ordered medical examinations," Felos wrote in his letter to senators.



Schiavo
Accused politicians of "pandering to the religious right"

The Schindlers also dispute their son-in-law's contention that she would not want to be kept alive with the help of a feeding tube inserted into in her stomach.

"To sit here and be called a murderer and an adulterer by people that don't know me, and a governor stepping into my personal, private life, who doesn't know me either ... what kind of government is this?" Schiavo said.

"This is not right. And I'm

Michael Schiavo Speaks Out On Case

INTERVIEW, LETTERS URGE OPPOSITION TO BILLS

By DAVID SOMMER
dsommer@tampatrib.com

CLEARWATER — Michael Schiavo emerged from his customary seclusion Tuesday to take a stand against proposed legislation that he and his attorney say could affect every American family.

In an unusual television interview and in open letters to state and federal lawmakers Tuesday, Schiavo and attorney George Felos said state and federal measures aimed at keeping Terri Schiavo alive will interfere with everyone's right to refuse life-prolonging medical treatment.

In an interview with ABC News' "Nightline" taped Tuesday afternoon, Schiavo broke his



Tribune photo by MARK GUSS

Police on Tuesday guard the entrance to Woodside Hospice, where Terri Schiavo survives on a feeding tube. RELATED STORY, PAGE 4

silence to chastise politicians who he said are "pandering to the religious right, to the people up there, the antiabortion people, standing outside of Tallahassee."

Felos urged politicians to study

the facts of the seven-year legal dispute over the brain-damaged woman's wishes. In letters sent to both the Florida and U.S. Sen-

See **MICHAEL SCHIAVO, Page 8** ▶

In-laws' efforts frustrating, he says.

Trip To T

SCHINDLERS SEE FAILURE OF MEASURE IN PERSON

By GARRETT THEROLF
gtherolf@tampatrib.com

TALLAHASSEE — Bob and Mary Schindler walked through the heavy front doors of the Capitol early Thursday afternoon smiling.

At the urging of their attorney, David Gibbs, they had taken a plane to Tallahassee to do some last-minute lobbying for the legislation that the Republican leadership was rushing to deliver that would extend the life of their daughter, Terri Schiavo.

"Heck, yeah!" Bob Schindler shouted when he gathered

CH 18, 2005 • THE TAMPA TRIBUNE • TBO.COM

Tallahassee A Roller Coaster Of Emotions

word moments later that the House version of the legislation had passed resoundingly.

"I feel good," said the more reserved Mary Schindler on her way to the Senate gallery. "I have faith in the Lord. He always comes through in the last minute for us. I don't know anything about these proceedings and stuff. I just feel good about it."

As they reached the gallery and peered down to the Senate floor below, they saw senators kill an amendment that was judged essential to the legislation's passage.

"What happened?" Bob Schindler asked, looking around. "I don't mean to be so ignorant, but I just don't know what's going on."

Mary Schindler collapsed onto her husband's shoulder, and they retreated with lawyers to a conference room to digest the development.

Gibbs emerged later, angrily telling reporters that lawmakers who "voted to kill Terri Schiavo" would hear about it "for many campaigns to come."

The Schindlers started knocking on doors of a half-dozen senators, pleading for support for the legislation. Some told the couple to come back today.

"I'd like to talk to them and find out why they voted against it," Bob Schindler said. "They are murdering a girl, a human being."

Sen. Daniel Webster, R-

Winter Garden, who sponsored Senate Bill 804, prepared to meet with the couple. "I don't know what I'll tell them," he said. "I'll probably tell them I gave it everything I had. I don't think there's anything that they can do."

Late in the day came word that Gov. Jeb Bush had time to meet.

The Schindlers emerged from his office unwilling to say whether he gave them any hope that the state might still find a way to intervene, but Bob Schindler said he liked Bush.

"He's a real regular guy. But right now, I'm starving. I'm [ready] for a cup of coffee or something to eat."

Reporter Garrett Therolf can be reached at (850) 222-8382.



Tribune photo by COLIN HACKLEY

Mary and Bob Schindler, parents of Terri Schiavo, traveled to the Capitol on Thursday to lobby lawmakers to keep Terri alive.

VOICES TALLIED



“ The question is not whether we save her life against her will, but that we free her soul, which was her will.

SEN. ROD SMITH
D-Alachua



“ No one is ‘killing’ Terri Schiavo. What the nine of us [Senate Republican opponents] are doing is saying that Terri Schiavo had the right to make the declaration orally, and that declaration has been substantiated in every court that’s heard it.

SEN. JIM KING
R-Jacksonville



“ Is this the right bill? Is it done perfect? Is this an error? It might be. We’re not perfect. But I do know this: If I’m going to be in error in this House, let that error be that I let someone live, not that I allowed someone to die.

REP. DENNIS BAXLEY
R-Ocala



“ I don’t want big government standing beside my deathbed.

REP. MARY BRANDENBURG
D-West Palm Beach

WHAT’S NEXT

Terri Schiavo’s feeding tube could be removed at 1 p.m. today. In Tallahassee, the Florida Senate sponsor of the Schiavo legislation says he’s reluctant to reintroduce it this morning. In Washington, the House has adjourned, but late Thursday, leaders were considering the extraordinary step of calling the representatives back. The legal action shifts to U.S. District Court in Tampa, where lawyers will petition for a due process review.



The Associated Press

Taryn Allin, of Washington, prays with others Thursday outside the Woodside Hospice in Pinellas Park, where Terri Schiavo is living off a feeding tube.

Schindlers' Legislative Hope Fades

FEEDING TUBE MAY BE REMOVED TODAY

By JEROME R. STOCKFISCH
jstockfisch@tampatrib.com

TALLAHASSEE — Legislative efforts to keep Terri Schiavo alive unraveled Thursday on state and national stages, and those advocating to keep the incapacitated woman alive acknowledged lawmakers may not be able to intervene by today's 1 p.m. deadline for the removal of her feeding tube.

Efforts to prevent the removal also pressed on in court. But appeals to a Pinellas circuit court, the Florida Supreme Court and the U.S. Supreme Court were rejected.

The epic dispute has spread from Schiavo's Pinellas Park hospice to political and legal arenas in Tallahassee and Washington. It could come to a close beginning today, when husband Michael Schiavo has court permission to remove her feeding tube.

In 1990, Terri Schiavo, now 41, suffered severe brain damage when her heart briefly stopped beating. She has been in what many doctors call a persistent vegetative state since then.

For the past seven years, her husband and parents have fought in court about whether her feed-

See **SCHIAVO DEADLINE**, Page 6 ►
State Senate rejected legislation.

SCHIAVO DEADLINE

Continued From Page 1

ing tube should be removed. Michael Schiavo has maintained that his wife told him she would not want to be kept alive by artificial means; her parents, Bob and Mary Schindler, don't believe that and say she can improve.

Though the Schindlers appeared to have run out of options, lawmakers were huddled late into the night in Washington. And the most powerful politicians in Florida — Gov. Jeb Bush, House Speaker Allan Bense, and Senate President Tom Lee — are staunch supporters of keeping Terri Schiavo alive.

On Thursday, state lawmakers were expected to negotiate conflicting House and Senate bills and send a compromise to Bush.

The House handily passed its version, 78-37. It would prohibit the removal of a feeding tube from someone in a persistent vegetative state if the person gave no written directive or there is no clear and convincing evidence that he or she specified that food and water be withheld.

Then, in a stunning Senate vote, nine Republicans joined Democrats in rejecting the Schiavo legislation outright. The sponsor of Senate Bill 804, state Sen. Daniel Webster, R-Winter Garden, strongly suggested he would drop the issue.

"I can count," Webster said after the 21-16 vote, with two Republicans and one Democrat absent. "If it doesn't pass today with 16, it doesn't pass tomorrow with 18."

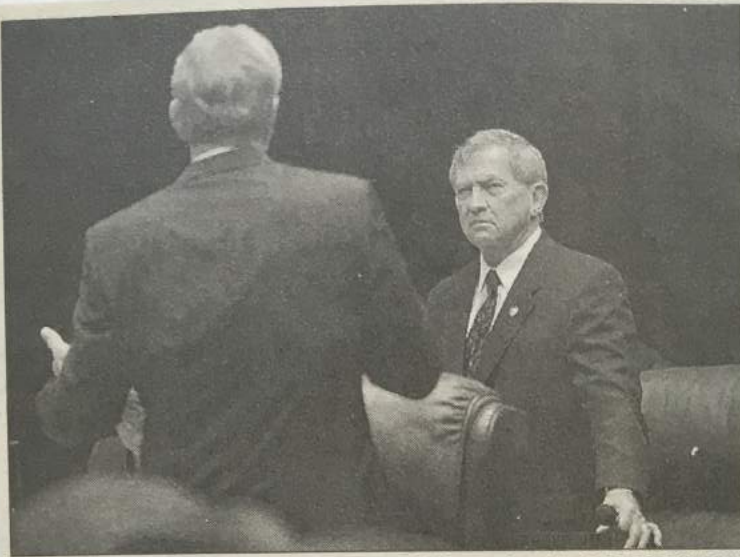
Both the House and Senate are in session today. "I guess if I healed all the way up and I was looking to get run over

News Channel 8
on your side

Schiavo's Fate

A dramatic day in the controversial Terri Schiavo right-to-live case.

TODAY ON ALL
WFLA NEWSCASTS



Tribune photo by COLIN HACKLEY

Sen. Mike Bennett, right, was one of nine Republicans rejecting Sen. Daniel Webster's bill that would keep Schiavo alive.



Tribune photo by COLIN HACKLEY

Rep. Kim Berfield, R-Clearwater, supported the House measure that would keep Schiavo alive. Its Senate companion stalled.

again," he would reintroduce the bill, Webster said.

Outside the Senate chamber, a stern-faced state Rep. Dennis Baxley, R-Ocala, held out hope. "I've seen miracles on this scene," said Baxley, who sponsored House Bill 701.

State Sen. Jim Sebesta, R-St. Petersburg, pronounced the issue "pretty much dead."

"In all likelihood, unless something dramatic happens within the next 24 hours, the Schiavo legislative effort this session is over," said Sebesta, who supported the Senate bill.

Meanwhile, in Washing-

ton, Republican leaders in Congress were unable to engineer passage of a measure identical to a House version that President Bush said he was awaiting and willing to sign.

First, Democrats in the Senate blocked a bill identical to a measure passed by the House late Wednesday that would have allowed another layer of review in the case of Schiavo and other "incapacitated persons" by federal courts.

When Republicans sought unanimous consent for the measure, Oregon Democratic

Sen. Ron Wyden, a right-to-die advocate, stood in opposition — enough of a maneuver under Senate rules to stymie Republicans' attempt at passage.

Wyden said he blocked the Republican attempt because the legislation "would potentially wreak havoc on the constitutional right of states to regulate medicine and medical practice within their borders." He complained that there had been no hearings to study the effects of the legislation and that regardless of the emotions involved, Congress should study an issue before deciding it.

Later in the day, Republicans succeeded on a measure that applied only to Schiavo. But the so-called "private relief" bill foundered because for a bill to become law, both the Senate and House must agree.

The House had already wrapped up business for the month, so the two chambers could not reconcile their different versions.

Late Thursday, legislative leaders were exploring whether they could take the extraordinary step of reconvening the House to vote on Schiavo's case. "I'm not willing to give up," said Sen. Mel Martinez, R-Orlando.

"Conversations are still taking place. This is far from done. I believe the House will act."

Many congressmen have already left Washington to return to their districts. Whether they could return today or next week is unclear, raising the prospect that once again doctors may have to remove Schiavo's feeding tube only to put it back.

On the legal front, Schindler attorney David Gibbs said he and his clients were disappointed but not yet out of options.

The Schindlers will now petition the U.S. District Court in Tampa for a review of the state court rulings to ensure Terri

Schiavo's federal due process rights have not been violated, Gibbs said.

The request will be almost identical to what death row inmates file after exhausting all state court appeals, he said.

"We believe we have a civil court death penalty here," Gibbs said.

Meanwhile, Gov. Bush issued statements praising the Florida House and the efforts in the U.S. Congress to save Schiavo. The Florida Senate bill "is certainly not dead, but it does appear that they're having some difficulty," Bush told The Associated Press. "I'm just disappointed, but that's their decision."

Respecting Existing Law

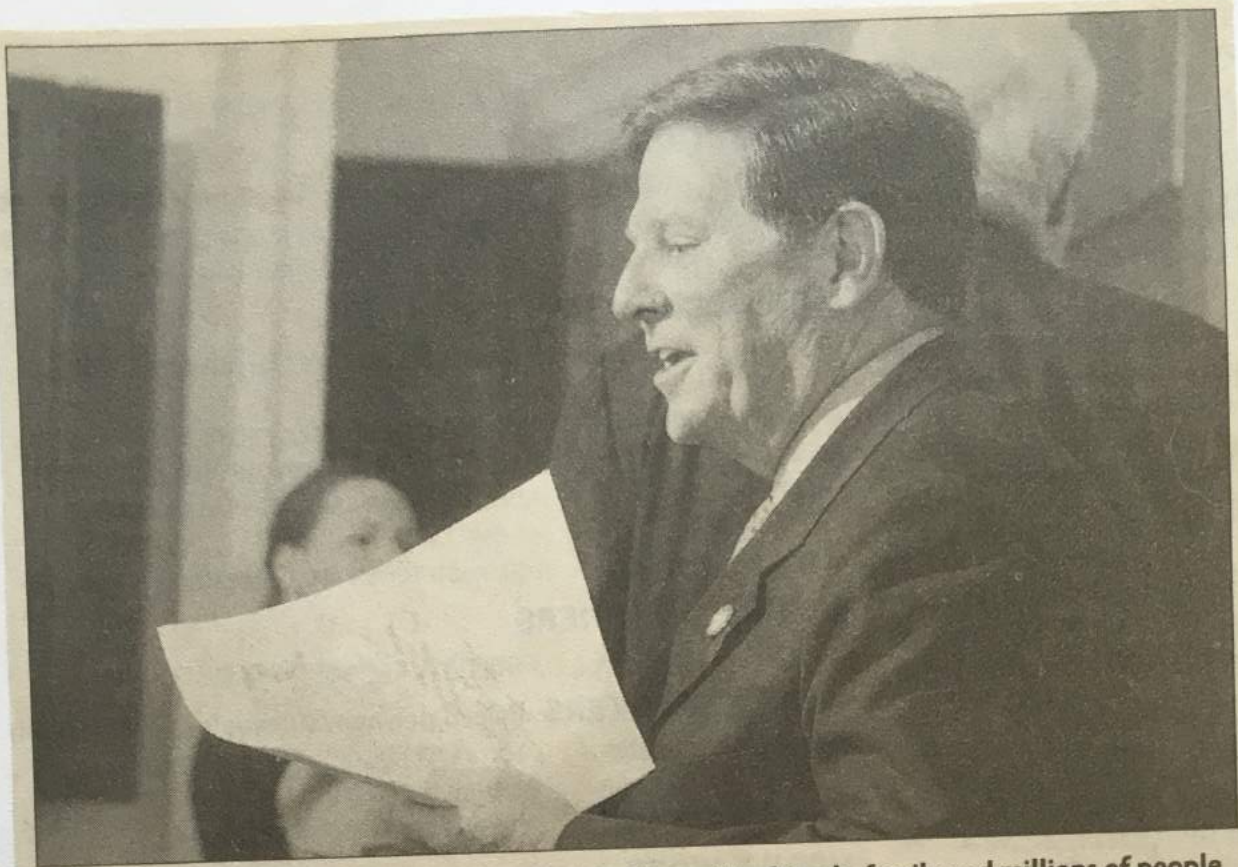
Florida state Sen. Jim King, R-Jacksonville, said the issue is "a very personal type of thing. It transcends Republican and Democrat."

The Florida Republican senators who voted against the Schiavo bill said they respected existing state law, established in a "Death With Dignity" package of bills marshaled by King when he was a House member in the 1990s. This legislation forced Florida to recognize living wills and oral end-of-life directives.

"I can't imagine what amendment would be offered that the nine of us would support," said King. "I can't speak for the Democrats, but as far as we're concerned, we don't want anything to change as far as existing law."

Still, King was reluctant to declare the issue over. "I'd never say that. The power of the president [of the Senate] is awesome," said King, who recently yielded that post to Lee, a Republican from Brandon.

Reporter Jerome Stockfish can be reached at 850-222-8382. Reporters Allison North Jones and Garrett Therolf in Tallahassee, Keith Epstein in Washington, and David Sommer in Clearwater contributed to this report.



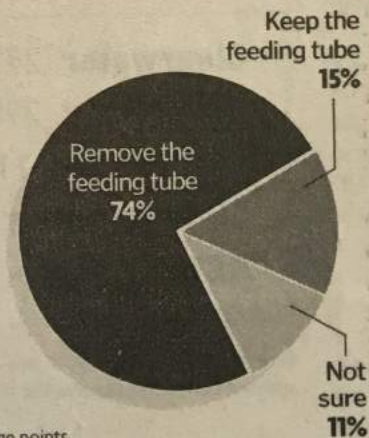
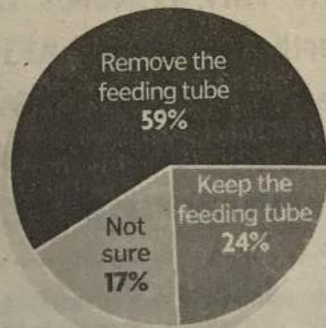
Rep. Tom DeLay, R-Texas, vows to continue his efforts. "To friends, family and millions of people praying ... this Palm Sunday weekend: Do not be afraid. Terri Schiavo will not be forsaken."

NATIONAL OPINION

Fox News and Opinion Dynamics conducted a national poll of 900 registered voters March 1-2. Here are the results:

"Terri Schiavo has been in a so-called 'persistent vegetative state' since 1990. Terri's husband says his wife would rather die than be kept alive artificially and wants her feeding tube removed. Terri's parents believe she could still recover and want the feeding tube to remain. If you were Terri's guardian, what would you do? Would you remove the feeding tube or would you keep the feeding tube inserted?"

"If you were in Terri Schiavo's place, what would you want your guardian to do? Would you have your guardian remove the feeding tube or keep the feeding tube inserted?"



The poll has an error margin of plus or minus 3 percentage points.

The woman Michael Schiavo lives with is godly Centozence.

Family, TV Crews, Would-Be Mediator

SIGN-WAVING CROWDS SUPPORT BOTH SIDES

By CARLOS MONCADA
and DAVID SOMMER
The Tampa Tribune

PINELLAS PARK — Terri Schiavo's sister hiding behind big, Jackie O. sunglasses. A former Green Beret commander serving "citizen's arrest" warrants. A car towing a large, bloody, porcelain crucifix cruising up and down 102nd Avenue.

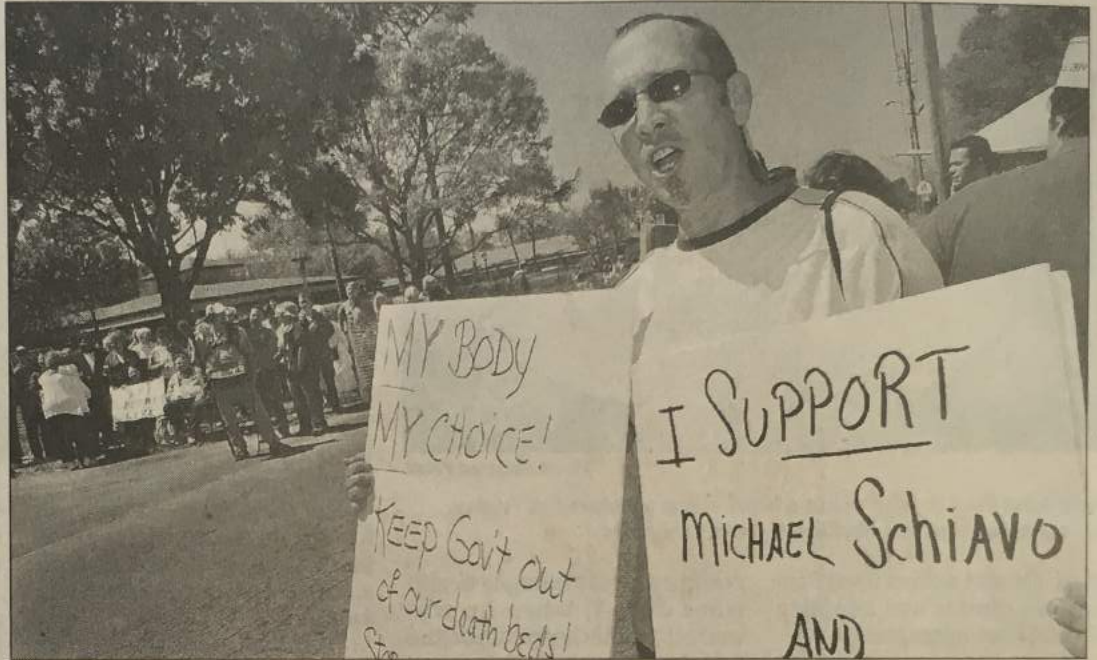
Such was the surreal scene Friday as dozens of sign-toting people from the Tampa Bay area and beyond continued their vigil outside the Hospice House Woodside where Schiavo lives.

Most were supporters of Bob and Mary Schindler, Schiavo's parents, and some had harsh words for her husband, Michael Schiavo, and Circuit Judge George Greer, who reinstated his earlier order to remove Schiavo's feeding tube.

"All those people who are putting this woman to death are going to stand before the real judge, the God of this universe," the Rev. David Williams, pastor of Calvary Road Baptist Church in Clearwater, told the crowd.

Paraphrasing from Matthew 7:23, he said: "And when they stand in front of him he may very well say to them, depart from me, you who work iniquity, for I never knew you."

Earlier, former Green Beret



Tribune photos by BRUCE HOSKING

Tim Harmon, of Tampa, had salt thrown at him by right-to-life demonstrators. "I felt that Michael Schiavo went through the court system and that she didn't want to live like this," he said of Terri.

commander, decorated Vietnam War veteran and one-time presidential candidate Bo Gritz served homemade arrest warrants for Greer and Michael Schiavo on Pinellas Park squad car No. 12.

"I've only ever done this one other time and that was Ruby Ridge," Gritz said in reference to the 1992 standoff between white separatist Randy Weaver and family and federal agents that Gritz helped resolve.

Gritz said he was making a citizen's arrest based on evidence of unspecified felonies committed by the judge and Schiavo.

"Saving Terri Schiavo is going to take a national effort," Gritz said.

As helicopters buzzed overhead, nearly 20 television satellite and microwave trucks, numerous reporters and a jumble of equipment jammed one side of the narrow street.

Suzanne Vitadamo, Terri Schiavo's sister, hid behind large sunglasses. An old red Datsun pickup with a camper on the back, festooned with brightly colored signs such as "Stop The Insanity," "Save Terri Schiavo's Life" and "The Ten Commandments," drove back and forth much of the

day.

Among the demonstrators was Brandon Roberts, 23, of Temple Terrace. He carried a sign that read: "Let Her Live" and "Choose Life, John 3:16."

"I really thought that cooler and wiser heads would have prevailed," the University of South Florida student said. "It's unfortunate to see it has come to this point. I think Terri Schiavo is going to die."

Michael Schiavo had his backers, including Tim Harmon, 44, of Tampa. He held a sign that read, "I Support Michael Schiavo and Freedom of Medical Choice!"

FAST-MOVING FRIDAY

1 a.m.: Republican Reps. Dennis Hastert, of Illinois, Tom DeLay, of Texas, and Tom Davis, of Virginia, announce they will issue subpoenas in hopes of halting the removal of Terri Schiavo's feeding tube.

9:30 a.m.: Schiavo's father, Bob Schindler, visits his daughter at Hospice House Woodside in Pinellas Park. Outside, about three dozen people pray.

10 a.m.: GOP leaders in the U.S. Senate issue a call for Schiavo and her husband, Michael, to appear before a Senate committee. A statement from Majority Leader Bill Frist, R-Tenn., asserts federal law protects witnesses "from anyone who may obstruct or impede a witness's attendance or testimony."

11 a.m.: Hospice House Woodside receives a subpoena, but officials won't say for whom.

12:45 p.m.: Pinellas Circuit Chief Judge David Demers orders that the feeding tube remain in place past the 1 p.m. deadline so Circuit Judge George Greer can address legal issues.

1:15 p.m.: After a 15-minute hearing, Greer rules for the feeding tube to be removed. The Florida Supreme Court rejects an appeal from the U.S. House to stay Greer's order.

1:45 p.m.: Schiavo's feeding tube is removed.

Note: Times are approximate.

Research by **ANGIE DROBNIC HOLAN**



Tribune photo by COLIN HACKLEY

Republican state Sen. Daniel Webster, left, sponsored the Schiavo bill. Democratic Sen. Rod Smith opposed it.

Experts Say Case Blurs Checks And Balances

By JEROME R. STOCKFISCH
jstockfisch@tampatrib.com

TALLAHASSEE — Who has ultimate authority over end-of-life intentions?

In the case of Terri Schiavo, it has been the executive branch of government, when Gov. Jeb Bush ordered the incapacitated woman's feeding tube reinserted in 2003.

It has been the legislative branch, with Florida's "Death With Dignity" statutes, the ill-fated Terri's Law and, now, more congressio-

nal intervention.

It has been the judicial branch, spanning eight years of litigation and at least 19 judges.

With the legal and political brawls over Schiavo's fate intensifying Friday, some constitutional law experts expressed concern over the blurring of the separation of powers that is a bedrock of U.S. democracy.

See **CHECKS BALANCES, Page 9** ►
Constitutional crisis possible.

By DAVID SOMMER
dsommer@tampatrib.com

PINELLAS PARK — Even U.S. marshals armed with congressional subpoenas could not stop the removal of Terri Schiavo's feeding tube Friday.

The fight to keep the brain-damaged woman alive, however, is not over, federal lawmakers and Schiavo's parents said.

Twice before the 41-year-old St. Petersburg woman's feeding tube has been removed, and twice before Bob and Mary Schindler found a way to have it reinserted against the wishes of their son-in-law.

Schiavo is expected to remain alive for a week to 10 or more days, and she had gone six days without food in October 2003 before Gov. Jeb Bush intervened based on a state law that was subsequently deemed unconstitutional.

On Friday, the Schindlers shuttled between their daughter's bedside and a small office across the street from Hospice House Woodside, where the Gulfport couple sought refuge from crowds of reporters and demonstrators.

Confusion over distant events left the couple in the dark as to whether — or when — their daughter's feeding

See **SCHIAVO'S FEEDING, Page 8** ►
Priest administers her last rites.

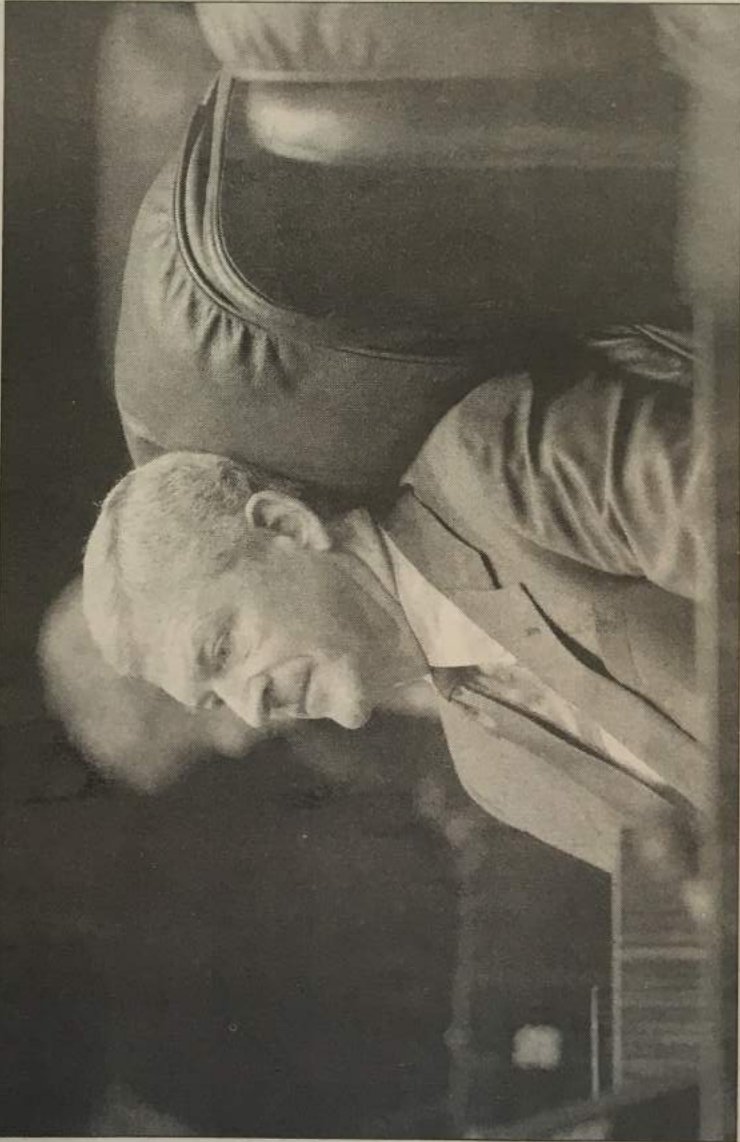
Keyword: Schiavo, for the latest developments in the case of Terri Schiavo.





Photos from The Associated Press

Protesters gather at Michael Schiavo's house in Clearwater. His attorney says Michael thought it was too upsetting to watch doctors remove Terri's feeding tube.



Sen. Daniel Webster, R-Winter Garden, sits after announcing he would not bring Senate Bill 804 to a vote again. The measure, designed to keep Schiavo alive, had been defeated Thursday.

Cerminara, a law professor at Nova Southeastern University and expert in end-of-life law.

"You allow the Legislature to ignore the courts and you just upset our system of checks and

balances."

Terri's Law was ruled unconstitutional. This year, the Legislature came back with similar legislation.

It passed the state House but

is stalled in the Senate amid concerns it remains unconstitutional.

Friday morning, congressional leaders in Washington issued subpoenas to key players

"When government officials say, 'We will not listen to a decision of the court, then we have a constitutional crisis.'"

RANDALL MARSHALL
Legal director of Florida ACLU

in the drama, including Terri Schiavo herself. The maneuver would have compelled recipients to testify before a committee hearing, effectively keeping her alive.

That set up yet another conflict between the judicial and legislative branches.

Not 'Foreign To Congress'

Sekulow, of the American Center for Law and Justice, compared the issue to the civil rights movement in the 1960s, when Washington forced the issue on states and their courts. "This is not some territory foreign to Congress. State courts are not immune from congressional scrutiny," he said.

Pinellas-Pasco Circuit Judge George W. Greer disagreed later Friday. Cerminara, the Nova Southeastern law professor, is relieved.

"The U.S. House certainly

isn't supposed to be issuing orders that look like injunctions," she says. "Everyone knows the purpose was to mandate that the feeding tube stay in. It didn't work, and it's a good thing. Writing injunctions is the court's job, not legislators' job."

Schiavo's feeding tube has been removed and reinserted twice. At least two more lawsuits were filed Friday, but the ACLU's Marshall said a notation by the 2nd District Court of Appeal in Lakeland this week suggests closure is near.

"Not only has Mrs. Schiavo's case been given due process, but few, if any, similar cases have ever been afforded this heightened level of process," the court wrote.

Reporter Jerome R. Stockfish can be reached at (850) 222-8382.



WHAT HE SAID

After hearing Kerry Kircher, deputy general counsel for the House of Representatives, request postponing removal of Terri Schiavo's feeding tube for nine days, Pinellas-Pasco Circuit Judge George Greer denied the request, saying in part:

I heard no cogent reason why the [House] committee should be able to intervene. This is a case involving a person's decision on whether or not to remain on life support. And while you are only asking for nine days, counselor, I must remind you that the order you want me to modify is over five years old, so there's been lots of time. If Congress wished to investigate, they certainly could have done that.

I denied the Department of Children & Families the right to intervene. I don't think legislative agencies or bodies have a business in a court proceeding, and accordingly, I am going to deny your motion to intervene.

Your motion for stay, you do not have standing, and for that reason, motion to modify will be denied. Having done so, whatever extent Judge [David] Demers did anything with my order Feb. 25, 2005, that order is to be reinstated. I am directing it to be complied with and carried out forthwith.

his 2000 decision has been the subject of five years of appeals and widespread publicity.

Michael Schiavo contends that his wife has been in a persistent vegetative state since suffering heart failure in 1990 at age 26. Her parents say she reacts to them and could improve with therapy.

"Your committee choosing

WHAT WILL HAPPEN

Vince Perron, associate medical director for LifePath Hospice in Tampa, described what happens when a patient's feeding tube is removed:



Schiavo

1. The body quickly starts to dehydrate.
2. Dehydration causes certain chemicals in the bloodstream to rise. Elevated levels of a chemical called urea nitrogen make the patient sleepy. The patient is likely to slip into a coma within days.
3. As death nears, within two to seven days, the brain releases natural painkillers called endorphins. Usually there are no signs of hunger, thirst or pain.
4. Potassium levels rise in the bloodstream, affecting the heart. It begins to beat erratically and then stops.

Susan Hemmingway Johnson

to do something today doesn't create an emergency," the judge said.

Greer ordered the tube's immediate removal.

Kircher then filed a similar petition for a stay with the Florida Supreme Court. It was quickly rejected as moot, without further explanation.

Meanwhile in Tampa, U.S. District Judge James Moody denied a petition filed Friday morning by the Schindlers seeking a temporary injunction on the grounds Terri Schiavo's constitutional rights had been violated by Judge Greer, Michael Schiavo and state Attorney General Charlie Crist.

Moody said he had no jurisdiction to enter the case.

'This Is Not Over'

The last-minute federal activity prompted Michael Schiavo's attorney to again rail against politicians inserting themselves into a family dispute.

"To think that your parent or loved one could be in a nursing home, in a hospital, and a congressman can issue a subpoena forcing you to have

CHECKS BALANCES

Continued From Page 1

"The question is, 'Just how far are these government [interveners] willing to go?'" said Randall Marshall, legal director for the American Civil Liberties Union of Florida. "Once there is no longer any avenue of relief, are they done? Do they respect the judicial system?"

"If not, then certainly there is a constitutional crisis. When government officials say, 'We will not listen to a decision of the court,' then we have a constitutional crisis."

Of course, one lawyer's constitutional crisis is another's opportunity. Jay Sekulow, chief counsel of the American Center for Law and Justice, a legal organization affiliated with the Rev. Pat Robertson, says it is entirely appropriate for lawmakers to attempt to enforce the "dignity of human life and liberty" while a Florida judge weighs the removal of Schiavo's feeding tube.

Paul M. Johnson, an associate professor and chairman of the political science department at Auburn University, has written on issues relating to separation of power. "Under normal circumstances, this case would have been settled by a county judge or one appeal up," Johnson says. "But people are accustomed to forum shopping. This is the ultimate case of forum shopping."

Checks And Balances

The framers of the U.S. Constitution believed the root of tyranny was the concentration of power in the hands of too few. Establishing the executive, legislative and judicial branches at the state and federal levels set up the checks and balances that have protected U.S. democracy for more than 200 years.

There are a couple of troubling aspects about the Schiavo case and that separation of power, experts say.

First was Terri's Law, an attempt by the Florida Legislature to, in the words of ACLU's Marshall, "usurp and override six years of litigation" that culminated in the removal of Schiavo's feeding tube in 2003.

Just days after a state Supreme Court decision affirmed the removal of the tube, the Florida Legislature rammed through the law giving the governor the authority to order it replaced.

"One danger from a constitutional perspective is that the judiciary is supposed to exist to provide a check on entities like the Legislature," says Kathy

WHAT DO YOU THINK?

While politicians and lawyers engaged in last-minute legal maneuvering Friday over the treatment of Terri Schiavo, more than 150 people filed comments to TBO.com about the situation. Here is a sampling of comments. To read the rest, go to TBO.com, Keyword: Schiavo.

“ She has no quality of life, in fact her life ended long ago. If her parents truly believe in God, they would let her go to him. It is a selfish act to want to keep her body alive when Terri has left long ago.

KATHLEEN CARREIRA
Hadley, Mass.

“ I think it is a form of murder. For anyone to let another human die when they are communicating with their eyes or facial expressions or any other manner is inhumane.

PATRICIA TIMBERLAKE
San Antonio, Fla.

“ Let the poor girl die in peace.

SCOTT LAUGHERTY
Brandon

“ The government needs to stay out of what is a very difficult decision. How sad that a woman who had such pride is shown across television screens all over the world at her very worst. Who among us would choose to live in this situation? My family has my living will to avoid just this type of problem.

JUDITH PENTECOST
St. Petersburg

“ What is Florida going to come up with next to continue being in the ‘You’ve got to be kidding me’ national limelight.

NEIL LITTLEFIELD
Land O’ Lakes

“ They need to let the woman go. Nobody would want to live that way. She’s shown no signs of improvement in 15 years.

YVETTE RODER
Tampa

“ Remove the tube. She has suffered long enough. What kind of quality of life is that? Put yourself in her place.

LEIGH WAGNER
Lakeland

“ Even a man convicted of murder on death row and animals are protected from such a horrid execution. How can we allow a woman to be executed?

LISA HARRIS
Boynton Beach

“ Michael Schiavo should have to sit there beside her without food or water until she dies. Come on, people. We care more about saving the manatees than starving another human being!

LAINIE NELSON
Bartow

“ Let Terri live with her parents. Maybe someday Mr. Schiavo will regret his aggressive behavior in this situation when the tables turn.

JODY JEFFERS
Zephyrhills

“ These protesters are not thinking of what’s best for Terri Schiavo. They are doing this for their own moral cause and trying to impose their values on another family.

GARY PETERS
St. Petersburg

“ I think it is a travesty that parents are so selfish they would make their daughter live so many years in her condition. I feel they should live in that same condition as their daughter has for as many years as she has. Perhaps it would finally dawn on them their fight has been for themselves rather than their daughter.

LEE WILCOX
Clearwater

SCHIAVO'S FEEDING

Continued From Page 1

would be halted for the third time, Bob Schindler said.

“It’s one of those whirlwind things again,” Schindler said. “I don’t know what’s going on.”

The couple are weary from constant travel — they flew to Tallahassee to meet lawmakers Thursday and then had to drive back through the night — but they will not give up as long as their daughter remains alive, Schindler said.

Last Rites Given

As judges at the local, federal and state Supreme Court levels considered and rejected attempts to block the feeding tube’s removal, the Schindlers sat by their daughter’s bedside while Monsignor Thaddeus Malanowski administered the last rites of the Catholic Church, the priest reported afterward.

Circuit Judge George Greer, who has repeatedly ordered the feeding tube’s removal based on his findings at a 2000 nonjury trial, had granted special permission for Terri Schiavo to receive communion via her feeding tube before its removal.

Malanowski said he anointed Schiavo with holy oil, then used an eye dropper to transfer a few droplets of consecrated wine into the feeding tube.

“Everybody was calm and peaceful,” the priest said. “I thought the mother [Mary Schindler] might faint but no, the mother was strong until just a half-hour ago.”

Shortly before 1:45 p.m., almost an hour after the tube was supposed to be removed, hospice officials asked Mary Schindler and other family members to leave so the removal could take place, Malanowski said.

Michael Schiavo, who was with his wife when the tube was removed once before in 2003, found the prospect of being with her again too upsetting, so he didn’t join her until after the procedure, said his attorney, George Felos.

Those present included

Terri Schiavo’s physician and a number of hospice workers, Felos said.

“It was a very calm, peaceful procedure with a degree of emotion, and those there felt the need to pray,” Felos said.

The Schindlers did not learn the tube had been removed until about 3:30 p.m., when Mary Schindler “broke down” from the pressure, Malinowski said.

Minutes later, the Schindlers slipped one-by-one into a relative’s car and drove away unnoticed by most of the crowd.

Frenzied Day In Court

The quiet departure capped a day of frenzied activity by lawyers acting on behalf of the Committee on Government Reform of the U.S. House of Representatives.

Citing a new “inquiry into the long term care of incapacitated adults, an issue of growing importance to the federal government,” the committee sent U.S. marshals to serve Michael and Terri Schiavo with subpoenas to appear as witnesses at a committee hearing scheduled to take place at the hospice March 25.

Subpoenas were also served on Schiavo physicians Victor Gambone and Stanton Tripodis and on hospice director Annie Santamaria, court documents state.

The subpoenas required those receiving them to maintain Terri Schiavo’s feeding regimen or “face criminal charges for obstruction of justice and contempt of Congress,” court documents state.

Greer, who ruled that testimony in the 2000 trial showed that Terri Schiavo would not want to be kept alive with a feeding tube, sounded testy at a hastily convened hearing over the telephone that did not get under way until minutes before the tube was supposed to be removed.

After hearing Kerry Kircher, deputy general counsel for the House of Representatives, request a nine-day postponement of the tube’s removal, Greer refused.

“I heard no cogent reason why the committee should be able to intervene. This is a case involving a person’s decision on whether or not to remain on life support,” Greer said.

The judge pointed out that

THE TAMPA TRIBUNE

and The Tampa Times

Schiavo's Feeding Stops

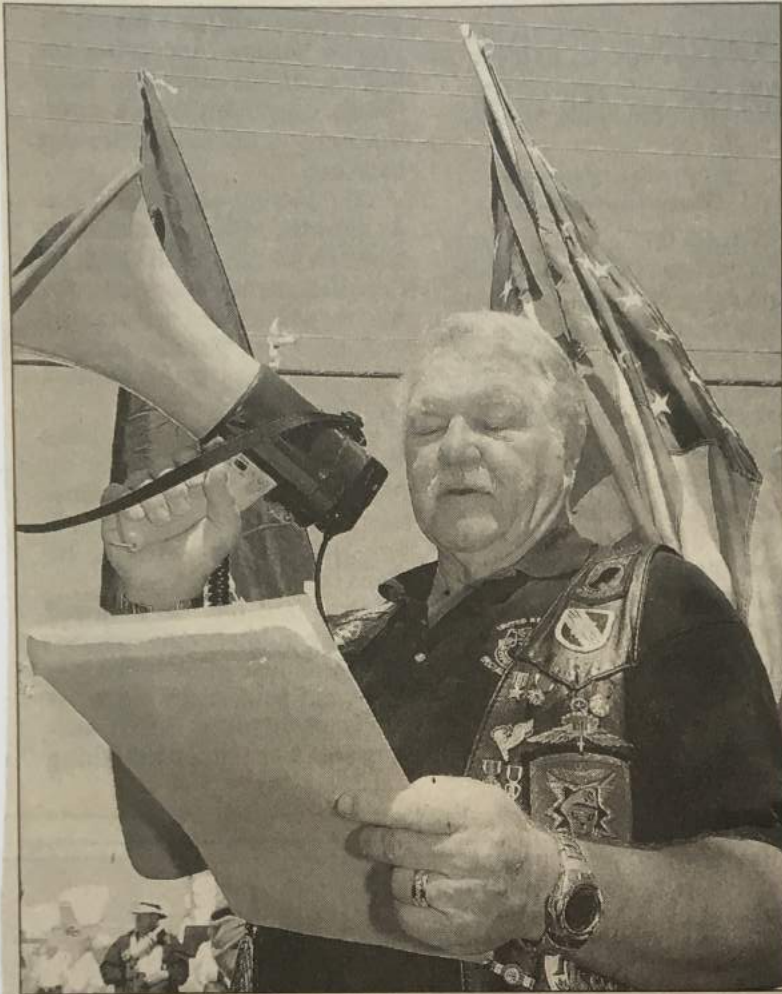
Judge's Order Trumps Congressional Action On An Emotional Day



Knight Ridder/Tribune

The Revs. Rob Schenck, left, and Ed Martin fall to the ground in prayer upon hearing of the order to remove the feeding tube. DETAILS, Page 9

's Wait At Hospice



Bo Gritz, who helped mediate between the federal government and Randy Weaver at Ruby Ridge in 1992, intends to make citizen's arrests of Michael Schiavo and Judge George Greer.

"I felt that Michael Schiavo went through the court system and that she didn't want to live like this," said Harmon, who was called a "murderer" and had salt thrown at him by opposing demonstrators.

He was accompanied by Leddy Hammock, a minister at Unity Church of Clearwater.

"People have made this a very personal issue, and they feel very passionate about it," she said. "And we do, too. But our passion is about the freedom of individuals to make their own choices. And our concern is the intrusion of government in those choices."



"It's one of those whirlwind things again," Bob Schindler said. "I don't know what's going on." At 3:30 p.m., he and his wife learned the procedure had been done.

your loved one treated against their will is absolutely shocking and the lowest, just the lowest type of political strong-arming," Felos said.

"Not one of those political leaders ... would ever, ever submit their own family member to the indignity and the illegality that has been shown on Mrs. Schiavo. Yet, for political gain they can do it to her," he said.

In Washington, where Congress was expected to wind down after a last-minute flurry of Republican-led activity aimed at keeping Schiavo's feeding tube attached unraveled, the scene was chaotic.

Politicians on both sides of the protracted debate grew angry at the maneuvers of the opposing party, culminating Friday with House Majority Leader Tom DeLay declaring the feeding tube removal to be "an act of barbarism" and "medical terrorism."

"This is not over," he went on. "To friends, family and millions of people praying around the world this Palm Sunday weekend: Do not be afraid. Terri Schiavo will not be forsaken. ... Congress will continue working to explore ways to save her."

Tampa Rep. Jim Davis was among Democrats outraged over persistent attempts at legislative intervention.

"I've never seen such abuse of power by politicians as we're witnessing now," Davis said.

California Rep. Henry Waxman, also a Democrat, accused his colleagues of "turning the Schiavo family's personal tragedy into a national political farce."



Tribune photos by COLIN HACKLEY

Sen. Nancy Argenziano, R-Dunnellon, says her decision not to intervene in the Schiavo case was extremely difficult. She weeps as she expresses that difficulty.

Congress Revives Terri's Bill

LAWMAKERS MOVE INTO OVERTIME

By KEITH EPSTEIN,
ANGELA DELGADO
and DAVID SOMMER
The Tampa Tribune

PINELLAS PARK — As Terri Schiavo completed her first day without food or water, congressional leaders announced a deal Saturday that would move the legal dispute over her fate into federal court.

That could result in the brain-damaged woman's feeding tube being reinserted after it has been removed the third time.

Also Saturday, four men were arrested on misdemeanor trespassing charges when they made a show of attempting to enter Hospice House Woodside, saying they wanted to bring Schiavo water and communion wafers.

Late Friday and through much of the day Saturday, Senate Majority Leader Bill Frist and Democratic leader Harry Reid hammered out compromise legislation that will go to the House this afternoon. Saturday evening, Congress member were returning to Washington, after having left town Friday for Easter recess.

President Bush also changed his schedule and planned to fly today from Crawford, Texas, to

See **TERRI SCHIAVO**, Page 12 ▶

Four arrested trying to feed her.

INSIDE



TERRI SCHIAVO

Continued From Page 1

Washington to sign the bill.

The action on Capitol Hill came a day after a local judge rejected a congressional committee's request that he delay Friday's court-ordered removal of Schiavo's feeding tube so it could conduct an investigation.

Circuit Judge George Greer's ruling that congressional subpoenas do not trump five years of Florida court rulings was upheld by the U.S. Supreme Court, which declined to get involved.

Party Politics Bubble Under Surface

Congressional leaders said they hoped both houses can pass compromise legislation so that it can be on President Bush's desk for his signature as soon as possible.

"We are confident that this compromise addresses everyone's concerns," House Majority Leader Tom DeLay, a Texas Republican, said at a news conference. "We are confident it will ... restore nutrition and hydration to Miss Schiavo."

A memo from GOP leaders meant to be seen only by Republican senators pointed out the political ramifications of the Schiavo debate and how it could help them with Christian conservatives in the 2006 midterm elections. According to The Washington Post, the memo singled out Sen. Bill Nelson, D-Tallahassee, who is up for re-election next year.

"This is an important moral issue and the pro-life base will be excited that the Senate is debating this important issue," said the memo, which was reported by ABC News and later given to the Post. "This is a great political issue, because Senator Nelson of Florida has already refused to become a cosponsor and this is a tough issue for Democrats."

The agreement by Sens. Frist and Reid allows the House of Representatives to reassemble to pass the Senate version of legislation that would allow representatives of Terri Schiavo to seek a review of her case by the federal

courts. The agreement calls for a law that would allow a federal district judge to consider a claim "by or on behalf of Mrs. Schiavo" for alleged violations of constitutional rights or federal laws because of "withholding or withdrawal" of food, fluids, or medical treatment needed to sustain her life, the legislation states.

The House is to meet at 1 p.m. today, "in the hope of receiving unanimous consent" to consider the Schiavo measure. In case of an objection, under House rules the issue can be brought up again after midnight.

DeLay acknowledged uncertainty about whether congressional action would withstand a challenge in the courts, setting the stage for a new chapter in the showdown between branches of government and state courts and federal lawmakers.

Activists Attempt To Nourish Patient

Outside the Pinellas Park hospice where Schiavo has lived her feeding tube was first removed in April 2001, a group of activists maintained an around-the-clock vigil Saturday.

Shortly before 11 a.m., three men led by former Green Beret commander and presidential candidate Bo Gritz made a show of attempting to enter the hospice to provide Schiavo with water and communion wafers.

The trio, Gritz, 66; Leon Riche, 61; and David Vogel, 47; were met by a row of Pinellas Park Police officers.

"We want to come forward, make an offering to her," Gritz told police. "We're not gonna harm her or harm you."

The men refused to leave when asked and were arrested, while some onlookers repeatedly shouted "Let Terri live."

Later in the day, John McDougall, 62, also attempted to bring water to Schiavo and was charged with trespassing. McDougall, a former Lee County sheriff, received national attention in 1999-2000 for his personal antiabortion and religious education essays on his office Web site. He posted \$250 bail and was released from



Tribune photo by BRUCE HOSKING

Terri Schiavo's mother, Mary Schindler, pleads with Congress to save her daughter's life while addressing reporters.

the Pinellas County Jail.

The other remained at the jail Saturday night, with bail set at \$250 each.

A spokesman for Schiavo's parents, Bob and Mary Schindler, said the men were not connected with the vigil and that the couple wanted everyone to remain peaceful and obey the law.

About noon, Mary Schindler made a rare address to the news media, begging Congress to save her daughter's life.

"We laugh together. We cry together. We smile together," Schindler said, surrounded by supporters. "We talk to her. She is my life. Please, please, please save my little girl."

Michael Schiavo criticized the congressional action during an appearance Saturday on NBC's "Today" show.

His attorney, George Felos, also appearing on "Today," said any legislation that interferes with a person's right to refuse medical treatment will be declared unconstitutional.

Michael Schiavo was at his wife's bedside after the tube was removed

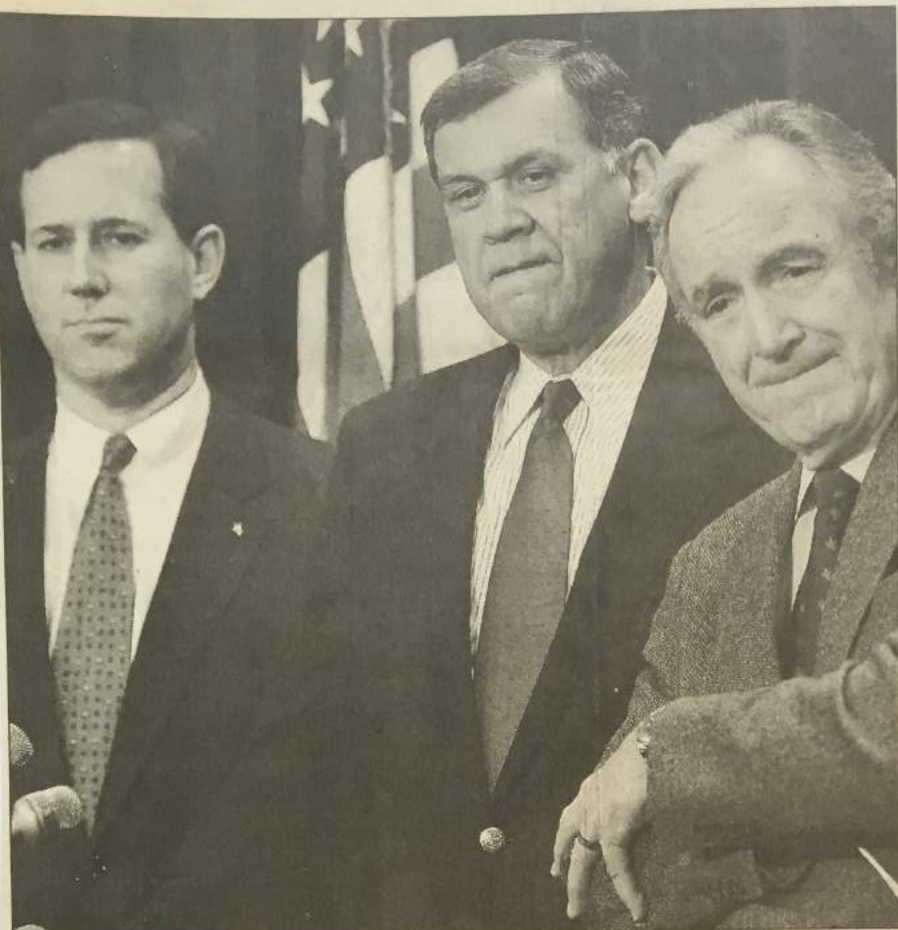
and said he felt that "peace was happening" for her. "And I felt like she was finally going to get what she wants, and be at peace and be with the Lord," he said.

Michael Schiavo and the Schindlers have been locked in a bitter court battle over Terri Schiavo's wishes for almost seven years.

After a January 2000 nonjury trial, Greer ruled that testimony from Schiavo and his relatives showed Terri Schiavo made statements before her illness indicating she would not want to be kept alive in her current condition.

Schiavo's doctors say she has been in a persistent vegetative state since her heart failed, cutting off oxygen to her brain, in February 1990 when she was 26. The Schindlers dispute that diagnosis and say their daughter reacts to them and could improve.

Reporter Patricia Kim contributed to this report. Information from The Associated Press and The Washington Post was used in this report.



The Associated Press

Sens. Rick Santorum, from left, Mel Martinez and Tom Harkin helped move a bill that would keep Schiavo alive. The House will act on it today.



The Associated Press

House Majority Leader Tom DeLay, R-Texas, acknowledged any legislation would face uncertain odds under scrutiny by the courts.



Tribune photo by BRUCE HOSKING

Police arrest three men who said they wanted to bring Schiavo water and re- fused to turn away Saturday outside her Pinellas Park hospice.

Schiavo Videotapes Offer Powerful But Misleading Evidence

RANDOM IMAGES BECOME WHOLE STORY TO VIEWERS

By BRAD SMITH
bsmith@tampatrib.com

TAMPA — The videos run only a few seconds.

Terri Schiavo smiles at her mother. Schiavo follows a Mickey Mouse balloon with her eyes.

Replayed on countless news shows and posted on the Internet, the clips help drive national sympathy for Schiavo's parents, who oppose their daughter's court-ordered feeding tube removal.

Seen without context, the snippets raise questions for laypeople. Is Terri Schiavo aware? Can she hear? Does she understand?

Less widely known are four hours of images, taped in summer 2002, of Schiavo's inert stare from her hospice bed. They more accurately show the Pinellas Park woman, argue some doctors and Michael Schiavo, who says his wife is brain-dead and should die in dignity after 15 years in what doctors term a persistent vegetative state.

George Greer, a Pasco-Pinellas circuit judge, ruled the tapes fail to prove Terri Schiavo's brain still works.

"She clearly does not consistently respond to her mother," the judge wrote in 2002 after hearing from five doctors with divided opinions. "The court finds that based on the credible evidence, cognitive function would manifest itself in a constant response to stimuli."

The longer videos were recorded to help Greer decide whether Schiavo might recover, as her parents hope, or is a shell who never will improve, as her husband and some doctors maintain.

Yet, all the clips have become powerful icons in a public relations war over Terri Schiavo's fate. They also concern media experts who say they misled.



Terri Schiavo, right, gets a kiss from her mother, Mary Schindler, in this image from one of the tapes the Schindlers made while visiting.

"It's the job of journalists to say, 'Understand where it was shot and when and by whom,'" Tompkins said. He acknowledged that seldom happens, with Schiavo stories wall-papering the news and a hunger for Schiavo pictures where few exist.

"It's never a wrong time to do the right thing," Tompkins said, adding that the media should be faulted for overusing the same edited Schiavo tapes.

At the same time, the image of Schiavo appearing to respond fills news photography's need to show "maximum action," like the high jumper at the height of the leap, Tompkins said.

Influential Images?

The Schiavo videos were taped as part of a court-ordered medical evaluation three years ago. They are filed at the Pinellas County courthouse, although few have viewed them in their entirety.

They first were shown in public in October 2002 during a court proceeding. In them, Terri Schiavo interacts with her mother and neurologist William Hammesfahr, who was chosen by her parents.

One family's bitter feud — crossed by religious advocates, politicians and moral debates over life and death — climaxed Friday afternoon when doctors stopped nutrition that has kept Schiavo alive since her 1990 heart attack at age 26. Death may follow in a few days.

However the Schiavo case plays out, the carefully edited Terri Schiavo videos exemplify how pictures increasingly drive public opinion in today's video-fueled society.

"The vast majority of my e-mailers seemed to believe that the few minutes of edited [Schiavo] video represented the 24/7 reality of her last ... years," syndicated columnist Ellen Goodman marveled in 2003 after Florida Gov. Jeb Bush and state lawmakers enacted "Terri's Law" and got her feeding tube restored after a court ordered it removed. The law later was ruled unconstitutional.

'Video Becomes The Story'

Powerful images, more than words, control how people form opinions about polarizing issues of the day, from U.S. military abuses at Iraq's Abu Ghraib prison to a Michael Jackson documentary of him nuzzling a teenager who now accuses the pop star of sexual abuse.

One of the first examples of how video can instantly galvanize public thinking was of Los Angeles motorist Rodney King's 1991 beating by police.

"In all these cases, the video becomes the story itself. The video becomes the thing everyone can pass judgment on," said Bob Thompson, director of the Center for the Study of Popular Television at Syracuse University.

Without compelling pictures, some stories might never earn the traction they seem to gain with wide exposure.

Hundreds of children, for example, disappear every year. But the 2004 Sarasota kidnapping of 11-year-old Charlie Brucia, caught on a carwash security camera and replayed as every parent's nightmare, became a national trauma.

Pictures, the adage goes, never lie, but video can be edited. Some media experts warn of distortion as images spread instantly worldwide while viewers may be unaware of fuller contexts.

"When the eye and ear compete, the eye wins," said Al Tompkins, a former broadcaster now on the faculty of the Poynter Institute media think tank in St. Petersburg.

Tompkins said the Schiavo videos show different things to different viewers. To be fair, everyone needs a fuller context to decide what they mean. But the pictures become the truth, to many, through repetition.

Schiavo appears to follow orders to open her eyes wide and then hold them tightly shut, albeit belatedly after repeated instructions.

Three years ago, Michael Schiavo dismissed the tapes. They "show nothing new," he said then. "She's been doing that for 13 years. The same movements."

Schiavo also said his wife would be "very, very upset" to know millions saw her with her arms and hands contracted up under her chin and her mouth agape as she lies in a hospital bed.

Snippets are posted on Web sites such as Terrisfight.org, maintained by the Terri Schindler-Schiavo Foundation of volunteers who work with her parents, Bob and Mary Schindler, to prevent what the site terms "a court-ordered dehydration and starvation death."

Thousands of people have posted pleas to save Terri Schiavo on the Web site, many after seeing the videos.

George Karalekas, a video editor at News Channel 8, said no record is kept of how often the Schiavo tapes have aired on WFLA, but he estimated hundreds of times.

"Any story we've done, we would incorporate the picture in some way," he said.

Forest Carr, News Channel 8 news director, defended repeated use of the videos, but said the public has been prevented from seeing Schiavo in full context.

"Rather than focus on how much that snippet appears to say and its influence on the case, to me, the question ought to be how is it this person has been held incommunicado? There are huge public policy implications in this case, yet the public's been prevented from knowing much about the case. We don't know what she's like all the time."

Even so, Carr said no one has been misled by the videos.

"It's just that they draw their own opinions," he said.

Not everyone thinks the videos tell the whole story.

Vanessa Jones of Clearwater emailed TBO.com on Friday: "When I watch or hear of this case in the media, they are always showing pictures of Terri from 2001. Why? We need to see recent pictures of Terri so that we can also witness her progress. I am tired of those old pictures."

As Thompson, the television pop culture expert, said: "All you've got is a picture, and it may be worth 1,000 words. But it may take another 1,000 words to explain what the picture means."

Reporter Brad Smith can be reached at (813) 259-7365.

Congress OKs Bill To Sustain Schiavo

BUSH EAGER TO SIGN MEASURE

By KEITH EPSTEIN
kepstein@tampatrib.com

WASHINGTON — Congress and President Bush, rushing to Washington for a Palm Sunday showdown over a brain-damaged woman's right to live

or die — and the power of politicians to intervene — early this morning opened the door to sustain Terri Schiavo's life while federal courts review her case.

In an extraordinary emergency session during an aborted two-week Easter vacation, political leaders scrambled to return their flocks to Capitol Hill on Sunday night to vote on a lone piece of legislation, "An Act for the Relief of the Parents of Theresa Marie Schiavo."

The law, blocked in the House on Sunday afternoon when a group of Democrats, led by Rep. Jim Davis of Tampa, rejected a voice vote, passed at 12:42 a.m. today, capping a crusade in Congress by Florida Republicans Sen. Mel Martinez, of Orlando, and Rep. Dave Weldon, of Palm Bay.

The House, after three hours of debate, passed the so-called "Palm Sunday Compromise" 203-58. The Senate unanimously passed the same bill Sunday.

Bush, cutting short a Texas vacation, was poised



WHAT'S NEXT

The measure calls for the tube to be reinserted while a federal judge hears the case.

EDITOR'S NOTE

Today's Tribune may have arrived later than usual due to an effort to include late news in the Schiavo case.

SCHIAVO DRAMA

Continued From Page 1

to sign the bill within an hour.

Schiavo's parents, meanwhile, notified a Pinellas Park hospice that their daughter's feeding tube, withdrawn Friday by a state judge's order, possibly could be reinserted today.

The bill empowers a federal judge in the Middle District of Florida in Tampa to decide whether to replace the feeding tube temporarily while weighing legal and medical aspects of the case. The judge will be chosen randomly.

The Schiavo case, a cause celebre among "culture of life" conservatives, appears to have eclipsed the Iraq war, spiraling spending, and debates over the course of Social Security.

The unusual intervention of the nation's leaders in a wrenching private tragedy and family feud that drove a seven-year skirmish in Florida courts, culminating last year in actions by Florida's Legislature and Supreme Court, has acquired ideological, religious and political overtones.

Legal specialists could not predict if the law would withstand legal challenge. House Speaker DeLay, R-Tex., acknowledged the uncertainties.

According to Martinez, a federal judge will "try the case all over again, allowing for new medical evidence and also the parents' interests."

Going Too Far?

The highly-publicized battle over Schiavo's right to live or die escalated into a full-fledged political and ideological showdown over the appropriateness of Washington's intervention in a type of case generally left to state judges.

At the outset of debate Sunday night, Wisconsin Republican James Sensenbrenner, House Judiciary Committee chairman, urged colleagues to "affirm the sanctity of life."

He compared the effort to the 1960s civil rights struggle, requiring federal intervention



Destany Jackson, 4, of Largo, shows her support for Terri Schiavo outside the Pinellas Park hospice on Sunday.

so-simple feat, especially at a time of year when students swarm between campuses and Florida, of securing a seat on a commercial airliner.

Other members of Congress has similar difficulties, and not everyone made it to vote.

Debate at times turned emotional as members of Congress referred to grappling with life-and-death decisions in their own families - and with what to do Sunday night.

Ginny Brown-Waite, a Republican from Crystal River, spent Sunday seeking counsel from medical professionals.

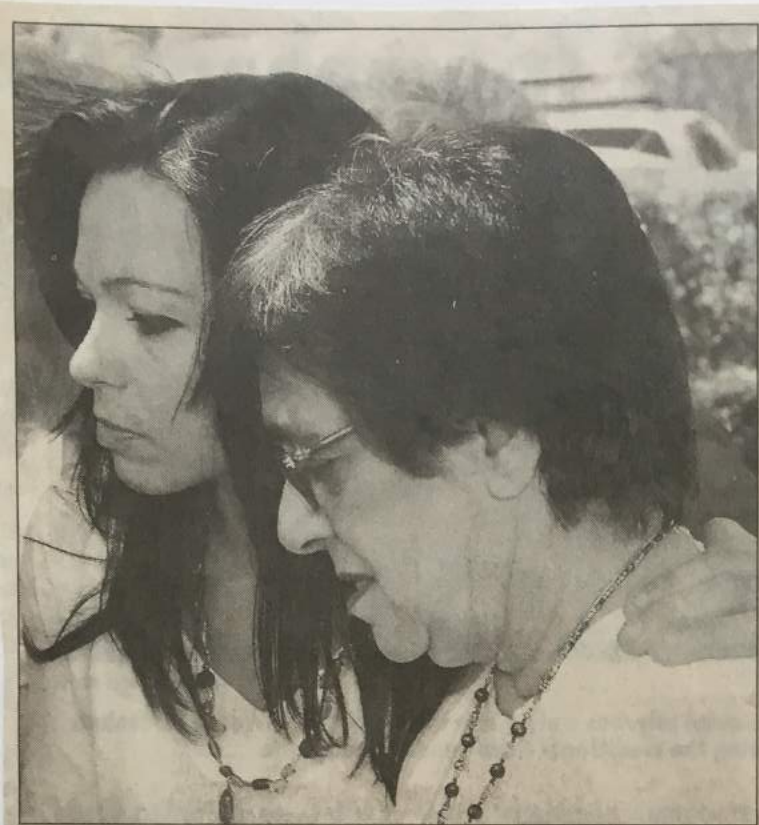
"I burned up the phone calling health care officials back in Florida . . . avidly pro-life people," she said. Their conclusion: Fifteen years in a vegetative state is "too long to suffer."

She asked her daughter, at 41 the same age as Terri Schiavo, what she would want. She said "Mom, if you really loved me, you'd want me to rest and meet the Lord."

Marilyn Musgrave, R-Colo., countered with personal impressions of her own. "Terri smiles . . . she cries," said Musgrave. "How heartless are we to call someone like Terri Schiavo a vegetable."

Emergency sessions of Congress are rare, especially this time of year and on issues involving one person's fate.

Under House rules, a vote cannot occur on a Sunday, so Republican leaders waited until after midnight. That gave House members time to return to Washington from across the nation.



Tribune photos by MARK GUSS

Suzanne Vitadamo, left, and Mary Schindler, sister and mother of Terri Schiavo, leave the hospice after visiting Terri Sunday.

about two weeks or less. Some people die within 96 hours.

Schiavo went without food and water for two days in 2001, until a judge ordered the tube reinserted. Again in October 2003 it was removed but Gov. Jeb Bush prevailed with "Terri's Law," legislation that led to reinsertion six days later.

Florida's Supreme Court in 2004 said Gov. Bush had overstepped his authority and declared the state law unconstitutional. In Tallahassee and Washington, Republicans persisted.

Political analysts and internal congressional documents indicate that while many politicians appear to feel strongly about the case, some also are thinking about political ramifications. The Washington Post reported Sunday on a Senate GOP document that said the

Schiavo vote would help gain support among conservatives and defeat Democrats such as Florida U.S. Sen. Bill Nelson.

Sen. John McCain, a Republican from Arizona, told ABC television on Sunday: "I hope we're not making this human tragedy a political issue."

Specifically, the bill allows Schiavo's parents to ask a federal judge whether withdrawing life-sustaining food and medical treatment violated her constitutional rights.

The U.S. District Court, after determining merits of the suit, "shall issue such declaratory and injunctive relief as may be necessary to protect the rights" of Schiavo, the bill states.

Tribune reporters Adam Emerson and Josh Poltilove also contributed to this report.

in state decisions.

"We're not talking simply about Terri Schiavo," said Rep. Patrick McHenry, R-N.C. "We're taking on one of the great moral issues of the day: our right to life."

Democrats accused Republicans of overstepping, creating constitutional conflicts between lawmakers, courts, and federal and state governments.

"These actions today are a clear threat to our democracy," said Davis. Congress is "telling states and courts that their decisions and rules do not matter."

"Congress should be following the law, not trampling the Constitution," he added.

Massachusetts Democrat Barney Frank said Congress had made itself a "Super Supreme Court of Florida."

"We're acting as a court, not a Congress," he said. "We ought to just stay the hell out of this."

Among critics of Congress' action: Harvard University law professor Laurence Tribe, who told the Christian Science Monitor: "Congress' overreaching flies in the face of our entire system of checks and balances, trashes the partial sovereignty of the states, and flouts the protections our laws afford state adjudication from drive-by attacks by those disaffected with the results."

For politicians counting on a two-week Easter break, the sudden emergency session meant quick adjustments and an atmosphere some likened to the drama surrounding votes on whether to go to war.

Davis had planned to spend Palm Sunday with his family. Instead, he managed the not-

Schiavo's parents, Bob and Mary Schindler, want to keep her alive. Her husband, Michael Schiavo, does not. While the state trial judge weighed medical evidence, Congress did not.

Abetting controversy was a videotape from three years ago showing Terri Schiavo - childlike, helpless, perhaps smiling, perhaps not. No recent images have been publicized.

"Congress should not play doctor," said Rush Holt, D-N.J., especially by "long-distance video."

Severely brain damaged, Schiavo has been incapacitated for 15 years. At least 19 judges have reviewed the case, and her fate was weighed on separate occasions by Florida's Legislature and Gov. Jeb Bush.

Jim Moran, a Democratic congressman from Northern Virginia, criticized Congress' priorities, noting federal lawmakers recently stripped billions of dollars from Medicaid for poor people in nursing homes - an issue "that affects how they are going to live and die as well."

Schiavo has become a "political pawn," he asserted.

"The compassion comes out in this one case," complained Rep. Mel Watt, D-N.C., arriving by plane just before midnight. Estimating the vote cost taxpayers \$4 million, he wondered aloud how many hungry children might be fed with so much money.

"How many feeding tubes have we withdrawn by our indifference?"

While she can breathe on her own, Schiavo needs the feeding tube to stay alive. Without it she might survive

TERRI SCHIAVO CASE

CONGRESS VOTES: KEEP SCHIAVO ALIVE

IN CAPITAL: The bill for Terri Schiavo pulls the president from Texas.

IN FLORIDA: Federal judges in Tampa await a call from Washington.



U.S. Sen. Mel Martinez, R-Fla., center, on Sunday speaks to reporters about the Schiavo case in Washington.

Getty Images

By ANITA KUMAR, DAVID KARP and CHRIS TISCH
Times Staff Writers

WASHINGTON — The people who want to keep Terri Schiavo alive marshaled the power of all three branches of the federal government early Monday in an extraordinary effort that congressional Republicans say will all but force a federal judge in Tampa to reinsert her feeding tube.

President Bush, who left a vacation at his Texas ranch to return to the White House Sunday, was expected immediately to sign a bill that passed the U.S. House 203 to 58 at 12:41. An attorney for Schiavo's parents said federal judges were poised to act, and predicted her feeding tube would be restored this morning.

"A young woman in Florida is being dehydrated and starved to death," said House Majority Leader Tom DeLay after three hours of emotional debate. "For 58 long hours her mouth has been parched and her hunger pains have been throbbing. ... She is alive. She is still



Times photo — WILLIE J. ALLEN JR.

Brandi Swindell stands in front of Michael Schiavo's home in Clearwater on Sunday and prays that he changes his mind.

one of us. And this cannot stand."

The U.S. Senate passed the same bill Sunday afternoon.

Clerks were standing by at the Capitol ready to transport the bill to Bush, who ordered staff to awaken him so he could sign the bill.

"Hours do matter at this point," White House spokesman Scott Mc-

Clellan said.

In Tampa, federal judges were on call at home in the wee hours of the morning, attorneys in the case said. The judges agreed to review the new law and issue, via e-mail, an order that Republicans hoped

Please see **SCHIAVO 4A**

Political heft behind bill: DeLay

■ The House majority leader has made Terri Schiavo's case his own. "He's the catalyst for this Congress," a colleague says.

By WES ALLISON
Times Staff Writer

WASHINGTON — Victory appeared to be only hours away, but the man known on Capitol Hill as The Hammer was still banging away at the opposition, decrying the moral bankruptcy of the "estranged" husband, the hard-hearted Florida judge, the handful of Democrats who would stand in the way.

He couldn't have slept much, considering the pace of negotiations on behalf of Terri Schiavo over the weekend. But on Sunday

evening House Majority Leader Tom DeLay looked as coiffed as ever, in his shiny black suit with a black striped tie, his jet black hair just tinged with gray, parted and immovable, despite the man's constant motion.

"Time is not on Terri Schiavo's side," DeLay said, his voice rising. "The few remaining objecting House Democrats have so far cost Ms. Schiavo two meals already."

He followed with a torrent of invective against her "estranged" husband, Michael Schiavo, now living with another woman, a man with whom he had been trading insults since Thursday.

"No care for 15 years. No therapy. No nothing," DeLay said, his voice awash in scorn. "What kind of man is that?"

With the Senate having passed a bill allow-

Please see **DeLAY 5A**



A bill requiring federal review of Terri Schiavo's case was introduced the week before last. It didn't progress until DeLay joined the cause.

FEDERAL FIGHT

Legal action on behalf of Terri Schiavo:

IN CONGRESS

■ The Senate passed a bill Sunday aimed at prolonging Terri Schiavo's life by giving federal courts jurisdiction in the case.

■ The House passed it today after scrambling to bring enough lawmakers back to the Capitol for an emergency vote early today, after Democrats thwarted their plans to approve the bill on a voice vote Sunday.

■ President Bush returned to Washington from his Texas ranch for a chance to sign the measure when it was approved.

IN COURT

■ The judges of the 11th U.S. Circuit Court of Appeals were standing by for an emergency hearing overnight in case Congress passed a bill that gave the federal court jurisdiction.

■ The 11th Circuit judges were considering an appeal on whether Terri Schiavo's right to due process was violated.

—ASSOCIATED PRESS

ON THE WEB

For more about the legal battle for Terri Schiavo, visit www.sptimes.com.

Delay

from 1A

ing federal review of Schiavo's case at dusk on Sunday and the House expected to act in the wee hours today, the public face of the case in Washington has been that of Delay, the hard-charging Republican leader and pest control executive from Sugar Land, Texas, who seemed to have made Schiavo his personal cause.

Lawmakers say Delay, 57, was also key to brokering a deal between the Senate and Rep. F. James Sensenbrenner Jr., the famously stubborn chairman of the House Judiciary Committee, which holds jurisdiction for the bill.

Without Sensenbrenner's okay, Delay and House Speaker Dennis Hastert could not have moved the bill so quickly to the floor.

"He's the catalyst for this Congress, for the House and for the Senate," said Rep. Steve King, R-Iowa, who has been close to the negotiations. "When Tom Delay was moved to step in, this Congress mobilized."

But analysts and critics say the Schiavo case has provided the perfect chance for Delay, who has been facing questions about his ethical conduct, to work on his image and divert attention from more troublesome matters. It's also an opportunity to woo social conservatives who will be key to ensuring the Republicans maintain their hold on Congress in next year's elections.

"He's the best hardball player we've seen in the House since (Speaker) Newt Gingrich in his heyday," said Allan J.

Lichtman, a history professor at American University who studies congressional politics. "This gives Delay a chance to put a soft face on his otherwise grim image."

Rep. Dave Weldon, R-Palm Bay, introduced the bill to require federal review of Schiavo's case the week before last. But it made little progress in the House or the Senate until last week, when Delay became involved.

Delay said he had kept tabs on Schiavo's case since it made national news five years ago, but first took action Monday by asking Sensenbrenner to start working on Weldon's bill. Asked why now, Delay said, "They were about to kill her."

Like other Republican lawmakers championing Schiavo's bill, Delay often suggests she is alert and potentially treatable.

"She talks and she laughs and she expresses likes and discomforts," he said Sunday evening. "It won't take a miracle to help Terri Schiavo. It will only take the medical care and therapy that patients require."

After years of review, a Pinellas-Pasco Circuit Court judge found in 2000 that Schiavo is in a persistent vegetative state, and that any emotions she appears to express are simply reflexive. Based largely on the testimony of her husband and friends, a judge ruled she would not want to be kept alive, and ordered her feeding tube removed Friday.

Her parents have fought the order, and under Weldon's bill a federal judge could review any similar case. The House passed a version of it late Wednesday night, but it was too broad for Senate

Democrats.

The Senate then passed a narrow version Thursday that would affect only Schiavo. Sensenbrenner refused to accept it.

King said Delay and Sensenbrenner then began meeting with Senate Majority Leader Bill Frist, R-Tenn., and Sen. Rick Santorum, R-Pa., to find a compromise.

Weldon, a physician, said Delay called him about the case every day this week, and on Saturday asked him if Schiavo would recover from having the tube removed if Congress took a couple more days.

The final bill — which Delay labeled the Palm Sunday Compromise — was essentially the Senate's version, and Delay acknowledged he had "given in." It was a rare concession for The Hammer.

"If somebody thinks (Delay) is less than a compassionate person, let me tell you — this is all about compassion, this is all about the Constitution, this is all about preserving the rights of Terri Schiavo," King said.

The fact that Delay's friends feel the need to validate his compassion — and King was not alone — is testament to Delay's reputation on the Hill, where he is both respected and feared by the Republican members who elected him their leader.

He is cherished for his dedication, political skill and fundraising prowess; his political action committee, Americans for a Republican Majority, raised \$3.7-million in the last election cycle and gave nearly \$1-million to Republican congressional candidates.

THE ACT

For the relief of the parents of Theresa Marie Schiavo.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RELIEF OF THE PARENTS OF THERESA MARIE SCHIAVO.

The United States District Court for the Middle District of Florida shall have jurisdiction to hear, determine, and render judgment on a suit or claim by or on behalf of Theresa Marie Schiavo for the alleged violation of any right of Theresa Marie Schiavo under the Constitution or laws of the United States relating to the withholding or withdrawal of food, fluids, or medical treatment necessary to sustain her life.

SEC. 2. PROCEDURE.

Any parent of Theresa Marie Schiavo shall have standing to bring a suit under this Act. The suit may be brought against any other person who was a party to State court proceedings relating to the withholding or withdrawal of food, fluids, or medical treatment necessary to sustain the life of Theresa Marie Schiavo, or who may act pursuant to a State court order authorizing or directing the withholding or withdrawal of food, fluids, or medical treatment necessary to sustain her life. In such a suit, the District Court shall determine de novo any claim of a violation of any right of Theresa Marie Schiavo within the scope of this Act, notwithstanding any prior State court determination and regardless of whether such a claim has previously been raised, considered, or decided in State court proceedings. The District Court shall entertain and determine the suit without any delay or abstention in favor of State court proceedings, and regardless of whether remedies available in the State courts have been exhausted.

SEC. 3. RELIEF.

After a determination of the merits of a suit brought under this Act, the

District Court shall issue such declaratory and injunctive relief as may be necessary to protect the rights of Theresa Marie Schiavo under the Constitution and laws of the United States relating to the withholding or withdrawal of food, fluids, or medical treatment necessary to sustain her life.

SEC. 4. TIME FOR FILING.

Notwithstanding any other time limitation, any suit or claim under this Act shall be timely if filed within 30 days after the date of enactment of this Act.

SEC. 5. NO CHANGE OF SUBSTANTIVE RIGHTS.

Nothing in this Act shall be construed to create substantive rights not otherwise secured by the Constitution and laws of the United States or of the several States.

SEC. 6. NO EFFECT ON ASSISTING SUICIDE.

Nothing in this Act shall be construed to confer additional jurisdiction on any court to consider any claim related —

- (1) to assisting suicide, or
- (2) a State law regarding assisting suicide.

SEC. 7. NO PRECEDENT FOR FUTURE LEGISLATION.

Nothing in this Act shall constitute a precedent with respect to future legislation, including the provision of private relief bills.

SEC. 8. NO AFFECT ON THE PATIENT SELF-DETERMINATION ACT OF 1990.

Nothing in this Act shall affect the rights of any person under the Patient Self-Determination Act of 1990.

SEC. 9. SENSE OF THE CONGRESS.

It is the Sense of Congress that the 109th Congress should consider the status and legal rights of incapacitated individuals who are incapable of making decisions concerning the provision, withholding, or withdrawal of foods, fluid, or medical care.



AP
Rep. Jim Davis, right, who is opposed to congressional intervention in the case, talks with Schiavo's brother Bobby Schindler on Sunday in Washington.



President Bush steps down from Air Force One as he returns to Washington from his Texas ranch. He wanted to be in place to sign a bill.

With only about 15 Republican members on the floor, the House met for four minutes just after 1 p.m. Sunday but failed to pass the bill. About 10 Democrats huddled on the floor ready to object to the House taking up the bill, but they were not given a chance. Republican leaders went into recess, and announced they would vote on a bill shortly after midnight.

The House can take up a vote only if no single member objects. But the rules are different Mondays, Tuesdays and Wednesdays when the presiding officer can suspend those rules and allow a bill to proceed.

House rules require that a bill taken up in this expedited way receive a two-thirds majority of those present to pass. Generally, only non-controversial bills, such as commending a winning team or naming a new post office, are taken up in the same manner as the Schiavo bill was.

For today's early morning roll-call vote, they needed a quorum of 218 members. House leaders were certain they have enough votes but scrambled Sunday to make sure enough members returned for quorum.

The House has 232 Republicans, 202 Democrats and one independent.

Three Floridians, including Tampa's Jim Davis, flew back to Washington Sunday morning.

"If we do not draw the line in the sand today, there is no limit to what democratic principles this Congress will ignore or what liber-

ties they may trample on next," Davis, who is running for governor, said during the debate about 10 p.m. Sunday.

The Senate also needed unanimous consent to take up the bill Sunday. But Frist and Minority Leader Harry Reid worked out a compromise behind the scenes beforehand so even the Democrats opposed to the bill would not return to fight it.

When the bill passed by a voice-vote, only Frist, Martinez and Sen. John Warner were present.

Republicans denied being motivated by politics, but a memo obtained by several media organizations suggested GOP lawmakers could use the case to appeal to Christian conservative voters.

An unsigned one-page memo, distributed to Republican senators, called it "an important moral issue and the pro-life base will be excited that the Senate is debating this important issue."

The memo added that "this is a tough issue for Democrats."

Republicans distanced themselves from a memo, suggesting

GOP lawmakers could use the case to appeal to Christian conservative voters and to force Democrats into a difficult vote. DeLay said he and other GOP leaders hadn't seen the memo and that he would fire any staffer who wrote such a document.

DeLay said the federal district court in Tampa was standing by to accept a petition asking a judge to order Schiavo's feeding tube reinserted while he or she reviews the case.

"The legal issues, I grant, are complicated, but the moral issues are not," DeLay said. "What will it hurt for a federal judge to look at all the evidence and apply it to 15 years of medical advances?"

Federal judges in Tampa agreed to be on call Sunday night to rule on an order to re-insert Schiavo's feeding tube, Gibbs said. A clerk will open the courthouse after midnight to take the new case, he said. Then, the case could get randomly assigned by computer to one of the judges.

That judge, waiting at home, will then rule on the case and send an order by e-mail to the lawyers,

Gibbs said.

As fast as that could happen, there also could be action from the 11th Circuit Court of Appeals in Atlanta. On Saturday at 11 p.m., a clerk with the appeals court asked Gibbs to file a brief about what might happen if Congress passed a new law for Schiavo Sunday.

The appeals court had not yet ruled on a last-ditch attempt by Gibbs on Friday to get federal courts to intervene on the case. Once the law is passed and signed by Bush, the appeals court could then intervene.

In that event, Gibbs said the case would be heard by U.S. District Court James Moody Jr., appointed to the federal bench in 2000 by President Clinton, who turned down Gibbs' motion on Friday.

Even some of the Schindlers' supporters said the federal law might keep Schiavo alive only temporarily. The federal judge who reviews the case could agree with all the previous state judicial decisions and order the tube removed again.

"It could just be a stop-gap measure," said Randall Terry, the national right-to-life activist who is guiding the Schindler's political fight.

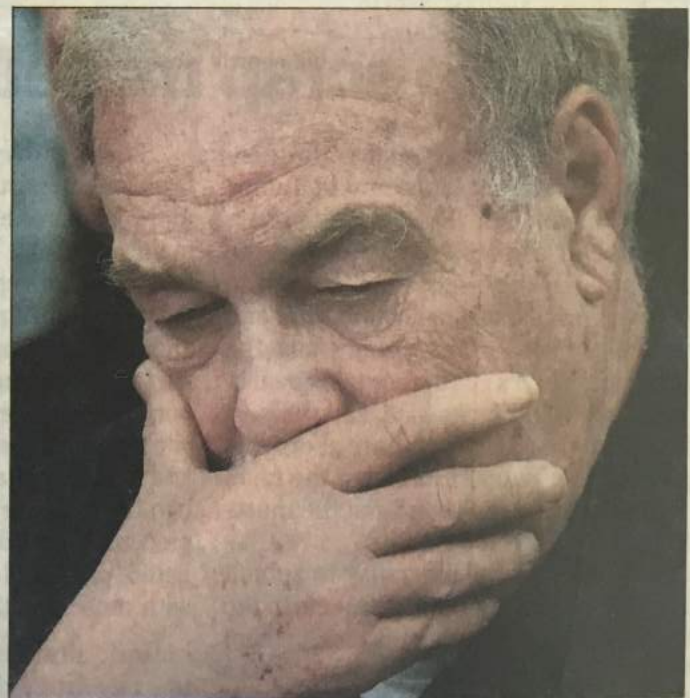
Terry knows that from experience: He was protesting outside Nancy Cruzan's hospital in 1990 after a state judge ordered her feeding tube removed. That judge's order came after the U.S. Supreme Court reviewed the Cruzan case and left her fate in the hands of the state court.

In what is considered a landmark end-of-life case, Cruzan died days after her tube was removed. Laws allowing guardians to remove loved ones from feeding



Times photos - JOHN PENDYGRAFT

After a long day of waiting for permission to see Terri Schiavo, her mother, Mary Schindler, left, and sister Suzanne Vitadamo enter Woodside Hospice on Sunday in Pinellas Park. Right, Schiavo's father, Bob Schindler, waits for news about his daughter outside the hospice. Mary Schindler pleaded for congressional leaders to avoid using the issue to advance their own platforms. "There are some congressmen that are trying to stop this bill," she told reporters outside her daughter's hospice, about legislation moving her daughter's case to federal court. "Please don't use my daughter's suffering for your own personal agenda."



THE SCHIAVO CASE



Times photo - WILLIE J. ALLEN JR.

Brian Schiavo talks with members of the media outside the home of his brother, Michael Schiavo, as protesters prepare to hold a candlelight vigil in Clearwater on Sunday night. "It's ludicrous, it's ludicrous," Schiavo said, referring to the struggle between his brother and politicians seeking to reinsert Terry Schiavo's feeding tube.

tubes became more commonplace. The Schiavo case has presented the most vigorous challenge to those laws in 15 years.

Terry said a state law was the best hope to keep Schiavo alive, which he and at least two dozen other protesters hit the road for Tallahassee Sunday.

The Christian conservatives, unlikely foe, hit the road state senators.

Last week, a group of Republican Florida's right-to-die law, which forced Schiavo's supporters to change bill that would get the Republican to change turn sides to pass a bill that would permanently pre-vent Schiavo's feeding tube from being removed.

As he rallied supporters to travel with him to Tallahassee, Terry reminded Republicans who had helped bring them to Tallahassee, Terry the rhetoric of family values. It's "Listen; You rode into office on suits," Terry said.

It was a not-too-subtle reminder to turn your rhetoric into re-ter of the role Christian conservatives played in the 2004 election. Their fervent support for Republican Sunshine State and enabled Democrat Mel Martinez to beat for the U.S. Senate.

Terry acknowledged a change in Florida law could have wide affects, much as the Cruzan case did 15 years ago.

"What happens in Tallahassee will affect every state in the union," Terry said.

Times staff writers Candace Rondeaux, Wes Allison and William F. Levesque contributed to this report, which includes information from the Associated Press.

Schiavo from 1A

would re-insert the tube, said David Gibbs III, attorney for Schiavo's parents, Bob and Mary Schindler.

Gibbs said he was hopeful things would move quickly.

"Our goal is to get food and water to Terri by 3 a.m.," he said.

In Washington, even as the clock approached midnight, small groups of people were still arriving at the Capitol, in hopes of watching the historic proceedings live from the House gallery.

"We in the Senate recognize that it is extraordinary that we act," Senate Majority Leader Bill Frist said earlier Sunday. "But these are extraordinary circumstances that center on the most fundamental of human values — the sanctity of human life."

The law the House debated, called "An act for the relief of the parents of Theresa Marie Schiavo," will take the case to federal court in Tampa for a full review of the facts and a determination of whether Schiavo's rights were violated.

Members spoke passionately and in personal terms about Schiavo, though some mispronounced her name and her parents' name.

"No right is more sacred than the right to life," said Rep. James Sensenbrenner, R-Wisconsin. "In our deeds and in our actions, we must build a culture of life. Every life has a purpose and no life is without meaning."

But another Republican, Rep. Ginny Brown-Waite of Crystal River, broke with her own party and reversed her earlier support for a Schiavo bill.

"To second guess the Florida courts, the Florida Legislature and Terri Schiavo's choice is just plain wrong," she said after sitting on the Democratic side of the chamber.

An attorney for Michael Schiavo, who says his 41-year-old wife would not want to live hooked to a feeding tube, acknowledged the judge could order the tube reinserted if he or she wants time to consider arguments or to have attorneys file briefs.

"He could easily order her to the hospital or order reasonable steps to have the tube successfully reinserted," said attorney Hamden Baskin III. "There's no question a federal judge can do that."

Baskin said he thought it more likely the judge would first want to hear testimony about Schiavo, whose feeding tube has been removed twice before, only to be ordered reinserted.

"I think a judge would want some medical testimony, some type of evidentiary hearing before considering to reinsert the feeding tube," Baskin added.

Michael Schiavo appeared on CNN Sunday morning, expressing displeasure over the Herculean efforts in Congress.

"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," Schiavo said. "I think that the Congress has more important things to discuss."

Baskin said attorneys are poised to immediately argue to a federal judge that the new law is unconstitutional.

If a federal judge orders the tube reinserted, they are prepared to immediately ask the 11th Circuit Court of Appeal in Atlanta for a stay preventing that. If the judge doesn't order the tube reinserted, Baskin said he expects the Schindlers' attorneys to appeal to the 11th Circuit, too.

Republican leaders have been fashioning the new law since Friday, when Pinellas-Pasco Circuit Judge George Greer refused to let congressional subpoenas interfere with his order that Terri Schiavo's feeding tube be removed. Today will be Schiavo's third full day without food or water.

"The president has adjusted his schedule, the Congress has adjusted its schedule, and we respectfully ask the court to adjust its schedule," Gibbs said. "We feel every moment is urgent, we are considering every second as precious in terms of saving Terri."

She has been in what the courts have ruled is a persistent vegetative state, her brain virtually destroyed after she suffered a cardiac arrest in 1990. Her parents contend she responds to them and would want to live.

The deal between the Senate and House was brokered in private around the clock over the weekend. Finding a compromise had been difficult because of concerns that the law might undermine existing state laws on the right to die, or may create a precedent. But the final bill deals only with Schiavo.

The Senate and House met under extraordinary circumstances on a Sunday — a day not even recognized on legislative calen-

dars. Tourists and the public were allowed into the Capitol to watch the Palm Sunday proceedings.

In debate late Sunday, Republicans cited civil rights cases to bolster their argument for federal review. Democrats cited conservative tenants on state's rights and limiting the reach of federal government.

The two sides spent much of the three hours debating the Michael Schiavo's character, Terri Schiavo's diagnosis and trying to figure out what happened to the money the couple received in a medical malpractice lawsuit.

Republicans repeatedly spoke of watching a few minutes of videotape of Schiavo and proclaimed that she could laugh, talk and even swallow — when several doctors have repeatedly said any response from someone in a persistent vegetative state is involuntary.

"Here is what we know," said Jack Kingston, a Republican from Georgia. "Terri is not in a persistent vegetative state. Terri is able to laugh, able to cry and apparently able to hear."

"We're not just doctors, we just play them on C-SPAN," said Rep. Barney Frank of Massachusetts.

"We're not talking simply about Terri Schiavo. We're talking about a greater issue," said Rep. Patrick McHenry, R-N.C. "How shall we be judged as a civil society, and I submit we will be judged by how we treat the least among us — the young, the mentally disabled, the physically disabled... As a federal government, I believe we have an obligation to step forward and say we will protect life."

Sunday's action came after both the Senate and House passed their own bills earlier this week but failed to agree on the same version. Members felt enormous pressure to reach agreement after conservative groups and individuals bombarded their offices with e-mails and calls to keep Schiavo alive.

After days of behind-the-scenes negotiating, it took just three senators to pass the bill on a voice-vote Sunday afternoon in a brief 10-minute session attended by more staffers and tourists than elected officials.

WHAT THE EXPERTS SAY

Here's a selection of views from experts on government and constitutional law about what Congress did:

MARY CROSSLEY

Teaches health care law and bioethics at Florida State University

Although an argument might be made that Schiavo is being deprived of life without due process, it would be a stretch, Crossley said. "That's very hard for me to imagine, given the extent of the state court proceedings," said Crossley, the Florida Bar Health Law Section professor at FSU. "There are very few individuals who have been given more due process." The latest turns in this case are unprecedented, she said. In the past, courts and Congress have gotten involved in cases where states deprived individuals of the liberty to refuse treatment, not to stop a choice to say no, she said.

JOSEPH W. LITTLE

University of Florida law professor

Congress has the constitutional responsibility to ensure no state deprives any person of life without due process of law. Congress likely will invoke that section of the 14th Amendment as it debates its legislation, Little said. "The difficulty here, I

think, will be the application to Terri Schiavo's case, because arguably Terri Schiavo has a now vested right to have the feeding tube removed," said Little, a constitutional law expert. A lawyer could argue Schiavo has that right through a final judicial order that can no longer be appealed. If that right exists, he said, neither a state nor federal legislature can dissolve it. The question could end up before the U.S. Supreme Court.

DARRYL PAULSON

Professor of government at the University of South Florida—St. Petersburg

Congress would be in a better position if it had put forth legislation six months or a year ago, said Paulson. Instead, it waited until Schiavo's fate had been sealed by a judge. "I can't imagine any court in this land which is going to uphold what Congress is doing," Paulson said, explaining the Constitution prohibits laws that impinge upon things that already have happened. Politically, he said, Republicans risk alienating a core constituency with their efforts to interfere with the right to live and die. Majorities of senior citizens have said in polls they do not want the government telling people what to do when the time comes to make such decisions.

But he's also known to trample those who cross him. Last year, for example, the Republican leadership replaced the Republican chairman of the House ethics committee after it chastised DeLay three times for official conduct. The leadership then added two Republicans who had contributed to DeLay's legal fund.

While the committee didn't cite specific violations, it suggested DeLay's behavior reflected poorly on the House, and it cautioned him to temper his behavior.

Meanwhile, three associates of DeLay's have been indicted in Texas as part of an ongoing probe into political fundraising. DeLays says he has done nothing wrong.

Shawn Parry-Giles, director of the Center for Political Communication and Civic Leadership at the University of Maryland, said it's not surprising that DeLay has taken the lead on the Schiavo bill. She said it provides a distraction from his ethical inquiries, as well the difficulties he and Frist have had in winning support for President Bush's Social Security plan.

DeLay is a social conservative who opposes abortion and gets high marks from right-to-life activists, who have adopted Schiavo as a favorite cause.

Lichtman said getting them to the polls during next year's midterm elections, which traditionally suffer from low turnout, will be essential to maintaining the Republican Party's 29-vote margin in the House.

Lichtman said he also believes DeLay's prominence on the Schiavo bill was an attempt by the Republican Party to scrub his image.

Although Frist has worked just as furiously to secure passage in the Senate, where the Democratic opposition was tougher, he has been content to issue terse written statements. DeLay, meanwhile, has held nationally televised news conferences each day since Thursday.

DeLay has regularly attacked Michael Schiavo and Pinellas-Pasco Circuit Judge George Greer, the judge who ordered the feeding tube removed, saying Friday that "Schiavo's life is not slipping away — it is being violently wrenched from her body in an act of medical terrorism."

DeLay attacked Democratic senators opposing the bill, say they "have put Mrs. Schiavo's life at risk to prove a point, an unprecedented profile in cowardice."

Santorum and others asked him to tone it down, aides said, for fear he would jeopardize negotiations.

DeLay indeed toned it down, at least when talking about Democratic senators, but he didn't disappear. Just after the Senate's passage Sunday evening, with hundreds of House members rushing to town to debate the bill, DeLay held another press conference, blasting the Democrats who still opposed it, while praising those who agreed to help.

"The Republican Party needs Tom DeLay," Lichtman said. "He's the man with total dedication to achieve power for the Republican Party no matter what it takes, and that's hard to replace. Not too many people have that dual combination of strategic insight and iron will."

Times staff writer Anita Kumar contributed to this report.

Divided By Belief

Politicians, Stay Away!

Regarding "Politics Has No Place At Deathbed" (Other Views, March 18):

To me, this simple and moving column by state Rep. Charlie Justice says more about Terri Schiavo's tragic story than all the ranting and raving by extremists on both sides. When he spoke of his mother's death, surrounded by her family and friends, he said, "There was no room at her bedside for politicians."



LETTER OF THE DAY

JIM LYMAN
Lutz

Party Of Less Intrusion?

Forgive me if I misunderstood all the rhetoric that was spewed from GOP candidates in this last election cycle, but I could swear that I heard almost all of them, from the local level to the president himself, talk about the sanctity of marriage and how we needed a smaller government that would be less intrusive in our private lives.

I know that after my wife and I stated our marriage vows, we committed ourselves to each other wholly and completely. No one, including her parents or my own, would better know our wishes. That is what the sanctity of marriage is about; how you commit yourself to your spouse and your spouse commits to you. I am appalled by this attack on marriage by the GOP.

RONALD R. RICE
New Port Richey

tions. Normally, even major legislation would be deferred for any recess. This is representation of one person; what about the other 280 million citizens? If they are successful it basically says that a husband can not make a life decision for his wife. It appears to me that would invalidate every marriage license that has ever been issued. This effort is making a mockery of congressional legislation.

I assume this effort will cost millions of dollars. Every one of them favoring this action had better start digging in his own pockets to support it. I certainly do not want my tax money used.

Republican Party, you have lost my support, and I'm sure I'll have plenty of company.

WILLARD OTTMAN
Apollo Beach

gress to work on the issues that will make a difference in the lives of all Americans, like the war on terror, Iraq and the budget deficit. The sad fact is, this is no longer about Terri; it's about the misguided Republican agenda!

ROBIN HENRY
Spring Hill

More Litigation Ahead

The "Washington" lawyers have made the nation's lawyers go "cha-ching" with the prospects of people lining up to change their living wills. We must now specify that "not being kept alive by artificial means" includes forced or artificial feedings. Thanks, Washington, you just ate up my tax refund and lined the pockets of your brothers!

MARK SPAFFORD
Land O' Lakes

Bush A Flip-Flopper?

I find it most curious that the firestorm surrounding the Schiavo case has obscured the case of little Sun Hudson of Texas. This 6-month-old had his life support terminated on March 15 over the objections of his mother. This action was the direct result of the Texas Futile Care Act, signed into law in 1999 by then Gov. George W. Bush. This law allows hospitals to terminate treatment based on the patient's prognosis and ability to pay.

Seems like George Bush is quite the flip-flopper on this issue.

JANET SCHWABENBAUER
Oil City, Pa.

It's Simply Murder

Every lawmaker who either did nothing or voted against the bill that would allow the feeding tube for Terri Schindler-Schiavo to be reconnected should be ashamed. This is scary stuff folks: parts of our government are sanctioning murder. Nazi Germany did the same. Letting Terri starve is murder, plain and simple.

Michael Schiavo and Judge George Greer should be charged with conspiracy to commit murder. Terri is not on life support; she breathes on her own. What she depends upon is food and water; she cannot currently feed herself, so she needs a feeding tube. Should we also starve babies? After all, they cannot feed themselves either.

Terri's "husband" and legal guardian Michael is outraged that Congress tried to save her life, saying they are interfering in a "personal family matter." Isn't that the same line that an abuser gives the police after he has beat up his spouse or child?

JANE O'CONNOR
Indianapolis, Ind.

Disgusted With Party

I am thoroughly disgusted with my party right now. To be a Republican means a belief in limited government, specifically limited federal government. It also is a belief in the Constitution and the rule of law. Our Constitution designates three branches of government that check and balance each other. It does not mean that Congress has the right to step in and pass unconstitutional laws designed to do nothing but delay something it does not approve of.

Jeb Bush (who I voted for and who I generally think is doing a great job) and the Florida Legislature should be embarrassed that he pushed through a law, designed for one person, that was declared unconstitutional.

If the Republicans continue to forget that the biggest part of a conservative foundation is limited government, I may have to stop voting.

JOHN GIDDINGS
Tampa

Lost His Support

It is inconceivable that Congress and the president are making every possible effort to keep alive (it is not really a life) a person who has been in a vegetative state for 15 years. They are even doing this during their Easter vaca-

A Clearer Definition

My sincere appreciation to our distinguished members of Congress, especially Rep. Tom DeLay and Sen. Bill Frist. They have finally provided us with a clear definition of the term "brain dead."

O.C. BERKOBAIN
Thonotosassa

Take Her Place?

I have one question to ask Terri's family and the "do-gooders" who are hell bent on keeping her alive by artificial means: Would you want to live — no, exist — in her condition? To me, they are being selfish and thinking only of what they want, not what Terri or any other person in her condition would want.

ED RACIBORSKI
Tampa

Misguided GOP Agenda

So much for the homosexual agenda or "liberal" judges tearing up the "cornerstone of society." The Republican-controlled Congress, along with President Bush, has just circumvented honoring your spouse's final wishes with what they feel is in your and your spouse's interest. Not only are their actions unconstitutional, but they further intrude into our personal rights, responsibilities and freedoms. If you aren't appalled, you aren't paying attention!

Tell the president and Con-

Forced Treatment?

Now that Congress and the president have injected themselves into the Terri Schiavo case with a new law that allows the federal government to make medical decisions, I wonder if they will show the same zeal for protecting "human life" by forcing the Christian Scientists and other religious groups that reject modern medicine and health care to seek medical help for their ailments if those ailments become life-threatening in the eyes of a U.S. congressman.

The controversy of this sad circumstance cannot be denied, but I ask any person if he or she would prefer to live in the condition Mrs. Schiavo lives. If you wouldn't want to live that way, then how can you possibly say that she should?

ROBERT GILLIAM SR.
Odessa

Outraged At Congress

Never have I ever been so outraged by what Congress has done as with the new legislation passed on behalf of Terry Schiavo's parents.

Our senior citizens cannot afford the drugs they need. Our prisons are so full we allow sick men who want to have sex with little children out of prison before they served their entire sentences. But the taxpayers can incur \$5 million in travel expenses for members of Congress to play where they don't belong.

Congress, get out of the judicial sandbox.

DEBORAH CATANZARO
Wesley Chapel

A Right To Live

Shame on Rep. Jim Davis for voting no to save Terri! What ever happened to "Life, liberty and the pursuit of happiness?" Terri doesn't have any legal paperwork stating she would rather die than eat or drink (by the way, Terri is not on life support she can breathe on her own.). Her own "husband" has deserted her by having a relationship outside of the marriage and even having children outside of wedlock with the woman. The parents obviously love Terri and are willing to care for her for the rest of her life. If they are willing to foot the bill and care for her, then by all means they should have that right. Michael can divorce Terri and go about his life. She should have the right to live.

CHRIS THORNTON
Valrico

Give Power To Parents

I am an LPN. I know only too well the importance of the living will. Unfortunately I have not written one. That's the mistake everyone makes. I am going to do it tomorrow.

My big question is why did Mr. Schiavo let the tube be inserted in the first place? If he was aware his wife would not want this type nutrition he should have never started it.

I empathize with him being in the position to need to make the decision, but it is after the fact. Mr. Schiavo needs to allow the parents to have power of attorney and take care of her. That's what they want to do. It will not be a hardship on him and he can go on with his life.

CINDY BOWERSOCK
Parkersburg, W.V.

What Are His Motives?

As the leading newspaper in the Tampa Bay area, I do hope that after this ordeal is over, no matter which way it goes, you continue to investigate why Michael Schiavo would not have just turned his wife's care over to her parents, divorce her, and marry his paramour. There is definitely more to his actions than he is willing to admit. This is, effec-

tively, murder — starving a living, breathing human being to death. Please continue to investigate and get to the bottom of why this man is so adamant about not turning her over to her family.

MARYANN DODD
Mulberry

Her Family Matters

It doesn't really matter whether Terri Schiavo can improve or not. What matters is that she has a family who is willing to love her the way she is in her present brain damaged state. That is the right of all handicapped persons. The video clips show her as a vulnerable human being surrounded by people she loves. These people are fighting for her life. How many of us can say for certain that we have such people in our lives? Her husband contends that she wouldn't want to live this way, but since Terri didn't leave anything in writing, we only have his word for it. I think this case is too ambiguous. Let Terri live in the care of those who love her and want her. That would be an honorable life.

JULIE REUSS
Waukesha, Wisc.

Terri An Inspiration

I'm a teacher for people with traumatic brain injuries. I witnessed my brother on a life support machine and I was there when it was turned off. I'll never forget that moment. I believe there is a difference between life support and a feeding tube. Starving someone to death in 2005 is cruel and unusual. The courts wouldn't allow our death row inmates to die with that fate.

Even if Terri didn't want to live this way, euthanasia is il-

legal. Can't her husband see that Terri was put here for a purpose? She has captivated the world with her smile. Her eyes gleam with love. She is a survivor. My kids — ages 4, 6 and 9 — made signs that read "She Deserves To Eat" and "Save Terri, Pray." Why take life away from a family who has suffered so much? Thank you Terri for teaching my kids the value of life.

DANTE JACKSON
Clearwater

Government Doing Job

In answer to Michael Schiavo's criticism and outrage over our government trying to save Terri's life, it is our government's "job" to protect each and everyone of us citizens. I ask Michael, what is more important than life? Michael, why don't you try and fast for one week (no food or water), then come back and tell me that there was no pain and it was very peaceful. Oh yes, and tell me that this is what Terri's wishes were. Or is this all your idea?

HILDA WEST
Alachua

'It's The Law, Stupid'

Everyone should just leave Michael Schiavo alone, and let him execute his wife by starvation within the privacy of the family and the hospice. So what if Terri Schiavo's parents are begging Michael to turn over custody of Terry to them, taking full financial responsibility for her care? To

GWEN KENNEY
Citrus Springs

paraphrase the 1992 Democratic presidential campaign slogan, "It's the law, Stupid!"
So what if condemned mass murderers would never be allowed to starve to death the way Michael Schiavo and Judge Greer seem doggedly determined to do to Terri? It's the law, Stupid!

So what if many qualified medical professionals have said therapy can help Terri Schiavo? Its the law, Stupid!

Just think, if only Scott Peterson had obeyed the laws of Florida, he could have executed his wife and child without legal repercussions. Oh, what a wonderful country we live in!

ERIC & KIMBERLY CARLSON
Tampa

Another Peterson?

I am a registered nurse in a critical care unit. I have taken part and observed true artificial life support.

Nourishment is *not* artificial life support.

A machine to breath for you, I.V. medications to keep your heart going, dialysis to do the work for your kidneys — this is life support.

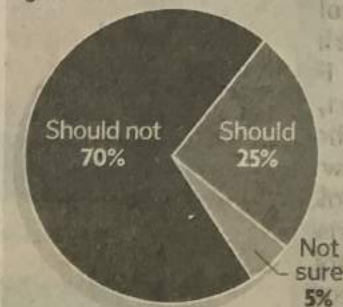
If you believe nourishment is a means of life support and you do not wish yourself to be on life support; push away from the table, put down your fork and spoon, for you are supplying your own *artificial* life support.

We have people on death row receiving life support. If they go on a hunger strike we stick a tube in them and feed them. Mr. Michael Schiavo is, in my opinion, another Scott Peterson. He just has state and federal support for murder. Ego or pride or fame stops him from giving up.

A FEDERAL CASE?

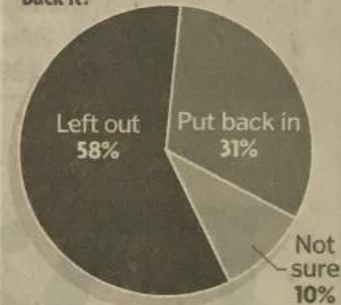
Seven out of 10 Floridians surveyed Monday said the federal government should not have intervened in Terri Schiavo's case. A smaller majority believe her feeding tube should not be restored.

Should the federal government have gotten involved?



Margin of error of plus or minus 4.3 percentage points.

Should her feeding tube be put back it?



Margin of error of plus or minus 4.7 percentage points.

The poll is conducted by Survey USA in partnership with The Tampa Tribune and News Channel 8.

Tribune editorial/News Channel 8 graphic; Source: Survey USA



tion.

Keyword: Survey USA
to review key findings
and polling information.

POLITICAL ANGLE

Continued From Page 1

sary, and played a prominent role objecting on the House floor and in news conferences.

Republicans Take Aim

Davis and Nelson, who is running for re-election next year and is Florida's only Democrat elected statewide, may be the top two Democrats on Florida's 2006 ballot.

Republicans are aiming to energize their base of religious conservatives, and it likely will work, several political analysts said.

"The Schiavo case is perfect, powerful political symbolism for reinforcing support among social and cultural conservatives," said University of Virginia political scientist Larry Sabato.

A memo circulating among Republican senators acknowledged the goal.

"This is an important moral issue and the pro-life base will be excited," the memo states, noting that Nelson "has already refused to become a co-sponsor and this is a tough issue for Democrats."

The pressure may have affected Nelson.

He refused to sign on to the first, broader version of the Schiavo bill that would have allowed federal court review of cases involving "incapacitated persons" without a living will. But he joined his colleagues in supporting the narrower measure, affecting only Schiavo.

Nelson could not be reached for comment Monday.

Political strategist Brian Nick of the National Republican Senatorial Committee, which works to elect Republicans to the Senate, said Nelson could be a tough target because he has "demonstrated an ability to appear moderate."



Nelson
He's running for re-election next year and is pressed to back GOP on Terri Schiavo.

"It doesn't cost [the Republicans] anything ... they can always say they're on the side of life and an ethical person."

RICHARD C. KEARNEY
Political science professor on Terri Schiavo

"We'll have to make sure that doesn't happen again, and it's issues like partial-birth abortion, how he appeared to be on the Schiavo case ... and his general record of being out of the mainstream that will help us," Nick said.

Pollster Wary Of Davis Move

Davis' pollster, Democratic veteran Harrison Hickman, said he would have warned Davis, if asked, to take a lower-profile role.

"I think the safer political course would have been to be quiet," Hickman said.

But Davis said the GOP approach, including issuing a subpoena to the brain-damaged woman in an attempt to keep her hooked up to a feeding tube, made him "furious."

"This may turn out to be one of the most significant abuses of power by Congress in decades," he said Monday.

He flew to Washington on Sunday prepared to block a voice-vote passage alone. A handful of other Democrats joined him.

University of South Florida political scientist Susan MacManus said the issue can only help Republicans.

Besides religious voters, she said, it will also affect a larger group, "the married vote and family vote," and an underestimated voting group, the disabled. About 17 percent of Flori-



Knight Ridder/Tribune

From left, Bobby Schindler, brother of Terri Schiavo, speaks with Rep. Jim Davis in the U.S. Capitol. Davis is an opponent of GOP efforts on Schiavo.

da households include a disabled person, she said.

Even if some voters consider the intervention politically motivated, said East Carolina University political science Professor Richard C. Kearney, "It doesn't cost [the Republicans] anything. ... After all, they can always say they're on the side of life and an ethical person."

But some Democrats say the GOP may feel a backlash from voters who don't favor government intervention in end-of-life decisions.

"I think it's going to come back and bite them on the butt," said state Sen. Walter "Skip" Campbell, D-Tamarac. "To take a tragedy of life and make it a political issue is the most absurd, uncaring, un-American form of behavior I have ever seen," he said.

Florida's huge contingent of elderly voters has a personal stake in the issue, said Margaret Lynn Duggar, a consultant

in the field of elderly issues, and a Republican.

In conversations with her, she said, "A lot of them have expressed serious concern about government getting involved in these decisions, overriding what appears to have been a person's decision."

Rep. Ginny Brown-Waite, a Crystal River Republican whose district includes more retirees than any other in the nation, broke party ranks to vote against the measure.

In the state's close 2004 presidential election, the religious conservative base was enough to turn the tide.

According to exit polls, about 15 percent of Florida voters identified themselves as "white conservative Protestant," and of those, 95 percent voted for Bush. Some 20 percent of all voters said "moral issues" were the most important in the election, and of those, 80 percent voted for Bush.

Bush Still Pushing For Schiavo Legislation

REPUBLICAN OPPONENTS
APPEAR TO BE STEADFAST

By JEROME R. STOCKFISCH
jstockfisch@tampatrib.com

TALLAHASSEE — Gov. Jeb Bush said Monday he will continue to press for state legislation addressing the Terri Schiavo case, but a group of Republicans who opposed a Senate bill last week appeared unyielding.

Bush held a news conference Monday with state Sen. Daniel Webster, R-Winter Garden, and state Rep. Dennis Baxley, R-Ocala, sponsors of bills that would likely have left Schiavo's feeding tube intact. They were joined by Kate Adanson of Los Angeles, a stroke survivor and motivational speaker.

The governor spoke on the day that the U.S. Congress rushed through a new law granting federal court jurisdiction, and a U.S. district judge in Tampa held a two-hour hearing.

"I don't believe that takes away the responsibility of the Florida Legislature and this office to act," Bush said. "We still



Tribune photos by COLIN HACKLEY

Michael McMonague, of Philadelphia, left, joins others at the Capitol urging Gov. Jeb Bush to intervene in the Terri Schiavo case.

have a little bit of work to do in the Florida Senate to convince a majority that's the proper way to go. I'm confident that we will do it."

Advocates did indeed appear to have their work cut out. After a Schiavo bill passed handily Thursday in the state House, an amendment to a somewhat different bill died in the Senate on a 21-16 vote.

Nine Republicans joined 12 Democrats in spiking the Schiavo effort in the upper chamber. On Monday, at least six of the Republicans reiterated their opposition, often with harsh words.

"I am so disappointed with the Republican Party. You can quote me on that, being a long-term Republican," said state Sen. Mike Bennett, R-Bradenton. "I'm very disappointed that the Republican Party... [is] politicizing something instead of doing the right thing."

State Sen. Dennis Jones described himself as "a solid no" vote. "I voted wrong the first time and I'm not going to vote



"We still have a little bit of work to do in the Florida Senate to convince a majority that's the proper way to go," Bush said.

wrong this time," said the Treasure Island Republican, who voted in favor of 2003's Terri's Law.

Last week, House leaders successfully marshaled a bill that would prohibit the removal of a feeding tube from someone in a persistent vegetative state if the person gave no written directive or there was no clear and convincing evidence

that he or she specified that food and water be withheld.

But in the Senate, the nine Republicans — all senior members who had been through an earlier campaign to pass Florida's "Death With Dignity" legislation — took a stand against changing existing state law.

That law allows oral directives for end-of-life care, which

is what husband Michael Schiavo says his wife provided. In the Florida Legislature, with strong Republican majorities in both houses and frequent party-line votes, the defeat was stunning.

"This is an issue that there will always be a difference of opinion on," said Sen. Jim King, R-Jacksonville, the former president of his chamber.

"There are people who are just as Republican as the next Republican who are on different sides of this issue. It doesn't make them bad. God help us if we get to a situation where one attitude has to prevail within the party."

King championed the "Death With Dignity" package of statutes in the 1990s after losing both of his parents to cancer. "All we're doing is what we think is our right and our obligation, not necessarily as Republicans, but as human beings," he said. "I have a personal feeling about what's right. I think that Terry is better

off in heaven than in that bed."

Fellow Republican Sens. Nancy Argenziano of Dunelton, Burt Saunders of Naples and Paula Dockery of Lakeland, all said Monday they would not change their votes on the existing legislation that is technically still pending in the Senate. Republican Sens. Evelyn Lynn of Ormond Beach and Lisa Carlton of Sarasota declined to comment on the Schiavo issue. Sen. JD Alexander of Lake Wales was not in Tallahassee and could not be reached.

Bush said Monday he would also like to see legislation that would strip guardianship rights from someone like Michael Schiavo, who is living with another woman and has children with her.

Michael Schiavo's situation creates "a serious conflict of interest," Bush said.

Reporter Jerome R. Stockfisch can be reached at (850) 222-8382.

New Judge Holds Off Decision On Schiavo



Terri Schiavo's condition prompted emergency legislation by Congress.



Tribune photo by JIM REED

Nationwide, most polls show a majority of voters do not approve of legislative interference in the Schiavo case.

In an ABC news poll taken Sunday, 63 percent of those surveyed said Schiavo's feeding tube should be removed. Sixty-seven percent said the politicians pushing the legislation were more concerned about political advantage than principle. The poll has a margin of error of 4.5 percentage points.

In the 2004 election, conservatives nationwide used gay marriage to stoke turnout.

Conservative groups got measures banning gay marriage on ballots in 11 states. All passed.

HOW THEY VOTED

The U.S. House of Representatives voted 203-58 to pass the Schiavo bill; 174 representatives did not vote. The U.S. Senate, with only three senators present, passed the bill by unanimous vote, without calling roll.

Florida's Representatives:

Billirakis	R	Yea
Boyd	D	No vote
Brown	D	No Vote
Brown-Waite	R	Nay
Crenshaw	R	Yea
Davis	D	Nay
Diaz-Balart	R	Yea
Diaz-Balart	R	Yea
Feeney	R	Yea
Foley	R	Yea
Harris	R	Yea
Hastings	D	Nay
Keller	R	No Vote
Mack	R	Yea
Meek	D	Yea
Mica	R	No Vote
Miller	R	Yea
Putnam	R	Yea
Ros-Lehtinen	R	Yea
Shaw	R	No Vote
Stearns	R	No Vote
Wasserman-Schultz	D	Nay
Weldon	R	Yea
Wexler	D	Nay
Young	R	No Vote

Florida totals

Republicans yea: 12
 Republicans nay: 1 (Brown-Waite)
 Republicans not voting: 5
 Democrats yea: 1 (Meek)
 Democrats nay: 4
 Democrats not voting: 2

Source: Compiled by Tribune researcher BUDDY JAUDON



Terri Schiavo's father, Bob Schindler, defied a court order against photographing his daughter and secretly videotaped her on Aug. 11, 2001. Schindler says these images, taken from the video, show that Terri is capable of showing emotions. Others, including court-appointed doctors who have examined her, say her movements are reflexive, not voluntary.

AP file photos

SCHIAVO JUDGE

Continued From Page 1

In signing the law early Monday, Bush said, "In cases 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."

"This presumption is especially critical for those, like Terri Schiavo, who live at the mercy of others," Bush said.

Schiavo lapsed 15 years ago into what doctors have called a persistent vegetative state when her brain was deprived of oxygen.

Her husband, Michael, successfully petitioned a Pinellas County court eight years later to remove her feeding tube, saying his wife wouldn't have wanted to live like that.

The Schindlers have fought to keep their daughter's feeding tube in place, filing numerous appeals and arguing that she could improve with therapy.



Tribune photo by JIM REED

Bob Schindler, second from right, Terri Schiavo's father, and his daughter, Suzanne Vitadamo, take time to talk with the Schindler family's spiritual advisers, Brother Hilery McGee, left, and Brother Paul O'Donnell, far right, outside the U.S. Courthouse in Tampa.

Just last week federal Judge James Moody, turned away a petition from the Schindlers, saying he did not have jurisdiction.

With the court appeals seemingly exhausted, Congress convened over the weekend and passed legislation breathing life into the issue by authorizing a federal judge to hear the case anew.

Vatican Newspaper Speaks Out

On Monday, the Vatican newspaper condemned the withdrawal of the feeding tube.

"Who can judge the dignity and sacredness of the life of a human being, made in the image and likeness of God?" L'Osservatore Romano said in a commentary.

The Schindlers' attorney, David Gibbs III, implored Whittemore to save Schiavo's life and preserve her ultimate passage into heaven.

Gibbs argued that Schiavo was not represented by her own attorney and that Circuit Judge George Greer acted improperly in the case.

"We are urgently pleading this court to take immediate action," he said.

"There is not much time ... We're somewhat desperate because, frankly, as I stand here, Terri may expire as I speak," he said.

Arguing that the removal of the feeding tube violated Schiavo's freedom of religion, Gibbs pointed to statements from the pope and the Vatican, saying Schiavo was a practicing Catholic who would have followed the direction of her church.

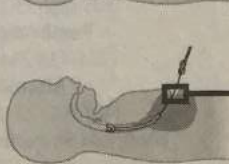
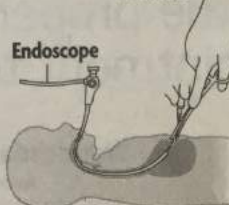
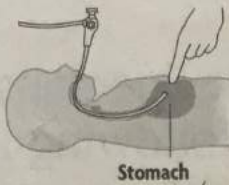
"At this point, it is a mortal sin" to die this way, Gibbs said. "A court has ordered her to disobey her church and even to jeopardize her eternal soul. ... There are few things more important in religion than how one dies."

Michael Schiavo's attorney, George Felos, told the judge that Terri Schiavo's demise is

IMPLANTED FEEDING TUBE

A tube can be implanted through the skin and into the stomach to feed comatose people and those with a variety of other medical problems.

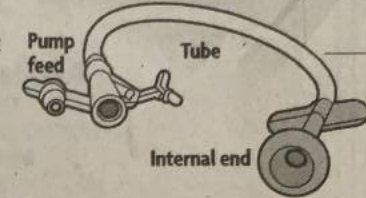
How it's put in



1 Gastrostomy operation creates opening into stomach; two methods:

- Surgical incision in skin, stomach.
- Piercing skin while watching from inside stomach with flexible endoscope (shown on left).

2 Short "button" valve or tube about 5 inches is inserted.



3 Skin heals, leaving small "ostomy" hole.

Can be left in place for years.

How it's used

Prepared solution of carbohydrate, fat, protein, nutrients.



Automatic pump can be used for continual feeding.

Graphic by Knight Ridder/Tribune; Source: Medline Medical Encyclopedia, American Association of Critical Care Nurses, ALS Association (U.S.)

not as near as Gibbs had suggested.

"The death of Mrs. Schiavo is not imminent in terms of hours," he said. "It's in terms of days."

He also disputed Gibbs' characterization of the theological implications of the removal of the tube.

He cited a statement by the U.S. Conference of Catholic Bishops, which said that patients don't have to accept tube feeding if it prolongs their suffering.

Terri Schiavo "said she did not want to be kept alive by anything artificial and that she did not want to live like that," Felos said.

He also argued that it was a "fiction" to say Terri Schiavo was denied her legal right to due process because she didn't have an attorney.

Because she cannot speak for herself, her husband was her guardian who made the le-

gal decisions and hired lawyers, he said.

"How many trials do you have to have?" he asked. "How much litigation do you have to have? Will 50 attorneys satisfy due process more than 20 attorneys?"

Felos also asserted that the years of litigation have resulted in a denial of Terri Schiavo's right to refuse medical treatment.

He urged Whittemore to strike down the new law, which he described as "an unconstitutional intrusion into judicial powers."

Felos pointed out that federal judges have lifetime appointments, saying that Whittemore was "acting as a fire wall in the protection of constitutional liberty."

He entreated Whittemore to resist the "popular political clamor," to uphold Terri Schiavo's right to decide her own medical treatment and not

force her to undergo a surgical procedure — the reinsertion of the tube — that would interrupt her "death process" for a third time.

Judge Seeks Case Law

Whittemore expressed doubts that the Schindlers could prove their case.

Several times he asked Gibbs for prior rulings from the U.S. Supreme Court or from the 11th Circuit Court of Appeals that demonstrated that a judge in Greer's position violated someone's constitutional rights "by doing what the law allows."

"We believe that, fundamentally, Terri was never given a fair trial by the state court judge," Gibbs said.

Later, the seemingly exasperated judge said, "I would like some case law to give me guidance. I have none."

Still, he asked attorneys from both sides what will hap-

UNFOLDING EVENTS

Saturday, March 19

7 a.m. Activists keep vigil for Schiavo as Rev. Patrick Mahoney plans to enter the hospice "to try to give Terri a cup of water."

8 a.m. Schindlers' spokesman says they do not want supporters to use civil disobedience.

10:45 a.m. Four activists including James Gordon "Bo" Gritz are arrested on trespassing charges as they attempt to bring Schiavo bread and water.

Noon Mary Schindler urges politicians to take action: "Please, please, please, save my little girl."

1:45 p.m. First 24 hours without food and water passes.

Sunday, March 20

a.m. Michael Schiavo on CNN expresses anger over the legislative events: "This government is trampling all over a personal family matter that has been adjudicated in the courts for seven years."

11 a.m. President Bush decides to return to Washington early from Texas to be on hand to sign legislation. Mary Schindler pleads with lawmakers not to use Terri's suffering for their own agenda.

1:45 p.m. 48 hours without food and water.

5:30 p.m. The U.S. Senate passes a bill to allow the Schindlers to ask a federal judge to review the case.

Monday, March 21

12:45 a.m. The U.S. House of Representatives passes the bill.

1:45 a.m. President Bush signs bill.

4:30 a.m. David Gibbs, attorney for Terri Schiavo's parents, files a request for an emergency injunction in federal court to keep her fed.

1:45 p.m. Three days without food and water.

3 p.m. U.S. District Judge James Whittemore holds a hearing.

5 p.m. Whittemore says there will be no immediate decision.

Source: Tribune research

ers surrounded the attorneys. A cluster of women in wheelchairs shouted, "We're not dead yet! Disability rights!"

At Hospice House Woodside in Pinellas Park, between a dozen and three dozen demonstrators were on hand at any given time.

They displayed hand-held placards for the scores of television, radio, Internet and print journalists maintaining their own media vigil.

The number of Michael Schiavo supporters seems to be growing.

The activists on both sides of the issue were seen having what appeared to be thoughtful, well-mannered discussions with each other.

Reporters David Sommer of The Tampa Tribune and Mark Douglas of News Channel 8 contributed to this report, which includes information from The Associated Press.

Sherry Manning, center, is aided by Ann Jowers and David Vogel at a demonstration for Terri Schiavo on Monday outside the U.S. Courthouse.

Republicans See Issue As Way To Do Right, Stoke Electoral Base

By KEITH EPSTEIN
and WILLIAM MARCH
wmarch@tampatrib.com

WASHINGTON — The urgency in Washington this past weekend wasn't just about Terri Schiavo. It was also about politics.

As hundreds of congressmen and President Bush cut short vacations to intervene, they also hoped to broaden the party's hold on power.

Republicans acknowledged the goal of using the Schiavo case as ammunition against Democrats, particularly Florida Sen. Bill Nelson.

Meanwhile, Democratic Rep. Jim Davis of Tampa, a candidate for governor next year, put himself at the center of the controversy, acting against what would have been his own pollster's advice by taking a lead role opposing the Schiavo legislation.

Davis announced he would block voice-vote passage of the Schiavo bill Sunday night, alone if neces-

See **POLITICAL ANGLE**, Page 11
Some Democrats say GOP effort will backfire.

INSIDE



IN THE SPOTLIGHT
Judge James Whittemore "calls it as he sees it." Page 10

GOVERNOR'S ROLE
Jeb Bush will continue to push for state legislation. Page 11

PERSPECTIVES
Opinions and commentary related to the case. Pages 12, 13

MULTIMEDIA

Keyword:
Schiavo,
for the latest developments.



Attorneys Are Given No Timeline On Ruling

feeding tube reinserted to allow time for a full hearing in federal court.

The tube was removed on Friday.

"I won't tell you how long it will take" to issue an order, Whittemore told attorneys at the conclusion of a two-hour hearing.

"It will be entered and placed on the record when it is signed by me."

The hearing commenced less than 15 hours after Congress passed and President Bush signed extraordinary legislation giving federal courts the jurisdiction to consider the Schiavo case.

See **SCHIAVO JUDGE**, Page 10
Courtroom packed for hearing.

PARENTS: REINSERT HER FEEDING TUBE

By ELAINE SILVESTRINI
esilvestrini@tampatrib.com

TAMPA — U.S. District Judge James D. Whittemore delayed a decision on the fate of Terri Schiavo, refusing Monday to buckle under to a sense of urgency that propelled Congress to a post-midnight session and President Bush to cut short a trip to Texas.

Whittemore would not say when he would rule on a petition by Schiavo's parents, Bob and Mary Schindler, who want the judge to order her

JAMES WHITTEMORE



Age: 52

Spouse: Martha Watford Whittemore

Nomination

◆ Appointed to the federal bench May 27, 2000, by President Bill Clinton.

◆ Nomination had bipartisan support, winning the endorsements of Sen. Bob Graham, D-Miami Lakes, and Sen. Connie Mack, R-Fort Myers. Senate vote to confirm was unanimous.

Previous experience: Hillsborough County Circuit Court judge from 1990 to 2000, finishing in the general civil division. Named Outstanding Jurist of 1999 by the Florida Bar's Young Lawyers Division. Worked in private practice and was an assistant federal public defender.

Education: Bachelor's degree with honors in business administration from the University of Florida in 1974. Received law degree from Stetson University College of Law in 1977.

Notable Cases

◆ Presided over the 2004 Doug Erwin whistleblower trial, where a jury found the Hillsborough County School Board harassed Erwin into an early retirement after he exposed corruption within the county's school system.

◆ Dismissed a 2002 lawsuit against the Polk County School Board filed by parents and students who said a school uniform mandate violated their civil rights.

◆ Sentenced members of Greater Ministries International Church to lengthy prison terms in 2001 for what prosecutors called one of the biggest Ponzi schemes in American history.

Source: Tribune research by Angie Drobnic Holan; Source: Tribune archives.

perceived as a liberal judge," Suarez added. "That's not his reputation, not that anyone perceives him as a reactionary, either. I think he calls it as he sees it. He's not someone who's perceived as an activist

judge. I don't think he'd have an agenda in this case. I think he'll rule the way he thinks the law requires him."

Reporter Brad Smith can be reached at (813) 259-7365.

pen if he does issue an injunction.

Gibbs said an ambulance would take Terri Schiavo to a hospital, where a feeding tube could be reinserted within about two hours.

The president's brother, Gov. Jeb Bush, said after the hearing that "now is the time to act."

"Her guardian, her husband, has a true conflict," Bush said.

"He has a girlfriend with two children. ... I don't believe that a so-called private matter trumps the public necessity to protect life," Bush said.

Michael Schiavo said he was outraged that lawmakers and the president were intervening.

Also on Monday, the 11th Circuit Court of Appeals, citing the new law, overturned Moody's ruling last week dismissing a Schindler petition on the grounds he had no jurisdiction.

In response to the appeals court decision, Moody issued an order Monday giving Terri Schiavo's parents five days to file a new petition.

Asked Monday afternoon what was going to happen with the case before him, Moody said, "That remains to be seen."

Scene At The Courthouse

More than 100 spectators packed into Whittemore's courtroom and an overflow room set up in the courthouse with a closed-circuit television feed.

While those inside the courtroom remained silent throughout the proceedings, the crowd packed into the overflow room occasionally hooted or clapped in reaction to what attorneys said during the hearing.

Outside the courthouse, spectators waved signs and chanted as a phalanx of report-

Schiavo's Case Hits Federal Court

'YOU COULDN'T ASK FOR A FAIRER JUDGE'

By BRAD SMITH
bsmith@tampatrib.com

TAMPA — Best known for presiding over recent trials of a racketeering motorcycle outlaw and a Tampa school corruption whistleblower, U.S. District Judge James Whittemore now finds himself in the eye of a hurricane over Terri Schiavo's life.

Appointed to the federal bench in 2000 by President Bill Clinton, Whittemore, 52, is suddenly in an international spotlight as he considers whether to order Schiavo's feeding tube restored.

With the Vatican weighing in on the Roman Catholic Schiavo's side and President Bush signing an emergency bill to put the case under federal jurisdiction, Whittemore faces extraordinary pressure.

Tampa lawyer John Fitzgibbons, a former federal prosecutor who has known Whittemore for years, said the judge

won't kowtow to special interests.

"He's got no agenda. Probably, if anything, he would be somewhat conservative," Fitzgibbons said.

Whittemore wasted no time Monday reviewing Schiavo's files. His chamber lights burned in the early morning darkness, hours after Bush stepped outside his White House bedroom at 1:11 a.m. to sign a bill to keep the brain-damaged 41-year-old Pinellas Park woman alive while Tampa's federal court reviews her case.

Whittemore drew the case through a courthouse system that assigns them randomly by computer.

The judge offered no hints about when he might rule on an emergency motion to restore Schiavo's feeding tube after hearing lawyers argue for almost two hours.

"It won't be days," predicted lawyer David Gibbs, who represents Schiavo's parents, Bob and Mary Schindler. "The court asked about the status of Terri. She doesn't have water

or food. We're asking the court to please give the word to get food and water to her to keep her alive."

Lawyer George Felos, who represents Schiavo's husband, Michael, said Whittemore "will apply his wisdom. Judges have lifetime jobs so they can withstand political pressures."

Fitzgibbons predicted Whittemore would hear all sides in the emotion-charged case, as directed by Congress over the weekend after an unusual emergency session on Capitol Hill.

"He's a scholarly judge who will read everything and be current on all aspects of the law, and he'll render an opinion," Fitzgibbons said. "For a case like this, you couldn't ask for a fairer judge."

How fast Whittemore rules, all sides agreed, is crucial. Schiavo's feeding tube was disconnected Friday afternoon on a Florida circuit judge's orders after what appeared to be the end of a protracted legal battle over her life. She could live up to two weeks.

Whittemore's appointment

was endorsed by then-U.S. Sen. Bob Graham, D-Miami Lakes. He also had bipartisan support from then-Sen. Connie Mack, R-Fort Myers. The U.S. Senate confirmation was unanimous.

Yet Whittemore's politics, seen by some as important in what has emerged as a highly charged political case pitting conservative Christians against right-to-die advocates, are unclear.

Steve Crawford, a Tampa lawyer and former federal prosecutor, said he thinks Whittemore is a Republican.

"President Clinton appointed him, which was somewhat a surprise because he's always been a Republican," Crawford said.

Yet, Eddie Suarez, president of the 337-member Tampa Bay chapter Federal Bar Association, said he would be "shocked" if Whittemore is not a Democrat.

"Just knowing the nature of political appointments at that level, it argues that he'd be a Democrat," Suarez said.

"I don't think he's generally

SCHIAVO CASE

Continued From Page 1

Leader Tom DeLay of Texas accused Whittemore of getting it wrong, blasting the ruling as "at odds with both the clear intent of Congress and the constitutional rights of a helpless young woman."

U.S. Rep. Tom Feeney, R-Oviedo, said, "We didn't get a fresh review. ... The federal judge for whatever reason deliberately didn't take a fresh look."

The Vatican had harsh words for Whittemore, publishing a front-page editorial in its newspaper saying that removing the feeding tube amounted to capital punishment for someone who has committed no crimes.

In a statement that appeared to misrepresent Whittemore's ruling, the Vatican newspaper L'Osservatore Romano said, "She has no possibility of being 'restored' to a 'normal' life. Therefore Terri Schiavo must die. ... This is ... the absurd and terrifying reason" for the judge's decision.

Whittemore's ruling contained no such reasoning.

A 15-Year Struggle

Terri Schiavo lapsed into what doctors call a persistent vegetative state 15 years ago when her brain was deprived of oxygen. Eight years later, her husband, Michael, persuaded a state judge in Pinellas County to remove her feeding tube. Circuit Judge George Greer, after hearing evidence, concluded Terri Schiavo did not wish to live that way. Since then, her parents have fought a continuous legal battle, which twice resulted in the reinsertion of her feeding tube after it was removed.

The second time the tube was removed, in October 2003, Schiavo went without food or water for six days before the tube was reinserted.

Michael Schiavo's attorney, George Felos, said Tuesday his client was staying at his wife's bedside. "He is with Terri on a 24-hour basis," he said. "That's where he is, and that's where he will remain until Terri dies."

Felos contested the contention that Terri Schiavo is "fading fast," and said, "Terri is stable, peaceful, calm."

The attorney praised Whittemore, who he said "was committed to follow the law, and he did so. I think he did so in the best tradition of the judiciary."

While the push in Congress for the Schiavo bill came from Republicans, a prominent Democrat, Sen. Tom Harkin of Iowa, is considering introducing legislation that would allow a federal judge to review disputed cases in which people wrote no living will or left other instructions specifying their medical wishes if they became incapacitated.

"The more I looked at the Schiavo case, the more I thought, wait a minute. There are a lot of people in similar situations — maybe not in her specific situation — but because of a disability cannot express themselves or cannot in any way make their desires known," Harkin said last weekend.

ACLU Praises Judge

Howard Simon, executive director of the Florida American Civil Liberties Union, which filed pleadings on behalf of Michael Schiavo, said Whittemore's ruling "put a wall of privacy around spouses, family members, individuals, everybody who has to sit around the kitchen table and talks about what to do about a terminally ill family member or someone who, like Terri Schiavo, had a catastrophic accident ... Everybody is, now in this country, better protected from politicians who want to sit at your kitchen table and dictate what you should be doing."

Simon said his organization had lawyers working on the case from California, Boston, Washington, Tampa and Miami.

After receiving the Shindlers' appeal, the 11th Circuit Court of Appeals notified attorneys for Michael Schiavo at 2 p.m. Tuesday that they had four hours to file a response. The court gave no indication when it would rule.

Felos predicted, "This will end up in the Supreme Court brought by ... one side or the other" The nation's highest court has twice refused to hear

Schindlers' Chances Are Slim In Long Run

EXPERTS WARN PRECEDENTS AREN'T IN PARENTS' FAVOR

By DANA MILBANK
The Washington Post

WASHINGTON — Even with the intervention of Congress and President Bush, Terri Schiavo's parents have only a slim chance of convincing federal courts that their daughter should be kept alive indefinitely, constitutional lawyers say.

Sunday's unusual action by Congress gave the parents of Schiavo the right to sue in federal court over the withdrawal of life support from their severely brain-damaged daughter — trumping the judgments of Florida courts and the wishes of Schiavo's husband-guardian. Although the move raises a wide range of complex constitutional questions and could ultimately require the Supreme Court's involvement, Schiavo's parents face a daunting array of legal obstacles in persuading federal courts to involve themselves in an area of state authority.

"There are so many substantial hurdles that the case has to get over that it's hard for them not to trip on one," said Michael Dorf, a constitutional law professor at Columbia University.

Alan Meisel, who directs the University of Pittsburgh's Center for Bioethics and Health Law, called it "very, very unlikely" that Schiavo's parents will prevail.

The difficulty showed itself immediately Monday when attorneys for Schiavo's parents, Bob and Mary Schindler, filed their request for an injunction in U.S. district court. They argued that the federal court should rule that the Florida judge's order to remove Schiavo's feeding tube "violates and continues to violate" her constitutional rights of religion and due process. That request is at odds with the law signed early Monday by Bush directing the federal courts to consider the case de novo — without

Terri Schiavo's Plight Ignites

Passion Of Columnists

Mark Lane, The Daytona Beach

News-Journal: I've been reading over the spur-of-the-moment legislation taken up last week in the Florida Legislature and the U.S. Congress.

I have read over these proposals looking for one paragraph. I have read the press releases and listened to the emotional speeches and can't find it in those places, either.



Lane

It would say something like this:

"Because it is absolutely vital to keep such patients alive, Medicaid and Medicare will be expanded to ensure high-quality long-term care for the life of any patient who must be kept alive by feeding tubes. Likewise, private group health plans will be required to provide long-term health care coverage so that people found by courts to be in persistent vegetative states with no hope of recovery may be kept alive indefinitely."

A lot of lawmakers are eager to make decisions for families about when and how long to keep alive patients who are in the twilight between death and life. But no lawmaker I've heard has called for spending anything to carry out any new medical-care decree from Washington or Tallahassee as it applies to anyone other than Schiavo.

In fact, many of the same senators and representatives now rushing from studio to studio making speeches about "saving Terri" are also making it harder to pay for cases like Schiavo's.

Schiavo's care is paid for in large part by a large medical malpractice settlement. Yet many supporters of "Terri's Law" want to cap malpractice settlements, limit the reach of malpractice suits and make it more difficult for patients to file suit.

Some of Schiavo's care is paid for by the Medicaid system. Yet cutting state Medicaid spending and shifting the program and its decision-making

STAFF PHOTO BY AP/WIDE WORLD

WHY GO
TO ALL OF
THIS TROUBLE
TO KEEP
TERRI SCHIAVO
ALIVE?
I MEAN...

"IT'S NOT
LIKE SHE'S
ON DEATH
ROW."



into private managed-care companies are the hallmarks of Gov. Jeb Bush's plans for Medicaid reform. And the same week the U.S. House voted for Schiavo legislation, it also voted for a budget with \$20 billion in "savings" from Medicaid.

Cal Thomas, Tribune Media Services:

Why does Terri Schiavo matter? Why has Congress made a federal case out of her situation? Why did the president of the United States return to Washington from Texas in order to sign a bill created for the express purpose of inviting a federal court to review the case?



Thomas

She matters not only because she has an endowed, inalienable right to life, but also because she is a symbol like Rosa Parks ... a symbol in the battle over life-and-death issues that inconveniently but neces-

sarily confront us.

Opponents of federal intervention cry "hypocrisy" because conservatives pushing for a federal court review claim to support states' rights on issues such as abortion and same-sex marriage and think these matters should be left to the states under the 10th Amendment.

But the hypocrisy label can be turned around. Didn't liberals reject states' rights when it came to civil rights for African-Americans four decades ago, and didn't they make federal cases out of such things as integrated restrooms and universities? They were right to do so then, and conservatives are right to ask the federal government to intervene when a Florida judge has, in effect, ordered the murder of Terri Schiavo by denying her food and water. ...

The Schiavo case should not be viewed in isolation. It is part of a flow that began in modern times with abortion on demand and that will continue, if not stopped, with eutha-

nesia. Once a single category of life is devalued, all other categories quickly become vulnerable.

Linda Darby Hughes, for the Atlanta Journal-Constitution: I remember the agony as we waited outside the emergency room at Georgia Baptist Hospital, realizing as the hours crawled past that our 25-year-old daughter, Karyn, was seriously, desperately hurt in an automobile accident.

I still feel that frozen moment when the door finally swung open and a young doctor came out asking for our daughter's next of kin, and it wasn't me or her father, but a young man we barely knew — her husband. He asked her husband if it was OK for him to speak freely in front of us before giving his report: I'm sorry. Karyn is dying. She has a traumatic brain injury with diffuse swelling throughout her brain. Her pupils are fixed and dilated. We will soon let you in to say goodbye to her — next of kin first.

As it turned out, the doctor was wrong. Another doctor who later said that her next of kin should put Karyn in a nursing home and forget her was also wrong. The doctor who said Karyn would never wake from her coma was wrong. The one who said she might wake up but be unable to see, hear, speak or move was wrong. The one who said she would never learn anything new was wrong.

Thank God, Karyn's next of kin didn't listen to any of them. He prayed and worked selflessly, tirelessly, to bring his wife back, and he allowed us to help him.

Karyn surprised her doctors by coming off the respirator, waking up and relearning a lot, but not all, of the things the brain injury had taken from her. I never look at Karyn without wondering what would have happened if she had gone into that nursing home instead of the aggressive coma-stimulation and range-of-motion therapy her husband insisted upon.

I don't pretend to know what Terri Schiavo would have wanted. But when I see her smiling face and twisted hands on television, I see our Karyn strapped upright in a wheelchair, and me dancing, singing, clapping, crying, praying — anything for one tiny smile or flash of recognition from my baby. I feel again the inexpressible joy when it finally came. I feel the grief and frustration of Terri's mother and the desperation and impotence of her father. I feel the death of their hope.

Thomas Sowell, Creators Syndicate Inc.: If the tragic case of Terri Schiavo shows nothing else, it shows how easily "the right to die" can become the right to kill. It is hard to believe that anyone, regardless of one's position on euthanasia, would have chosen the agony of starvation and dehydration as the way to end someone's life.



Sowell

A New York Times headline on March 20 tried to assure us: "Experts Say Ending Feeding Can Lead to a Gentle Death," but you can find experts to say anything.

No murderer would be killed this way, which virtually any court would almost certainly declare "cruel and unusual punishment" in violation of the Constitution.

Terri Schiavo's only crime is that she has become an inconvenience — and is caught in the merciless machinery of the law. ... Make no mistake about it: Terri Schiavo is being killed. She is not being "allowed to die."

... The extraordinary session of Congress, calling members back from around the country, and the President back from Texas to be ready to sign legislation dealing with Terri Schiavo — these are things that do us credit as a nation. ... It is the public's sense of concern — in some cases, outrage — that is reflected by their elected representatives.



Tribune photo by MARK GUSS

Lana Jacobs, 56, of Columbia, Mo., was arrested after trying to take a bottle of water to Terri Schiavo at the hospice in Pinellas Park.



"Terri is fading quickly, and her parents reasonably

fear that her death is imminent."

DAVID GIBBS III

Attorney, on behalf of Bob and Mary Schindler

previous appeals in the case.

In Tallahassee, meanwhile, Republican state lawmakers were pressured by groups that want Schiavo's tube to be reinserted and are pinning their hopes on a bill stalled in the Senate. But the bill's sponsor, Sen. Dan Webster, R-Winter Garden, said Tuesday he still didn't have enough support for the bill to reintroduce it.

Outside the Pinellas Park hospice where Terri Schiavo is staying, Mary Schindler sobbed while pleading with lawmakers to act: "Please senators, for the love of God, save her. I'm begging you. Don't let my daughter die of thirst."

Nine Republicans joined 12 Democrats in opposing an amendment Webster proposed for the Senate bill last



"[Whittemore] was committed to follow the law, and he

did so. I think he did so in the best tradition of the judiciary."

GEORGE FELOS

Michael Schiavo's attorney

week. When they did, Webster postponed bringing the bill to the floor for final consideration and hasn't brought it up again.

Still, many pro-life groups and supporters of the Schindlers held out hope. They roamed the Capitol halls and stood outside committee meetings. Some went into meetings and confronted lawmakers.

Some plastered "wanted" posters throughout the Capitol displaying the faces of the nine Republicans who voted against the bill.

The poster said: "Wanted the Republican 9 to save Terri's life."

"I find the posters offensive," said Senate President Tom Lee, R-Brandon. "I un-

derstand that this is a very passionate issue for a lot of people but the irony is they're not going to be helpful to the cause that they seek to advance."

He added: "I think every day that passes there's less likelihood there's a legislative or legal remedy that can save Terri Schiavo's life."

Felos said those nine senators are "courageously opposing" their Republican counterparts and he urged Floridians "to voice their support" to them with phone calls and e-mail.

Gibbs Claims Judicial Error

The new federal law authorized the U.S. District Court to examine the Schiavo case anew, without regard to the previous rulings in state court. This created a knot of legal logic when the Schindlers based part of their appeal on claims Pinellas Circuit Judge George Greer had acted inappropriately in presiding over the case by serving as both judge and guardian.

Consequently, Whittemore found it necessary to review Greer's actions, finding, "This court concludes that Theresa Schiavo's life and liberty interests were adequately protected by the extensive process pro-

WASHINGTON — If I were in Terri Schiavo's condition, I would not want a feeding tube. But Terri Schiavo does not have the means to make her intentions known. We do not know what she would have wanted. We have nothing to go on. No living will, no advance directives, no durable power of attorney.



**CHARLES
KRAUTHAMMER**

What do you do when you have nothing to go on? You try to intuit her will, using loved ones as surrogates.

In this case, the loved ones disagree. The husband wants Terri to die; the parents do not. The Florida court gave the surrogacy to her husband, under the generally useful rule that your spouse is the most reliable diviner of your wishes: You pick your spouse and not your parents, and you have spent most of your recent years with your spouse, not your parents.

The problem is that although your spouse likely knows you best, there is no guarantee he will not confuse his wishes with yours. Terri's spouse presents complications. He has a girlfriend and has two kids with her. He clearly wants to marry again. And a living Terri stands in the way.

Now, all of this may be irrelevant in his mind. He may actually be acting entirely based on his understanding of his wife's wishes. And the courts have been forced to conclude, based on his testimony, that she would prefer to be dead.

That is why this is a terrible case. The general rule of spousal supremacy leads you here to a thoroughly repulsive conclusion.

Repulsive because in a case where there is no consensus among the loved ones, one's natural human sympathies suggest giving custody to the party committed to her staying alive and pledging to carry the burden themselves.

Let's be clear about her condition. She is not dead. If she were brain-dead, we would be talking about harvesting her organs. She is a living, breathing human being. Some people

have called her a vegetable. Apart from the term being disgusting, how do they know? How can we be sure of the complete absence of any consciousness, any awareness, any anything "inside" this person?

The crucial issue in deciding whether or not one would want to intervene to keep her alive is whether there is, as one bioethicist put it to me, "anyone home." Her parents, who see her often, believe that there is. The husband maintains there is no

one home. (But then again he has another home, making his judgment somewhat suspect.)

The husband has not allowed a lot of medical testing in the last few years. I have tried to find out what her neurological condition actually is. But the evidence is sketchy, old and conflicting. The Florida court found that most of her cerebral cortex is gone. But "most" does not mean all. There might be some cortex functioning. The very severely retarded or brain-

damaged can have some consciousness. And we do not go around euthanizing the minimally conscious in the back wards of the mental hospitals on the grounds that their lives are not worth living.

Given our lack of certainty, given that there are loved ones prepared to keep her alive and care for her, how can you allow the husband to end her life on his say-so?

Because following the generally sensible rules of Florida custody laws, conducted with due diligence and great care over many years in this case, this is where the law led.

For Congress and the president to then step in and try to override that by shifting the venue to a federal court was a legal travesty, a flagrant violation of federalism and the separation of powers. The federal judge who refused to reverse the Florida court was certainly true to the law.

But the law, while scrupulous, has been merciless, and its conclusion very troubling morally. We ended up having to choose between a legal travesty on the one hand and human tragedy on the other.

There is no good outcome to this case. Except perhaps if Florida and the other states were to amend their laws and resolve conflicts among loved ones differently — by granting authority not necessarily to the spouse, but to whatever first-degree relative (even if in the minority) chooses life and is committed to support it. Call it Terri's law. It will help prevent us having to choose in the future between travesty and tragedy.

Schindlers Pin Latest Hope On Federal Appeals Court



The Associated Press

"I'm begging you. Don't let my daughter die of thirst," Mary Schindler pleaded Tuesday outside Terri Schiavo's hospice in Pinellas Park.

Legal Travesty Or Human Tragedy?

Walt Handelman © 2005 Newsday





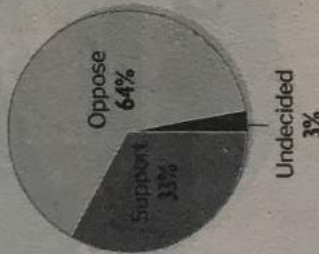
Matt Davidson, court calendar clerk at the 11th U.S. Circuit Court of Appeals in Atlanta, announces that Michael Schiavo, husband of Terri Schiavo, filed a motion Tuesday in compliance with the 6 p.m. deadline that the court had set. The court did not say when it would issue a ruling.

The Associated Press

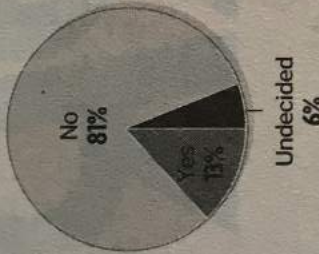
FLORIDA WEIGHS IN

Although Floridians have differing opinions about the key players in the Schiavo case, most oppose intervention by Congress.

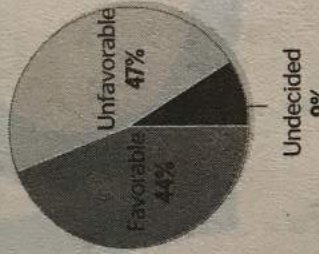
Do you approve or disapprove of the Congress and president intervening in the Terri Schiavo case?



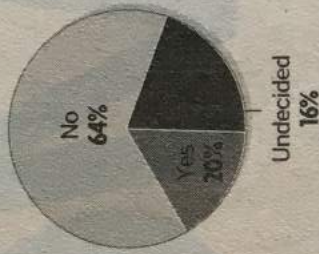
Would you want to be kept alive if you were in a state similar to Terri Schiavo's?



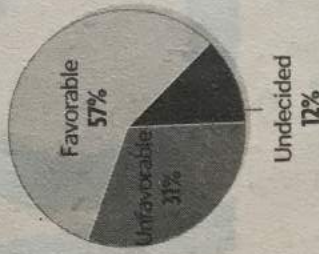
Do you have a favorable or unfavorable opinion of Terri Schiavo's husband, Michael?



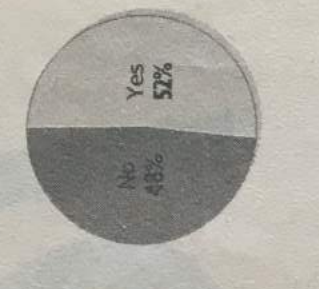
Do you believe the media are giving the Terri Schiavo case too much coverage?



Do you have a favorable opinion of Terri Schiavo's parents, the Schindlers?



Has the Schiavo case made you discuss with family members what you would want done if you were in a state similar to Terri Schiavo's?



Poll-taker Strategic Vision LLC is an Atlanta-based public relations and public affairs agency. Results are based on telephone interviews with 800 registered voters in Florida, ages 18 plus, and conducted March 18-20. The margin of error is plus or minus 3 percentage points.

Tribune graphic by MALANDA SAXTON; Source: Strategic Vision

TUESDAY'S EVENTS

- 6 a.m.** U.S. District Judge James D. Whittemore in Tampa denies request to reinsert feeding tube.
- 9:15 a.m.** Schindlers file appeal with 11th U.S. Circuit Court of Appeals in Atlanta.
- 2 p.m.** Appeals court gives Michael Schiavo four hours to file a response.
- 2:30 p.m.** Protesters gather at hospice; police arrest woman accused of trying to take water to Terri Schiavo. *All times are approximate.*

MULTIMEDIA

Keyword: Schiavo, to read Judge Whittemore's ruling and people's reaction to it.



Whittemore
Judge
refuses to
order feed-
ing tube
reinserted.

FEDERAL JUDGE REFUSES TO INTERVENE Husband Staying At Terri Schiavo's Bedside

By ELAINE SILVESTRINI
esilvestrini@tampatrib.com

TAMPA — As Terri Schiavo ended her fourth day without food or water Tuesday, her parents pleaded with a federal appeals court to save their daughter's life.

"Terri is fading quickly, and her parents reasonably fear that her death is imminent," wrote attorney David Gibbs III, on behalf of Schiavo's parents, Bob and Mary Schindler.

Gibbs argued in court pleadings that if Schiavo's feeding tube is not reinserted, Congress will have acted in vain.

Earlier Tuesday, in Tampa, U.S. District Judge James D. Whittemore refused to order the feeding

tube reinserted. The judge concluded in a 13-page ruling issued at 6 a.m. that the Schindlers had failed to show they had a substantial chance of prevailing in court.

Amid the flurry of legal pleadings, the Schiavo case reverberated well beyond Florida, with swift reactions to Whittemore's ruling erupting as far away as Vatican City.

Schiavo's feeding tube was reinserted Friday. In response, Congress convened an extraordinary weekend session to pass a law giving the federal courts jurisdiction to review the case.

In Washington on Tuesday, House Majority

See **SCHIAVO CASE, Page 8** ▶
Pressure put on state senators.

RELATED STORY, Page 9:
Experts say parents not likely to prevail in long run.

taking into account the state court's findings.

The judge assigned to the case, James D. Whittemore of Tampa, expressed skepticism about the Schindlers' lawsuit. "I think you'd be hard-pressed to convince me that you have a substantial likelihood" of success, he said.

Early Tuesday, Whittemore rejected the parents' emergency request under that legislation to have the tube reconnected, saying they had not established that they would probably prevail at a trial on their claim that Schiavo's religious and due process rights have been violated.

Schiavo's parents then appealed to the 11th U.S. Circuit Court of Appeals in Atlanta.

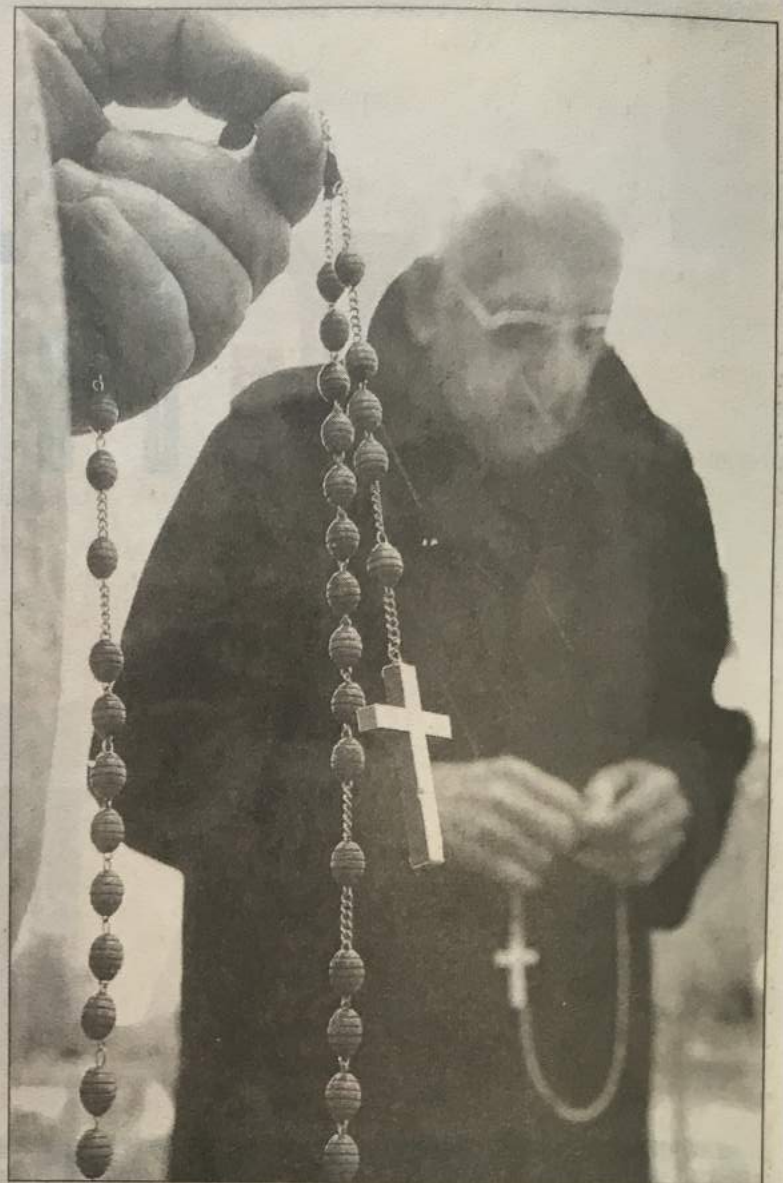
Precedents Have Been Set

The lawyers for the Schindlers need to weave their way around some difficult Supreme Court precedents. The 1990 Cruzan case made clear that a person in a persistent vegetative state had a constitutional right to be removed from a feeding tube. In a 1997 ruling, Chief Justice William Rehnquist affirmed that the Cruzan case assumed that "the due process clause protects the traditional right to refuse unwanted lifesaving medical treatment." And in the 1995 Plaut ruling written by Justice Antonin Scalia, the court struck down an effort by Congress to direct courts to reopen final judicial judgments.

Thus, even if the case goes to the Supreme Court, some of the conservative justices who might have the most sympathy for the Schindlers' claim have in the past sided with the states on similar cases. "I don't think the chance is much above zero" that this will change now, said Bruce Fein, a constitutional lawyer and columnist for the Washington Times.

Congress' Authority

Article Three of the Constitution gives Congress the authority to send a case to federal courts particularly if a person's constitutional rights have been violated. However, it is not clear that Congress can dictate guardianship rules to states. "I don't think any power Congress has under the Commerce clause or other powers gives them the authority to make federal guardianship laws," said Mary Cheh, a law professor at George Washington University.



Knight Ridder/Tribune

The Rev. Thaddeus Malanowski holds a prayer service for Terri Schiavo at the hospice. He has been assigned as her priest for the past five years.

vided in the state courts."

In his federal appeal, Gibbs said Whittemore should not have taken Greer's action into account. "The District Court's review of the state court proceedings was in violation of the new act and, therefore, reversible error," he wrote.

There were fewer than 40 demonstrators outside Hospice House Woodside in Pinellas Park Tuesday afternoon, far fewer than in recent days. Almost all demanded food and water for Schiavo.

Police arrested one woman who wanted to take water to Schiavo. Lana Jacobs, 56, of Columbia, Mo., clutched a bottle of water and approached police guarding the hospice

entrance about 1 p.m. She told them her intentions and refused to walk away when the officers warned her.

A parked Pinellas County sheriff's van awaited. The van was there throughout the morning because police expected others, angry over Tuesday's court decision, to try to get into the hospice, Pinellas Park police Sgt. Mark Berger said.

Reporters Steven Isbitts, Adam Emerson, Allison North Jones and David Sommer contributed to this report. Information from The Associated Press, Knight Ridder/Tribune and the Los Angeles Times was also used.

Demonstrators Maintain Pressure Outside Hospice

IT'S 'MUCH CRAZIER'
THAN TV DEPICTION

By STEVEN ISBITTS
sisbitts@tampatrib.com

PINELLAS PARK — Media, police, demonstrators and curious bystanders gathered outside Terri Schiavo's hospice for another day of interviews, news conferences, prayer sessions and people-watching Wednesday.

About 30 to 50 demonstrators were present into the night in front of Hospice House Woodside, most holding signs with political and religious messages stating their desire for the brain-damaged woman's tube feedings to resume.

One woman held a 5-foot plastic-foam spoon reading: "Please feed Terri."

They were outnumbered by reporters, photographers and television crews from around the world who were often feverishly jockeying for position during news conferences on the narrow street.

Schiavo's feeding tube was removed Friday afternoon, and her right-to-die case has drawn international attention.

"It's a real zoo down here, much crazier than you see on

Lt. Kevin Riley, spokesman for Pinellas Park police, said all the arrests for trespassing were "rehearsed."

TV," said Bessie Davis, 58, of Seminole, who said she came to watch the scene before heading to work at a nearby Winn-Dixie store.

The day's most dramatic event unfolded at 11:30 a.m., when seven adults and three children were arrested as they attempted to enter the hospice carrying food and water for Schiavo.

Among them were Chris Keys, 45, of Texas, and three of his children; Josie, 14, Gabriel, 10, and Cameron, 12.

Lt. Kevin Riley, spokesman for Pinellas Park police, said all the arrests for trespassing were "rehearsed."

"We knew exactly when they were going to be," Riley said. "We had at least an hour's notice, and the mother of the children was here to do what she needed to do for her husband and kids."

Reporter Steven Isbitts can be reached at (727) 451-2336.



Tribune photo by BRUCE HOSKING

Lt. Kevin Riley of the Pinellas Park Police Department handcuffs Josie Keys, 14, as her father, Chris, is placed in the back of a van for transport to jail. Josie's brothers, Gabriel, 10, and Cameron, 12, were also arrested as they attempted to enter the hospice carrying water for Terri Schiavo.



Sen. Alex Villalobos, right, consoles Sen. Daniel Webster after his bill was voted down. The measure would have resulted in reinsertion of Schiavo's feeding tube.

WEBSTER 9

Tribune photos by COLIN HACKLEY

SCHIAVO SHOWDOWN

Continued From Page 1

back into the debate. Sen. Daniel Webster, R-Winter Garden, introduced a bill he was reluctant to take to the floor after his chamber rejected such legislation last week.

The bill would have required continued sustenance if there was a dispute on end-of-life issues among family members. In the last scheduled Senate session before an Easter recess, the bill failed by a 21-18 vote. Nine Republicans who stunned Capitol observers with their "no" votes last week stood firm in their opposition with 12 Democrats.

♦ Also in Tallahassee, Bush said the DCF had renewed its petition to intervene, citing calls to the department's hot line alleging abuse, neglect and exploitation of Schiavo by her husband, Michael. That petition was dismissed by Greer last week.

In renewing the petition, Bush and DCF Secretary Lucy Hadi cited a provision in state law that allows the department to take a vulnerable person into custody without prior judicial approval.

Preventing 'A Donnybrook'

That raised the prospect of law enforcement officers charged with protecting Schiavo at her Pinellas Park hospice encountering law enforcement agents charged with removing her.

At an afternoon news conference, Hadi cautiously stated, "DCF could take protective custody of Mrs. Schiavo, and I'll leave it at that." Later, she stated, "We have no present plans to take Terri Schiavo into protective custody."

In Greer's courtroom shortly afterward, George Felos, Michael Schiavo's attorney, told the judge he had been advised by Pinellas Park police that a state police agent was en route to the hospice with a DCF team.

Greer asked DCF attorney Jennifer Lima-Smith whether she could guarantee Schiavo would not be taken into state custody.

"I can't tell you that won't be done. We have that capability. The statute is clear," Lima-Smith told Greer.

The judge said he would issue the restraining order to prevent confusion among law enforcement.

In a situation reminiscent of the October 2003 night when Bush sent armed agents of the Florida Department of Law Enforcement to take Schiavo to a hospital to reinsert her feeding tube, Greer ordered Pinellas County Sheriff Jim Coates to back up Pinellas Park police should state agents show up again.

Greer said he was willing to consider the new request by DCF to intervene — he is to rule by noon today — but he said he would not allow the

After a January 2000 nonjury trial, Greer ruled that Terri Schiavo's feeding tube should be removed because "clear and convincing evidence" showed she would not want to be kept alive in a persistent vegetative state with no hope of improvement.

That finding was based on testimony by her husband and two of his relatives, who said Terri Schiavo had talked about end-of-life issues prior to suffering severe brain damage caused by heart failure in 1990

agency to act unilaterally with the aid of state law agents.

"I don't want this thing to turn into a donnybrook. It's been real orderly for seven years," Greer said, referring to the protracted legal fight over Terri Schiavo's last wishes.

"The executive and the judicial branches of government are separate but equal. That is indeed true. But the executive is certainly not superior," Greer said. "The executive is unable to go behind the final judgment of this court."

at age 26.

Bob and Mary Schindler contend their daughter never made such remarks. They dispute the diagnosis of doctors hired by their son-in-law and say their daughter reacts to them and could improve with therapy.

'Minimally Conscious State'

On Wednesday, Bush and Hadi released an affidavit from William Polk Cheshire Jr., a neurologist from the Mayo Clinic in Jacksonville who volunteers with the state's adult protective services team. He was summoned by DCF to review Schiavo's case.

Cheshire was not allowed to perform a thorough examination of Schiavo but spent an hour to 90 minutes observing her at her bedside. He also reviewed her records and observed videotapes of her behavior.

"Based on this evidence, I believe that, within a reasonable degree of medical certainty, there is a greater likelihood that Terri is in a minimally conscious state than a persistent vegetative state," Cheshire wrote.

That analysis contradicts previous court records. In a 2004 brief that quotes from earlier court documents, Felos wrote that since her heart failed briefly in 1990, Schiavo "has been in a persistent vegetative state, robbed ... of ... all but the most instinctive of neurological functions; most of her cerebrum is simply gone and has been replaced by cerebral spinal fluid.

"Independent medical experts appointed by the Florida circuit court, as well as the independent guardian ad litem ... found that Mrs. Schiavo has lost all cognitive abilities.

"The evidence was, in a word, overwhelming. As the Florida Supreme Court stressed, this is not simply a coma. (Mrs. Schiavo) is not asleep. ... Medicine cannot cure this condition."

'Pushing The Envelope'

Bush had hoped the issue wouldn't come down to the DCF action or a potential ruling by the U.S. Supreme Court.

The Florida House passed Schiavo legislation last week, and the governor held out hope as the Senate debated the issue.

"If it all works, I will be signing a law by the end of the day," he said Wednesday afternoon.

Despite often dramatic testimony on the Senate floor, it was not to be.

"The law may say what's been done is right, and the courts may say what's been done is just, but I'm here today to plead mercy," said Webster, a former House speaker who became the senior chamber's point man on end-of-life legislation. "Have mercy on Theresa Marie Schiavo."

Opponents said they were leery of upending existing "Death With Dignity" legislation.

Sen. Jim King, R-Jacksonville, who championed that law in the 1990s, said the new bill put end-of-life intentions "on a slippery slope." He expressed concern over continued efforts to override the judicial branch.

"I'm frightened that any time in history that any nation has tried to impose its views over the court system it has appointed, there lies the road to ruin," King said.

Legal scholars and other observers agreed.

Bush is "pushing the envelope in a very dangerous way. He is trying to use his executive power to overrule a judicial decision just as he did in this case before," said Kathy Cerminara, a professor at Nova Southeastern University who has written extensively on end-of-life decision making.

Howard Simon, executive director of the American Civil Liberties Union of Florida, said the governor "has to stop, and start respecting the process."

After news of Greer's injunction prohibiting DCF from taking custody of Schiavo, Bush's communications director, Alia Faraj, said, "We will continue to review all our legal options. We will do everything we legal-



DCF Secretary Lucy Hadi and Gov. Jeb Bush released an affidavit Wednesday from a neurologist who observed Terri Schiavo and wrote that she could be in "a minimally conscious state."

DIFFERENT DIAGNOSES

What is a coma?

A coma is a profound or deep state of unconsciousness. People in comas often appear as if they are asleep, but they are unable to move or respond to their environment.

What is a persistent vegetative state?

People in a persistent vegetative state can no longer think and are unaware of their surroundings. They may occasionally grimace, cry or laugh, and will sleep for periods of time. They do not speak and are unable to respond to commands. Some medical authorities make a diagnosis of permanent, as opposed to persistent, vegetative state after the patient has shown no improvement for six to 12 months.

What is the prognosis?

The outcome for people in a coma or a persistent vegetative state depends on the cause, severity and site of neurological damage. Some people never progress beyond very basic responses, but many recover full awareness. A coma rarely lasts more than two to four weeks. After being diagnosed in a persistent vegetative state, some patients regain a degree of awareness, but others remain in that state for years. The most common cause of death is infection, such as pneumonia.

What is a minimally conscious state?

The term is used to differentiate some people previously diagnosed as being in vegetative states. Minimally conscious individuals may sporadically see, hear and think. In rare instances, they may be able to follow a direction or communicate briefly. The diagnosis involves brain wave tests and documentation of the patient's behavior. Some doctors believe that minimally conscious patients have greater chances for recovery than those in prolonged vegetative states.

WILLIAM POLK CHESHIRE JR.

Gov. Jeb Bush, seeking court permission for the state to take custody of Terri Schiavo, relies on a sworn statement by neurologist William Polk Cheshire Jr.



AGE: 44

PROFESSION: Associate professor of neurology, Mayo Clinic College of Medicine; director, Auto-

nomic Reflex Laboratory (involuntary body reflexes), Department of Neurology, Mayo Clinic, Jacksonville

EDUCATION: Princeton University, West Virginia University Medical School, Trinity International University

Affiliations

- ◆ Member of ethics commission, Christian Medical Association
- ◆ Director of biotech ethics, The Center for Bioethics and Human Dignity, which recognizes how "biblical values have exercised a profound influence on Western Culture"
- ◆ Member, American Society for Bioethics and Humanities
- ◆ Associate member, Hastings Center, a respected bioethics research institute

ETHICS SPECIALITIES: The physician-patient relationship, stem-cell research, human cloning, personhood and end-of-life issues

QUOTE ON SCHIAVO: "How medicine and society choose to think about Terri Schiavo will influence what kind of people we will be. ... It is better to err on the side of protecting vulnerable life."

Research by KEITH EPSTEIN and ANGIE DROBNIC HOLAN; Sources: Mayo Clinic, The Center for Bioethics and Human Dignity, Tribune wires

FEEDING TUBES

Continued From Page 1

bridge, keeping them nourished until they recover enough to eat on their own.

But doctors are discovering that feeding tubes don't always help patients who need them indefinitely, Fine said.

Medical studies in the past five years have determined that feeding tubes don't lengthen life or improve the quality of life when used for long-term management of patients who, for example, are recovering from a stroke or have conditions such as Alzheimer's disease.

"The reflex behavior was to put a feeding tube in everybody and keep them going because we thought it was doing good," Fine said.

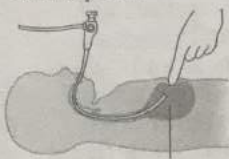
"As it turns out, [feeding tubes] can cause more discomfort and more problem with providing care" by causing serious digestive or respiratory problems, he said.

Prevalence in the use of feeding tubes tends to vary regionally across the United

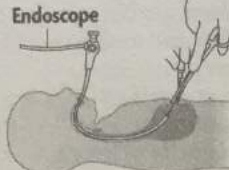
IMPLANTED FEEDING TUBE

A tube can be implanted through the skin and into the stomach to feed comatose people and those with a variety of other medical problems.

How it's put in



Stomach



Endoscope



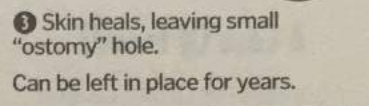
1 Gastrostomy operation creates opening into stomach; two methods:

- Surgical incision in skin, stomach.
- Piercing skin while watching from inside stomach with flexible endoscope (shown on left).

2 Short "button" valve or tube about 5 inches is inserted.



Safety plug



Pump feed Tube Internal end

3 Skin heals, leaving small "ostomy" hole. Can be left in place for years.



How it's used
Prepared solution of carbohydrate, fat, protein, nutrients.

Graphic by Knight Ridder/Tribune; Sources: Medline Medical Encyclopedia, American Association of Critical Care Nurses, ALS Association

States, said Steven Levenson, a Maryland physician who is president-elect of the American Medical Directors Association.

Although medical research is discovering that feeding tubes aren't always good for patients — especially geriatric

patients — that knowledge has not filtered to all parts of the country, he said.

Levenson compared nutritional intervention through feeding tubes to a car in need of gas.

"If you're going to a gas station and pouring gas into an

engine that is malfunctioning, you can pour all you want to, but what good is it going to do?" he said.

"If organs aren't functioning, kidneys are broken down and the heart isn't beating properly, nutrition is not going to fix that."

watching the Schiavo case closely. The case reminds her of a similar painful decision she had to make last year.

Pritchett recently moved to Tampa from New York because of the death of her husband, Byron.

After a snowmobile accident in 2004, Byron was left with extensive neurological damage. Doctors told Pritchett he would not recover.

He did not have a living will, but Pritchett says he told her when he was alive that he would not want to be kept alive through artificial means. She allowed him to be taken off a ventilator after one month.

In addition to enduring her own ordeal, Pritchett saw other patients at the hospital and how their families coped with decisions about life support.

"They weren't what you would think; they were people in their 40s and 50s who had strokes or accidents.

"My brother and I would talk about it. We said that anyone who didn't think they needed a living will should just come spend some time in" an intensive care unit.

Reporter Susan Hemmingway Johnson can be reached at (813) 259-7951.

Myra Christopher, president of the Center for Practical Bioethics in Kansas City, Mo., said she fears the Schiavo case will inhibit families and medical professionals from deciding to allow feeding tubes for critically ill patients.

For instance, feeding tubes can keep stroke patients alive in the hope they may get better within a few weeks or months. But families may become fearful that a feeding tube could not be removed if their loved one never regains consciousness.

"I'm concerned that families and health care professionals have been so unsettled by what has played out that they will say, 'We won't put a tube in, we're not going there,'" Christopher said.

She said the Center for Practical Bioethics has received thousands of phone calls and e-mails in recent weeks from people who are concerned that their living wills aren't valid because of events in the Schiavo case.

Schiavo's legacy may be that her plight has sparked awareness of the need for families to talk about end-of-life issues, Christopher said.

In Tampa, people such as Lisa Pritchett have been

SCHINDLERS APOLOGIZE FOR ZEALOUS BACKERS

By BAIRD HELGESON
and ALLISON NORTH JONES
The Tampa Tribune

TALLAHASSEE — The effort to keep Terri Schiavo alive took on a frenzied and sometimes bizarre tone at the Capitol on Wednesday as some state senators coped with death threats while members of Schiavo's family apologized for the actions of their most fanatical supporters.

"People are calling my friends in this chamber ... murderers," said Sen. Nancy Argenziano, R-Ocala, who wept on the Senate floor saying she feared for her life.

Sen. Frederica Wilson, D-Miami, said she has regularly received threats in the middle of the night. Both Argenziano and Wilson opposed a Senate bill that supporters of Schiavo's parents were lobbying for.

The most rabid for keeping Schiavo alive might have done more harm than good, unnerving even her biggest defenders in the Senate.

"I find those tactics offensive," said Senate President Tom Lee, R-Brandon. "I understand that people are passionate, ... but those tactics are not helpful to the cause they're trying to advance."

Doctors removed Schiavo's feeding tube Friday afternoon after her parents, Bob and Mary Schindler, lost a prolonged legal battle to keep their daughter alive. Schiavo has been in what some doctors call a persistent vegetative state for nearly 15 years. Her husband, Michael, has contended it was her wish not be kept alive by artificial means.



Although police had no problems with protesters Wednesday, some senators reported receiving death threats.

Schindler allies packed the Capitol while the Senate debated and finally rejected a proposal that could have required reinsertion of the feeding tube.

Demonstrators were all over the Capitol, praying, holding signs and sobbing. Signs read: "Feed Terri," "We are Begging for Terri's life," and "Her parents love her as she is."

Capitol police beefed up security but didn't report any problems with protesters. Kay Ragan Durden of Jacksonville sat in the Senate chamber unable to contain her jubilation or frustration as people spoke.

"Shame, shame, shame," she said when a senator spoke against the measure.

"Amen," she said when a senator spoke in favor, check-

ing off his name in a Senate directory.

Demi Jones of Virginia sobbed as Sen. Larcenia Bullard, D-Miami, talked about reading the Bible before arriving at her decision not to intervene. "What about where it says, 'Do not kill?'" Jones asked, erupting in tears. "Terri's dead. She's dead."

The sense of desperation grew during the debate as it began to look as if the measure would fail. The tone often turned angry outside the chamber where Schindler supporters watched the deliberations on a monitor.

As Bullard finished her speech, during which she noted she "fasted and prayed" about her decision, Kelly Rodgers of Atlanta looked at the monitor and scoffed: "How many meals have you missed?"

Several senators said Schiavo's family had apologized for the least savory tactics.

Schiavo's brother, Bobby Schindler, lobbied lawmakers throughout the day.

The staff of Sen. Tony Hill, D-Jacksonville, however, asked authorities to remove Schindler from his office when he insisted on waiting for a meeting with the senator.

Schindler said some of the protests have gone too far, such as a "Wanted" poster depicting the nine Republican senators who voted against provisions that would have allowed the state to intervene in the case.

"Our family deeply apologizes for that," Schindler said.

Reporter Baird Helgeson can be reached at (813) 731-1076. Reporter Allison North Jones can be reached at 850-222-8382.

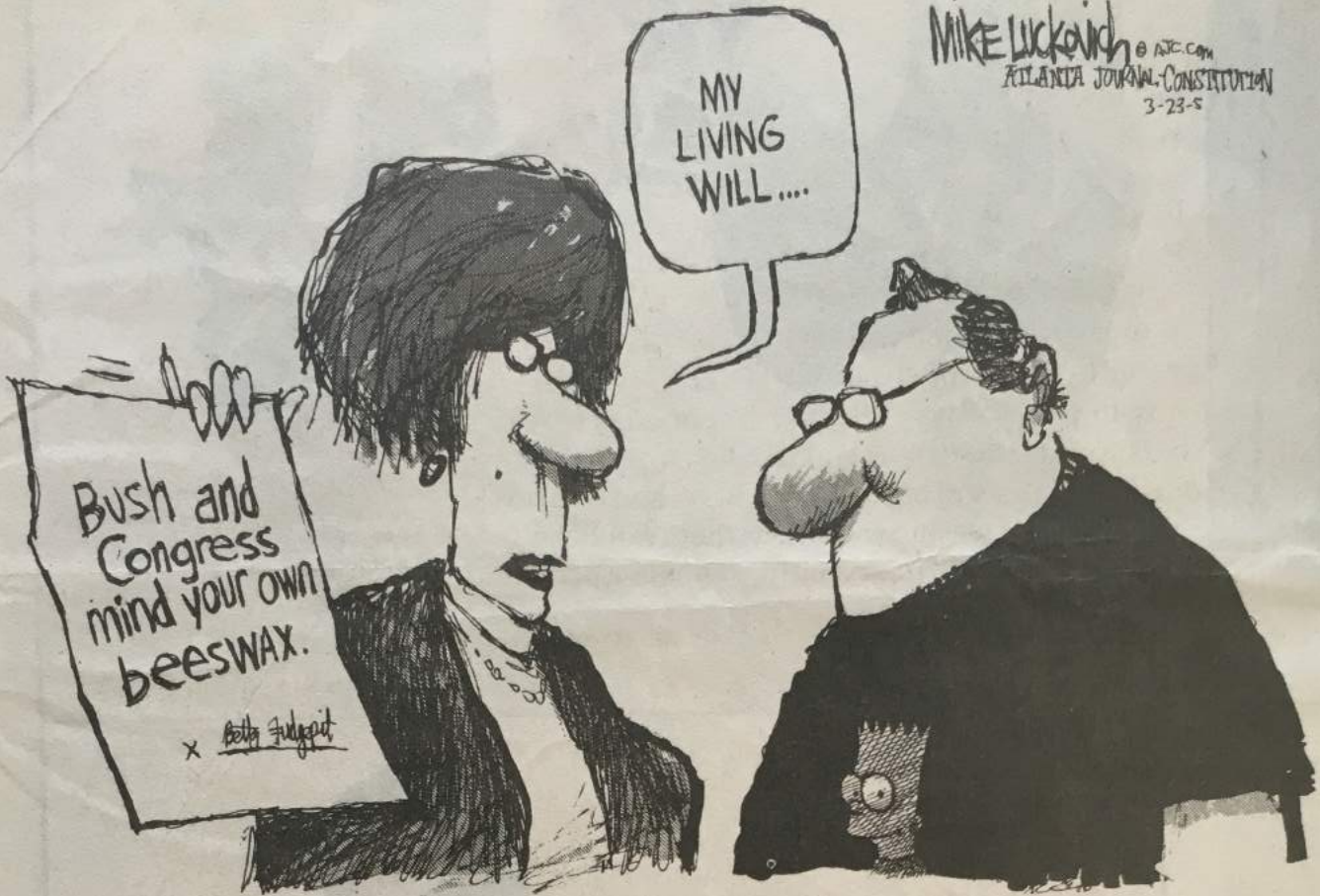


Tribune photos by COLIN HACKLEY

Terri Schiavo's brother, Bobby Schindler, and lobbyist Carole Griffin, center, meet with Lt. Gov. Toni Jennings on Wednesday.

Tone Turns Harsh In Tallahassee

MIKE LUCKOVICH @MLC.COM
ATLANTA JOURNAL-CONSTITUTION
3-23-05



May God Forgive Us For Starving Terri

When I was a very young adult, the story of Karen Ann Quinlan was on everyone's mind. I distinctly remember thinking back then that I'd rather be dead than paralyzed. I also remember my mother telling us that she wanted to die before she reached 60.



PATRICIA DAVID

How perspectives change, depending on our circumstances. My mom is now 63, and I think she sees her age as an asset, not a liability. If she were incapacitated because of an accident, I don't think she'd appreciate it if I "pulled the plug" just because she told everyone years ago that she'd rather not live at this age.

And now that I'm a little older and wiser, I am sure God would give me the grace to live through the challenge of a physical disability.

So it seems to me a non-issue that Terri Schiavo once commented during a movie that she'd rather die than be kept alive by a machine.

My son had an interesting observation: People are kept alive by machines all the time — we call them pacemakers. Will we eventually get to the point that we would rather let someone die than put in a pacemaker to keep him alive artificially — "by machine"?

more merciful with dying animals than with dying people, in that we would never permit an animal to live for so many years in such a state.

This is where we need to acknowledge that the life of a human being is of greater value than that of an animal. But there's a deeper spiritual issue.

In the Garden of Eden, God gave mankind dominion over all the animals of the earth and the responsibility to care for them. We are put in the position to make life-and-death decisions for them.

chines all the time — we call them pacemakers. Will we eventually get to the point that we would rather let someone die than put in a pacemaker to keep him alive artificially — "by machine"?

I guess we had all better think twice before signing that living will.

Years ago I watched a missionary film about Marilyn Laslo and her ministry among the Sepik Iwam people of Papua, New Guinea, who believed that life was in the throat. Consequently, if a person was unable to speak, he was not alive.

Marilyn's closest friend in the village was very sick and could no longer speak. She was still moving. Her eyes were open. But the villagers held a funeral procession and buried her alive. Marilyn was beside herself. She knew a doctor could help. But these people didn't understand.

I believe we are those Sepik Iwam people. Terri Schiavo can't communicate with us. How do we know she has no "life"? We all think we wouldn't want to live that way, so we project our own feelings on Terri and believe she'd rather be dead. We believe her life has no value at all. So what's the harm in starving her?



"By the time the ink is dry on the governor's signature, it will be declared unconstitutional, just like it was before, so I don't see anything or any language that can persuade my vote."

LES MILLER

Florida Senate Democratic leader from Tampa, commenting on legislative attempts Wednesday to save Terri Schiavo

Living Will Necessary, Even If Dreaded

By ROWLAND NETHAWAY
Cox News Service

WACO, Texas — The Terri Schiavo story gave my mother another excuse to lecture me on the need to prepare a living will and a power-of-attorney document.

She lives in an apartment building for elderly and retired tenants. They are all talking about the Schiavo tragedy, she says, and the way it has divided family members and the country.

"This is exactly why I filled out a living will," she said. "Don't you remember when I told you why living wills are important?"

I reluctantly admitted that I remembered her previous lectures on the need to put end-of-life decisions down on paper and file them with important papers such as a will, burial instructions and a document granting power of attorney.

"Then why haven't you done it?" she challenged.

I've been on the losing end of these exchanges since I could talk.

It's on my list of things to do, I said, attempting to reassure her. She wasn't buying it. She wanted me to promise to move it to the top of my to-do list.

I reminded her that I also needed to fix the roof, get a new air-conditioning unit and earn a living, just to mention a few of my more pressing concerns.

She pointed out that Terri Schiavo was a young woman when she suffered permanent damage to her brain. I, on the other hand, am at the advanced age where I could keel over at any moment, according to my mother.

"Well, thank you for that thought, Mother. I feel so much better."

She told me it was for my own good. I cannot count the number of times I've heard that one.

Avoiding The Issue

In truth, I do not like to think about death, dying or end-of-life decisions.

Perhaps that's why an estimated 75 percent of American adults have not provided their families with written end-of-life directives.

Years ago I remember being quite uncomfortable when my mother informed me she was completing a living will and giving me legal authority to act in her behalf if she became incapacitated.

She did not want any extraordinary measures used to keep her alive if she became incapable of handing her own decisions. If the doctors say there is no hope of recovery, pull the plug, she instructed. She said she wanted to die with some dignity.

When she sent me copies of her living will and durable power of attorney, I put them away, unread, with other important papers. My thinking was that I will read her instructions when I have to but not sooner.

Like regular wills, living wills are no guarantee to eliminate all family disputes. They can fail to cover all end-of-life possibilities. They can be contested. They can be ignored.

Nevertheless, seeing how Terri Schiavo's family was torn apart, not to mention the years of litigation and the unseemly scramble to gain political advantage from his tragedy, I am convinced that my mother was right to make out her own living will and to encourage me to do the same.

Rowland Nethaway is senior editor of The Waco Tribune-Herald.

ADVANCE CARE DIRECTIVES

These organizations and many more provide documents to help you plan for end-of-lifemedical care.

Project GRAC

401 Corbett Sreet, Suite 250
Clearwater, FL 33756
(727) 443-263
Fax (727) 4432540
www.projectrace.org

Aging with Dignity ("Five Wishes")

P.O. Box 1661
Tallahassee, FL 32302
1-888-594-787 (1-888-5-WISHES)
www.agingwithdignity.org

The Florida Bar, jointly with the Florida Medical Association

www.flabar.org (click to Consumer Services, the find Living Will link)

American Academy of Family Physicians

P.O. Box 1121
Shawnee Mission, KS 66207-1210
1-800-274-237
www.aafp.org

COMING FRIDAY

Your Decision

A living will makes your wishes known if you become mentally or physically incapacitated.

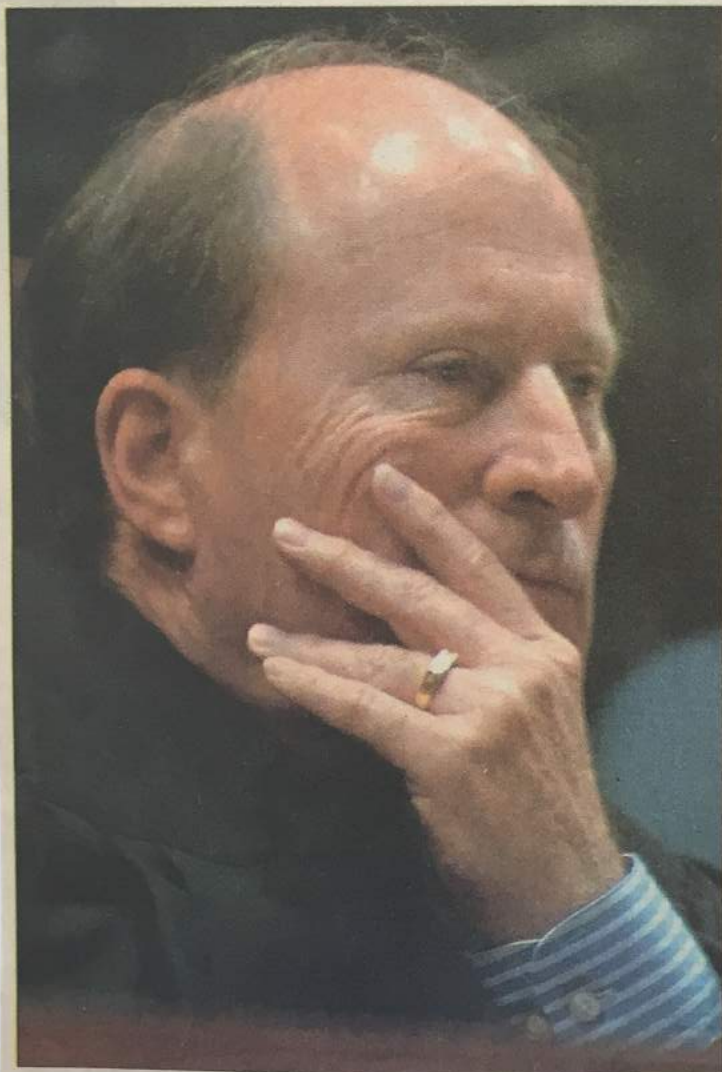
BayLife

THE TAMPA TRIBUNE

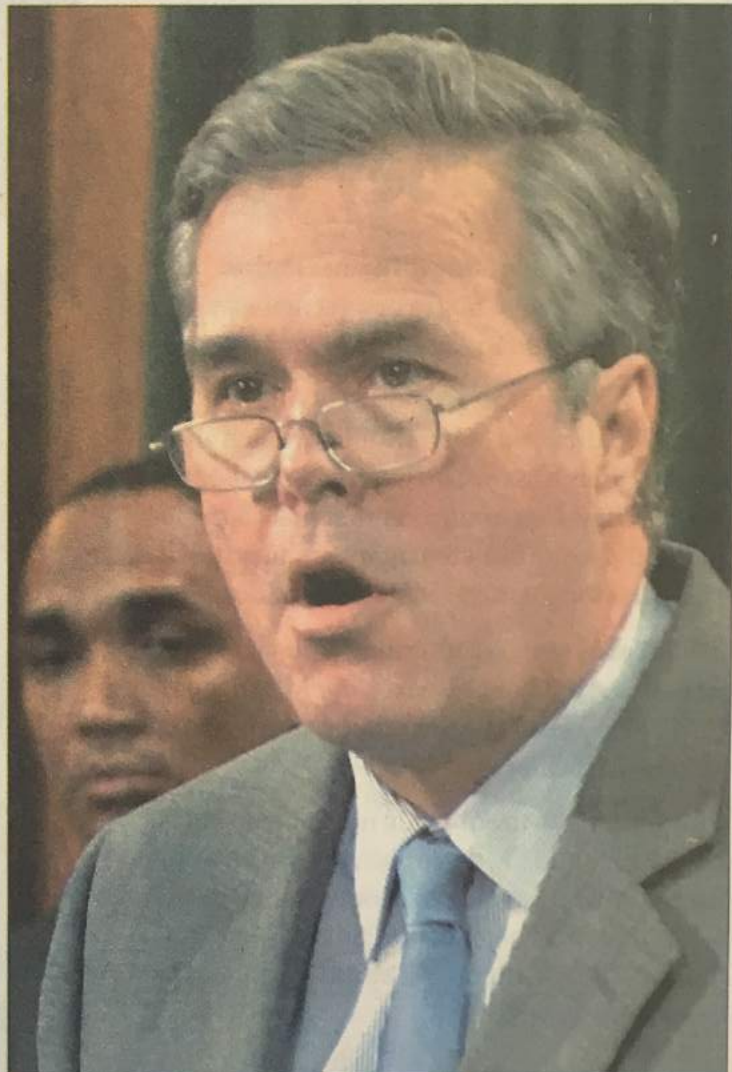
and The Tampa Times

Schiavo Showdown

And Executive Branches Wrangle Over New Medical Opinion



The Associated Press



Tribune photo by COLIN HACKLEY

Circuit Judge George Greer refused to allow DCF officials to take Schiavo into custody Wednesday. "The executive [branch] is unable to go behind the final judgment of this court," he said.

Gov. Jeb Bush had ordered state agents to pick up Schiavo based on new allegations of abuse. He cited a provision in state law that does not require prior judicial approval.

By JEROME R. STOCKFISCH
jstockfish@tampatrib.com

TALLAHASSEE — Terri Schiavo's parents failed Wednesday in three arenas to have her feeding tube reinserted, with Gov. Jeb Bush, the Florida Legislature and the judiciary all involved in the increasingly complicated end-of-life case.

In a late twist, the case prompted a showdown between separate branches of government as a Pinellas County circuit judge forbade law enforcement officers from taking Schiavo into state custody under a Bush directive.

Maintaining there is new evidence suggesting Schiavo "may have been misdiagnosed," Bush and the Department of Children & Families invoked a statutory process that typically allows DCF to intervene in abuse cases.

Schiavo's fifth full day without nutrition or hydration was marked by a flurry of le-

gal, legislative and procedural maneuvers:

◆ In Atlanta, the 11th Circuit Court of Appeals twice refused to order the tube reinserted. A three-judge panel said Bob and Mary Schindler, Schiavo's parents, "failed to demonstrate a substantial case." Then, under immediate appeal, the full court refused a rehearing.

The Schindlers' attorneys filed an appeal with the U.S. Supreme Court late Wednesday.

The Schindlers' request goes first to Justice Anthony Kennedy. He has the option to act on the petition alone or refer it to the entire court, which he did on the last emergency request involving Schiavo.

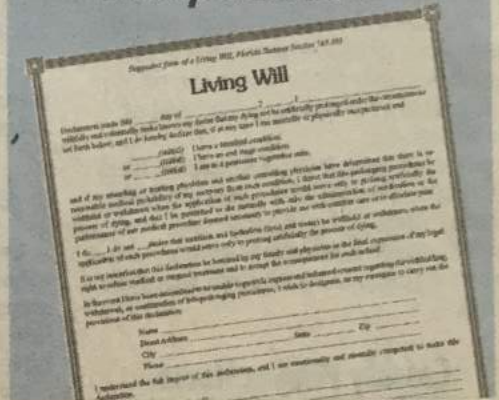
The high court has declined three times to get involved in the Schiavo case.

◆ In Tallahassee, the Legislature jumped

See **SCHIAVO SHOWDOWN**, Page 12 ▶

Doctor says she's "minimally conscious."

COMING FRIDAY
*Do You Have A Plan
If You Become
Incapacitated?*



Feeding Tubes Often A Tough Call For Families

THE DEVICES ARE NO PANACEA
AND NOT ALWAYS BEST COURSE

By SUSAN HEMMINGWAY JOHNSON
shjohnson@tampatrib.com

TAMPA — Like Terri Schiavo, thousands of patients across the country are nourished through medically inserted feeding tubes due to an inability to swallow.

And, like in the Schiavo case, their loved

ones eventually may have to decide whether that treatment is helping in the recovery or merely prolonging an inevitable death.

Feeding tubes "certainly have become more prevalent," said Perry G. Fine, vice president of the National Hospice and Palliative Care Organization.

Fine said Wednesday that the exact number of patients who rely on feeding tubes in the United States is not known, but conditions such as stroke, dementia, cancer or Parkinson's disease can rob peo-

ple of the ability to take in food.

There are several types of feeding tubes for the process that doctors refer to as "artificial nutrition." As in Schiavo's case, a surgical procedure can create a hole in the abdomen to insert a tube that supplies nutrients. Other types of feeding tubes snake through the nasal passage or attach intravenously.

For some, feeding tubes can be like a

See **FEEDING TUBES**, Page 13 ▶

Schiavo case may reduce use, ethicist says.



Terri Schiavo "may have been misdiagnosed," the governor says.

WEDNESDAY'S EVENTS

2:30 a.m. 11th U.S. Circuit Court of Appeals refuses to order reinsertion of feeding tube.

12:30 p.m. Schindlers ask appeals court for emergency review of three-judge panel's ruling.

3:15 p.m. Gov. Jeb Bush announces Schiavo may have been misdiagnosed.

3:30 p.m. Full appeals court refuses to rehear case.

4:45 p.m. The Florida Senate rejects bill in 21-18 vote.

6 p.m. DCF seeks court permission to take Schiavo into custody.

10:45 p.m. The Schindlers ask the U.S. Supreme Court to reinstate the feeding tube.

Times are approximate.

One Life Grips A Nation

Editorial pages around the nation continue to follow developments in the Terri Schiavo case. Following are some excerpts.

Congress Vs. Terri Schiavo

Washington's improper and overtly political intrusion is only the most recent attempt by outsiders to hijack the Schiavo case. Too many people who've tried to influence this collision of morality and medicine want it to be about their priorities — life for all who are living; death for those who appear incurable — rather than about what it truly involves: Who, according to the laws that organize our society, has the final say?

... The courts have consistently ruled in favor of letting Terri's husband, Michael Schiavo, remove her feeding tube, and against her parents, who wanted it kept in place. That was not because judges trusted him more than they trusted her parents. It was because the courts concluded that he was acting in accordance with her preferences, while her parents were not. ... This case has unleashed a torrent of opinion on what measures should be taken for patients suffering from terminal or horribly incurable conditions. That debate may be useful for setting federal and state policy.

It should convince people to contemplate their personal choices — and to prepare legal documents to express those choices. But this policy discussion is only tangentially relevant to the Schiavo case. — **Chicago Tribune**

Whose Death Is It Anyway?

While we share concerns about the precedents set by the White House and Congress interceding in what remains a personal family dispute, we share their desire to see Terri Schiavo's life spared — limited as it is — and to allow her family to care for her. Ending her life serves no purpose but to deepen the anguish and pain of her family. Congress should instead turn its attention to the laws that have given Michael Schiavo sole life-and-death power in this situation, and whether laws should be modified to raise the bar for life-ending decisions.

These are complex questions, just as the Terri Schiavo case is a complicated tangle of family relationships and ethical issues. It shows why we need to permit our judges to use discretion and to interpret our laws according to their consciences. ... Following the law without regard for life's shades of gray has led us to this sad scenario — watching a helpless

A Matter Of Life And Votes

In the Terri Schiavo case, politics sets bad precedent for courts, states and family privacy.

This cannot be what Terri Schiavo wanted, to become a helpless figure trapped in a tortuous legal and political battle. It is perhaps her only blessing that she has no idea what is going on in her name. — **The Detroit Free Press**

woman slowly starve to death. Critics of "activist judges" should keep that in mind in the future. — **The Middletown (Ohio) Journal**

It Should Be A Lesson To Us All

"Congress knows best" is not a widely held view in America, much less that Congress knows best in a family's agonizing decisions about life and death.

The simplest lesson to draw from the intervention of Congress and President Bush in the fate of Terri Schiavo is a personal one.

If you haven't already filed an advance health care directive, stating your wishes in the event you can no longer communicate them, do so today. Otherwise, if you were to suffer severe, irreversible brain damage, the decision about when to end your life could become a national political circus. — **San Jose Mercury News**

Planning For Worse Than Taxes

It is hardly surprising that a society incapable of agreeing on when life officially begins cannot agree on when life can end. What's dumbfounding after 30 years of disputed unplugging, from Karen Ann Quinlan to the

hooked from ventilators, respirators and life-saving devices without one word from Congress. ...

On its face, Congress' decision seems to violate a basic division of our governing structure, which assigns certain duties to the state and others to the federal government. The state court, not Congress, is empowered to hear family and probate matters. Yet Congress has passed a law, applicable to one person, without having considered the factual evidence on which the courts' decisions were based.

For Congress to intrude so wantonly in a family dispute is astonishing. For Congress to substitute its judgment — unvarnished by the evidence and facts of the case — for that of Florida's courts is wrong. — **The Miami Herald**

politically suspended passing of Terri Schiavo, is that enlightened Americans still prove largely incapable of drawing the obvious conclusion, taking responsibility for themselves and making advance preparations to shape their own ends.

... These intensely personal and socially expensive decisions should not be left to governments, judges or legislators better attuned to highway funding. Yet that is precisely what's happening this week and beyond because individuals abdicate responsibility for deciding and communicating, in advance, end-of-life values and decisions. — **Los Angeles Times**

Family Dispute And Congress

Anyone even superficially aware of the Schiavo case knows that it involves a family's most difficult decision: when to terminate medical support to a loved one who cannot sustain life on their own. Today, science and medicine have advanced so much that people no longer simply get sick and die. But for most, the decision to stop or continue life-sustaining support is made without public fanfare. ... In fact, since Schiavo's feeding tube was removed Friday, hundreds of Floridians have been un-

on

People have interesting perspectives on being starved to death. Michael Schiavo's lawyer said it's a peaceful way to die. He also said Terri has no conscious thought; she is not aware of anything happening to her. So there will be no suffering at all, as we understand it.

If that is true, then how is she suffering by being kept alive? If this lawyer is correct, then she has no conscious thoughts such as, "I wish they would just let me die."

All the speculation in the world is irrelevant when it comes to God. How do we know he is not conversing with her, comforting her, drawing her heart to him? God is doing something in Terri. He's doing something in her parents. To short-circuit the process is to thumb our noses at God and to tell him we know more than he does. We are more merciful. We are more gracious.

Who do we think we are?

Many people have said that we are

But God never gave us dominion over one another — except to decree the death penalty for certain crimes, carrying out God's judgment in the way he prescribed. We don't have the right to take on God's role. He is the one who decides when someone lives or dies. We place ourselves at his mercy and trust him to do what is best and right and just. Who are we to question his ways?

Terri's heart stopped once. If God were ready to take her home, it would stop again, regardless of whether she has a feeding tube.

There are times when God keeps us on this earth to do something for someone else. Family members learn unconditional, selfless love; they learn the blessings of caregiving.

My son had an interesting observation: People are kept alive by ma-

Don't think we haven't stepped on a slippery slope.

I wouldn't want to live with Down Syndrome. Will it be acceptable one day to let children born with this deformity simply starve to death in the hospital delivery room?

What if they're born with cystic fibrosis or some other disease? If a relative is severely injured in an accident and will be paralyzed, will we opt to withhold food and water to "get it over with"?

We are cheapening life. And I shudder at where this will take us.

Terri will probably die within a few days. I pray God will give peace to her and her family. And I pray he will spare us the judgment we deserve as a nation for allowing this to happen.

The Rev. Patty David is co-pastor of Zephyrhills Wesleyan Church.

FEDERAL LEGAL PATH

March 18

1:45 p.m. Terri Schiavo's feeding tube is removed.

Saturday

3:15 p.m. Congressional leaders announce a compromise between Senate and House Republicans that would allow federal courts to review Schiavo's case.

5 p.m. The Senate convenes to give permission for the House to meet Sunday.

Sunday

5:30 p.m. The Senate passes a bill to allow the Schindlers to ask a federal judge to review the case.

Monday

12:45 a.m. The House passes the bill.

1:45 a.m. President Bush signs the bill.

4:30 a.m. David Gibbs, an attorney for Schiavo's parents, files a request for an emergency injunction in federal court to have Schiavo's tube reinserted.

3 p.m. U.S. District Judge James D. Whittemore holds a hearing in Tampa.

5 p.m. Whittemore says there will be no immediate decision.

Tuesday

6 a.m. Whittemore denies a request to have Schiavo's feeding tube reinserted.

9:15 a.m. The Schindlers file an appeal with the 11th U.S. Circuit Court of Appeals in Atlanta.

2 p.m. The appeals court gives Michael Schiavo four hours to file a response.

Wednesday

2:30 a.m. A three-judge panel on the appeals court refuses to order reinsertion of the feeding tube.

12:30 p.m. The Schindlers ask for a review by the full court of appeals.

3:30 p.m. The court of appeals denies the Schindlers' request for a rehearing.

10:45 p.m. The Schindlers file an appeal with the U.S. Supreme Court.

All times are estimates.

Research by MELANIE O'BANNON

HOW THEY VOTED:

The state Senate on Wednesday voted 21-18 against Senate Bill 804, which would have prohibited patients in a persistent vegetative state from being denied food and water if they didn't express their wishes in writing.

Voted Yes

Atwater, R-Palm Beach Gardens
Baker, R-Eustis
Clary, R-Destin

Constantine, R-Altamonte Springs

Crist, R-Tampa

Diaz de la Portilla, R-Miami

Fasano, R-New Port Richey

Garcia, R-Hialeah

Haridopolos, R-Melbourne

Lawson, D-Tallahassee

Lee, R-Brandon

Peaden, R-Crestview

Posey, R-Rockledge

Pruitt, R-Port St. Lucie

Sebesta, R-St. Petersburg

Villalobos, R-Miami

Webster, R-Winter Garden

Wise, R-Jacksonville

Voted No

Alexander, R-Winter Haven

Argenziano, R-Crystal River

Aronberg, D-Greenacres

Bennett, R-Bradenton

Bullard, D-Miami

Campbell, D-Fort Lauderdale

Carlton, R-Osprey

Dockery, R-Lakeland

Geller, D-Hallandale

Hill, D-Jacksonville

Jones, R-Seminole

King, R-Jacksonville

Klein, D-Boca Raton

Lynn, R-Ormond Beach

Margolis, D-Miami Beach

Miller, D-Tampa

Rich, D-Sunrise

Saunders, R-Naples

Siplin, D-Orlando

Smith, D-Gainesville

Wilson, D-Miami

Excused From Voting

Dawson, D-Fort Lauderdale

VOICES

Here is a sampling of comments people made regarding whether the Terri Schiavo case has prompted them to consider getting a living will. Read more comments on TBO.com.

“ We made a living will after the last fiasco of the Schindlers in 2003. We all made living wills, and at least 10 people know of each family's desires. I never want a media circus like the Schindlers are staging. I want to go in peace, quiet and comfort of all my family whether they agree with my decisions or not.

DIANE SWEIGART
Inverness

“ I am only 40 years old but will be taking care of my living will just in case something happens to me, and my family encounters these kind of problems. I have already let my family and close friends know what my wishes are if I am ever in a vegetative state. They know that I do not want to be artificially kept alive. I certainly wouldn't like my daughters to have to go through something like this.

SANTIA CAMACHO
Largo

“ I had a will and living will shortly after the death of my father five years ago. When the Schiavo issue became a media circus in 2003, I urged my mate to do a

living will, too, and he did. My mate and my family have all been told exactly what my wishes are as well. Now with the political and media frenzy at once more, I have it also urged my son and fiancée to put their wishes in writing as soon as possible.

BARBARA LoVALLO
Land O' Lakes

“ Yes. I have a living will, have had for many months. My attorney has a copy, as well as most members of my family. Please, by the grace of God, never place me in the same position as Mrs. Schiavo.

SCARLETT WOODARD
Clearwater

“ You would be crazy not to [have a living will].

MARIE CORDE
New Port Richey

“ Shortly after Jeb Bush decided to overrule the courts and order Terri Schiavo's feeding tube reinserted, my husband and I both executed living wills. Now, with the recent events involving Jeb Bush and his brother, the president, to intervene once again, I am questioning whether even my written directives will hold up against a government that feels compelled to force its personal beliefs on everyone.

WENDY HAYWOOD
Riverview

“ I don't need a living will. I will leave instructions that all means be used to keep me alive forever and have the bill sent to organizations that have supported the Schindler family.

MARK THOMPSON
Brandon

Doctors, Guardians Answer Questions

NEWS RAISES QUERIES INTO LEGAL, MEDICAL ASPECTS

By **MARK BIXLER**
Cox News Service

ATLANTA — The intense media coverage of the Terri Schiavo case has raised some persistent questions. Here are answers to some:

Q Does Terri Schiavo have life insurance that could be motivating her husband's wish to let her die?

A She has no life insurance, according to Jay Wolfson, a University of South Florida professor with a law degree and public-health doctorate who served as the court-appointed guardian for Schiavo's legal interests. He spent a month reviewing medical and court records, visiting Schiavo frequently and talking with her husband and parents. Wolfson said he knew of no financial interest Michael Schiavo has in his wife's death.

Q It's been reported that a CT scan showed Terri Schiavo's cerebral cortex had deteriorated beyond the point at which she could be expected to recover. Some people say an MRI would be much more precise in making that determination. Why hasn't she had one?

A A CT scan, or computerized tomography, uses a moving X-ray scanner and a computer to map images inside the body. An MRI, magnetic resonance imaging, uses magnets and radio waves to create more detailed images of particular areas. Ronald Cranford, a neurologist who served as an expert witness for Schiavo's husband in diagnosing Schiavo as being in a persistent vegetative state, has insisted in interviews that, in Schiavo's case, the additional detail would not add information relevant to making that determination. Also, the Los Angeles Times has reported that, according to Wolfson, Michael Schiavo took his wife to Cali-

fornia for experimental treatment in 1990, when a thalamic stimulator was implanted in her brain. Some neurologists consider that an obstacle to MRI scans, which can be affected by the presence of implanted metal or electronic devices.

Q Did Michael Schiavo abuse his wife?

A Despite assertions of abuse by some, Wolfson said, "There's no evidence that he abused her" or "did anything untoward or inappropriate." That echoes a 1994 finding by another court-appointed guardian for Terri Schiavo, John H. Pecarek. He "found no inappropriate actions and indicated that Michael had been very attentive." Wolfson said recently that Michael Schiavo for several years worked "tirelessly" with his wife's parents "to do everything they could to find some way to rehabilitate her and bring her back to normal." But, after doctors had told him for several years that his wife was in a persistent vegetative state, "Mr. Schiavo came to the conclusion that there was no hope," Wolfson said. He called Michael Schiavo "a distant, cool guy. But he's not a bad guy." For several years, Wolfson said, Michael Schiavo lavished attention on his wife, prodding hospice workers to change her sheets and brush her hair. He urged them to care for her with such fervor that "there was an effort to get a restraining order against Mr. Schiavo because he was demanding so much attention of the staff at the facility that the administration felt that staff were ignoring the needs of other patients."

Q Gov. Jeb Bush this week cited "new evidence" provided by William Cheshire, a Mayo Clinic neurologist in Jacksonville, in his bid to have Terri Schiavo's feeding tube reinserted. Did Cheshire examine Terri Schiavo?

A Cheshire "observed the patient at her bedside and conducted an extensive review of her medical history but did not conduct an examination," the Jacksonville Mayo Clinic says on its Web site. He is also a bioethicist and an active member in Christian organizations, including two whose leaders have spoken out against the tube's removal.

Q Why are Terri Schiavo's parents not allowed in her room by themselves? Why can't they stay in the waiting room at the hospice?

A As his wife's guardian, Michael Schiavo controls access to her. Her parents come in and out to visit. A hospice spokeswoman said they have not asked to stay.

SCHIAVO PROCESS

Continued From Page 1

injured.

The nighttime hearing in Tampa ended a day of desperate legal maneuvers.

David Gibbs III, an attorney for the Schindlers, implored U.S. District Judge James D. Whittemore to order that Schiavo be provided at least intravenous hydration or to allow her parents to attempt to feed her by mouth.

"We are right on the precipice of where she will leave this world," Gibbs told the judge. "We are looking at probably a day or two. Not that Mrs. Schiavo will die, but that renal failure or some other irreversible condition will set in."

7 Days Into Death Process

George Felos, the attorney for Schiavo's husband, Michael, said it was time to end the litigation. "Seven days into her death process, she has a right to die in peace," he said. "To rehydrate her and force her to begin the death process again would be cruel."

On Tuesday, Whittemore denied the Schindlers' request for an order to reinstate the feeding tube, saying they had not established that they had a strong chance of prevailing in court on the merits of their lawsuit filed Monday.



Tribune photo by BRUCE HOSKING

Chris Dillard, left, who supports keeping Schiavo alive, discusses the case outside Hospice House Woodside with Sean Smith, who maintains that the judges' orders should stand.

holding yet another emergency hearing at which Michael Schiavo's attorney asked him to block the DCF from taking Terri Schiavo away from Hospice House Woodside, where she has had no food or water since 1:45 p.m. March 18.

George Felos told Greer he again had reason to believe the DCF was about to try to take Terri Schiavo from the hospice with the help of Florida Department of Law Enforcement agents.

As he had the evening before,

state of Florida," Felos said after a morning hearing.

"The conduct of the executive branch of the state of Florida has been reprehensible."

Disappointed With Governor

Outside the hospice, news of the U.S. Supreme Court's refusal to intervene and Greer's denial of the DCF motions was met with bowed heads and prayers among a small, somber crowd.

Some held signs such as "Save Terri From Judicial Homicide," and "Disabled, Not Disposable." Others collected signatures on a petition to impeach Greer.

A young boy methodically banged on a makeshift drum, fashioned from a plastic bucket, to simulate the sounds of a beating heart.

Spokesmen for the Schindler family were fuming that Bush had done nothing more to save the brain-damaged woman's life.

"Gov. Bush and the DCF do not have to ask permission of a judge to enforce the statutes that are on the books," Operation Rescue founder Randall Terry said.

"It's an appalling lack of will."

The Schindlers, through spiritual adviser Brother Paul O'Donnell, asked the protesters to remain "peaceful and prayerful," an apparent reference to the seven adults and three children arrested Wednesday in a choreographed effort to bring Terri Schiavo water.

There were no arrests as of



The lawsuit was filed after Congress passed a law giving a federal judge jurisdiction and instructing the court to review anew any claims that Terri Schiavo's rights were violated. Whittemore's denial was upheld by the 11th Circuit Court of Appeals, and the U.S. Supreme Court on Thursday refused to hear an appeal. Later in the day, the Schindlers filed an amended lawsuit and were granted the second hearing before Whittemore.

Gibbs asked the judge to convene a hearing to determine Terri Schiavo's wishes. "We believe that Terri's wish would be to live," he said.

But Felos said that determination had already been made by Greer. "The intensive adjudication of Mrs. Schiavo's rights has to come to an end."

The day began with Greer

the judge asked a DCF lawyer for assurances the agency would not take unilateral action in violation of court orders.

DCF attorney Keith Gonobsik said he could offer no such guarantee.

The agency is mandated by law to protect Terri Schiavo while it investigates allegations of abuse lodged against Michael Schiavo, Gonobsik said.

Greer said he would not allow the DCF to interfere with his order that Terri Schiavo's feeding tube be removed according to her wishes.

The judge again ordered Pinellas County Sheriff Jim Coates to back up Pinellas Park police should state agents show up at the hospice.

"As I stated last evening, the executive branch and the legislative branch and the judicial

That time, Bush was relying on a hastily crafted measure known as Terri's Law. The Florida Supreme Court ruled last year that it was unconstitutional and that Bush had overreached his authority.

DCF Remains Shut Out

Later Thursday, Greer denied a pending DCF request to become a party to the Schiavo case so the department could advocate for the feeding tube's reinsertion.

"The requested intervention, although ostensibly brought to ensure compliance with this statutory mandate, appears to be brought for the purpose of circumventing the court's final judgment," the judge wrote in his decision.

Within minutes, the DCF filed notice of its third appeal of Greer's rulings.



Christa Carpenter of Clearwater leads demonstrators on a Rosary march outside Hospice House Woodside on Thursday.

All three appeals, two dealing with requests to intervene in the Schiavo case and one dealing with the restraining order, remain pending before a state appeals court.

The DCF also filed an appeal to the Florida Supreme Court asking it to overrule Greer and allow it to take Terri Schiavo into protective custody. That appeal was denied.

"It saddens me greatly that we have to run to court to get court orders to protect Terri Schiavo from the abuse of the

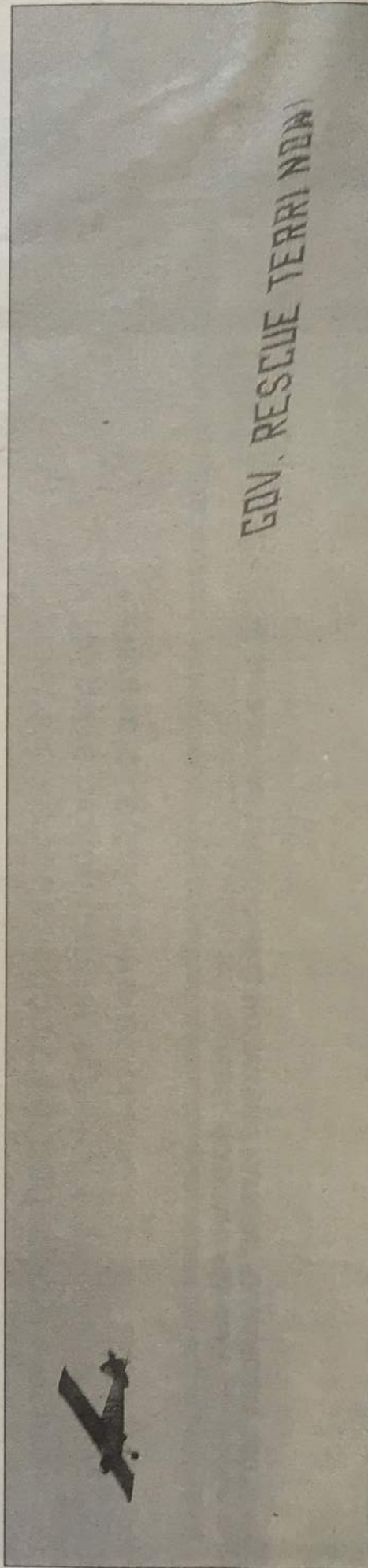
late Thursday afternoon.

Asked about Schiavo's condition, O'Donnell said: "It's pretty much the same as the last few days. The complexion's gone from her face. Her cheeks are sunken. The bones under her eyes are more predominant. Her skin is dry. Her mouth is dry."

But another Schindler family spiritual adviser, Monsignor Thaddeus Malanowski, said on Thursday that he had had a pleasant visit with her Wednesday night. He said he had found her in a good mood, her eyes open.

Maybe she looked "a little gaunt," he said, but there were few signs of deterioration.

Tribune reporters Carlos Moncada and Anthony McCartney and News Channel 8 reporter Mark Douglas contributed to this report.



GOV. RESCUE TERRI NOW

Florida Gov. Jeb Bush said he had nearly exhausted his options to keep Terri Schiavo alive. Her parents' representatives expressed disappointment in him.

Tribune photo by BRUCE HOSKING

FINAL WISHES

Continued From Page 1

Schiavo's case and the ensuing pitched battle among political, legal and medical forces has triggered a sudden rush of interest in living wills. The documents establish measures that doctors and family members should or should not take if the signer becomes incapacitated or needs medical life support to survive.

Many seeking living wills say they never gave them a second thought until the Schiavo case riveted the nation.

Hospital administrators, doctors and online legal publishers say they never have seen such strong interest in living wills. Many of those rushing to set up living wills are young and healthy, rather than the elderly or critically ill, experts say. Schiavo was 26 when she suffered heart failure.

"Prior to Terri Schiavo, we would give people the information packet and you'd see people throw it in the trash on the way out the door," said Jim Jones, director of case management at University Community Hospital in Tampa.

"Now, we've seen this tre-

mendous increase in interest, people coming in saying 'I don't have a living will,'" Jones said.

Even physicians have popped in his office for a living will form.

Former patients at the hospital also are asking for living will forms, and some have requested overnight shipping, Jones said.

Patients Eager To Tackle Topic

In the past, administrators at the H. Lee Moffitt Cancer Center & Research Institute in Tampa rarely heard patients at the front desk ask for living wills.

"But now they come right out and ask for it," said Miriam Bell, manager of patient relations and patient education. "That's definitely different, and I attribute it to the Schiavo case."

Judie Glenn of St. Petersburg said the Schiavo case got her moving quickly on setting up a living will. With oral surgery scheduled today, she made sure she filled out a living will Wednesday, just in case.

"If you do not have this in writing, your wishes might not be granted," she said.

Hospital workers also are rushing to set up living wills.

"Terri Schiavo is 41. I'm 42... It can happen," said Melodie Howerton, a New Tampa resident and data analyst at University Community Hospital.

Watching TV news coverage of Schiavo, she is reminded of her mother's struggle with can-

cer 20 years ago.

"We didn't think she would want to be kept alive artificially," Howerton said. "But we had an aunt who went ballistic on us about that. You need to make the decision yourself and not put your family in that position."

James Herzog, communications director for Aging With Dignity, a nonprofit organization in Tallahassee, said the Schiavo case has spurred huge interest in a \$5 living will package the group offers. Orders have skyrocketed to more than 3,000 a day from the customary 100. "More and more of the calls now are coming from younger people who have heard of the Schiavo case and how heart-breaking it is and don't want that same thing to happen to their family," Herzog said. "We've had to call in extra volunteers. The phone lines keep lighting up, and the Internet orders keep coming in."

John Spallino, a physician in Tampa, says he never has seen such high interest in living wills among his patients.

"Four or five patients today alone were asking about the Schiavo case," Spallino said.

The dramatic legal and political battle over Schiavo has prompted interest in living wills elsewhere in the nation.

Kyle Christensen, a spokesman for Thomson Financial, a

business information company that operates the FindLaw.com Web site, said Internet traffic to the company's information on living wills has spiked in the past few weeks. More than 5,000 visitors have followed a link that helps locate local lawyers by specialty.

Form Might Not Be Enough

FindLaw commissioned a study in February that found only 36 percent of respondents had living wills.

Thinking and talking about a living will is a good start, local lawyers say. But too often people think living wills are a complete solution, said James Eggert, a Tampa lawyer who specializes in trusts, wills and estates.

"A lot of people seem to think this is like a black box, that you fill it out and that means they won't end up like Terri Schiavo," Eggert said. But when he starts asking clients about various medical scenarios, clients realize a detailed living will can be a very complex document.

Florida law, Eggert said, describes three major criteria governing living wills: persistent vegetative state, end stage condition and terminal condition.

For example, Eggert said, a person may have Alzheimer's that a doctor diagnoses as end stage, meaning there is no reasonable chance of recovery. But

in the meantime, they may contract pneumonia, which is treatable.

"Do you let that pneumonia run its course and maybe you survive it and maybe you don't, because you're in an end stage?" Eggert said.

There isn't any standard form that will answer all the possible questions that could arise as medicine advances, he stressed. People should consider naming a health care surrogate — a trusted and objective person who would make medical decisions for them if they become incapacitated.

Doing so in writing decreases the chances that there will be a major dispute if the living will is challenged in court. The more precise, descriptive and current the language in the document, the better, Eggert said.

The Rev. William Baugh, director of the pastoral practice group at Tampa General Hospital, said the Schiavo case appears to be stirring people to address a difficult issue.

Typically, Baugh said, his office might handle requests for three or four living wills a day. Now they are fielding 20 a day.

"For me, if anything good comes of Terri Schiavo's situation, hopefully it's that people are talking about this."

Reporter Richard Mullins can be reached at (813) 259-7919.

Case Has Spurred Many To Put Final Wishes Down On Paper

LIVING WILL ONLY A START, LEGAL AUTHORITIES ADVISE

By RICHARD MULLINS
rmullins@tampatrib.com

TAMPA — During the past week, Lisa Hill has been on a crusade to get people to set up living wills. Spurred on by the dramatic struggle over Terri Schiavo's fate, the 20-year-old has been handing out blank, standardized living will forms to friends, coworkers and others and urging them to fill it out.

"All this with Terri Schiavo would not have happened if only she had a living will," said Hill, a college student who holds jobs at a Brandon law firm and pet store.

As she watched coverage of the legal, political and family struggle over whether Schiavo's feeding tube should be restored, she bristled and fretted that the same could happen to anyone unless they documented their wishes. The Brandon resident found a living will online, confirmed with lawyers at work that it was legally sound and started handing out copies.



Jones
The hospital official says people who used to toss away information on living wills are asking for it.



Howerton
A disagreement about her dying mother's treatment compelled her to make her wishes known.



Baugh
The clergyman says Terri Schiavo's case is getting people to consider difficult choices.

Reaction has been mixed, but most people welcome her overtures, Hill said.

"The first person at the pet store took five copies for their family," she said.

See **FINAL WISHES, Page 10** ▶
Orders for living will packets skyrocket.

THURSDAY'S EVENTS

11:30 a.m. U.S. Supreme Court refuses to rule on Schiavo case.

11:30 a.m. Pinellas Circuit Judge George Greer denies the Department of Children & Families' motion to take custody of Terri Schiavo.

6:30 p.m. U.S. District Judge James D. Whittemore hears an emergency plea from the Schindlers.

8:15 p.m. A suspicious package is found outside the federal courthouse in Tampa, evacuating the area but not stopping the hearing.

9:15 p.m. The Florida Supreme Court refuses to overturn an order by Greer.

All times are approximate.

INSIDE

AN EASY TARGET: Michael Schiavo's personal life has been fodder for critics and plastered across radio and television shows. **Page 11**

ALTERED LIFE: Bobby Schiavo's renewed faith carries him through the emotional turmoil swirling around his sister, Terri. **Page 11**

MULTIMEDIA



Keyword: Schiavo, for the latest developments and recent court orders.

an evening nearing in downtown Tampa, where police cordoned off an area around the federal courthouse and brought in a bomb squad when a suspicious package was discovered outside.

Bomb squad officers eventually exploded the package, and no one was

See **SCHIAVO PROCESS, Page 10** ▶
DCF continues trying to get involved.



The Associated Press

Michael Schiavo's attorney, George Felos, right, joined by Hamden H. Baskin III, called the state's behavior in the case reprehensible.

A Living Will:

Make Your Wishes Known

TAMPA — It can happen to anyone, just as it happened to Terri Schiavo.

A heart attack, stroke, car accident, disease or other misfortune leaves a person incapacitated, and the family must care for a relative in a vegetative state — and without a living will.

This simple document, also known as an advanced health care directive, is a plan for incapacity. It lets a person decide, ahead of time, whether to be kept on or off artificial life support if he or she is permanently unconscious or unable to communicate.

The Florida Legislature recognizes that every competent adult has the right to accept or refuse medical treatment that only prolongs death. A living will instructs the caretaker whether to keep or remove a feeding tube if it serves only to prolong, artifi-

cially, the process of dying.

The document should not be confused with a last will and testament, which specifies how property should be divided after a person's death.

To be legal, a living will must be signed in the presence of two witnesses. It does not require a lawyer or notarization.

The form on this page can be used as a living will, or download and print one off the Internet at www.flabar.org, www.flsenate.gov/Statutes or TBO.com. Or, type into a search engine "Florida Statutes Section 765.303."

For advice on living wills, call your attorney or the Florida Bar Lawyer Referral Service at 1-800-342-8011.

Kurt Loft

'Passion' Helped Brother Overcome Anger

REKINDLED FAITH GUIDES HIM
AS HE FIGHTS TO SAVE SISTER

By MICHELLE BEARDEN
mbearden@tampatrib.com

TAMPA — The anger was eating him up.

For Bobby Schindler, it became almost unbearable; anger at the legal system, his Catholic church and his God. The grueling court battles and legal maneuverings to keep his sister, Terri Schiavo, alive was almost too much to bear for him and his family.

Then last year before Easter, something happened. Schindler went to see the controversial film "The Passion of the Christ." He still tears up when he recalls that turning point.

"I can't begin to tell you the profound effect it had on me," says Schindler, 40, his voice breaking. "After I walked out of there, I re-evaluated everything in my life."

He went to church on that Good Friday and sat for a long time in prayer. That was the beginning of his journey on the road back to God.

Now, a year later, the Tampa Catholic High School mathematics and science teacher depends on the strength of his renewed faith to carry him in these emotional days. The clock is ticking for his sister, so sleep and food are luxuries he can't afford. The past week has been a blur, from a trip to Tallahassee to lobby politicians to a barrage of media interviews.

He hears the critics who wonder why the Schindlers just can't let Terri go. He doesn't care what they think.

"She's our family," he says. "We're doing everything we can to get her back home with us. If you faced the same circumstances, you'd be doing the same thing."

He never wanted to be thrust in the public arena and in the media glare.



Tribune photo by CAROL CLEERE

Bobby Schindler, Terri Schiavo's brother, is convinced his sister is conscious. "There's not a doctor in the world who can tell me otherwise," he says.

What he likes best is listening to Bruce Springsteen and teaching spinning classes at Harbour Island Athletic Club. In the teacher's lounge at school, he's known for his quick wit.

But much has changed in his life since his older sister suffered a heart attack 15 years ago at age 26 and fell into what doctors call a persistent vegetative state. He hates that term, calling it offensive.

He says it was tough in the beginning to visit her. The siblings had always been close — 13 months apart — and he mourned for the Terri he had lost.

"To see her in that condition ... and realize she could possibly be like that the rest of her life, that wasn't easy," Schindler says. "I've changed a lot. Today, I want nothing more than to take care of her."

Schindler has read the evaluations and heard testimonies by doctors. Nothing will convince him Terri is not aware of her surroundings. Three years ago, he went to a Springsteen concert in Miami and got to shake his rock hero's hand. He returned home and excitedly recounted that moment to his sister.

He says Terri smiled at the news. And that didn't surprise him: She had given him his first Springsteen album.

"I know she hears me, and she knows what I'm saying to her," he says. "She reacts all the time. It's not random, and it's not reflexive. And there's not a doctor in the world who can tell me otherwise."

His best friend and fellow teacher, Mark Jacim, says the two talk a lot about their faith. He has watched his friend deal with the worst of circumstances yet avoid falling into self-pity.

"Instead of falling away from God and religion, he dives into it," Jacim says. "And he helps me through my own problems, even though he's got enough of his own. I have nothing but admiration for Bobby."

This summer, they're going to take a road trip out West. Two good friends, he says, single and on vacation, "blowing off steam." He thinks it will be good for his buddy, no matter the outcome.

Schindler says he knows the outpouring of prayers from around the world have helped Terri and his family. Still, given the circumstances, he doesn't know whether he will feel joy this Easter. What he does know is when Terri's time to die comes, she will go to heaven.

And then, he says, it will be his time to forgive.

"I'll do what I have to do to get through this," he says. "My relationship with God will only get stronger. I won't let anger take over my life."

Reporter Michelle Bearden can be reached at (813) 259-7613.

Few Public Comments

Michael Schiavo's side of the Terri Schiavo saga seems the least known — in part, perhaps, because he seldom grants interviews.

The youngest of five brothers raised as Lutherans, he grew up in Pennsylvania and moved with Terri Schiavo to Florida in 1986.

When Michael Schiavo does speak, as he has in two recent appearances on CNN's "Larry King Live," he appears expressionless, giving short answers often expanded by his lawyer, George Felos. At one point, Schiavo, a former restaurant manager who became a nurse to care for his wife, did choke up when he said he still loved Terri Schiavo.

"The reason why I've been keeping private for the longest time ever here, I've always wanted to protect my wife's privacy," Michael Schiavo, 41, said in an interview on ABC's "Nightline" last week. "I don't like, I didn't want to put her picture all over the news. I just wanted to keep her private."

In court records, interview transcripts and his public statements, he emerges as focused since 1998 on meeting what he insists were his Roman Catholic wife's wishes: that her life not be artificially prolonged if she ever got incurably sick.

"Again, Larry, you've asked me this question before. This is what Terri wants," Schiavo said Monday night on CNN. "She does not want to be in this condition. She does not want to exist in this condition. And I'm going to carry out what she wanted."

Schiavo, and court records from the 2000 trial in which his wife's feeding tube was initially ordered removed, say Terri Schiavo voiced her wishes after watching her grandmother deteriorate.

Deflecting questions about his alleged financial motives, Schiavo has said publicly that he has turned down separate offers of \$1 million and \$10 million from private individuals if he would turn over guardianship of his

wife to her parents. He also says there's no insurance to collect.

"I made a promise to Terri," Schiavo told Larry King. "I'm going to stick by her side, and I'm going to do this for her. Terri is not a piece of property you pass back and forth. She didn't say, 'When I become sick, give me back to my parents.' I will stick by Terri."

Michael Schiavo and his in-laws had a falling out in 1993, three years after Terri Schiavo suffered brain damage when her heart stopped, possibly because of an eating disorder.

Court transcripts show Bob and Mary Schindler, Terri's parents, grew angry because Michael chose not to treat a urinary tract infection that Terri had developed. That was his right as her medical proxy and legal guardian, a court ruled.

The Schindlers petitioned to remove him as guardian. "He has made a mockery of his marriage to Terri," the petition stated. They lost in court.

Bob Steele, a media ethicist at The Poynter Institute, said the Schiavo case raises so many questions about public policy, life and death and family relations that dumbing it down to a battle between Michael Schiavo and his in-laws grossly oversimplifies it.

That also makes Michael Schiavo vulnerable to criticism because he speaks out less than his wife's parents, who have kept high profiles on talk shows and interviews recently.

"I think he's been unsympathetically portrayed in some stories," Steele said. "There's some risk when a key participant in an issue, a key character, is not highly accessible. But not seeking the public platform to personally speak out is his right."

Yet, that makes him seem emotionally detached from the case, she said.

"It's probably left him open to criticism in other ways as someone not willing to publicly justify his position," he said.

Information from The Associated Press was used in this report. Reporter Brad Smith can be reached at (813) 259-7365.

Private Husband Endures Bad Publicity

SCARCITY OF APPEARANCES LEAVES HIM VULNERABLE

By BRAD SMITH
bsmith@tampatrib.com

TAMPA — At the U.S. Capitol, Michael Schiavo's love life and suspected greed in seeking his brain-damaged wife's death became congressional debate fodder.

On cable news and talk radio shows, the man who married Terri Schindler in 1984 is the villain in a national life-and-death saga.

Five years after his wife lapsed into what doctors call a persistent vegetative state on Feb. 25, 1990, the Levittown, Pa., native moved in with another woman in Clearwater and fathered two children. Now, some commentators paint him as a cruel cad who seeks to starve his bedridden wife.

Claims that Michael Schiavo abused his spouse and fears her waking up and blowing the whistle on him still swirl, despite repeated state investigations that cleared him.

Journalists fretted this week that Michael Schiavo was either being demonized as the next bad husband after convicted spouse-killer Scott Peterson, or not investigated enough.

"He's been given the benefit of the doubt regarding his 'devotion' to his wife, even though he shackled up a long time ago with another woman but didn't have the ethics to divorce his wife so her family could take care of her," wrote Julia Duin, assistant national editor of The Washington Times. Her comments appeared in a letter posted to a Web site of The Poynter Institute media think tank in St. Petersburg.

By 1998, Michael Schiavo began legal moves to remove his wife from life support after deciding, based on doctors' reports, that she had no hope of recovery. The parents disagreed, and the court battles began.

Money Matters

Overlaid in the dispute were money questions about a \$1 million-plus medical malpractice verdict after Michael Schiavo sued the doctors who treated Terri.

Of the total, Terri Schiavo received \$750,000 for medical care and Michael Schiavo kept \$300,000 for loss of consortium damages, records show. The parents wanted some, too, and that's when relations soured further.

Little remains, according to Felos.

While the Schiavo case has been dissected for years by Tampa Bay news organizations, the story rarely reached a wider audience, even when Gov. Jeb Bush pushed through Terri's Law and had her feeding tube reinstated in 2003.

That changed a week ago, when Terri Schiavo's feeding tube was disconnected, for the third time in five years, on orders from a state judge.

Suddenly, Michael Schiavo's private life was the talk of Washington.

"I am concerned that her husband is pushing for her feeding tube removal after he has become involved with another woman and had children," said Rep. Terry Everett, R-Ala., on the House floor before a bill emerged Sunday night, sending the case to federal courts.

That drew a rebuke from Rep. Deborah Wasserman Schultz, D-Weston.

"The representation regarding the care of Theresa Schiavo by her husband as represented in the Chamber is totally inaccurate," Wasserman Schultz said.



Associated Press file photo (2003)

Michael Schiavo often appears expressionless and detached when he speaks in public, which might fuel criticism of him, according to a media ethicist.

WILLIAM M. HAMMESFAHR

AGE: 46

EDUCATION: Northwestern University, Medical College of Virginia

PROFESSION: Neurologist, founder of Hammesfahr Neurological Institute in Clearwater where he treats patients for stroke, brain injury, cerebral palsy, and other illnesses

SPECIALTY CERTIFICATION: Neurology, American Board of Psychiatry and Neurology

◆ Hammesfahr testified in the 2002 trial before Judge George Greer that he could improve Terri Schiavo's condition.

◆ Michael Schiavo's attorney George Felos questioned his credibility at trial, criticized him for charging cash for treatments and advertising himself as a nominee for a Nobel Prize based on a letter his congressman wrote to the Nobel committee.

◆ The American Stroke Association has faulted Hammesfahr for not using scientific methods to test his results.

◆ In 2001, the Florida Department of Health accused him of falsely advertising a neurological treatment and exploiting a patient for financial gain. The treatment is "contrary to current neurological knowledge," the department said. Hammesfahr denied the accusations, and in an interview Thursday he said the probation and fine against him were overturned on appeal.

Excerpts from Hammesfahr's court testimony:

"In a PVS patient, a vegetative state patient, they will have maybe a brief glance towards the area from that orienting reflex followed by random eye movements in all different directions with no response, no facial response, no attempting to fixate with her eyes. ... She is absolutely responding to her mother. ... There's no doubt. She is definitely aware of her mother.

"She is communicating already. She is communicating through following instructions. She is communicating through gaze preferences towards people. ... She has the ability of language.

"No, she is not in a persistent vegetative state. ... She is severely injured. She was a medical survivor to another physician. I would say that she is expressively aphasic. That means she has lost the power to speak. ... She clearly understands some things. She is like spinal cord victim Christopher Reeves."

Research by **ANGIE DROBNIC HOLAN**; Source: Tribune archives, The Associated Press, Florida Department of Health

cordoned off when an abandoned knapsack was found outside the building. The Tampa police bomb squad destroyed the bag and found it was filled with personal belongings traced to a homeless woman. After questioning, authorities determined she had nothing to do with the protesters and was not attempting to threaten the courthouse. She was released.

"It's a very sensitive time, so security took it very seriously," said Laura McElroy, a spokeswoman for the Tampa Police Department.

Reporter Anthony McCartney contributed to this report, which includes information from The Associated Press.

Schiavo In 'Last Hours,' Exhausted Father Says



The Associated Press

Thaddeus Malanowski celebrates Mass outside Hospice House Woodside, where Terri Schiavo resides. Against the wishes of Schiavo's parents, Bob and Mary Schindler, orchestrated arrests continued Friday after nine people attempted to bring Schiavo water.

TIGHT SECURITY

Continued From Page 1

been arrested by the Pinellas Park Police Department, although none for violent crimes. The first arrest Friday came at 8 a.m. Hayworth said police anticipated the early start because of the Good Friday holiday.

"For the most part, I can tell you, they want to be peaceful," Hayworth said. "But they do feel that getting arrested is a gift they can give Ms. Schiavo."

Officers carry Tasers, pepper

spray and other nonlethal weapons. They haven't had to use them, Hayworth said.

"The order of the day is good communication skills with those in the crowd," he said.

Police know who the leaders are. Keeping good communications with them helps to keep the masses in line, Hayworth said.

Violent threats have been aimed at husband Michael Schiavo, some state legislators and Greer, who made the ruling to remove Terri Schiavo's feeding tube. Although Greer said he did not want to discuss the threats, he has taken precautions. On a recent trip out of town, the judge was escorted

ed to the airport by Pinellas County sheriff's deputies.

In Tampa, as Terri Schiavo's legal filings come in and out of the federal courthouse, security is tight but not unusually so. Darrell D. Williams, chief deputy of the U.S. Marshals Service for five federal courthouses in western Florida, said protection for federal judges is always high.

On Friday, FBI agents in Fairview, N.C., arrested a man who they said placed a \$250,000 bounty on the "head of Michael Schiavo," who steadfastly has said his wife wanted to die if she ever were incapacitated without reasonable hope of recovery.

Agents charged Richard Alan Meywes, 37, with murder for hire and transmission of interstate threatening communications. He was arrested without incident.

FBI officials said they received a forwarded e-mail Wednesday from the Pinellas County Sheriff's Office.

The e-mail placed the bounty on Michael Schiavo and offered an additional \$50,000 "for the elimination of the judge who recently denied a request to intervene in the Schiavo case," the FBI reported.

On Thursday, a man was arrested in Pinellas County after trying to steal a weapon from a

gun shop so he could "take some action and rescue Terri Schiavo," authorities said.

Michael W. Mitchell of Rockford, Ill., entered Randall's Firearms Inc. in Seminole just before 6 p.m. Thursday with a box cutter and tried to steal a gun, said sheriff's spokeswoman Marianne Pasha.

Mitchell, 20, was in custody Friday at the Pinellas County jail after a judge set his bail at a total of \$120,500 for the four charges of armed robbery, grand theft, aggravated assault with a deadly weapon and criminal mischief.

Also Thursday evening in Tampa, the courthouse was

Most Protesters Are Peaceful; Officers Ready

SECURITY TIGHTENS AS SAGA COINCIDES WITH EASTER

By THOMAS W. KRAUSE
tkrause@tampatrib.com

PINELLAS PARK — On a huge white sign outside Hospice House Woodside, the Terri Schiavo case was equated to the Passion of Jesus.

Protesters decried Terri Schiavo's "crucifixion." Michael Schiavo was likened to Judas. Circuit Judge George Greer was Pontius Pilate.

With dozens of religious protesters awaiting word on Terri Schiavo's fate, some are predicting the Easter weekend might add fuel to the potentially volatile situation.

Security around the hospice, area courthouses and the key players in the Schiavo saga is at an all-time high.

Pinellas Park police Capt. Mike Hayworth, who heads the security detail at the protest site, said most of the demonstrators have been peaceful. Still, he gets his fair share of insults.

"We've encountered some pretty ugly comments," Hayworth said. "We just pretty much let them say what they want to say. We're OK with that. I would much rather they vent that way than vent in a violent way."

Since March 19, 30 protesters have

See **TIGHT SECURITY, Page 5** ►
FBI arrests man who offered bounty.



Tribune photo by CLIFF McBRIDE

Ten-year-old Joshua Heldreth of Charlotte, N.C., was one of nine protesters arrested outside the Hospice House Woodside on Friday.

FRIDAY'S EVENTS

7:45 a.m. Federal Judge Thomas Whittemore refuses to order the reinsertion of Terri Schiavo's feeding tube.

1:00 p.m. The Schindlers appeal Whittemore's decision to the 11th U.S. Circuit Court of Appeals in Atlanta.

2:30 p.m. Nine more people are arrested trying to bring Schiavo water.

5:00 p.m. The Schindlers file a new motion with Circuit Judge George Greer, claiming that the tube should be reinserted because their daughter tried to say "I want to live" when it was removed.

5:30 p.m. Judge Greer holds a hearing on the new motion. He does not rule on the new information but does deny the Schindlers' request that he recuse himself.

6:00 p.m. Michael Mitchell attempts to rob a gun shop so he can rescue Schiavo, police say. He is arrested.

8:45 p.m. The 11th U.S. Circuit Court of Appeals denies the Schindlers' appeal.

All times approximate

JUDGE AGAIN DENIES APPEAL TO REINSERT FEEDING TUBE

Gov. Bush Considered Final Hope

By CARLOS MONCADA,
DAVID SOMMER
and ANGELA DELGADO
The Tampa Tribune

PINELLAS PARK — Terri Schiavo's father said she was down to "her last hours" Friday as she completed a week without food or liquid.

Her parents were pursuing what were perhaps their final legal options for having their brain-damaged daughter's feeding tube reconnected and continued to be turned down.

"Terri is weakening. She's down to her last hours," Bob Schindler said after visiting with her Friday morning. "Something has to be done, and it has to be done quick."

Meanwhile, demonstrators kept up their vigil and acts of civil disobedience outside the Pinellas Park hospice where Schiavo resides. Nine people, three of them children, were arrested Friday for trespassing in an attempt to bring Schiavo water.

The latest legal attempt to keep Schiavo alive came when the Schindlers' attorneys asked Pinellas-Pasco Circuit Judge George Greer to reverse

See **SCHIAVO PROCESS, Page 5** ►
Bush rate pleas are directed at Gov.



Keyword: Schiavo, for developments, recent court orders and a photo gallery on events.



Schiavo
Eight days
without
food and
water

Gibbs told Greer.

"She managed to articulate the first two vowel sounds, first articulating 'AHHHHH' and then virtually screaming, 'WAAAAAAA,' " the emergency motion reads. "She became very agitated but could not complete the vocalization attempted."

George Felos, attorney for Michael Schiavo, said the Schindlers were ascribing meaning to their daughter's "audio reflex" that causes her to make random sounds at random times.

"This motion is outrageous ... simply an outrageous abuse of the legal system," Felos said. "This egregious motion is crossing the line of abuse of the court system."

Greer said he would try to issue a ruling by noon today. He denied Gibbs' request that Schiavo be given fluids intravenously while he deliberates.

Greer also denied a new request by Schiavo's parents to remove himself from the case he has presided over for much of its seven years.

Earlier in the day, U.S. District Judge James D. Whittemore denied, for the second time this week, the Schindlers' request that he order the feeding tube reinserted.

Whittemore's 11-page ruling analyzed five new legal claims.

they wanted unless he believed they could show that their daughter's constitutional rights had been violated.

Gibbs, for example, argued Schiavo was being deprived of her Fourteenth Amendment right to life. That amendment to the Constitution bars states from depriving citizens of "life, liberty or property, without due process of law."

Although Gibbs repeatedly focused on the right to life, Whittemore pressed him to demonstrate how Schiavo had been deprived due process of law. "I can't jump to the core value, the core decision, but for the constitutional deprivation," he said.

Judge Calls Rhetoric Ineffective

The judge agreed with Gibbs' contention that Congress passed legislation giving him jurisdiction over the case because Congress intended for Schiavo to live. But Whittemore said Congress also established a framework for his decision, and that was for the court to determine whether her legal rights had been denied.

At one point, Gibbs said: "Absent the state authority of what Judge Greer did, Michael Schiavo would be charged with murder."

"That is the the kind of rhet-

hearing on the first motion before him Monday, Whittemore brusquely told attorneys he wouldn't say how long it would take him to decide the case.

Whittemore's early morning ruling prompted the Schindlers to file an appeal with the 11th U.S. Circuit Court of Appeals in Atlanta.

In the husband's response, Michael Schiavo's attorneys argued that the Schindlers have abandoned all pretense of the law and are simply making "a pure emotional appeal."

The appeals court, which refused a similar plea this week, issued a ruling Friday night affirming Whittemore's decision.

Pleas To Gov. Bush

Seeing Bush as their last hope, the Schindlers issued a late-night plea to the governor.

"You have the power to save my daughter," Mary Schindler said. "It has been seven days. Please, please do something."

Bob Schindler said Bush had "put Terri through a week of hell and my family through a week of hell by not acting. And I implore him to put a stop to this. This is judicial homicide."

Many supporters of the Schindlers say Bush could simply ignore the courts and take emergency custody of Schiavo. Bush said Thursday he is not

food and water longer than she was in 2003, when the tube was removed for six days and five hours. It was reinserted when Bush and the Legislature pushed through a law that was later thrown out by the state Supreme Court.

Orchestrated Arrests Continue

Entering her eighth day without nourishment on the eve of Easter weekend, Schiavo was "showing the effects of starvation, more so," a visibly exhausted Bob Schindler said.

"She's still responding. She saw her mother and she smiled, but she's not verbalizing," he said. "I hugged her and I kissed her, and I got the lemon face, which was encouraging. I told her she should not give up, because we are not."

"But I think the people who are anxious to see her die are getting their wish. It's happening."

Michael Schiavo's brother, Scott, told News Channel 8 from Philadelphia: "There is no winner. Nobody likes to lose a family member. Nobody wins. There's going to be a loss here and that loss is Terri Schiavo."

Roughly 250 demonstrators lined narrow 102nd Avenue in front of Hospice House Woodside to pray for Terri Schiavo late Friday.

some continued to orchestrate arrests outside the hospice.

As Joshua Heldreth, 10, of North Carolina, was being handcuffed, reporters asked him whether he was acting on his own.

"I want to do this," he answered. "They're not giving her food or water. It's bad."

Joshua's father, Scott, 32, stood in the background, praising his son's actions.

"I'm proud of him, but it breaks my heart for the nation," Heldreth said, insisting it was Joshua's idea to give Schiavo water.

"Men of God should be out here, but children, 10-year-olds, have to fight the battle."

Brother Paul O'Donnell, spiritual adviser to the Schindlers, said he and the Schindlers didn't agree with using children to protest.

"For the adults, I don't have a problem with any type of peaceful protest," O'Donnell said. "I just would rather the children not be involved in this."

Reporters Elaine Silvestrini and Lindsay Peterson, researcher

Buddy Jaudon and News Channel 8 reporter Mark Douglas contributed to this report. Material from The Associated Press also was used.

Daughter's Fate Has Taken Toll

SCHINDLERS' LIVES HAVE BEEN TRANSFORMED

By MITCH STACY
The Associated Press

PINELLAS PARK — Mary and Bob Schindler are the desperate public faces in their family's battle to keep their daughter alive.

The couple stays sequestered in a shop across the street from the hospice where daughter Terri Schiavo lives, emerging to visit her or go before television cameras and reporters with every development.

"They never wanted this,"

said Paul O'Donnell, a Roman Catholic Franciscan monk and spiritual adviser to the family. "They are quiet, introverted people."

In their small Gulfport apartment, an entire room is filled with documents and newspaper clippings about their severely brain-damaged daughter's case. She languished Friday without the feeding tube that has kept her alive for 15 years.

Bob Schindler has been the backbone of the family's tenacious struggle, his son, Bobby Schindler, said.

The elder Schindler has become accustomed over the years to speaking to the media, fostering friendly relationships

with reporters covering the case. But family and friends worry about his health — he takes medication for high blood pressure — and say the stress of the case has affected his appearance.

"Bob looks like he's aged at least 10 years since 2002," said family friend Pamela Hennessey.

Before they became national figures, before Terri Schiavo's 1990 collapse left her severely brain-damaged, the Schindlers were an ordinary family, so close that Terri and husband, Michael Schiavo, once lived in her parents' basement.

Bob Schindler, 68, met the diminutive and soft-spoken Mary, 64, in her hometown of

Corning, N.Y., when he went there as a draftsman for a glass company, said Mary Schindler's brother, Mike Tammaro.

Later, Bob Schindler sold industrial equipment, rearing first-born Terri, her brother, Bobby, and sister, Suzanne, in suburban Philadelphia. Mary stayed home with the children, who went to Catholic schools and attended Mass with their parents.

Bobby Schindler said his father "tries to be strong for all of us, but I know it's ripping his heart out, what's going on."

Bobby Schindler, 40, took a break from his job as a teacher at a private Catholic high school to lobby lawmakers in Washington and Tallahassee.



Knight Ridder Tribune

Members of the Schindler family — Bobby, Suzanne Vitadamo, and parents Bob and Mary — made one of their many pleas to save Terri Schiavo's life outside the hospice Friday.

Suzanne Vitadamo, 37, is typically at her mother's side.

"One thing that saddens me is that Bobby and Suzanne both had to devote their entire life to this effort," Tammaro

said. "They've never complained about it, but I know that 24 hours a day this is a subject on their minds and on their lips quite often. It's really taken a big chunk of their life."

SCHIAVO PROCESS

Continued From Page 1

his long-standing ruling that Schiavo would not want to be kept alive in a persistent vegetative state with no hope of improvement.

Schiavo, 41, has been in that diagnosed condition since she suffered heart failure in 1990.

Her husband and legal guardian, Michael Schiavo, contends that his wife would not want to be kept alive artificially. Bob and Mary Schindler have opposed him in a seven-year legal battle that has attracted worldwide attention and prompted the intervention of the federal and state governments.

Attorney: Schiavo Tried To Speak

In a hearing conducted by telephone to resolve another emergency motion by the Schindlers, attorney David Gibbs told Greer there is new evidence that Schiavo is conscious to some degree and that she is attempting to vocalize her wish to live.

Barbara Weller, a lawyer with Gibbs' firm, and Suzanne Vitadamo, Terri Schiavo's sister, both said they heard Terri try to say, "I want to live,"



Tribune photo by CLIFF McBRIDE

A Pinellas County sheriff's deputy keeps order Friday among protesters in front of Terri Schiavo's Pinellas Park hospice.

"On careful consideration of each count," he wrote, "the court concludes that the Plaintiffs have not shown a substantial case on the merits."

During a late evening hearing Thursday, the judge repeatedly stressed that he could not give the Schindlers what

he wanted. "You know that, and I want the public to know that."

The judge was unusually aware of the impact his decisions and statements are having on the public. After the

will be willing to go beyond the boundaries of his powers.

"We are continuing to do whatever we can and we are pursuing all the options available to us in this case," Bush spokesman Jacob DiPietre said.

Schiavo has been without

Raymond Simmons, 35, of Tampa, was one of the few who held up signs that read, "Give Terri Schiavo Peace."

"I'm not God, but whatever the future holds, let her finally rest," he said. "Stop the circus."

Against the family's wishes,

GEORGE GREER

Continued From Page 1

And a former housemate of legendary rock star and Doors frontman Jim Morrison.

And the only two-time winner of the John U. Bird Distinguished Jurist Award, the Clearwater Bar Association's highest honor.

On the bench, Greer is known as a patient listener who treats all sides fairly and respectfully while remaining firmly in command of his courtroom.

"It's that kind of stability that lawyers really like," said criminal defense lawyer Denis de Vlaming.

"You don't have to worry which side of the bed he got out of or whether your opponent took him out to lunch yesterday," de Vlaming said.

Greer also follows the law and does not deserve to be criticized by the very lawmakers who enacted Florida's "Death With Dignity" statutes, de Vlaming and others said.

"George is a very plain person. He's just pure vanilla. He doesn't show any emotion on this thing. It's the law. It's the way it is," said Chuck Rainey, former Pinellas County Commission



The Associated Press

Pasco-Pinellas Circuit Judge George Greer repeatedly has rebuffed requests to recuse himself from the Terri Schiavo case.

alive, asked four times to have Greer remove himself from the case and once asked an appeals court to remove him for talking to the media about a letter Gov. Jeb Bush sent in an attempt to sway Greer's opinion.

Anderson said she cannot share her opinion of Greer.

"There is a rule of conduct that prohibits lawyers from making com-

Greer was born Feb. 1, 1942, in Brooklyn, N.Y. A war baby, he initially called the unfamiliar man who came home to live with him and his mother "Uncle Charlie" because that is what his older cousins called the returning soldier, Greer fondly recalls.

The family moved to Dunedin when Greer was 4. When asked about his early years, Greer proudly men-

with a then-unknown poet from St. Petersburg named Jim Morrison.

Morrison, who became famous for both his talent and his bizarre behavior as the lead singer of the rock group The Doors, was a difficult person to live with, Greer recalled.

"I'm not sure how normal we were, but he was certainly less normal than we were," Greer said. "He liked to play mind games."

From Lawyer To Politician To Judge

Greer went on to study law at the University of Florida and began his career working for a Clearwater firm where he handled "just about anything that walked in the door."

He later opened his own law practice, specializing in zoning and land-use cases, and also served as the Largo town prosecutor in the late 1960s. He recalls prosecuting "lots of shoplifting cases" because at the time Largo was a shopping destination, having both a J.M. Fields and a Zayre department store.

In 1984, Greer was elected to the first of two terms on the Pinellas County Commission, where he served as chairman in 1987 and 1992. Among his achievements as a commissioner, he lists the construction of the Bayside Bridge and the purchase of thousands of acres of parkland now known as the Brooker Creek Preserve, John Chesnut Sr. Park and Wall

chairman.

Rainey, a longtime friend, said he suggested to Greer in late 2003 that the judge recuse himself from the case. "It started to get too political," Rainey said.

He recalled Greer saying: "No, I'm the judge. It came to me, and I'm going to fulfill my responsibility."

"I can think of 12 other judges [in the Pinellas-Pasco Circuit] who would already have recused themselves," Rainey said.

Mary Repper, a retired political consultant and longtime friend of Greer, said that during his campaign for re-election in November, the judge had been calm and easygoing.

A few weeks ago, Repper watched as armed guards escorted Greer to and from the courthouse.

"I can tell it's different now," she said. "He's a little more strained, a little more tired. It seems to be getting to him a little bit more. It's concerned me."

There's Criticism, Too

Not everyone in the political and legal community is a fan of Greer.

During last year's election, challenger Jan Govan said Greer had "created a substantial crisis of confidence" among the public.

"People don't believe particularly that the courts are working for them," Govan said.

Pat Anderson, who formerly represented Bob and Mary Schindler in their quest to keep their daughter

ments critical of judges on the theory that such criticism will reduce the public's confidence in the judiciary," Anderson said.

Greer has received thousands of e-mails, letters and telephone calls in recent weeks, many supportive and many laced with obscenities and unflattering assessments of his legal skills. The onslaught has been so fierce that special telephone lines and e-mail accounts have been set up so the judge's office can continue to function.

"Should you allow this woman to die, I hope someone ties your hands behind you [sic] back while an elected official slowly strangles your children to death!" one e-mailer wrote.

Others are more polite: "Please allow Terri's mother and father to take her home and care for her," a Georgia woman wrote.

Some are contrite: "I just wanted to write and apologize for my previous e-mail. I have since read much about the case that I never previously knew. I did use Scripture in a very reprimanding tone and I'm sorry for misappropriating it."

Many are supportive: "I applaud [sic] you on your courage and conviction to do the right thing," wrote a California man who identified himself as a doctor, Catholic and registered Republican.

"Bravo to a judge that has guts! Keep your chin up," a Missouri woman wrote.

tions the time he pitched the first no-hitter in Dunedin Little League history, even though he was supposed to catch that day.

"Little George Greer, pitching his first game, pitched the first no-hit game of the year for the Jaycees," an article in the July 22, 1954, Dunedin Times states.

"George only gave up one run, which was off two walks and three errors in the second inning. ... Greer showed good control and form the rest of the game."

Eyesight Is Longtime Problem

Critics often fault Greer for having poor eyesight and say he is unable to see video of Schiavo in which, they say, she interacts with her mother.

Greer said his eyesight is the same now as when he played in Little League. He was born with "pale optic nerve endings" that affect his sight but have not stopped him from doing things such as playing golf or coaching his now grown-up sons' Little League teams.

Those sons are twins from his first marriage. Greer has married again, and one of the duties performed by his wife is to drive him to and from work, as driving is one thing his eyesight prevents him from doing.

Greer majored in marketing as an undergraduate at Florida State University, where for one semester he and several other students from Pinellas County shared a rented house

Springs Park.

He also blocked state Department of Transportation plans to put up 6-foot cyclone fencing along both sides of the Courtney Campbell Parkway and worked with Commissioner Barbara Sheen Todd to have the state install a center railing on the causeway's median to cut down on head-on collisions and sudden U-turns.

Greer left his commission seat to run for a vacant circuit court judgeship in 1992.

The Clearwater Bar Association twice honored him with the John U. Bird Distinguished Jurist Award, in 2001 and in 2004, in part for his work on the Schiavo case. The St. Petersburg Bar Association gave him its Judicial Appreciation Award in 2004.

Greer's work on the Schiavo case has not been without personal impact, though.

This month, Greer resigned his longtime membership at Calvary Baptist Church in Clearwater after receiving a letter from the Rev. William E. Rice that Greer said he does not wish to discuss.

Rice, who could not be reached for comment, told the Baptist Press in a March 18 article about Greer's resignation: "We communicated about the nature of his commitment to the church and what he wanted that to be in the future."

"That's great," de Vlamming said. "They are not supposed to turn away a sinner, but they turn away someone with scruples."

TERRI SCHIAVO

Continued From Page 1

Schiavo's hospice, talking quietly and praying. Bob Schindler, Terri Schiavo's father, shook their hands, thanked them for their support and encouraged them to spend time with their own families.

Sparring over Schiavo's condition moved from the courthouse into the open air, with her relatives and her husband's attorney holding separate media conferences on her ninth day without a feeding tube.

O'Donnell begged she be given Communion — a drop of wine and a fleck of host placed in her mouth. He also urged Gov. Jeb Bush to take emergency custody of Schiavo. "We beg you to have courage and take action," he said.

Deputies Guard Attorney

The Schindlers say Bush could simply ignore the courts and take emergency custody of Schiavo.

Bush, also a Catholic, has said he is unable to go beyond the boundaries of law.

George Felos, husband Michael Schiavo's attorney, said Terri Schiavo received last rites on March 18, the



The Associated Press

Mary Schindler arrives at her daughter's hospice in Pinellas Park. The family will spend Easter focused on their daughter. Bob Schindler, Schiavo's father, thanked supporters and urged them to spend time with their own families.

day the tube was removed. The court order provides for one more Communion, he said.

Felos spoke to a throng of media outside his Dunedin office as four Pinellas County Sheriff's deputies stood guard.

He said Terri Schiavo's death is "not imminent by any means" and that she looked good when he visited her Saturday.

Terri Schiavo's brother called Felos' assertion that she didn't appear to be suffering "absurd." He challenged Felos to release video and photos taken since the tube was removed.

"They're mischaracterizing the condition today, just as they have been. ... It's sick. It's heinous," Bobby Schindler said.

David Gibbs III, the Schindlers' attorney, said Schiavo "will pass the point that she will be able to recover over this Easter weekend."

Doctors have said she could live a week or two without the tube.

The effort to reattach it failed again when Pinellas Circuit Judge George Greer and the state's high court rejected the family's latest motion. They claimed Schiavo tried to say "I want to live" hours before her tube was removed, saying "ahhhhhh" and "waaaaaaa" when asked to repeat the phrase.

Doctors who have examined her say her previous utterances weren't speech but involuntary moans consistent with someone in a persistent vegetative state.

Greer wrote that her parents, Bob and Mary Schindler, and their attorneys did not meet the burden of proof set forth by the 2nd District Court of Appeal in an earlier ruling against them.

Hours later, the Florida Supreme

Court rejected an emergency appeal, saying it lacked jurisdiction.

The Schindlers said they wouldn't file any more motions with the federal court, motions made possible by a special law Congress passed for them.

Felos said Michael Schiavo has been by his wife's bedside nearly around the clock since the feeding tube was removed. He leaves to allow her family to visit, he said.

Burial Plans Detailed

"They try to avoid each other," Felos said of the relationship between Michael Schiavo and his in-laws. "He's been called a murderer and an abuser by Terri's family and supporters, but Michael is at the hospice on a continual basis, and he's been with Terri. He's been immersed in being at Terri's side."

He said Michael Schiavo plans to

have his wife cremated after she dies and inter her ashes in the Schiavo family plot in Pennsylvania, where both husband and wife grew up.

Terri Schiavo suffered brain damage in 1990 when her heart stopped briefly from a chemical imbalance thought to have been brought on by an eating disorder. She left no living will.

Her husband convinced Greer in a 2000 trial that she had made statements that she would not want to be kept alive artificially with no hope of recovery.

Her parents doubt she had such an end-of-life wishes and dispute that she is in a persistent vegetative state as court-ordered doctors have determined.

Information from The Associated Press was used in this report.

Schindlers Turn Inward For Easter

THEY SAY THEY'RE DONE WITH FEDERAL FILINGS

By JILL KING GREENWOOD,
CHRIS ECHEGARAY
and PATY KIM
The Tampa Tribune

PINELLAS PARK — Terri Schiavo's relatives pulled away from the bank of notebooks and cameras outside her hospice late Saturday, their spokesman saying they are grief-stricken and want to spend the Easter observance focusing on her.

Stepping outside throughout the day, her parents, brother and sister appeared alternately stoic and on the verge of exhaustion. They were receiving bad news from the courts hours before Christians celebrate their holiest day of the year.

Paul O'Donnell, a Franciscan monk and the Schindler family's spokesman, said their media appearances are over.

"Easter will be different this year because all thoughts and prayers will be with Terri," he said.

Candle-holding supporters lined 102nd Avenue in front of

See **TERRI SCHIAVO, Page 6** ▶
Interment will be in Pennsylvania.

SATURDAY'S EVENTS

10 a.m.: A lawyer for the Schindlers says there will be no more federal appeals.

11:30 a.m.: Randall Terry, of Operation Rescue alludes, to ongoing efforts by Congress to help Terri Schiavo.

Noon: Judge George Greer denies the Schindlers' final appeal.

12:15 p.m.: Bob Schindler pleads for intervention from the courts or Gov. Jeb Bush.

3 p.m.: George Felos, the attorney for Michael Schiavo, says Terri Schiavo's death is not imminent.

4:30 p.m.: Schindlers file an emergency petition with the Florida Supreme Court.

7:45 p.m.: State Supreme Court rejects petition.

All times are approximate.



Tribune photo by BRUCE HOSKING

Terri Schiavo's sister, Suzanne Vitadamo, and brother, Bobby Schindler, hold an impromptu news conference Saturday.

Judge Greer Evokes Admiration, Anger

JUDGMENTS

E-mail has poured in to Greer in recent weeks:

“Should you allow this woman to die, I hope someone ties your hands behind you [sic] back while an elected official slowly strangles your children to death!

“I applaude [sic] you on your courage and conviction to do the right thing.

“I just wanted to write and apologize for my previous e-mail. I have since read much about the case that I never previously knew.

THOSE WHO KNOW JURIST SAY TENSION TAKING TOLL

By DAVID SOMMER
and ADAM EMERSON
The Tampa Tribune

CLEARWATER — His peers honor him, his pastor has chastised him, and bodyguards must protect him from those who make death threats, both anonymously and in public.



Greer

Everyone, it seems, has an opinion about Circuit Judge George Greer.

Greer, 63, is the judge who decided five years ago there was clear and convincing evidence Terri Schiavo would not want to be kept alive in a persistent vegetative state with no hope of improvement.

He also is the player who pitched the first no-hitter in Dunden Little League history.

See **GEORGE GREER, Page 6** ▶
He roomed with Jim Morrison.

OUTSIDE THE HOSPICE

Woman Uses Vigil To Honor Daughter

She is drawn here in her dead daughter's memory.

Janice Sanford, of Stark, has been making the 3½-hour drive between her home and the hospice weekly since October 2003 to support the Schindler family. Her daughter, Sonya, was 22 when she died in a car crash on May 6, 1993.

"I want to see this through," Sanford said. "I lost a daughter. I want to see justice."

Sanford and her relatives were wearing yellow T-shirts with the words "Terri's Fighters" emblazoned across the front in bold, black letters.

Sanford, 57, said she has 12 children and 20 grandchildren.

"That's a lot of blessings," she said.

Minister Gives Protesters Lessons On Being Arrested

Five potential hospice trespassers listened intently to Chet Gallagher as he told them what would happen when they attempted to enter the hospice.

Gallagher, a former police officer and current associate church pastor in San Jose, Calif., said the information was to make the arrest process easier for those who wanted to make a statement: Terri Schiavo should be kept alive.

The demonstrators were to walk up holding small cups of water, explain to police officers guarding the hospice they were trying to give water to Schiavo, and then kneel, refusing to leave the property. "You may just be the one to change the heart of that police officer," Gallagher said.

Minister Michael Anderson, one of the five, followed through as daughter Celesta Anderson, 29, watched.

As of late Saturday, the tally of people arrested and charged with trespassing had reached 34.

Drumbeat Designed To Echo Heartbeat

A drumbeat can be heard almost all day at the hospice, a sound meant to signify Schiavo's beating heart.

The idea came from Jaime Walters, 40, of Saint Francis House

shelter in Columbia, Mo., who started pounding on an overturned bucket with "Terri's heartbeat" printed on it. He has passed the makeshift drum and a wooden stick to fellow demonstrators since he arrived a week ago.

Joy Temple-Link, 14, of St. Petersburg, had drumming duty Saturday. She said she was doing it to show Schiavo "is still with us and wants to be here with us."

Demand For Parking Creates Problems

There was a heated exchange in the crowded parking lot of Ocean-side Estates, an apartment complex for elderly and disabled people that sits about a hundred yards from Hospice House Woodside where Terri Schiavo lives.

The complex's parking lot has been taken over by the vehicles of demonstrators flocking to the hospice to voice opinions on Terri Schiavo's situation.

Cliff Smith, a resident of Ocean-side Estates, told a woman she couldn't park in the complex's lot.

That prompted an argument between Smith and the woman. Soon a tow truck appeared, but no vehicles were towed.

Smith said the number of people traveling to the hospice has skyrocketed since Schiavo's feeding tube was removed March 18.

"It's a nuisance," Smith said Saturday. "We deserve some peace and harmony here. I'm trying to protect the people who live here."

Students On Break 'Wanted To See'

A sign screaming "Stop the Murder" piqued their interest. Two Boston College students took in the scene in front of the hospice, which has been the center of a national debate.

Chris Agliano, 20, a sophomore at Boston College, is from Tampa and came to the area for spring break with a friend, Lloyd Liu, 20.

Agliano, who is a theology major and has considered entering the priesthood, said he and Liu were enjoying the beach but wanted to stop by the hospice.

"This is not the only thing we came here for, but this is a pretty big issue everywhere, and we wanted to see," Agliano said.

Compiled by reporters Angela Delgado and Chris Echegaray

Schiavo Receives Last Rites

SOME IN HOSPICE CROWD UNRULY

By DAVID SOMMER
dsommer@tampatrib.com

PINELLAS PARK — Easter began with two ministers performing a sunrise service in front of Terri Schiavo's hospice and turned into the hottest day yet, as increasingly agitated demonstrators gathered for what was becoming a death watch.

The ministers, identified by Pinellas Park police as Richard Barnard, 60, and Chester Gallagher, 55, both of Illinois, were quietly arrested after their nondenominational 7 a.m. service when they told officers they intended to enter the hospice to provide Terri Schiavo with Communion.

Later in the day, Monsignor Thaddeus Malanowski, family spiritual adviser to Schiavo and her parents, Bob and Mary Schindler, gave the brain-damaged woman Holy Communion by placing a drop of consecrated wine on her lips.

Malanowski said Schiavo's mouth was too parched to receive a particle of the host wafer. Because she had just entered her 10th day with-

See **SCHIAVO VIGIL**, Page 6 ►
Woman's brother calls for calm.

RELATED STORY, Page 6:
Nearby school relocated to avoid protesters.



Schiavo
*She also
was given
Holy Com-
munion by
priest.*

Security Bothers Hospice Visitors

ALL THEY WANT IS TO SEE LOVED ONE

By ELLEN GEDALIUS
egedalius@tampatrib.com

PINELLAS PARK — Judy Walker has just about had it.

She visits her sister, Joan, every day at Hospice House Woodside. Joan is dying of cancer, and Judy wants to spend as much time with her as possible.

Joan and her husband, Greg, have braved protesters, police officers, orange cones and plastic barricades to get inside the hospice.

But a lockdown Sunday morning was Judy Walker's breaking point.

"This lockdown thing today just scared me to death," Walker said. "They wouldn't let us in. If I was there by myself, I probably would have had a nervous breakdown."

Walker said she probably will return to the hospice only with her husband.

Walker's nervousness is one example of the agony families of patients at Hospice House

See **HOSPICE VISITORS**, Page 6 ►
Security guards check names against list.

"It's difficult enough for us to provide security" for the hospice without having to worry about the school's safety as well, said Pinellas Park Police Capt. Sanfield Forseth.

Protests Compel School's Closing

STUDENTS WILL BE MOVED TO 2 OTHER FACILITIES

By JOSH POLTILOVE
and ANTHONY MCCARTNEY
The Tampa Tribune

PINELLAS PARK — Christine Beatty wants her 8-year-old learning about reading and writing — not about life and death.

But while driving her daughter to and from Cross Bayou Elementary, Beatty must pass dozens of demonstrators outside Terri Schiavo's hospice.

"It has brought up a whole set of questions and issues that I feel an 8-year-old shouldn't be learning about," Beatty said.

With Terri Schiavo's condition fading and demonstrators gathered 50 yards from the school, its 600 students will be temporarily relocated today.

The students and about 130 faculty members will transfer to Walsingham Elementary or Southern Oak Elementary.

Police Requested Relocation

Beatty said the protesters should be displaced — not students. She

said that as her own form of protest, she is considering keeping her daughter home from school until Schiavo dies.

Eric Brockmeier also has given thought to keeping his daughter, Megan, home from school.

"But right now, she's looking at a perfect attendance year," Brockmeier said. "That's something we've worked toward, and that's something we don't want to jeopardize for this."

The relocation was requested by the Pinellas Park Police Department, said Ron Stone, an assistant superintendent with the Pinellas County School District. Students must walk past the hospice to reach the school, and the hospice has become increasingly "unstable" and "highly emotional," Stone said.

Pinellas Park Police Capt. Sanfield Forseth said police told school officials they preferred classes not be in session while the protests continued.

"We don't know who's here," he said of the determined group of 100 or more protesters who have set up shop outside the hospice. "It's difficult enough for us to provide security" for the hospice without having to worry about the school's safety as well, he said.

Students Coming From Break

Schools were on hiatus last week for spring break, and today's relocation is the first time classes at Cross Bayou have had to be moved because of Schiavo demonstrations, Stone said. Children will be sent to the nearby Gus Stavros Institute, which will be used as a staging area to divide the children between Walsingham and Southern Oak. Bused students will be taken directly to Stavros, and students who walk will be intercepted by police and shuttled there. Parents who drop off their children were notified Sunday to take them to Stavros.

Sunday afternoon, dozens of teachers and staffers parked in front of Cross Bayou, taking books, supplies and audio-visual equipment for some of the school's hearing-impaired students.

Stone said the relocation may be necessary for the entire week, depending on how long protesters remain outside Schiavo's hospice.

HOSPICE VISITORS

Continued From Page 1

Woodside have faced as the Terri Schiavo debate unfolds outside the hospice. With protesters chanting biblical verses, police arresting aggressive demonstrators and signs calling for the Gov. Jeb Bush's resignation, the families and friends of the other 70 patients simply are trying to spend some final moments with loved ones.

Lockdowns also tangle their plans. Whenever police make an arrest, they prohibit people from entering or leaving the hospice until the situation is under control. There were at least three lockdowns Sunday.

"I try just to be an observer, but I have found that when I get home, it's emotionally draining," said Madeline Buonocore, a Clearwater resident who visits a friend in the hospice several times a week. "I feel sorry for everybody involved, and I wish for a miracle."

Security at the hospice is tight. Visitors drive up to a police checkpoint and tell an officer who they are and who they are there to see. The officer then checks a list and allows the visitors to park.

Another officer is stationed at the front door, checking identification, bags and packages. Inside, visitors are given identification stickers with their names and the room number of the person they are visiting.

After about an hour, the word "void" appears on the sticker in red ink, preventing people from giving their identification badge to protesters outside.

"It's been hectic at times, and at times a little frustrating," said Dan Turner, a Seminole resident who visits his mother, who is dying of heart disease, every day.

Turner recounted a night when he tried to visit his mother at 10:30 p.m., but the police officer could not find his name on the preapproved list. Rather than argue, Turner decided to go home, reasoning that she probably was sleeping anyway.

"I don't let little things like this bother me," Turner said. "I've got bigger problems inside."

Some people take the commotion in stride.

Orlando resident John Mesa was visiting his mother in the hospice Sunday, his first trip there.

After seeing his mother, who is dying of cancer, he and his wife, Nyridia, walked up and down 102nd Avenue, taking in the scene.

"It's like seeing snow for the first time," Mesa said. "It was exciting. But if I had to to it every day, I'd move



Tribune photo by MARK GUSS

Nyridia and John Mesa and George Miller come to visit John Mesa and Miller's mother. Miller wishes the protesters would go elsewhere.

somewhere else."

Mesa's brother, George Miller, lives in St. Petersburg and is able to see his mother more frequently. He wishes the protesters would demonstrate in a park, rather than outside the hospice.

"You think of it being quiet, where people come to die, that's what the purpose of a hospice is," Miller said. "If you have a day, a week, a month, a year, you want it to be peaceful."

People interviewed complimented

the Pinellas Park police for keeping the scene relatively calm. Many also said their loved ones were so sick, they didn't really know what was going on outside.

"My sister is dying, and everybody in there is sick," Walker said. "These people," she said, referring to the demonstrators, "are crazy."

Reporter Ellen Gedalius can be reached at (813) 259-7679.

Some Demonstrators Agitated

As the day grew warmer and muggier Sunday morning, some among a growing crowd of approximately 100 demonstrators became unruly.

One man repeatedly taunted a phalanx of police officers by giving them a Nazi salute. The officers ignored him.

Around 11 a.m., a crowd began to chant, "Give Terri water!" And a man and a woman approached the police line bearing water bottles.

As had every other arrested person before her, Helen Valdis, 43, of Wisconsin, made a token show of disobeying police orders to desist and was taken away quietly.

However, Colorado resident Doug McBurney, 35, resisted officers by stiffening his body and repeatedly screaming, "Don't murder her!" He was handcuffed and placed in a police wagon.

Police Capt. Sanfield Forseth said McBurney was the first of the 37 people arrested up to that point to give officers any trouble at all.

As with all 36 others, he was charged with misdemeanor trespassing and jailed with bail set at \$250.

After the arrests, Bobby Schindler tried to calm the demonstrators, telling them they were doing his sister no good by taunting police.

"It is not going to help at all," the younger Schindler said as he waded into the crowd. "The cops are just here to do a job."

A man in the crowd who later identified himself as Robert J. More of the Demonstrably Non-Counterfeit Roman Catholic Protection Network began to argue with Schindler.

"The fact is we are all Terri's brothers," More shouted.

Again, Bobby Schindler appealed for calm and lawful behavior.

"We are not going to solve this problem today by getting arrested," he said.

Later, he lamented the lack of civility among some self-professed Schindler supporters.

"I have nothing but praise for the cops, but those people won't listen to me," he shrugged.

Police later continued to show restraint when a group of wheelchair users from the organization Not Dead Yet converged on a hospice driveway

and slid from their chairs to lie on the ground in an act of civil disobedience.

"We love our tubes and hoses," proclaimed activist Carol Cleigh of North Carolina when it was her turn on the bullhorn.

Police declined to make arrests. "We are not going to press this issue," one officer said.

The spectacle continued as one man strode up and down the sidewalk bearing a baby doll smeared with red paint and a sign with the name King Solomon crossed out above the words Judge Greer, in reference to Circuit Judge George Greer.

Nearby, another demonstrator held a sign that read: "Hospice or Auschwitz?"

Counterdemonstrators Appear

A handful of counterdemonstrators holding signs touting the "Revolutionary Communist Party" decried what they said was "Christian fascism."

It was Judge Greer who ruled, after a January 2000 nonjury trial, that evidence showed Terri Schiavo would not want to be kept alive in a persistent vegetative state with no hope of improvement.

Michael Schiavo and two of his rel-

atives testified that his wife made statements prior to suffering heart failure in 1990 at age 26, indicating her wish not to be kept alive with tubes and hoses.

The Schindlers testified their daughter would want to be kept alive. They dispute their daughter's diagnosis and say she reacts to them and could improve with therapy.

The Gulfport couple have repeatedly appealed the case up and down the state and the federal court systems.

Their only major success came in April 2002 when another judge ordered Terri Schiavo's feeding tube reinserted two days after it was removed for the first time on Greer's order.

In October 2003, when the tube was removed for the second time and Terri Schiavo had gone six days without sustenance, Gov. Jeb Bush interceded using a hastily crafted measure known as Terri's Law that was subsequently ruled unconstitutional.

At afternoon and evening news conferences, Schindler supporters again called on Bush to intervene.

They also asked congressional leaders to enforce witness subpoenas requiring that Terri Schiavo be kept alive so she can testify before House and Senate committees.

Reporter Anthony McCartney contributed to this report.

SCHIAVO VIGIL

Continued From Page 1

out food or water, and "death is imminent," the priest said he also administered Catholic last rites.

Bob Schindler's assessment of his daughter's condition was more optimistic.

Schindler said his family doctor told him what to look for as Schiavo's condition deteriorates. Although she appears gaunt from lack of sustenance, when he pinched her skin, it was surprisingly resilient, a sign she remains somewhat hydrated, he said.

"Her cheekbones dominate her face and her eyes look like they are going to pop," Schindler said. "Visualize a concentration camp victim, and that's what she looks like."

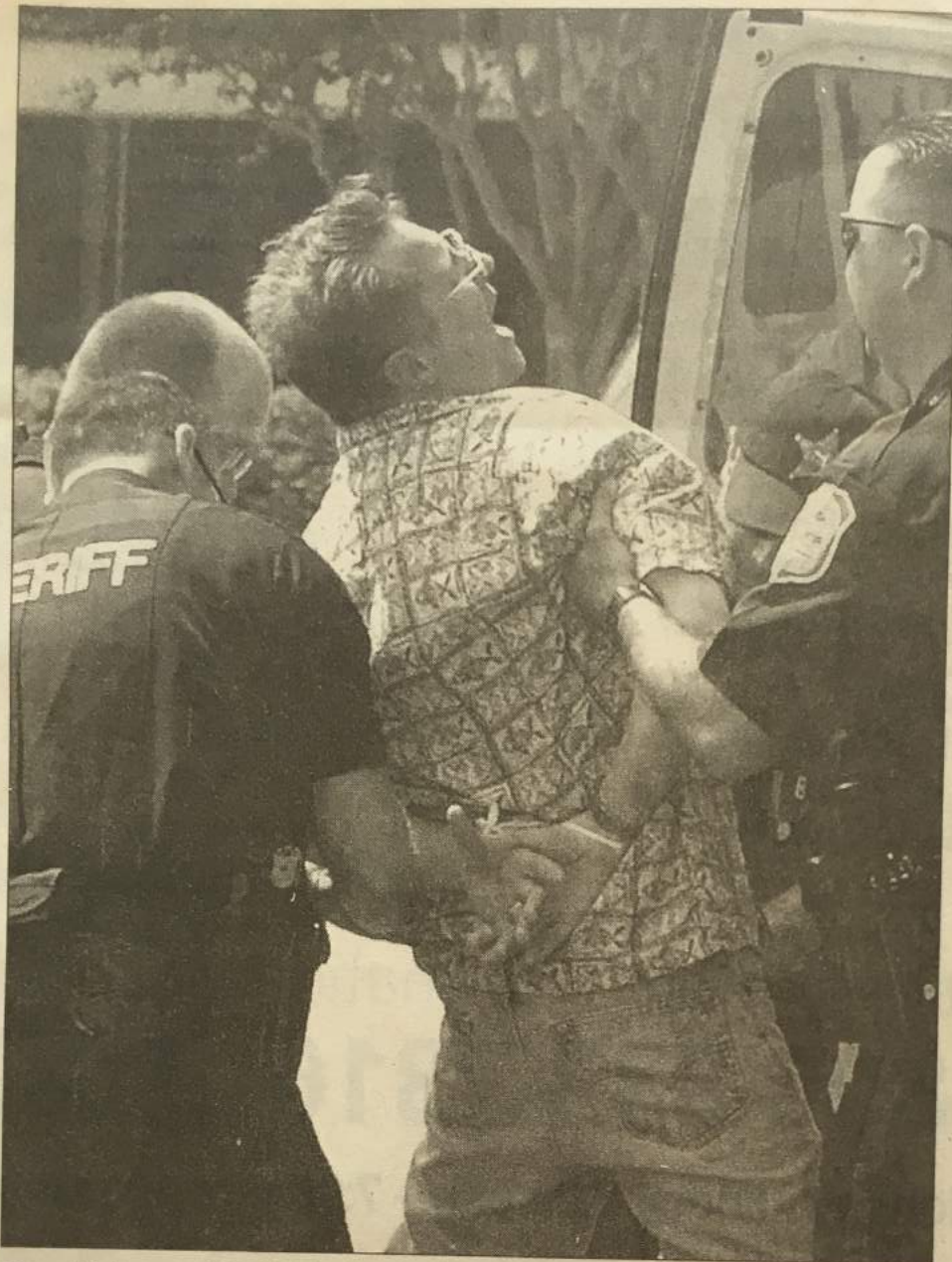
Medical personnel at Hospice House Woodside have begun to treat his daughter with pain medication, Schindler said.

"Whoever tells you that starving to death is a peaceful way to go is full of it," he said.



Tribune photos by MARK GUSS

Preacher Richard Barnard leads an Easter Sunday service outside the hospice where Terri Schiavo is a patient. He and Chester Gallagher, also a preacher, were arrested after telling police they planned to give Schiavo communion.



Doug McBurney, 35, of Colorado, who was arrested for trespassing on hospice grounds, screams, "Don't murder her!" as police take him into custody.

SUNDAY'S EVENTS

6:30 A.M.: Approximately 25 protesters hold Easter sunrise service outside hospice.

MIDMORNING: Two protesters arrested attempting to take Communion to Terri Schiavo.

11:10 A.M.: Crowd becomes vociferous.

11:15 A.M.: Bobby Schindler asks protesters to calm down.

11:40 A.M.: Disabled group lies on ground in protest.

1:45 P.M.: Terri Schiavo begins 10th day without feeding tube.

3:30 P.M.: Monsignor Thaddeus Malanowski administers Holy Communion to Terri Schiavo.

6:15 P.M.: The Rev. Patrick Mahoney of the Christian Defense Coalition announces plans to fly to Washington, D.C., this morning to pressure U.S. lawmakers to enforce a subpoena asking Terri Schiavo to testify before Congress.

All times are approximate.



Knight Ridder/Tribune

Christian Defense Coalition Director Patrick Mahoney led a news conference and prayed Monday outside the White House. "If this chapter is at an end, the following chapter will be: Never again in our nation will a person be starved or dehydrated," he said.

Husband Plans Autopsy For Schiavo

POSTMORTEM INTENDED
TO END ABUSE CLAIMS

By DAVID SOMMER,
KEITH EPSTEIN
and STEPHEN THOMPSON
The Tampa Tribune

PINELLAS PARK — Michael Schiavo will try to silence some critics by having an autopsy performed on his wife, Terri, his attorney said Monday.

The autopsy will be made public after it is performed by Pinellas-Pasco Medical Examiner Jon Thogmartin, attorney George Felos said.

Schiavo believes the results will dispel allegations that he wants his wife cremated to cov-



Bob Schindler said he is afraid the hospice, with morphine, will speed his daughter's death.

er up wrongdoing, Felos said.

"Claims have been made there is some motive behind the cremation," Felos said in reference to allegations Michael Schiavo either caused his wife to suffer heart failure resulting in severe brain damage or abused



Michael Schiavo's attorney, George Felos, said Terri Schiavo has received morphine twice.

her after she fell ill.

Bobby Schindler, whose family has been embroiled in a seven-year legal battle with Schiavo

See **TERRI SCHIAVO**, Page 6 ►
Attorney agrees with autopsy.

RELATED STORY, Page 6:
Protesters disrupt life at school.

Disruption Of Nearby Elementary School

600 STUDENTS SENT TO OTHER FACILITIES

By ADAM EMERSON
aemerson@tampatrib.com

LARGO — As supporters of Terri Schiavo's parents continued their vigil outside her hospice Monday, young pupils such as Meagan Andrews wondered what awaited them at a strange school.

Meagan, a third-grader at Cross Bayou Elementary School near the hospice, was one of about 600 students school officials chose to protect from the "unstable environment" there. They were displaced to three temporary locations.

As she and others returned from spring break, they asked whether they would have to sit next to unfamiliar students or learn from unfamiliar teachers.

Parents prepared to answer thornier questions, like why students had to move in the first place.

"All the people over there, and no one cares about the kids next door," Meagan's mother, Mary Andrews of Largo, said of the supporters of Bob and Mary Schindler.

"What about the kids? This is something they're never going to forget."

The kids likely will stay at their temporary Largo schools — Walsingham and Southern Oak elementary schools and the Gus A. Stavros Institute — at least through Friday, Superintendent of Schools Clayton Wilcox said. They will stay with their own classmates and their own teachers.

Protesters are becoming greater in number and more aggressive in their campaign to keep Schiavo alive, school leaders say. "And I have to be convinced our kids will be safe

going to and from school," Wilcox said.

About 75 percent of Cross Bayou's students showed up for classes Monday.

Some families expressed outrage at the protesters, many of whom have come from out of state to hold round-the-clock vigils in front of the hospice.

Toni Paulhamus, of Pinellas Park, said she appreciated the school district's attempts to keep her 6-year-old son, Brandin, safe. However, she said she may keep him home until Cross Bayou reopens. He attended Walsingham on Monday.

"He's not going to learn anything there. It's like day care now," Paulhamus said.

Classrooms appeared normal Monday, thanks to teachers' and administrators' frenzied weekend efforts to prepare for their students. Teachers say they worked to keep the

same routines. Cross Bayou third-grade teacher Molly Nazaruk had an open classroom and all the materials she needed, from spelling charts to chalkboards. "We need to keep things as normal as possible," she said.

Administrators at Walsingham opened cafeterias for kindergartners. Principal Robert Ammon at Southern Oak placed Cross Bayou third-graders in open music rooms; some of his own students doubled up in other classrooms.

Walsingham and Southern Oak elementary schools are down the road from the Stavros Institute, home to the Pinellas Education Foundation as well as business and finance programs for students.

Students gathered first at the Stavros Institute. Pupils from pre-K to first grades then were sent to Walsingham. Third-graders went to Southern Oak. Second- and fifth-graders re-

ool Upsets Families



Tribune photo by VICTOR JUNCO

Cross Bayou students gather Monday at the Gus A. Stavros Institute, where they were assigned to one of three locations.

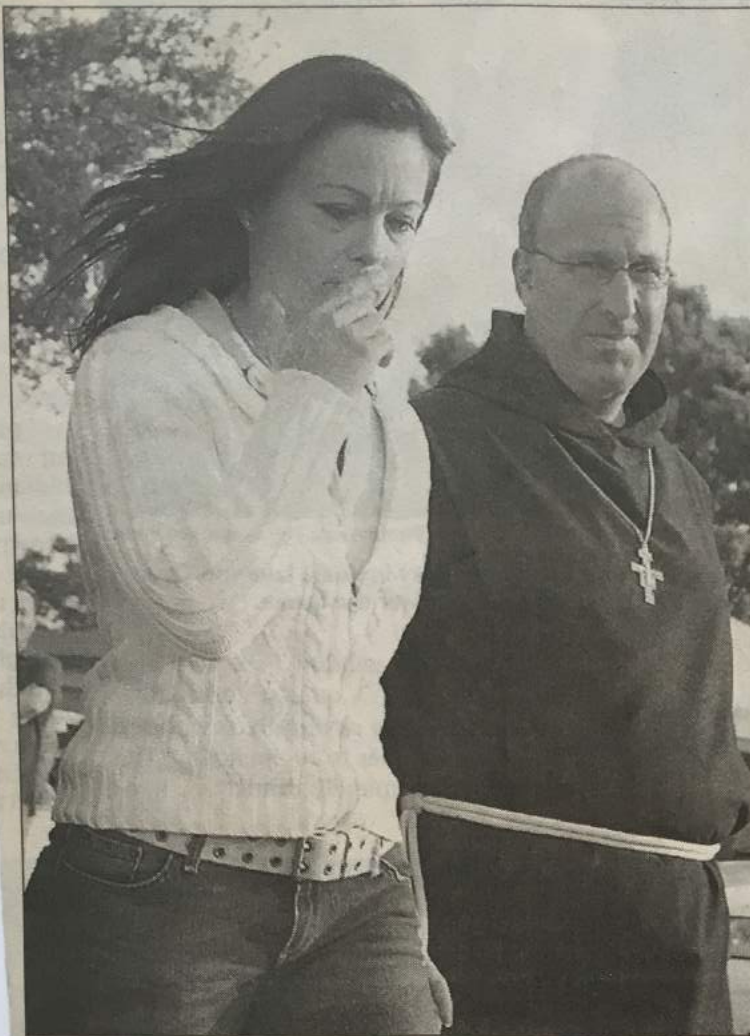
ained at Stavros.

Cross Bayou's 65 hearing-impaired students were sent to Walsingham and received help from sign-language interpreters.

Fourth-graders were on a

field trip to the Museum of Fine Arts in St. Petersburg on Monday; they will attend classes at Southern Oak today.

Reporter Adam Emerson can be reached at (727) 451-2332.



The Associated Press

Suzanne Vitadamo, sister of Terri Schiavo, and Brother Paul O'Donnell leave a news conference Monday at the hospice. Her brother, Bobby, said the family is "committed to saving Terri."

day without sustenance.

Felos said he is aware of the Schindlers' concerns and checked Schiavo's medical chart Monday to see how much pain medicine she has received.

Hospice nurses have provided her with the minimum dose available in suppository form at 3 a.m. March 19, about 13 hours after her feeding tube was removed, and again at 1:55 p.m. Saturday, Felos said.

"It was a decision of the hospice nurses" to provide pain medication when they see symptoms such as "light moaning and facial grimaces and tensing of her arms," Felos said.

Bobby Schindler said the family invited the Rev. Jesse

Jackson, president of the RainbowPUSH Coalition, to the hospice. He is to arrive this morning, pray with the family, possibly visit Terri Schiavo and speak to reporters.

Scene Subdued Outside Hospice

The mood outside Hospice House Woodside on Monday was generally subdued after a flurry of inflammatory rhetoric the day before.

There were fewer demonstrators, roughly 200 compared with 300 on Sunday, said police Capt. Sanfield Forseth.

Eight people were taken into custody Monday. The first was Mark Wilmar, 47, a Wisconsin man who showed up at the hospice entrance Monday morning with a jug of water,

Organizers Delay GOP Event Out Of 'Respect'

SCHIAVO CASE LEADS TO LATE ADJUSTMENT

By WILLIAM MARCH
wmarch@tampatrib.com

TAMPA — A town hall meeting on Social Security that was to include national Republican political figures has been postponed because of concern about its proximity to the Terri Schiavo controversy.

The Tampa meeting Wednesday was to have included Senate Majority Leader Bill Frist of Tennessee and Senate Republican Conference Chairman Rick Santorum of Pennsylvania, plus Florida's recently elected Sen. Mel Martinez.

The three strongly favored government intervention to prevent removal of Schiavo's feeding tube, and all support President Bush's proposal to overhaul Social Security.

They were to meet at a hotel with an audience chosen largely by Progress for

America, a conservative political group whose political action committee was involved in last year's campaign.

A Progress for America spokeswoman said a new date has not been set.

A spokesman for Frist's office said the postponement was because of "conflicts."

Mandy Fletcher, a consultant helping arrange the meeting for Progress for America, said it was postponed "out of respect for the Schiavo and Schindler family. We just didn't think it was appropriate to go into the region and do a big policy event at this time."

Other staff members involved in the event said there was concern that the Schiavo protests could spill over to the town hall meeting.

The Tampa Bay area, partly because of its large retiree population and reputation as a political swing area, has become a focus of the battle over Bush's Social Security overhaul proposal.

presumably for Schiavo, saying he wanted to be arrested.

About 5:15 p.m., seven people with the same group from Ohio refused to get off the hospice property. All but one was cooperative, and the seventh had to be carried to a transport van, Forseth said.

"The overall sentiment of the crowd has been a lot quieter today," Forseth said.

When there wasn't a flurry of media activity caused by the staged arrests, the demonstrators were somber. They read Bibles, silently or to one another. A Catholic priest led an orderly rosary procession past

the hospice driveway. A 6-year-old boy from Dunlap, Tenn., carefully copied a saying from the Book of Revelation, about murderers eventually burning in a lake of fire.

Forty-six demonstrators have been arrested since Schiavo's feeding tube was removed, Forseth said. In all but one case they were charged with misdemeanor trespass outside the hospice, he said. Of those, five were from Florida, with the remainder from states such as California, Texas, Minnesota, Ohio, South Dakota and Pennsylvania.

Sheri Payne, who used to

TERRI SCHIAVO

Continued From Page 1

over his position that Terri Schiavo would not want to be kept alive in a vegetative state without hope of improvement, said he is "not even thinking about that" when asked about the autopsy plan.

"We're still committed to saving Terri," her brother said Monday evening.

Felos said he does not know whether Thogmartin's report will address the cause of broken bones that he has said were caused by Terri Schiavo's fragile condition after her February 1990 heart failure.

Michael Schiavo had been considering the autopsy issue for some time, but "we didn't think it was appropriate to talk about" until now, Felos said.

David Gibbs III, attorney for the Schindler family, said Monday night that he approves of having an autopsy done. "There are a lot of unanswered questions about what happened in 1990," he said.

'Death Is Near,' Attorney Says

Terri Schiavo appeared to be comfortable Monday afternoon, Felos said.

"She looked very peaceful, she looked very calm," Felos said. Soothing, contemporary music was playing softly in the background, and she had a stuffed tabby cat tucked under one arm, he said.

"Terri's eyes do look more sunken than when I saw her last, and her breathing was on the rapid side," he said. "I saw no evidence of bodily discomfort whatsoever."

"Obviously, death is near. Whether it is imminent is another question," Felos said. "Terri could die momentarily by cardiac arrest; however, her breathing is not labored, and her skin tone is fine."

Michael Schiavo is spending significant time at his wife's bedside but leaves the room when his estranged in-laws wish to visit, Felos said.

Felos would not say whether his client is staying full time at Hospice House Woodside,

where numerous Pinellas Park police officers guarding the property are backed up on occasion by sheriff's deputies stationed nearby. As Felos spoke to reporters outside his office in Dunedin, two uniformed deputies were nearby.

Bobby Schindler said that his sister's condition continues to deteriorate but that his family still hopes for intervention by Gov. Jeb Bush or President Bush.

"She doesn't look good ... but she's fighting," he said. "She's responsive. She was awake when we were in there."

Bobby Schindler said that for the second day his mother, Mary, remained too distraught to visit.

Father Fears Morphine Overdose

Bob Schindler said his daughter obviously feels pain because hospice nurses have given her morphine.

"I have a grave concern they'll expedite the process of killing her with an overdose of medicine — morphine," the elder Schindler said before news cameras as his daughter was about to begin her 11th

know the Schiavos as a couple, visited Terri Schiavo on Sunday night and told reporters Monday that she found her responsive.

"I've never seen her as active and vocal as she was last night," Payne said.

Group Heads To D.C.

A group of demonstrators traveled to Washington, D.C., objecting to the withdrawal of Schiavo's food — but now complaining of a "lack of will" by the Bush brothers and other Republicans.

Congress is out of town until next week. Both Republicans and Democrats say the issue of how to resolve disputes over end-of-life wishes may require new federal laws.

Patrick Mahoney, the Presbyterian director of the Christian Defense Coalition, held a news conference and prayer session for TV cameras across the street from the White House on Monday. He acknowledged that it may be too late to save Schiavo.

"If this chapter is at an end, the following chapter will be: Never again in our nation will a person be starved or dehydrated. Never again," he said.

In a shift that could signal a rift within conservative coalitions supporting Republican attempts to save Schiavo, Mahoney and others at the protest here said leaders in Congress and Tallahassee "lack the political will" to follow through on their convictions.

By passing limited legislation for Schiavo — but refusing to intercede more definitively now — "they've set themselves up for the criticism it was all just a political stunt," he said.

The groups, people describing themselves as religious or advocates for the disabled, had flown up before dawn from the vigil at Schiavo's Pinellas Park hospice.

Pelted by cold rain with only a piece of plastic for protection, St. Petersburg special education teacher Mary Porta, a veteran of long vigils outside the hospice, said that even if Schiavo dies, "I don't think the issue is at all over."

Despite her exhaustion and the responsibilities of her job, Porta asked for another day off and paid \$500 for a 6 a.m. flight out of Tampa International Airport so she could lobby congressional aides and make a final plea for the Justice Department to enforce a congressional subpoena requiring authorities to reconnect Schiavo's feeding tube.

Rep. Barney Frank, D-Mass., who opposed legislation giving Schiavo's case a review in federal courts, said during the weekend that "Congress needs to do more."

Specifically, Frank said new legislation should allow federal judges to look at situations in which families are feuding over unclear end-of-life instructions. Congress had passed a narrow measure tailored for Schiavo.

Florida Sen. Mel Martinez, who led Republicans' U.S. Senate campaign for another court review of Schiavo's case, said no more could be done for her.

"As disappointed as Sen. Martinez is, we're a nation of laws and the judiciary has spoken," said Martinez spokesman Kerry Feehery.

Schiavo Stand Won't Hurt GOP, Party Boss Says

MEHLMAN CONTENDS PUBLIC RESPECTS FIGHT FOR PRINCIPLE

By WILLIAM MARCH
wmarch@tampatrib.com

TAMPA — In the face of polls indicating much of the nation doesn't agree with government interference in the Terri Schiavo case, national GOP Chairman Ken Mehlman said Monday that President Bush and most members of Congress acted on principle and not on the basis of politics.

Mehlman said he believes the public will perceive the situation that way, and there won't be any political fallout from the controversy.

"I don't think people are going to blame the president or people that did what they think the right thing to do in this case is," said Mehlman, the former



Associated Press file photo

Republican National Committee Chairman Ken Mehlman won't discuss possible political ramifications of the case.

Bush-Cheney '04 campaign manager, who was chosen by Bush as Republican National Committee chairman. "I think leaders who act on principle will be respected by the public."

Mehlman made his comments in an

interview with the Tribune in response to questions about polls showing a majority of Americans — even those who call themselves born-again Christians — disagree with government attempts to reinsert Schiavo's feeding tube.

A Time magazine poll published Monday showed Bush's overall approval rating dropping to 48 percent. Also, 75 percent of respondents said it was wrong for Congress to intervene in the Schiavo case, and 70 percent said it was wrong for the president to do so.

Of those identifying themselves as born-again or evangelical Christians, 53 percent agreed with the decision to remove Schiavo's feeding tube.

The results were similar to others that have shown Bush's job approval rating edging down below half recently.

Most polls also have shown majorities

See **SCHIAVO FALLOUT**, Page 6 ▶

The time is right to take risks, some say.

SCHIAVO FALLOUT

Continued From Page 1

of 65 percent to 80 percent oppose involvement in the Schiavo case by the president and Congress.

But Mehlman refused to discuss possible political implications. "This is about a very difficult situation a family went through. It's not about politics," he said. "The president's position and the position of

"The president's position and the position of most members of Congress... was based on principle."

KEN MEHLMAN
On the Terri Schiavo case

most members of Congress, Republicans and Democrats, was not based on politics — it was based on principle."

Mehlman disavowed any knowledge of a memo circulated to Republican senators and leaked to the media last week that speculated on the political benefits Republicans could

glean from the issue, naming Democratic Florida Sen. Bill Nelson as a potential target.

Mehlman is in Florida for a town hall meeting in Orlando this morning and two local party fundraising dinners. One of his main subjects will be Bush's proposal to overhaul Social Security by letting younger workers put some of their taxes into private retirement accounts.

That proposal also has had rough political sailing recently, and polls look unfavorable for Bush on the issue as well. Majorities say they disapprove of his handling of Social Security.

But Mehlman said those same polls also show the public generally favors personal accounts in Social Security, and said Bush has succeeded in bringing the issue to the forefront.

"What I see is a president that has had significant success," he said. "Four months ago this issue was barely a blip on the radar screen. It's now the No. 1 issue" in most people's minds, he said.

"What you have is a president that by being a strong leader and by taking on a tough issue has helped inform the public," he said.

Some experts say the public's disagreement won't hurt the Republicans politically.

"The 2006 election is a long way away," and voter memories are short, said Scott Paine, a University of Tampa political scientist. "If you are going to take these risks, now is the time to take them."

Among conservative Christian voters, Paine said, "Taking political heat from a majority of Americans about the Schiavo case burnishes [Republican] credentials."

Reporter William March can be reached at (813) 259-7761.

Rev. Jackson Asks For Final Effort

HE VISITS SCHINDLERS AT SCHIAVO'S HOSPICE

By STEPHEN THOMPSON
spthompson@tampatrib.com

PINELLAS PARK — The Rev. Jesse Jackson made a personal visit Tuesday to the family of Terri Schiavo, asking God and politicians to save her.

"Without water or food, without even ice cubes for her lips, for 12 days she is still alive," the civil rights activist said after praying with Schiavo's parents and other relatives. "That should send a message to all of us," Jackson said.

Early today in Atlanta, the 11th U.S. Circuit Court of Appeals granted Schiavo's parents the right to file a petition for rehearing for an injunction that could allow their daughter's feeding tube to be reconnected.

Schiavo's mother, Mary Schindler, made a personal appeal Tuesday evening to Michael Schiavo and his live-in girlfriend, Jodi Centonze, who have had two children together.

"Michael and Jodi, you have your own children — please, please give my child back to me," Schindler said. Flanked by family, she made the request in front of the hospice where Terri Schiavo is cared for and then walked away without taking questions.

Earlier, as Jackson spoke to a throng of reporters outside the hospice, a protester rushed toward the entrance.

Dow Pursley, a 56-year-old marriage therapist from Scranton, Pa., got as far as the vesti-

LATEST EVENTS

11:25 a.m. Jesse Jackson holds news conference outside hospice Tuesday.

1:45 p.m. Schiavo begins 12th day without feeding tube.

12:20 a.m. Federal appeals court grants parents the right to file petition for rehearing.

MULTIMEDIA



Keyword: Schiavo, for the latest developments and a photo gallery on events.

tube was removed March 18.

There was also a bomb threat at the hospice later Tuesday, but a bomb-sniffing dog found no explosives. The caller said that if Schiavo died, the explosive device would detonate, Forseth said.

Jackson, a former Democratic presidential candidate and founder and president of the Rainbow/PUSH Coalition, characterized his mission Tuesday as aimed at bringing together people from across the political spectrum, to save Schiavo's life. He said her plight was markedly different from removing a cancer-stricken patient from life support because Schiavo only needed food and water to stay alive.

Jackson also stopped short of criticizing Michael Schiavo, Terri's husband and guardian, who won court approval to remove the tube on the grounds his wife would not want to live in her current state. Jackson said Michael Schiavo would not allow him to pray at Terri's bedside.

Schiavo's mother was glad Jackson had come. "He gives

bule outside the front doors, each hand clutching a water bottle. There, he was tackled by a Pinellas Park police officer and a Pinellas County sheriff's detention deputy.

When Pursley would not put his hands behind his back, he was given a shot from an electric stun gun from a distance of five to 10 feet, Pinellas Park police Capt. Sanfield Forseth said.

Pursley was charged with attempted burglary and resisting arrest without violence, becoming the 47th protester arrested since Schiavo's feeding

Press he told Jackson the issue had been "thoroughly discussed."

Senate Democratic leader Miller added: "I have voted. It's time to move on."

Bullard was not persuaded by Jackson either.

"I told him that I'd personally prayed, grappled with, shed sleep and lost many hours of sleep over this, but that I'd made my decision," Bullard said. "And though it may not be what many people like, no one has shown me it should change."

"I think it's very sad that [Terri Schiavo] is being exploited like this, ... and I don't think she would be pleased," Bullard said.

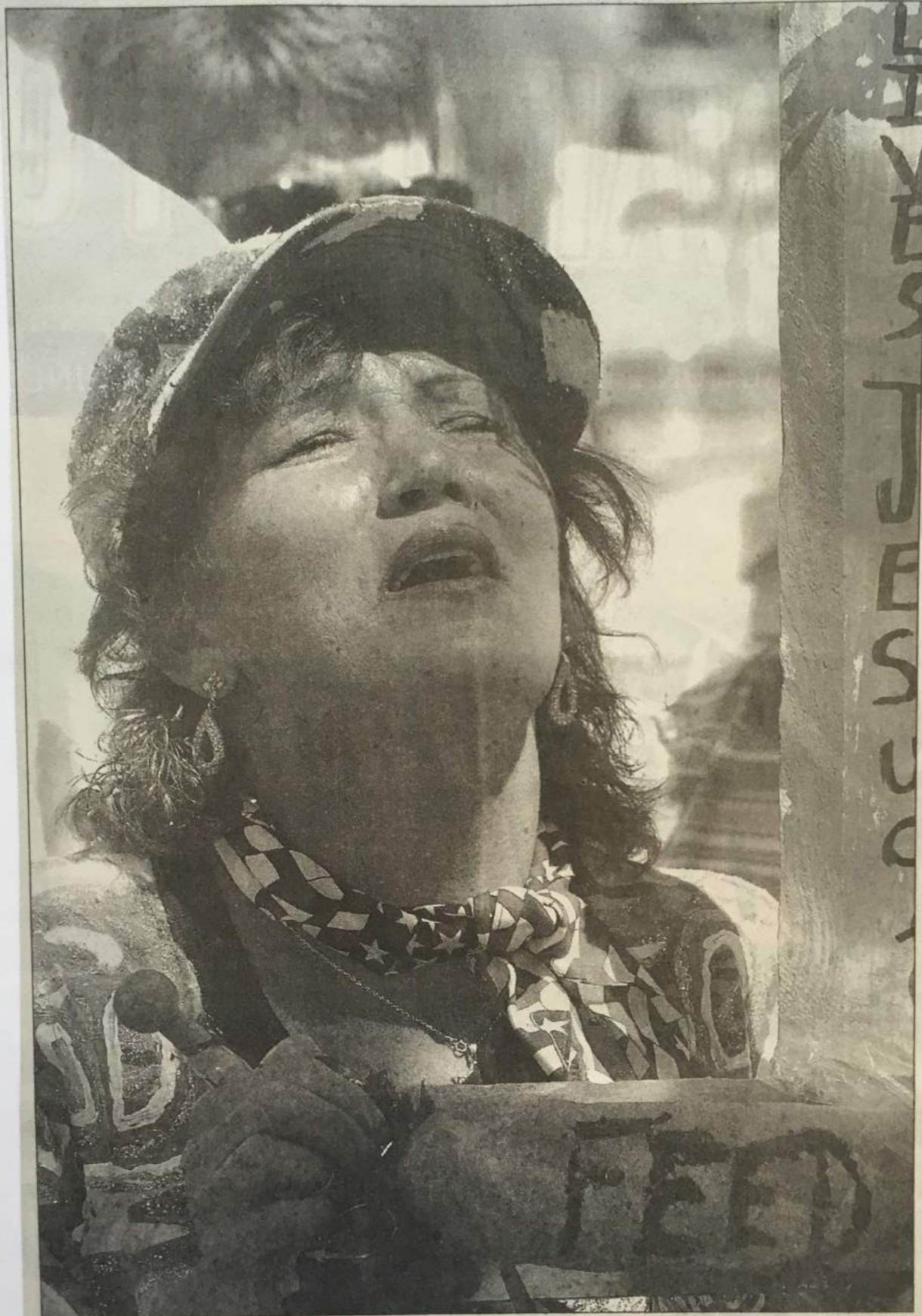
Bob Schindler, Terri Schiavo's father, said Tuesday after a visit with his daughter that she was failing but that her bodily functions were working. She "looks pretty darn good under the circumstances," he said.

Later, about 9:30 p.m., Paul O'Donnell, a Franciscan monk and Schindler family spokesman, said relatives told him Schiavo was still conscious, her

pulse was 100 and she was breathing rapidly.

About 9 p.m. Tuesday, U.S. Sen. Rick Santorum, R-Pa., met with the Schindlers outside the hospice. Santorum told them he had called politicians at the state and federal levels to try to help Terri Schiavo, but he said, "I'm not particularly hopeful."

Editor Rick Barry and reporter Anthony McCartney contributed to this report, which includes information from The Associated Press.



Tribune photo by MARK GUSS

Debora Puddock, of Tampa, prays outside Hospice House Woodside on Tuesday. A Pennsylvania man became the 47th protester arrested since Terri Schiavo's feeding tube was removed.

Autopsy Decision Not Made By Michael Schiavo, Official Says

MEDICAL EXAMINER WAS SET TO DO ONE

By DAVID SOMMER
dsommer@tampabay.com

CLEARWATER — It is not up to Michael Schiavo to decide whether his wife, Terri, should undergo an autopsy after death. "He doesn't have any choice in the matter," said Bill Pellán, director of investiga-

tions for the Pinellas-Pasco Medical Examiner's Office. Medical Examiner Jon Thogmartin decides when an autopsy is required under state law, Pellán said.

On Monday, attorney George Felos announced that Michael Schiavo wanted an autopsy performed to silence critics who have accused him of planning to have Terri Schiavo's remains cremated to cover up wrongdoing.

"Claims have been made there is some motive behind the cremation," Felos said. Pellán said Thogmartin had already decided that Terri Schiavo's situation requires him to perform an autopsy when another Schiavo lawyer called Monday to find out whether that was the case.

"There have been allegations that this is not a natural death," Pellán said. Also, under state law, the medical examiner has the discretion of performing an autopsy when a body is to be cremated. Michael Schiavo has obtained court permission to do so over the objection of Bob and Mary Schindler.

The Schindlers fought a seven-year legal battle with Schiavo over his desire to have his wife's feeding tube removed. They also objected on religious grounds to Schiavo's plans to cremate their daughter.

"Cremation is a very final form of disposition, and people want to make sure it is not done to cover up wrongdoing," Michael Schiavo attorney Deborah Bushnell said her client wanted an autopsy performed when she called Monday to find out whether that was Thogmartin's plan, Pellán said. Felos and Bushnell could not be reached for comment.

Politicians Cautious With Views On Schiavo

SOME KEEP DISTANCE FROM DEBATE

By WILLIAM MARCH
wmarch@tampatrib.com

TAMPA — When Gov. Jeb Bush held a news conference last week to announce his administration's last-ditch legal appeal in the Terri Schiavo case, the state's chief lawyer, Attorney General Charlie Crist, was not there.

Crist, who is widely considered the early front-runner in Florida's 2006 gubernatorial race to replace Bush, has been conspicuously absent from involvement in the case.

That illustrates the political strain that stances taken by the governor and President Bush have put on candidates, particularly Republicans, hoping to run for statewide offices next year in Florida.

Besides choosing a new governor, Florida will vote on whether to re-elect Democratic Sen. Bill Nelson.

Polls indicate voters are overwhelmingly opposed to the Bushes' moves to intervene in the case. The religious right of the Republican Party is more likely to support it, but potential GOP candidates are reacting in different ways.

Crist and U.S. Rep. Katherine Harris, who may run against Nelson, have kept at arm's length.

See **CANDIDATES CAREFUL, Page 5** ►
Peril exists across political spectrum.

RELATED STORY, Page 9:
Pope John Paul II might get feeding tube.



Tribune photo by MARK GUSS

The Rev. Jesse Jackson visited the Schindler family Tuesday and called for the reinsertion of Terri Schiavo's feeding tube. "He gives me strength," Mary Schindler said. STORY, PAGE 5.

CANDIDATES CAREFUL

Continued From Page 1

Two other potential candidates for governor, Chief Financial Officer Tom Gallagher and Lt. Gov. Toni Jennings, have supported keeping Schiavo alive — possibly as an opportunity to burnish their conservative credentials, or in Jennings' case, as a representative of the Bush administration.

Democrats also face a risk if they oppose intervention in the case. Nelson opposed the proposal for a new nationwide law based on the Schiavo case, but went along with Republicans and some Democrats backing a law aimed at giving Schiavo's parents a final chance at a federal court appeal.

Nelson said he supported it as "a way to finally settle the family's unending dispute."

U.S. Rep. Jim Davis of Tampa and state Sen. Rod Smith of Gainesville, the two declared

Democratic candidates for governor, have opposed intervention. Davis adopted a high-profile role leading House opposition to Schiavo legislation.

Davis said the House action "may turn out to be one of the most significant abuses of power by Congress in decades."

Political Perils

The case presents risks on all sides, said University of South Florida political scientist Darryl Paulson. "It's a profile-in-courage situation — both sides are looking for courageous politicians," he said. "But where the courage is depends on where you sit."

All three leading GOP candidates for governor — Crist, Gallagher and Jennings — have had reputations as moderates in the past and are moving right in anticipation of a primary contest. Gallagher and Crist, both previously known as pro-choice on abortion rights, now call themselves pro-life.

Crist's role as the state's top law officer has made his absence from the Schiavo case noticeable, Paulson said, but

his reputation as a law enforcement hard-liner probably gives him more appeal to the party's conservative side on other issues.

Davis, he said, "has probably taken a leap of faith more than any other" with his high-profile stance. "My view is he's probably helped himself as much as any other candidate by being out front and stating his position."

Jennings in the past has distanced herself from legislative attempts to interfere in the case. Answering audience questions after a November 2003 speech in Clearwater, she declined to defend the constitutionality of a law passed by the state Legislature that required reinserting Schiavo's feeding tube after judicial rulings that it should be removed. Instead, she replied, "Unfortunately in my 24 years, we from time to time in the Legislature passed things that were not very constitutional."

This year, however, Jennings, who was appointed to her position by Bush, has lobbied for his administration's views on the issue. Jennings could not be

reached for comment Tuesday. A spokeswoman said both Bush and Jennings "have worked very hard and were urging members of the Legislature to take up this issue."

Both, she said, are "heartbroken ... by court rulings that continue to allow the starvation of Terri Schiavo."

Crist and Gallagher, both elected officials, are not responsible to the governor.

Gallagher spoke March 13 at a Tallahassee rally opposed to removing the feeding tube. "Our creator has given us life and liberty and the pursuit of happiness, and only he has the power to take it away," he said.

'Err On The Side Of Life'

Known for years as pro-choice on abortion rights, Gallagher acknowledged in an interview Tuesday that his view has changed, partly as result of having a son, now 6 years old.

"What I used to say was that I was uncomfortable in [forcing] my beliefs [on] other people," he said. "If you want to say there's a change, I think you could, because I was not out front [as an antiabortion advocate] before."

Asked about political risks from the issue, he said, "I think it's the duty of public officials to err on the side of life."

Crist could not be reached for comment Tuesday. A spokesman said the attorney general's office "has served as counsel for the state of Florida in the case," assisting in writing legal briefs and other tasks, but no more.

"What he [Crist] has said all along is that it's a tragic case — that's his view," spokesman Bob Sparks said.

As attorney general, Crist defended the constitutionality of the 2003 law but said in a court filing that he "takes no position on the merits of the action."

Harris, who was traveling outside the country and not available, said in a statement through a spokesman, "Given the opportunity for Congress to vote regarding Ms. Schiavo's right to life or death, as a choice of conscience, voting for her life is the only appropriate decision that I can personally make."

Reporter William March can be reached at (813) 259-7761.

Don't Want To Be Like ...

How ironic that the ending of our latest national dance macabre and media circus comes literally within days of the 30th anniversary of the



B. D.
COLEN

night on which the first "Girl In The Coma" sank into her own oblivion and collapsed onto the world's stage.

We never saw pictures of Karen Ann Quinlan in her nursing home bed, her limbs drawn up beneath her, frozen into a praying mantis-like pose, her weight down to less than 80 pounds, much less videos featuring her parents with her; Joseph and Julia Quinlan in fact refused offers of huge sums of money for photographs in order to protect what little privacy and dignity they could for Karen.

Instead, the image we all saw of the first "Girl In The Coma" was her high school graduation photo on the cover of newspapers and magazines all around the world. She was the Jersey Girl whose obviously devoted father was accused of wanting to "kill her" because, after lengthy consultations with his parish priest, he went into court in September, 1975, and asked to be named her guardian for the specific purpose of ordering the removal of the respirator thought to be keeping her alive.

It was her tragedy that inserted the terms "persistent vegetative state," "brain dead," and even "the right to die" into the common lexicon.

Like the Schiavos, the Quinlans lost their first court fight. But in the Bicentennial spring of 1976, the New Jersey Supreme Court reversed the lower court, named Joseph Quinlan his daughter's guardian and specifically authorized him to order the withdrawal of the respirator thought to be keeping her alive.

Ironically, however, Karen Ann Quinlan's doctors managed to successfully wean her from the machine, and she began to breath spontane-

ously. So after all that angst and courtroom drama, her body "lived" on, sustained for almost a decade by tube feeding. (Joseph and Julia Quinlan believed that the use of a respirator was extraordinary, but that tube feeding was not, although over the years they would support other parents seeking to remove tube feeding.)

When Karen Ann Quinlan finally died, Boston University health law expert George Annas said in an interview that her legacy could be summed up in five words: "Don't want to be like."

"I don't want to be like Karen Ann Quinlan," Annas said, cutting through all the rhetorical niceties to highlight the true meaning of the case. Terri Schiavo's parents fervently believe that their daughter, who has

been in a persistent vegetative state for 15 years, whose cerebral cortex — the part of the brain that is the seat of "personhood" — has been shown to be liquefying, "wants to live."

What would Terri want, if for a few brief moments she could emerge from the blackness of what neurologists term a persistent vegetative state to tell her loved ones if she wanted to go on existing without any awareness of self or surroundings? Would she want the tube supplying artificial nutrition and hydration withdrawn, so that the dying process begun when her brain suffered a massive in-

sult could resume? Or would she want her body maintained for years, if not decades?

Would she cry "I want to live!" as the Schiavo's say she has? Or when all was said and done, would she, like almost all of us, say, "Don't want to be like."

B.D. Colen, a Pulitzer Prize winner, covered the Karen Ann Quinlan case for The Washington Post, and for 13 years was a Medical Writer and columnist for Newsday. His 10 books include "Karen Ann Quinlan — Dying In The Age of Eternal Life."



New Jersey's Karen Ann Quinlan fell into a coma after mixing alcohol with Valium at a party in 1975. A court allowed her parents in 1976 to remove the respirator that kept her alive, but she lived until 1985. She never came out of her coma.

Pope Might Get Feeding Tube

PROCEDURE IS SIMILAR TO WHAT SCHIAVO HAD

The Associated Press

VATICAN CITY — Pope John Paul II may have to return to the hospital to have a feeding tube inserted because he is having difficulty swallowing, an Italian news agency reported Tuesday.

The Apcom news agency said that no decision had been made and that the feeding tube was one option being considered to help the 84-year-old pope get better nutrition and regain his strength.

Calls to the Vatican spokesman went unanswered.

Citing an unidentified source, the agency said the pope's doctors were considering the procedure, which involves inserting a feeding tube through the throat and into the stomach. The tube is drawn

through the throat, then extended from inside the stomach to outside the body through a small incision in the abdomen. Liquid formula is fed through the tube into the stomach, and the tube does not remain in the throat.

The technique — percutaneous endoscopic gastrostomy, or PEG — was developed in 1979 and is used more than 250,000 times a year in the United States alone. If it is performed, the pope would be receiving nutrition the same way Terri Schiavo did before her feeding tube was removed.

The Vatican last week strongly condemned the decision by a U.S. judge not to order the reinsertion of Schiavo's feeding tube after it was removed on orders from another judge. The Vatican said the decision was akin to capital punishment for someone who had committed no crime. Schiavo's tube was removed March 18.

John Paul has been having



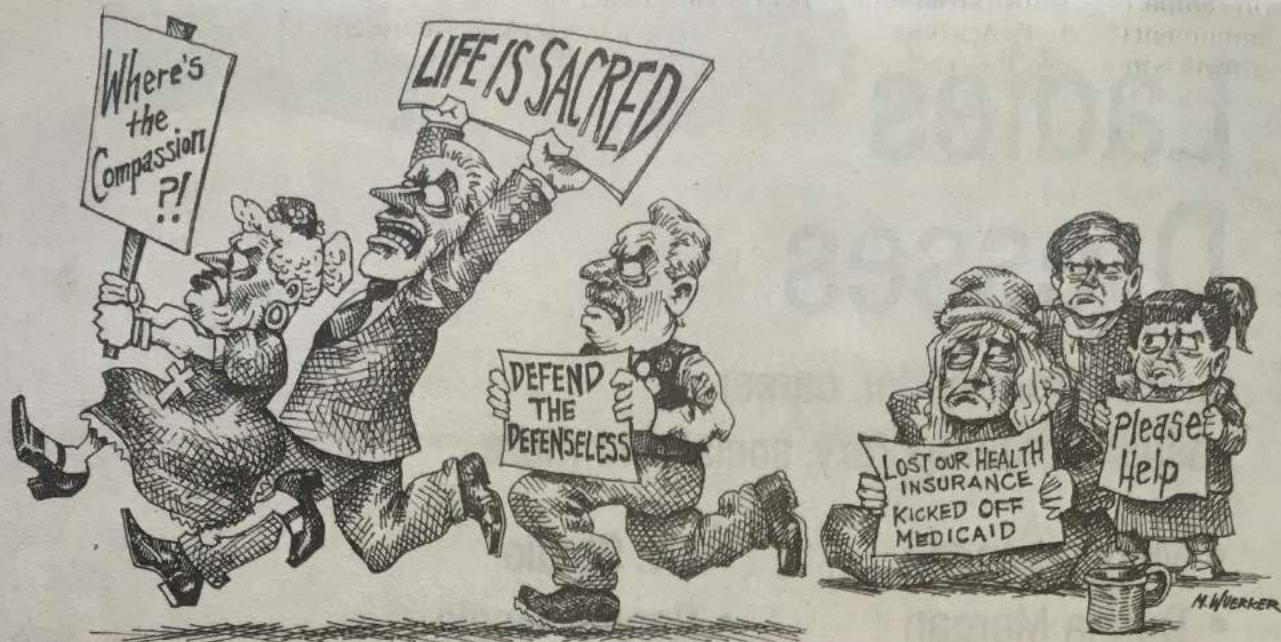
John Paul
Has had trouble swallowing since a tracheotomy tube was inserted to help him breathe

trouble swallowing since a tracheotomy tube was inserted in his throat Feb. 24 to help him breathe. He was admitted to the hospital twice in February because of breathing crises.

Officials at the Diocese of St. Petersburg said insertion of a feeding tube to treat the pope would not contradict the church's views on using extraordinary measures to keep a person alive.

"Based on the most recent statements out of Rome and from the words of the pontiff ... it would be an acceptable method of treatment, and not considered an extraordinary measure," said spokeswoman Vicki Bedard.

Tribune editor Penny Carnathan contributed to this report.



Los Angeles Times Syndicate illustration by MATT WUERKER

Morality And Reality

By DAVID BROOKS
The New York Times

The core belief that social conservatives bring to cases like Terri Schiavo's is that the value of each individual life is intrinsic. The value of a life doesn't depend upon what a person can physically do, experience, or achieve. The life of a comatose person or a fetus has the same dignity and worth as the life of a fully functioning adult.

Social conservatives go on to say that if we make distinctions about the value of different lives, if we downgrade those who are physically alive but mentally incapacitated, if we say that some people can be more easily moved toward death than others, then the strong will prey upon the helpless, and the dignity of all our lives will be diminished.

The true bright line is not between lives, they say, but between life and death. The proper rule, as Robert P. George of Princeton puts it, should be, "Always to care, never to kill."

The weakness of the social conservative case is that for most of us, especially in these days of advanced medical technology, it is hard to ignore distinctions between different modes of living. In some hospital rooms, there are people living forms of existence that upon direct contact do seem even worse than death.

Moreover, most of us believe in transcendence, in life beyond this one. Therefore why is it so necessary to cling ferociously to this life? Why

Social conservatives would start the discussion with a moral argument about the sanctity of life, and then social liberals would immediately start talking about jurisdictions, legalisms, politics, and procedures.

not allow the soul to ascend to whatever is in store for it?

The core belief that social liberals bring to cases like Schiavo's is that the quality of life is a fundamental human value. Social liberals warn against vitalism, the elevation of physical existence over other values. They say it is up to each individual or family to draw their own line to define when life passes to mere existence.

The central weakness of the liberal case is that it is morally thin. Once you say that it is up to individuals or families to draw their own lines separating life from existence, and reasonable people will differ, then you are taking a fundamental issue out of the realm of morality and into the realm of relativism and mere taste.

You are saying, as liberals do say, that society should be neutral and allow people to make their own choices. What begins as an appealing notion — that life and death are joined by a continuum — becomes vapid mush, because we are all invited to

punt when it comes time to do the hard job of standing up for common principles, arguing right and wrong, and judging those who make bad decisions.

You end up exactly where many liberals ended up this week, trying to shift arguments away from morality and on to process.

If you surveyed the avalanche of TV and print commentary that descended upon us this week, you found social conservatives would start the discussion with a moral argument about the sanctity of life, and then social liberals would immediately start talking about jurisdictions, legalisms, politics, and procedures. Then, if social conservatives tried to push their moral claims, you'd find liberals accusing them of turning this country into a theocracy — which is an effort to cast all moral arguments beyond the realm of polite conversation.

Once moral argument is abandoned, there are no ethical checks, no universal standards, and everything is left to the convenience and sentiments of the individual survivors.

What I'm describing here is the clash of two serious but flawed arguments. The socially conservative argument has tremendous moral force, but doesn't accord with the reality we see when we walk through a hospice. The socially liberal argument is pragmatic, but lacks moral force.

No wonder many of us feel agonized this week, betwixt and between, as that poor woman slowly dehydrates.

Jackson Takes Case To State Lawmakers

LOBBYING FAILS TO SHIFT STANCES IN TALLAHASSEE

By JEROME R. STOCKFISCH
jstockfish@tampatrib.com

TALLAHASSEE — The Rev. Jesse Jackson took his campaign to reinsert Terri Schiavo's feeding tube to the state Capitol on Wednesday, but meetings with Gov. Jeb Bush, Senate President Tom Lee and other key lawmakers failed to spark legislative intervention.

"This is a profound moral and ethical challenge for all of us," Jackson said. "And emotions are running high — understandably so — because we are watching a woman be starved and dehydrated to death."

The Florida Senate twice rejected legislation that would have intervened in the incapacitated woman's final days.

Jackson and others supporting Schiavo's parents pressed for political strategies that could have continued the fight, but the effort was too little, too late.

"I'm not sure what is left for us to do, but as the reverend says, we're going to make our best effort and continue to make this process available

for democracy to work," said Lee, R-Brandon.

Jackson's high-profile tour of the Capitol began with an eyebrow-raising meeting with Bush.

The civil rights activist, onetime Democratic presidential candidate and Bush-family foe doesn't typically share common ground with the conservative Republican governor. But they stood together Wednesday, making a joint appearance before reporters after a private meeting.

"I appreciate Reverend Jackson's compassionate interest in this case," Bush said. "For a man of his stature and commitment to the rights of all to come in a very nonpolitical, but compassionate way, to express his concern is something I appreciate."

Jackson met with key lawmakers who might have been able to bring the issue back to the Senate floor. Nine Republican senators joined 12 Democrats on two votes declining to intervene in the Schiavo case.

Any one of those 21 senators could have moved to reconsider. But a Senate session came and went Wednesday with no such motion.

The Senate also could have entertained a motion to waive its rules to revisit the issue. But that strategy would have required two-thirds ap-

SCHINDLER APPEALS

Continued From Page 1

ed.

The court opinion crystalized the clash between branches of federal government that has emerged in the Schiavo case, underscoring the barrier the judiciary has refused to allow Congress to breach.

Judges "must conscientiously guard the independence of our judiciary and safeguard the Constitution, even in the face of the unfathomable human tragedy that has befallen Mrs. Schiavo and her family and the recent events related to her plight which have troubled the consciences of many," Birch added.

Supreme Court Won't Hear Case

The Schindlers quickly appealed the appeals court ruling to the U.S. Supreme Court, which declined for the sixth time to intervene in the case late Wednesday. Justices did not explain their decision.

David Gibbs III, an attorney for the Schindlers, said the justices rejected "what appears to be the last meaningful appeal" he will file. He said he has no other legal actions on the table.

Gibbs learned of the ruling after visiting Terri Schiavo on Wednesday night. He said she was breathing a little more rapidly, but, "She is demonstrating an amazing sparkle and desire to live."

Schiavo has been in what many doctors have called a persistent vegetative state for 15 years. Her husband, Michael, successfully petitioned a state court to remove her feeding tube on the grounds that she would not have wanted to live that way. Her parents, who contend their daughter would not want to starve to death, have fought Michael Schiavo for seven years and have repeatedly lost in the courts.

Moved by the Schindlers' plight, Congress passed a law in the early morning hours of March 21, putting the case into the federal courts.

As Birch saw it, however, the law went too far by telling federal judges how they should go about deciding the case. Birch's strongly worded statements came in a concurring opinion that accompanied a ruling by the full, Atlanta-based appeals court. The court refused to hear the Schindlers' latest appeal under the new law.

The couple had asked the full court to hear their plea after a three-judge panel turned them away Friday. The activity marked the parties' second trek through the federal courts since the Schiavo law was passed.

In electing not to take the case *en banc* or by the full court, the 11th U.S. Circuit did not rule on its merits and

did not overturn the new law. However, because the law addressed the Schiavo case specifically, it will become moot if Terri Schiavo dies.

Birch wrote, "While the members of [the Schindler] family and the members of Congress have acted in a way that is both fervent and sincere, the time has come for dispassionate discharge of duty."

Birch, who was appointed to the bench in 1990 by the former President Bush, suggested hubris on the part of Congress, accusing it of "arrogating vital judicial functions to itself."

Birch's actions surprised Richard Freer, a law professor at Emory University in Atlanta.

"I think it's unusual to have a concurring opinion from a denial of rehearing on *en banc*," said Freer, who has known Birch for about 12 years.

"Obviously, that means he feels very strongly about it and that that needed to be said."

Freer said the public tends to react to the bottom line of court decisions, seeing them as either "for Terri or against Terri." But he said it's important to be clear that judges have to be concerned with the Constitution.

Birch began his Schiavo opinion by observing that judges are often denounced by the public and members of Congress for being "activist," accused of deciding cases based on personal feelings rather than the requirements of the law.

But in the Schiavo case, he said, it was members of Congress who disregarded the Constitution because of their personal beliefs. Parts of the Schiavo law, Birch wrote, violated "the fundamental principles of separation of powers enshrined in our

Constitution."

Two 11th U.S. Circuit judges disagreed with Birch. Judge Gerald B. Tjoflat filed a dissenting opinion, which was joined by Judge Charles Wilson, who sits in Tampa.

Extended Deadline Raised Hopes

The Schiavo case seesawed through the federal appeals court Wednesday. The day began with what appeared to be a glint of hope for the Schindlers when the full appeals court issued a seemingly positive ruling allowing the couple to request the *en banc* hearing. But the ruling amounted merely to a relaxation of a deadline to file paperwork.

When the three-judge panel ruled against the Schindlers on Friday, it gave them until Saturday to request a full-court hearing. Gibbs said over the weekend that the couple would mount no more federal appeals, and so they let the deadline pass.

But the Schindlers changed strategies late Tuesday, filing a motion at 11 p.m. asking for permission to file a late petition with the full court. The court granted permission to file, but later ruled against granting a hearing.

Gibbs said he changed his mind after receiving thousands of faxes and e-mails during the weekend, some offering suggestions on how to argue the appeal.

The appeals centered on a ruling last week by U.S. District Judge James D. Whittemore in Tampa, who refused to order the reinsertion of Schiavo's feeding tube. In his ruling, Whittemore said the Schindlers had failed to demonstrate that they would probably be able to prove that Schiavo's rights had been violated.

Information from The Associated Press was used in this report. Reporters David Sommer and Anthony McCartney and researcher Michael Messano contributed to this report.



Keyword: Schiavo, to read the 11th U.S. Circuit Court's ruling and get today's developments.

Kidneys Vital To Any Attempt To Reinsert Tube

EFFORT WOULD BE FUTILE IF ORGANS SHUT DOWN

By SUSAN HEMMINGWAY JOHNSON
shjohnson@tampatrib.com

TAMPA — Determining whether Terri Schiavo's kidneys are still functioning would be key to her survival if her feeding tube were reinserted, said a medical consultant to the Hospice Foundation of America on Wednesday.

Changes in dying patients first occur in the kidneys and liver, said William M. Lamers Jr., who co-founded the nation's second hospice during the early 1970s.

Eventually, the kidneys become damaged until they no longer can do their job: to remove toxins from

the body. As toxins build up in the system, blood pressure drops and other organs such as the heart and lungs also begin to fail.

"It's sort of like a cascade ... one system after another goes," Lamers said.

Supplying artificial nutrition won't restore kidneys that have shut down, he said.

Wednesday afternoon marked the start of the 13th day after Schiavo's feeding tube was removed.

Lamers, who lives in California, said he couldn't speculate on her condition or how close she might be to death because there were too many variables.

The length of survival after a feeding tube is removed involves such factors as the patient's amount of fatty tissue and muscle tissue,

Lamers said. The body consumes those tissues as fuel in lieu of food and water.

Jay Carpenter, a Clearwater internist who spoke on behalf of Schiavo's parents, said there is no way to tell whether Schiavo's organs are beyond help. He said he knows of no studies that show how a person without food and water for two weeks would react to rehydration.

"I heard this morning that a doctor made a statement that it would be futile or even harmful to rehydrate Terri at this point," Carpenter said Wednesday. "That [statement] is irresponsible."

Carpenter said he has not examined Schiavo for three years but has spoken to her parents about their observations.

Reporter Thomas W. Krause contributed to this report.



Tribune photo by JAY NOLAN
Mary Porta, 47, of St. Petersburg, is among those outside the hospice supporting Terri Schiavo's parents.

Tribune photo by BRUCE HOSKING
Though the number of protesters has dwindled, many such as Janet Spear, of Birmingham, Ala., remained.

THE TAMPA TRIBUNE

and The Tampa Times

Judge Assails Schiavo Law

SCHINDLERS LOSE LATEST APPEALS

By ELAINE SILVESTRINI
esilvestrini@tampatrib.com

TAMPA — A federal appeals court judge strongly criticized Congress and President Bush on Wednesday, accusing them of overstepping their authority when they enacted an extraordinary law putting the fate of over-16-year-old Terri Schiavo into the federal courts. "In resolving the Schiavo controversy it is my judgment that, despite sincere and altruistic motivation, the legislative and executive branches of our government have acted in a manner demonstrably at odds with our Founding Fathers' blueprint for the governance of a free people — our Constitution," wrote Stanley F. Birch Jr., a judge on the 11th U.S. Circuit Court of Appeals in Atlanta. His opinion accompanied a ruling by the court refusing to hear an appeal by the Schiavo parents, who want her feeding tube reinserted.

See **SCHINDLER APPEALS**, Page 15
Supreme Court refuses case for sixth time.

RELATED STORY, Page 15:
Diverse group camping outside hospice.

WEDNESDAY'S EVENTS

- 2:30 p.m.** After visiting his daughter, Bob Schindler says she looks "surprisingly good."
 - 3:25 p.m.** The 11th U.S. Circuit Court of Appeals rejects the Schindlers' emergency bid for a new hearing.
 - 8:30 p.m.** Schindlers file appeal with U.S. Supreme Court.
 - 10:40 p.m.** Supreme Court declines to intervene. The Schindlers' attorney calls the rejected request "the last meaningful appeal."
- All times are approximate.

People From Across Nation Gather Outside Hospice

'I FELT LIKE GOD SAID COME ON DOWN,' ONE MAN SAYS

By THOMAS W. KRAUSE
tkrause@tamparib.com

PINELLAS PARK — And on the 13th day, more of the faithful and the curious came to camp on the lawns outside Hospice House Woodside, showing their support for the brain-damaged woman whose feeding tube was removed by court order.

Where many of the protesters who stood in prayer had arrived days ago — and some weeks ago — quite a few arrived Wednesday, traveling great distances to see the spectacle they had only previously witnessed on television and in the newspaper.

One man, carrying his banjo, arrived Wednesday from the east coast of Florida. Another drove from New York on Tuesday, with his trumpet. A family from Georgia migrated with silver bowling pins and tennis balls.

"I felt like God said come on down, I want somebody out there juggling," Nathan Dorrell said.

Dorrell said he, his wife Kathy and their two small children juggle regularly at schools for the disabled, where they entertain sick children and preach about Jesus. Although they have performed at various protests over the years, Dorrell said this was the first time the family felt they were actually participating in a protest.

"I just want to stand up," he said. "I think Jesus would be here for the sick."

Richard Jacobson, 60, from Corning, N.Y., played "The Old Rugged Cross" and "Joshua Fought the Battle of Jericho" on his trumpet. Jacobson came to the protest site Tuesday and planned to stay a week.

"I've been involved in pro-life since 1991," he said. "I'm just out here to blow the trumpet and stand for life."

Jeff Davis, of Cassadega, picked at his four-string banjo and talked at length Wednesday morning about tax reform. Improper taxation, he said, is directly related to the Terri Schiavo protest.

"Basically," he said, "the people want something and the government doesn't do it."

Although a sticker on his banjo said

"Ax the Tax," Davis said people outside the hospice have to try to keep the message about Schiavo and her family's struggle to keep her alive.

Many protesters traveled from far away to express their feelings about Schiavo's fate. Lisa Wilson said she came from Kansas because, as a trained dietitian, she thinks it is unethical to remove a feeding tube.

Several who were at the Hospice Wednesday, however, were not there to fight for the restoration of Schiavo's nutrition. Wilson's 25-year-old son was along for company and had nothing to do with the protest.

Similarly, John Deleo and his wife, Patricia, came to the hospice from Dade City. Patricia Deleo was against the removal of Schiavo's feeding tube. John Deleo said he wasn't sure.

Much of the early fervor of the protesters had passed by Wednesday. Arrests of protesters trying to cross police lines with water and food for Schiavo were dwindling. By late afternoon, only one arrest was reported: about 6:30 a.m.

A California man, Sidney Raingruber, pushed aside an officer who was trying to keep him from entering the hospice. The man was charged with

felony battery on a law enforcement officer, resisting arrest and trespassing. It was the first arrest for a violent crime in the 48 arrests to date.

As the days have passed, security has tightened. Because of recent bomb threats, about 11 a.m. Wednesday, police began inspecting trunks of cars driving through the police checkpoint.

Even as the protest subsided, the media attention remained constant. Cameras and satellite trucks sat everywhere. Reporters for newspapers, radio and television outnumbered protesters and police about 2-to-1.

"The fact is, the longer this goes on, the weirder this is going to get, probably," said Kelly McBride, the ethics group leader at the Poynter Institute for Media Studies.

In the current age of 24-hour news coverage, McBride said, protesters have the ability to remain on television for long periods of time.

"It becomes a chicken and egg question," she said. "The protesters show up. Then, the TV cameras show up. Then, more protesters show up."

Reporter Thomas W. Krause can be reached at (813) 259-7698.



Tribune photo by JAY NOLAN

Jesse Jackson, right, says he was initially reluctant to get involved in the Terri Schiavo case. Wednesday, he lobbied state lawmakers and Gov. Jeb Bush in Tallahassee on behalf of Bob and Mary Schindler.

proval in the 40-member chamber, and the votes weren't there.

"The reverend has a deep relationship with the African-American community and the black caucus," Lee said. "I understood that he had been talking to several members of the black caucus, and it was my expectation that one of them would rise to reconsider. None of those individuals ever rose to make such a motion."

Early Wednesday, Bush pinned his hopes on appeals by his office in a

federal appeals court in Atlanta. That court declined to intervene.

Jackson said he was originally reluctant to get involved in the Schiavo case because of the personal nature of end-of-life decisions. He said he was contacted by Mary Schindler, Terri Schiavo's mother, to help the family.

Schiavo's parents are battling her husband, who has insisted she did not want to live in a persistent vegetative state and sought to have the feeding tube removed.

Later Wednesday, a more resigned Jackson had returned to the Pinellas Park hospice where Schiavo lay.

"Don't get bitter," he told demonstrators. "We must learn even from the tragedies of our lives."

Reporter Anthony McCartney contributed to this report. Reporter Jerome R. Stockfish can be reached at (850) 222-8382.

How We Die: Choice And Chance

By ANNE APPLEBAUM
The Washington Post

No matter how you ask the question, most people — right-wing, left-wing, atheist, religious — will tell you that they don't want to die like Terri Schiavo. That is, they don't want to spend their final days in a hospital, tied up to a machine, unable to feed themselves, unable to speak.

Nine out of 10 Americans have told Gallup pollsters that they don't want to die in an institution. Another poll found that 82 percent of Americans would, upon being told they had very little time to live, prefer simply to go home: They want to die in their own beds, surrounded by family, in a setting that feels natural.

The vast majority, of course, will not die at home. Perhaps they won't be on a feeding tube, but they will almost certainly be in a hospital or a nursing home. Perhaps their relatives won't be battling one another in the national media, but they are statistically more likely to be at odds with one another, or with their doctors, than ever before. Many will be surrounded by strangers and hooked up to machines, even if they've written living wills that say they don't want to be. Many will die, in other words, in a setting that doesn't feel natural at all.

Exposing Today's Reality

Along with all of its unexpected political implications, the Schiavo case has had the effect of exposing the enormous gap between what Americans imagine death should be like and what death actually is like for most people in the 21st century. A hundred years ago, when average life expectancy was 47, people who got sick either recovered or died quickly. Now that life expectancy is 75, most Americans will spend at least two years of their lives too disabled, one way or another, to care for themselves without help.

Yet, although we see video images of death all the time — movie shootouts, scenes of faraway warfare — we don't much like dwelling on the medicalized environments in which most people in our society actually pass away, and we don't like thinking about the murky ethi-

Along with all of its unexpected political implications, the Schiavo case has had the effect of exposing the enormous gap between what Americans imagine death should be like and what death actually is like for most people in the 21st century.

cal dilemmas that their deaths often present. In some sense the Schiavo case has attracted so much attention precisely because it brings, almost for the first time, a very common, very painful, but usually very private dilemma into the public sphere. This case is unusual only in that the family has such a relatively clear set of choices, or at least knows with some degree of certainty what will happen when the tube is removed. More often, the decisions are extraordinarily delicate medical and ethical judgment calls. When is someone's health so frail that the risks of an operation — or the price of an operation — become too great? Who decides when the pain that will result from a particular cancer treatment is going to outweigh the benefits?

But because we don't dwell on it, and because we haven't thought about it, the system that has sprung up to care for the elderly and the terminally ill is neither medically nor ethically consistent. In different regions of the country — even among hospitals rated the best in the country — there are huge variations in the kind of treatment given to dying patients. In one study — carried out over several years, in five different hospitals in five different regions — nurses were trained to conduct constant conversations with the ill and dying, trained to respect their wishes, and trained to allow those who wanted to die at home to do so. Even so, there was a wide range of outcomes. In one region, a third of the patients died in a hospital despite their wishes. In another, the figure was 66 percent.

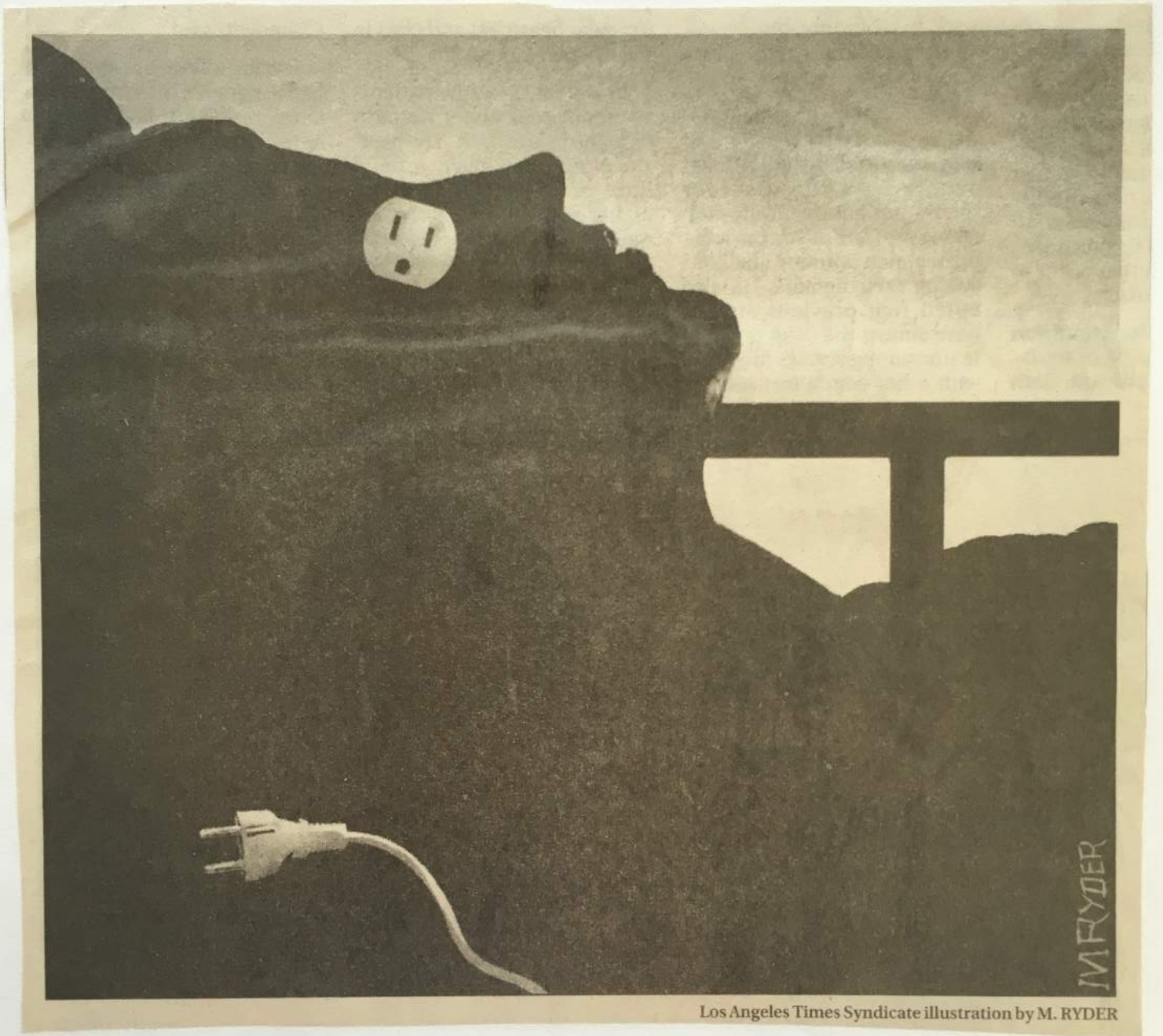
Facilities Play A Role

These variations couldn't be explained by medical necessity or patient preferences. On the contrary, it seems that the most important factor in determining whether a particular region has a high rate of

medical intervention on behalf of the terminally ill — risky operations, respirators, artificial feeding — is not local religious practices but the local availability of hospital beds and the number of local doctors. There are, for example, a lot of both in Miami. As a result, Medicare spending on a patient in the last six months of life was twice as high in Miami as in Minneapolis. Dying patients in Miami spent four times as many days in intensive care units and saw at least twice as many specialists, too. Yet another study, conducted by the Dartmouth medical school, found no correlation between the amount of treatment given to dying patients in particular regions and that region's overall mortality rate: Just because you see more specialists doesn't mean you'll live longer.

In this sense, the Schiavo case is not only unusual but actually misleading. All of the commentary makes it sound as though these momentous decisions are not only crystal clear but are ultimately made on moral grounds, as if there were something important at stake: the sanctity of human life vs. the right to die, or the wishes of the dying person vs. the wishes of the family. But in practice, we've designed a health care system in which the fulfillment of one's wishes on this matter depends on serendipity. You will die at home — or not — because of where you live. You will be kept on a respirator — or not — because that's how your local hospital does it. And until we and our politicians are able to focus more thoughtfully on the realities of 21st century death, serendipity, not ethical debate, will remain the ruling principle.

Anne Applebaum is a member of The Washington Post's editorial page staff.



Los Angeles Times Syndicate illustration by M. RYDER

Terri Schiavo



1963-2005



Forever Recorded In Infamy

March 31, 2005 is a day that shall remain forever recorded in infamy. Not because it is my youngest sister's birthday or because I called her early yesterday morning to bid her salutations, but rather because it is the day of death for Terri Schiavo.

I cried for a woman I never met, but someone whom I felt as if I knew personally. Perhaps because over the past few years her face has come across the television screen into my home, I have listened to her story on the radio, and have heard the great political and religious debates about life and death as both sides debated passionately about their cause.



LETTER OF THE DAY

I cried for Terri's family and friends, knowing how hard saying goodbye must be. I cried for the unanticipated choices that life throws at us whether we ask for them or not, and whether or not we are strong enough to make decisions as a result of the card that life has dealt. I cried because life happens and there is nothing you can do about it when it does. I cried because there are times in life when no one wins, when decisions are not easy or understood and when the choice you make is not always accepted by the masses.

Today, I do not choose to share my stance on the Schiavo issue. It is a personal and private matter. I have uttered my views and convictions only among my close and intimate friends and colleagues. Today, instead, I simply choose to drop a thought into the universe. Choices: There will be times in life, when making them will not be easy and their wrappings will not be dressed in the tapestry of black and white, but rather gray and muddy. As a result, I have come to know that it will be the gray that truly redefines a person. It leaves us asking ourselves the question of what is really right and wrong.

SHARON COOK
Riverview

PRESIDENT PRAISES 'GRACE AND DIGNITY' OF RELATIVES

By JENNIFER LOVEN
The Associated Press

WASHINGTON — President Bush on Thursday urged the country to honor Terri Schiavo's memory by working to "build a culture of life," and House Majority Leader Tom DeLay said "the men responsible for this" will be called to account.

The Florida woman, who suffered severe brain damage after a heart attack 15 years ago, died Thursday. The feeding tube that had been keeping her alive was removed with a judge's approval March 18.

DeLay, R-Texas, condemned the judges who at both the state and federal level declined to order that Schiavo be kept alive artificially.

Bush offered words of comfort and praise for Schiavo's "families" — her parents, Bob and Mary Schindler, and her husband, Michael Schiavo.

The two sides battled for years over Terri Schiavo's fate, with her parents believing she could improve and her husband insisting she would not have wished to be kept alive artificially. State court-appointed doctors ruled Schiavo was in a persistent vegetative state, with no real consciousness or chance of recovery.

"I appreciate the example of grace and dignity they have displayed at a difficult time," the president said of Schiavo's relatives. "I urge all those who honor Terri Schiavo to continue to work to build a culture of life where all Americans are welcomed and valued and protected, especially those who live at the mercy of others."

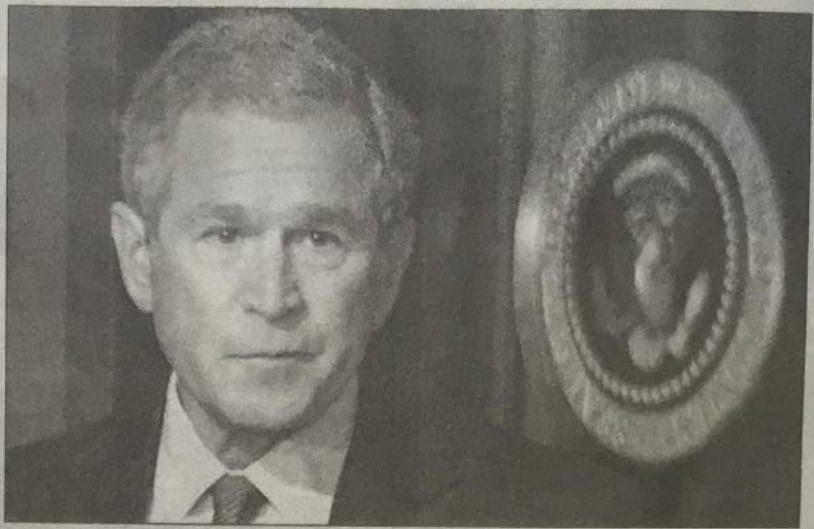
Other Washington figures who were deeply involved in the extraordinary federal intervention in Schiavo's case, particularly Republicans, also weighed in on her passing.

Senate Majority Leader Bill Frist, R-Tenn., said her death was a "regrettable loss of life."

House Judiciary Chairman James Sensenbrenner, R-Wis., called on Congress to pass the broader legislation favored by House Republicans but rejected when lawmakers and the White House compromised to focus only on Schiavo. The earlier bill, giving jurisdiction to federal courts, would apply to any case in which there are questions about withholding food or medical treatment from an incapacitated person.

"Terri's will to live should serve as an inspiration and impetus for action," Sensenbrenner said.

The White House didn't rule out



The Associated Press

What President Bush Said

Today millions of Americans are saddened by the death of Terri Schiavo. Laura and I extend our condolences to Terri Schiavo's families. I appreciate the example of grace and dignity they have displayed at a difficult time. I urge all those who honor Terri Schiavo to continue to work to build a culture of life, where all Americans are welcomed and valued and protected, especially those who live at the mercy of others. The essence of civilization is that the strong have a duty to protect the weak. In cases where there are serious doubts and questions, the presumption should be in the favor of life.

What Gov. Jeb Bush Said

After an extraordinarily difficult and tragic journey, Terri Schiavo is at rest. Columba and I offer our condolences to Mr. and Mrs. Schindler, Bobby Schindler, Suzanne Vitadamo and to all those who offered their prayers and support to Terri's family over these past weeks, months and years. Many across our state and around the world are deeply grieved by the way Terri died. I feel that grief very sharply as well. I remain convinced, however, that Terri's death is a window through which we can see the many issues left unresolved in our families and in our society. For that, we can be thankful for all that the life of Terri Schiavo has taught us."

support from the president for new legislation. "Obviously we would look at it if it came to our desk," White House press secretary Scott McClellan said.

By contrast, in the hours immediately after Schiavo's death, Democrats — who have trodden carefully in the case for fear of getting clobbered on the "values" issues that hurt them

in last year's elections — mostly kept a low profile.

Senate Minority Leader Harry Reid, D-Nev., said he hoped the developments would encourage all Americans to write living wills.

"In the difficult days ahead, my thoughts and prayers go out to all those who feel the pain of this loss," he said.

Vatican Denounces 'Arbitrarily Hastened' Death

HOLY SEE MAKES ITS FIRST STATEMENT ON THE CASE

By VICTOR L. SIMPSON
The Associated Press

ROME — The Vatican denounced the "arbitrarily hastened" death of Terri Schiavo on Thursday as a violation of principles of Christianity and civilization. A cardinal described her end as a "death sentence executed through a cruel method."

"The circumstances of the death of Ms. Terri Schiavo have rightly disturbed consciences," Vatican spokesman Joaquin Navarro-Valls said in the first statement from the Holy See on the case.

"An existence was interrupted. A death was arbitrarily hastened because nourishing a person can never be considered employing exceptional means," Navarro-Valls said.

"There is no doubt that exceptions cannot be allowed to the principle of the sacredness of life from conception to its natural death," the Vatican spokesman said.

"Besides the principle of Christian ethics, this is also a principle of human civilization," he said.

Cardinal Renato Martino, a top Vatican official, said that Schiavo's death was a "human tragedy, but also an ethical, juridical and cultural tragedy."

Martino likened her loss of life in the Pinellas Park hospice to a "death sentence executed through a cruel method."

"We are against the death penalty, and that was practically a death penalty that was inflicted on her," Martino said. "That was not a natural death. It was an imposed death."



Photos from The Associated Press

Vatican spokesman Joaquin Navarro-Valls said, "The circumstances of the death of Ms. Terri Schiavo have rightly disturbed consciences."

"When you deprive somebody of food and water, what else is it? Nothing else but murder," Martino said.

He said that he was speaking on the case "according to the teaching of the pope."

Pope John Paul II has spoken on behalf of providing food and water, even through artificial means, to patients like Schiavo.

The pontiff was informed of Schiavo's death, Martino said.

The cardinal likened the pope's frail health, including resorting to a feeding tube, to Schiavo's case.

The "comparison is easy," Martino said. "Everybody will do all the best to keep him alive, to feed him the way it can be done."

Before the Vatican statement



The Vatican's Cardinal Renato Martino said Terri Schiavo's death was a "human tragedy, but also an ethical, juridical and cultural tragedy."

Thursday, the Holy See had left comment in the hands of Martino, who heads the Pontifical Council for Justice and Peace, and other prominent church officials.

"One hopes that from this dramatic experience there matures in public opinion a greater awareness of human dignity, and that it brings greater protection for life even at the legal level," Navarro-Valls said Thursday.

Speaking of Schiavo, another leading Vatican official, Portuguese Cardinal Jose Saraiva Martins, said that "an attack against life is an attack against God, who is the author of life."

Martins said John Paul "teaches us not only with his suffering, but also with his teaching the great respect for life. Life is the most precious thing we have."



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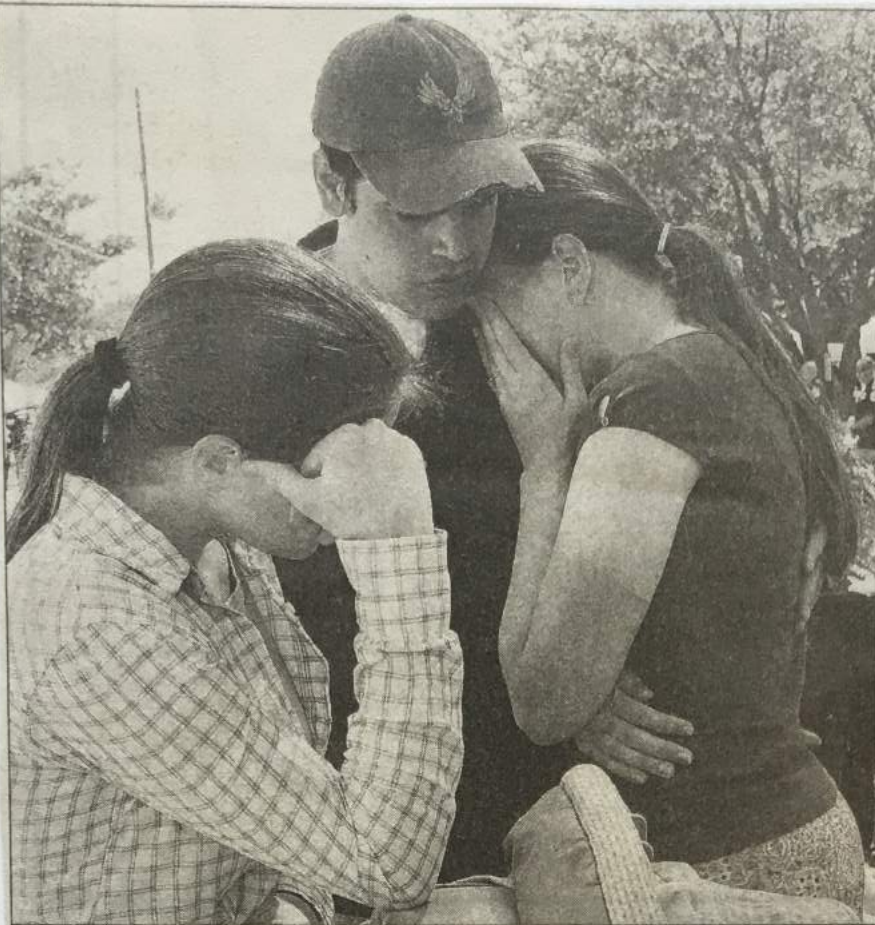
When asked who should be held responsible for Schiavo's death, Martino replied: "The judges, her husband, whoever denied access" to feeding.

The cardinal previously had appealed for Schiavo to be kept on the feeding tube, which was removed by court order March 18.

Schiavo suffered severe brain damage 15 years ago.

Her husband, Michael, has said that she had told him she would not want to be kept alive in a vegetative state. He has insisted he was carrying out her wishes by having nourishment ended.

Her parents had opposed the feeding.



The Associated Press

Terri Schiavo's supporters mourn after learning of her death.

Home To The Lord

To say that the death of Terri Schiavo is tragic is an understatement. No one really knows the motivations of Michael Schiavo or the Schindlers except for them. It's not up to us "outsiders" to vilify or sanctify either of these stances; we have not had to walk in their shoes. It's just as tragic that all of this had to be played out in the courts of our land as well as in the courts of public opinion.

Through all the coverage of this tragedy and of so many groups — mainly Christian-based — who believe she should live, has anyone asked why it is so terrible to let her die and go home to health and happiness with the Lord? I've always believed that the ultimate goal is eternal life after death within the loving embrace of our God.

I pray that Terri is at peace, happy and laughing and vital once again. I also pray for all of her family members that they can find peace as well until they meet her again.

JACQUE WELSH
Tampa

Don't Protest, Go Home

One woman asked, "Where do we go from here?" Go home! Let the other residents of Woodside Hospice live

their last days in peace and with their loved ones.

The Schindlers have used their daughter as a puppet — feeding tube in, feeding tube out. They handed over custody of their daughter, body and soul, to Michael the day they were married. They described her as "shy." If that is how they described her, then how would she have felt being flashed across TV screens around the world looking as she did? At least the Schindlers had the decency to use pictures taken eight years ago!

Don't protest, go home. Learn a lesson from all this — have a living will and don't put off making these arrangements. No one deserves to end up like Terri — being exploited by your own family!

C. ROBBINS
Tampa

Do Same To Criminals?

Seems like the legislature of every state is always looking for a more humane way to end the life of the worst criminals. They want to find a way that is not cruel or unusual punishment. Maybe we stumbled on an answer.

We have been assured that Terri Schiavo was in no pain and didn't even know she was dying. If this is such a humane way to die, I would submit that the states could not only

save the electricity or drug overdose expense by starving those on death row. After all, it is such a pleasant way to die.

LARRY RAINEY
Brandon

Amazing Coincidence

For what it's worth, on March 31, 1976 the New Jersey Supreme Court ruled that coma patient Karen Anne Quinlan could be disconnected from her respirator. It was the first U.S. case to include a right to cease medical treatment based on the Constitution's (implied) "right of privacy."

DANIEL P. QUINN
St. Petersburg

All Had An Agenda

I hope everyone is happy. Terri Schiavo is now gone.

Everyone had an agenda. Michael Schiavo had one that only he knew to be true, and whether it was true that he wanted her dead for financial gain, only he will ever know.

Terri's family had an agenda, even if it was to give her that dignity of such a feeble life or simply to stop her husband from having his way.

The media had their glamour story for months.

The politicians had their ever-so-famous bandwagon, pro or con. Those of us who rally upon whatever issue there is for the day had a doozy.

God bless you, Terri, and shame on all the rest of us who made all of this so much more than it truly was.

JAY NORMAN
Brandon

'May She Rest In Peace'

Goodbye to Terri Schiavo, who captured a nation's heart. May she rest in peace. Unknowingly, she showed us how flawed our judicial system is; how the law can punish us for animal cruelty, but not for denying the basic needs of food and water that a human life requires. We also recognize that we are a nation allowing legalized murder; that the will of the people does not always count.

May we take these lessons to heart and do what must be done to protect other innocents who cannot speak for themselves. Rest in peace, Terri.

TANYA MACDONALD
Seffner

She's 'Free At Last'

Thank you to Michael Schiavo for standing firm in the face of so much noisy opposition. He should know that nine out of 10 Americans were on his and Terri's side. And now, after 15 years in limbo, we can sigh and say, "Free at last, free at last."

CEIL GARRETT
Zephyrhills

She Taught Us Much

Terri Schiavo is at peace.

Despite the best, and the worst, of intentions by family, friends, judges, lawyers, politicians and religious zealots, many with overt as well as covert purposes, Terri is finally at peace.

She must not be forgotten.

The issues her passing has generated must be re-examined and strengthened where necessary. The legality of actions and decisions by spouses must be clarified and strengthened. Politicians from the president to the Congress to governors and local elected representatives must be reminded of the limits of their duties and their responsibilities under the Constitution to the whole rather than the one. Likewise, religious zealots must be reminded their actions have physical, theological and philosophical barriers that must be respected. Above all, communities, cities and states must make the time to discuss and act on the final consensus that individuals should have the right to choose, acting on their own or through others, how, when and under what conditions they may end their existence.

As our society ages and more people live longer lives, as medical science becomes more efficient at keeping bodies alive, more and more families are going to be burdened with decisions about quality of life vs. end of life issues. To exist in a hospital bed merely because medical science can make it happen is not living. Hopefully, we have all learned something from Terri's battle with life and death. Hopefully, we have learned that sometimes actions about the inevitable must be made to respect an individual's rights and wishes. And, hopefully, we have learned that these is-

A Disgusted American

I'm disgusted to be an American. I never thought I'd ever hear myself say those words. I'm disgusted by our (in)justice system. Our courts have failed once again. How can the most civilized nation on Earth take the side of death over life?

Terri Schiavo's death by starvation is an embarrassment and an outrage. There was no proof other than her husband's word that she wanted to die. In any other court case, the lack of proof would have ended in a dismissal. What are we telling our people, and the world, when our courts make these decisions?

I urge everyone in the nation to pray. We need it.

DAVID EVANS
Tampa

Proud Of Gov. Bush

After reading Gov. Jeb Bush's statement about Terri's death, I really wanted to let him know that it is so humbly satisfying to have a governor of the state where I live who is pro-life and who so often displays and communicates the values and morals of what I believe to be a true leader for the people of the state of Florida and one that believes in Christian principles and teachings.

We will probably never know what Terri truly wanted. When witnessing a tragic, debilitating illness, I know that I've said that I wouldn't want to live like that, but how can one fully understand that meaning unless they are truly given the option — the choice — at that life-altering moment in time?

This country, as in the case with most high-profile cases, has two very different viewpoints. But I think we all can agree that Terri deserves to be where she is today, in the loving arms of her God, fully conscious and aware of who she is and the sacrifices she made for our future.

YVONNE CASARES
Tampa

Which Family Now?

I write this letter moments after hearing of Terri Schiavo's passing as well as Michael Schiavo's callous behavior toward her family minutes before her death.

My emotions on this tragedy have been somewhat mixed since day one. I do believe that Michael Schiavo was truthful when he stated that his wife would not want to live in a vegetative state. He was offered millions to turn her over to her parents and yet turned it down. Great judicial minds ruled over a preponderance of the evidence, although there was never any-

behind him and allow the Schindlers to bury their daughter where they wish so that they can choose their path of grief. He has moved on with his life, rightfully so, but Bob and Mary Schindler will spend the rest of their lives in eternal grief.

Michael Schiavo has no idea what it is like to bury your child, and since he has two of them, he should pray daily, as I do, that he should never experience this greatest of all tragedies. To make the Schindlers suffer any more is unconscionable. Now is the time to turn Terri over to her family, not his.

SIMON M. CANASI
Tampa

Life Was Protected

Judge Stanley F. Birch Jr., of the 11th Circuit Court of Appeals, wrote: "the legislative and executive branches of our government have acted in a manner demonstrably at odds with our Founding Fathers' blueprint for the governance of a free people — our Constitution."

When the Founding Fathers wrote the Constitution, there were no CT scans or MRIs, ventilators or tube feedings to extend one's life. Thomas Jefferson's proclamation that the government was there to "protect life" was just that, but life as they knew it over 200 years ago; not to "protect life" by extending it artificially.

They would certainly agree that, after her case had been before over 40 judges, she had received the protection of the 14th Amendment and had not been deprived of her life without the due process of law.

May Terri Schiavo rest in peace.

DAVID LUBIN
Tampa

The writer is a physician.

Not 'We The Judges'

Excuse me, Judge Birch, it seems Congress has the right to pass any legislation on their plate. The Constitution reads "We the people," not "We the judges." We the people elect representatives to Congress and if we do not like their performance, they probably will not be re-elected.

Federal Judges are appointed by the president and approved by Congress, and Congress can also impeach judges. Congress was completely within constitutional boundaries passing The Schiavo Law. Brush up on Civics 101.

CHARLES RAMBY
Tampa



Tribune photo by COLIN HACKLEY

State Sen. Dan Webster, center, and other lawmakers stand as Terri Schiavo's death is announced. In March, Webster sponsored a bill to try to keep her alive.

GOVERNOR SAYS SHE LEAVES AN 'INCREDIBLE LEGACY'

By BRENDAN FARRINGTON
The Associated Press

TALLAHASSEE — One senator wept, a House member asked for God's mercy and Gov. Jeb Bush expressed sadness that he could not do more to keep Terri Schiavo from dying.

All agreed, though, that her death Thursday will affect Florida's policy-makers and citizens for a long time.

"Her experience will heighten the importance of families dealing with end-of-life issues, and that is an incredible legacy," said Bush, who acted in 2003 to reinsert the feeding tube that nourished Schiavo. This year, the Legislature did not give him the chance to do the same, and Bush's legal efforts on behalf of Schiavo's parents failed. Bush described it as the toughest issue he has had to deal with as governor.

Legislative efforts to intervene broke down after the Florida Senate voted 21-18 last week against a bill written in an effort to prevent Schiavo's death.

The Senate was in session when Schiavo's death was reported. Senate President Tom Lee, R-Brandon, interrupted debate on a bill and remarked on how "this issue captivated this process and our nation."

"Regardless of your perspective on end-of-life issues, it is a very sad moment and it is a very reflective moment for a lot of us, and I think it would be appropriate to have a moment of silence in her honor. I would ask you all to please stand, and let's recognize the life" of Terri Schiavo, Lee said.

Sen. Daniel Webster, who could not get enough support for a bill written to keep Schiavo alive, stood and gently cried with his eyes closed. Behind him, Sen. Gary Ispelin, D-Orlando, who voted against the bill, held his hands out palms up and also closed his eyes.

"I was weeping. Sometimes it's a little hard to put all your thoughts together in the form of a prayer when you're emotionally drained," said Webster, R-Winter Garden. "However, I would suspect that within my mind I uttered a prayer that God will use this for better things in the future."

"I hope that Terri is up there praying for us," said Sen. Skip Campbell, D-Fort Lauderdale, who voted against the bill. "And if we did something wrong, hopefully she'll forgive us."

VOICES

“ The circumstances of the death of Ms. Terri Schiavo have rightly disturbed consciences. An existence was interrupted. A death was arbitrarily hastened because nourishing a person can never be considered employing exceptional means.

JOAQUIN NAVARRO-VALLS
Vatican spokesman

“ We are against the death penalty, and that was practically a death penalty that was inflicted on her. That was not a natural death. It was an imposed death. When you deprive somebody of food and water, what else is it? Nothing else but murder.

CARDINAL RENATO MARTINO
Pontifical Council
for Justice and Peace

“ Never miss an opportunity to spend time with your loved ones and friends; never let a day pass without telling your parents and children that you love them; cherish each day as a gift from God, and keep your hearts fixed on that day when you will see God face to face.

BISHOP ROBERT LYNCH
Catholic Diocese of St. Petersburg

“ The law gives you the right to make your own medical treatment choices. This case demonstrates more than anything could demonstrate that if you don't take personal responsibility ... then your wishes may not be carried out, not only to your own personal harm, but to the destruction to your family and loved ones.

GEORGE FELOS
Attorney for Michael Schiavo

“ I'm deeply saddened by Terri Schiavo's death, and I'll always remember what was remarkable about her life — this quiet, shy woman who shunned the spotlight educated everyone on the importance of filling out a living will.

U.S. SEN. BILL NELSON
D-Tallahassee

“ I was saddened to learn that during Terri's last moments she was not surrounded by those family members who loved her most. This is a distressing chapter in American history that should make us re-examine what we mean by declaring ourselves a compassionate nation.

U.S. REP. DAVE WELDON
R-Palm Bay

“ On this very sad day, I join millions of Floridians and Americans in offering my thoughts and prayers to the family of Terri Schiavo as they struggle through this difficult time.

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“ My sincere hope is that Terri has finally found peace.

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“ I don't feel responsible or bothered. She died 15 years ago.

STATE SEN. MIKE BENNETT
R-Brandenton

“ I believe I did all I could. I have a clear conscience about what I did. We just didn't quite get there. For government to inject themselves into bringing about an innocent person's death is a sad day. It's one thing to die naturally, it's another thing to have it forced upon you.

STATE SEN. DAN WEBSTER
R-Winter Garden

“ It's a sad situation. It's just unfortunate insight into what probably happens all too often in families that don't show up in the media. It's just sad.

STATE SENATE PRESIDENT TOM LEE
R-Brandon

“ I am thankful that God has mercy on the souls of the innocent, and I pray that he will forgive the rest of us. Terri Schiavo is now a martyr. Her death is not in vain. We have a cultural crisis.

STATE REP. DENNIS BAXLEY
R-Ocala

“ This issue will now slowly fade from the front pages of our newspapers and the news tickers at the bottoms of our TV screens. However, I hope the concerns it raises remain at the forefront of our public consciousness so that more people will see the need for clearly expressing their desires on end-of-life issues.

STATE HOUSE SPEAKER ALLAN BENSE
R-Panama City



band spent some time with her before leaving the room so her siblings could return.

By then, Bob and Mary Schindler were driving from their home in Gulfport. They, too, spent time with their daughter's body, which had been bathed by hospice workers.

Shortly after 11 a.m., hospice workers gathered in a circle around the body to pray before her remains were taken to the medical examiner's office for an autopsy.

Cremation Planned

Pinellas County Medical Examiner Jon Thogmartin ruled that state law requires an autopsy, in part because of allegations of abuse against Michael Schiavo, office investigations director Bill Pellam said.

A final report is expected to take a few weeks to complete while laboratory tests are performed.

Michael Schiavo has received court permission to cremate his wife's remains and to inter them, against the Schindlers' wishes, in the Philadelphia area where the couple grew up.

The Schindlers also unsuccessfully objected on religious grounds to their daughter's cremation. By state law, cremations cannot take place for at least 48 hours after death.

Felos said he has no comment on Michael Schiavo's immediate plans.

Bobby Schindler offered words of reconciliation.

"Our family seeks forgiveness for anything that we have done in standing for Terri's life that has not demonstrated the love and compassion required of us by our faith," he said.

Information from The Associated Press was used in this report. Tribune Reporters Adam Emerson, Richard Mullins, Stephen Thompson, Jerome R. Stockfisch, Garrett Therolf and Allison North Jones, and News Channel 8 reporter Mark Douglas contributed to this report.

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MOURNING BEGINS

Continued From Page 1

ligious leaders — or break-room debaters — inhabiting a middle ground.

"I urge all those who honor Terri Schiavo to continue to work to build a culture of life where all Americans are welcomed and valued and protected, especially those who live at the mercy of others," said President Bush, who interrupted his Easter vacation in an unsuccessful bid to help keep Terri Schiavo alive.

A story watched all over the world, Terri Schiavo's death drew a response from the Vatican, where the health of Pope John Paul II continued to deteriorate. He was nourished with the help of a feeding tube similar to that at the center of the Schiavo debate.

"The circumstances of the death of Ms. Terri Schiavo have rightly disturbed consciences," Vatican spokesman Joaquín Navarro-Valls said in the first direct reference to the case from the Holy See. "An existence was interrupted. A death was arbitrarily hastened because nourishing a person can never be considered employing exceptional means."

George Felos, the attorney who championed Michael Schiavo's fight to have his wife's feeding tube removed, said Terri Schiavo's stated wish never to be kept alive with "tubes" had finally been honored.

"Mrs. Schiavo's death... has led to a family dialogue, a community dialogue, a national dialogue and perhaps a worldwide dialogue" over end-of-life decisions, Felos said.

"The law gives you the right to make your own medical treatment choices," he said. "This case demon-

strates more than anything could demonstrate that if you don't take personal responsibility... then your wishes may not be carried out, not only to your own personal harm, but to the destruction to your family and loved ones.

"This is a clarion call to everyone to make their wishes known," Felos said.

Bobby Schindler said his sister's death was part of God's plan.

"Our family had hoped this day would never come, but as it has now arrived, we ask ourselves a question in these incredibly sad circumstances: What would Lord Jesus ask us to do?" he said.

"Our prayer at this time is that our nation will remember the plight of persons with disabilities and commit within our hearts to defend their lives and their dignity for many generations to come."

Long Legal Battle

Terri Schiavo's wishes were at the heart of the seven-year court battle between Michael Schiavo and Bob and Mary Schindler, with the two sides taking opposing positions on whether she would want to be kept alive with a feeding tube.

After a January 2000 nonjury trial, Pinellas-Pasco Circuit Judge George Greer ruled that testimony from Michael Schiavo and his relatives provided "clear and convincing evidence" that Terri Schiavo made statements prior to falling ill indicating she would not want to be kept alive without hope of improvement.

The Schindlers testified that their daughter made no such statements prior to suffering brain damage caused by heart failure in February 1990 when she was 26. They disputed doctors' diagnoses that their daughter was in a persistent vegetative state. Until the end, the Schindlers main-

THURSDAY'S EVENTS

9:05 a.m.: Terri Schiavo dies.

9:45 a.m.: Michael Schiavo's attorney confirms her death.

10:05 a.m.: Schindler adviser Brother Paul O'Donnell announces her death to people outside the hospice.

4:30 p.m.: Her sister, Suzanne Vitadamo, and brother, Bobby Schindler, address family supporters.

Times are approximate.

tained that Schiavo reacted to them and could improve with therapy.

The Schindlers appealed repeatedly, but Greer was upheld again and again by state appellate courts and in federal court. The U.S. Supreme Court rejected the couple's final appeal Wednesday night.

Twice, Terri Schiavo's feeding tube was removed on Greer's orders, only to be reinserted. The first time, in April 2001, another judge intervened. The second time, in October 2003, Gov. Jeb Bush ordered the tube reinserted using a hastily crafted measure known as Terri's Law, later struck down as unconstitutional.

No Bedside Reunion

The acrimony between the two sides of the family continued until the end.

Minutes before Terri Schiavo died, Bobby Schindler and sister Suzanne Vitadamo emerged from the hospice visibly upset at being asked to leave their sister's bedside so her husband could be with her in her final minutes.

Michael Schiavo, who had been living in a hospice room down the hall since March 18, left his wife's side about 7 a.m. Thursday to make way for the brother and sister, Felos said. Throughout the night, Terri Schiavo's condition declined, and it was the decision of hospice officials to ask the siblings to leave so her husband could be with her at the end, Felos said.

Soothing music that had been playing was turned off. A large bouquet of lilies and white and red roses, sent anonymously, stood beside the bed. Stuffed animals and a white angel figurine decorated the room.

Terri Schiavo's breathing became labored, and her limbs grew cold, Felos said.

She died about 9 a.m., cradled in her husband's arms, a stuffed tabby cat at her side, Felos said.

In the room with the couple were Michael's brother, Brian Schiavo, Felos and co-counsel Deborah Bushnell, and three to four hospice workers.

"Mrs. Schiavo died a calm, peaceful, gentle death," Felos said.

Brian Schiavo also described the scene.

"We'd just gotten down there and she probably lasted 60 seconds," after the Schindlers left, he said.

"It was extremely emotional. Michael's heart was broken."

Harsh statements by a Schindler family spiritual adviser coupled with an incident between Bobby Schindler and a Pinellas Park police officer prompted Michael Schiavo to ban his in-laws from the room, Felos said.

Bobby Schindler had argued with the officer, demanding to stay, Felos said. In what the attorney characterized as a "split-second decision," Michael Schiavo refused his brother-in-law's request that the officer stay to keep the peace so both could remain in the room.

"Mr. Schiavo's overriding concern here was to provide for Terri a peaceful death with dignity," Felos said.

"Mr. Schiavo was not going to permit a potentially explosive situation." After Terri Schiavo died, her hus-

ernment suggest some far-reaching legacies of one of the most disturbingly poignant life-and-death cases of recent times.

The drawn-out struggle over the end of life of a severely brain-damaged woman, who remained virtually unknown even to prominent Americans who spoke out or rendered judgments in a public morality play over her fate, may exert a force for years.

An escalating storm of media coverage, politics and legal sparring elevated the insurance clerk with a fondness for Danielle Steele novels from bedridden anonymity in a Pinellas Park hospice to a national symbol in a debate about the value of life and the rights of the incapacitated.

Already, many Americans have been awakened to the need to prepare clear instructions in the event they or loved ones lack the ability to speak for themselves in the medically managed twilight of life.

Her story also has galvanized conservatives and religious groups, deepening rifts already apparent in the November elections while boosting fundraising by conservative groups and resolve among Republican leaders who vow to champion a "culture of life," even if it means federal intervention in the decisions of state courts and legislatures.

A Challenge For Government

The case served as a unique test of government itself — which seems to have survived the challenges. Despite extraordinary efforts by Congress and President Bush, who returned to Washington solely to give Schiavo's case another hearing in the courts, federal and state judges stood firm.

Despite the will of a majority of representatives of the people, walls between branches of government and

worried where autonomy is important to them.

"We've had the perfect storm. If you were going to write a soap opera, this is how you were going to write it: an estranged husband, a question about diagnosis, and motives about money. The soap opera became a morality play. And it's only begun."

Shoring Up Support

Most immediately as a consequence of the political passions involving Schiavo, partisans on both sides already have suggested new federal and state legislation making it harder to remove life support when a person's wishes are unclear and in dispute.

Republicans are likely to use the Schiavo case to shore up support among religious conservatives and sow doubt in 2006 about the stance of Democrats such as Florida Democratic Sen. Bill Nelson, of Tallahassee. Those tactics may prove successful — or backfire.

Bentley Lipscomb, state director of AARP, suspects that while polls showed some 60 percent of the public objecting to government intervention, that number would be 70 percent or higher among people 60 or older. These people "don't want to be a burden on their families," he said. In Florida, such attitudes could spell trouble for the GOP.

"If these politicians think they will obtain more votes with their latest move, they have just lost mine," Lurita L. Soprano, a Roman Catholic from Spring Hill, said in a post on the Tribune's online publication, TBO.com, during final skirmishing over Schiavo. "I voted for George W., Jeb and [U.S. Sen. Mel] Martinez, but I will never vote for them again." Echoes of the Schiavo skirmishes

300 to 400

Number of journalists reporting from outside the hospice

52

Number of protesters arrested since feeding tube was removed March 18

44

Judges who have ruled on the case since 2000

21

2nd District Court of Appeal rulings

11

Florida Supreme Court rulings

6

U.S. Supreme Court rulings

4

11th U.S. Circuit Court of Appeals rulings

Research by BUDDY YAUDON and DIANE GREY

also may be heard in the gubernatorial race. U.S. Rep. Jim Davis, D-Tampa, took a highly visible stand against congressional attempts to intervene in the Schiavo case. Although launching a race for governor, he felt too strongly about Congress' "abuse of power" to be cautious, he said. Advocates for the disabled, meanwhile, hope they can be heard through the ideological noise.

"It's very obvious that people who identify with religious and pro-life groups were driving this thing and will now drive harder," said Diane Coleman, president of Not Dead Yet, a disability rights group in Forest Park, Ill. "Both of the extremes want it to be a culture war — the right to die versus the right to live — but they're wrong. This should be about disability rights."

Coleman hopes the attention given the Schiavo case will lead to hearings

in America, that Americans would be so barbaric as to pull a feeding tube out of a person that is lucid and starve them to death."

As baby boomers age, debates such as this may be the legacy of Schiavo. Hers was hardly the first life-and-death case to make headlines. Many Americans grapple with such difficulties every day. Every year, at least 1.5 million families decide to withhold or withdraw medical treatment.

Yet the Schiavo feud — tracked globally by round-the-clock cable television, a deluge of specialized TV channels and Web sites, many with an ideological bent, and spurred on by the effect of interest group lobbying and grass-roots e-mail campaigns — seems to have awakened many Americans to the need for "living wills."

"I'd never worried about it before," said Tony R. Williams, a retired airline cargo handler now living in Lutz.

Williams and his wife, married 45 years, had a living will, but the furor over Schiavo sent them scrambling back to the document to make sure it spelled out never having a feeding tube foisted on them.

"I want to make sure it covers all possibilities," Williams said. "If it's not in there, I'm going to change it [to] where it covers that feeding tube. I'm calling my lawyer."

In Terri Schiavo's final days, organizations such as Aging With Dignity and Living Will Registry fielded tens of thousands of requests for living will templates.

Near the end, Bobby Schindler, Schiavo's brother, spoke of her legacy. Hers was "the face that changed the nation" by forcing Americans to grapple with the difficulties of the disabled — and their own deaths, he said. "If my sister does die, I think it's done a lot of good for a lot of people. It puts morality on their doorstep."



Philadelphia Inquirer

Theresa Marie Schindler graduated Archbishop Wood High School in 1981. Her yearbook is displayed at the school's auditorium in Warminster, Pa.



Tribune photo by COLIN HACKLEY

The Rev. Jesse Jackson came to Florida in Schiavo's last days to appeal to Gov. Jeb Bush and lawmakers to act.

lay removal of the feeding tube while it investigates what it claims are new allegations of abuse and neglect.

Feb. 25, 2005: Greer gives Michael Schiavo permission to have the feeding tube removed March 18.

March 7, 2005: Greer hears arguments over whether Terri Schiavo should be fed orally if her feeding tube is removed.

March 8, 2005: Sen. Mel Martinez, R-Orlando, and U.S. Rep. Dave Weldon, R-Palm Bay, introduce bills in Congress that would extend due process rights to the severely disabled and give the Schindlers legal recourse to prevent the removal of their daughter's feeding tube.

March 8, 2005: State Rep. Dennis Baxley, R-Orlando, introduces a bill that presumes anyone who is severely incapacitated would want a feeding tube unless they explicitly refuse it in writing. State Sen. Daniel Webster, R-Winter Garden, sponsors the Senate version.

March 10, 2005: Greer rules the Department of Children & Families will not be allowed to delay removal of the feeding tube.

March 14, 2005: Bills to halt the removal of the feeding tube advance in the state Legislature.

March 15, 2005: A narrower bill passes the state Senate Judiciary Committee. It would affect only those ruled to be in a persistent vegetative state, whose families disagree on withholding food and water and who have not left a written directive.

March 17, 2005: The state House passes the Schiavo bill; the state Senate does not. Nine Republicans join Democrats in opposing the legislation.

March 18, 2005: The U.S. Senate health committee requests that Terri and Michael Schiavo appear at a hearing March 28. Subpoenas are issued in an attempt to stop doctors from disconnecting the tube. It is disconnected after Greer reconfirms his ruling.

March 19, 2005: Congressional leaders agree on a bill that would allow the tube to be reconnected while a federal court reviews the case. The White House says President Bush will sign the bill when it passes.

March 20, 2005: The U.S. Senate passes the bill.

March 21, 2005: The U.S. House passes the bill after a scramble to reassemble enough representatives, who had left on Congress' two-week break. President Bush signs the bill. The Schindlers file an emergency request with a Tampa federal judge to have the tube reconnected.

March 22, 2005: U.S. District Judge James Whittemore refuses to order reinsertion of the tube. The Schindlers appeal to the 11th Circuit Court of Appeals in Atlanta.

March 23, 2005: The 11th Circuit Court of Appeals declines to order reinsertion of the tube. The Schindlers appeal to the U.S. Supreme Court.

March 24, 2005: The U.S. Supreme

Court refuses the case. Greer denies the Department of Children & Families' motion to take custody of Terri Schiavo. Pinellas Park and Pinellas County law enforcement are on alert to enforce a restraining order preventing the Florida Department of Law Enforcement from removing her from the hospice.

March 25, 2005: Whittemore again refuses to order feeding to resume. The Schindlers appeal to the 11th Circuit Court of Appeals. The appeal is denied.

March 26, 2005: The Schindlers' attorney says there will be no more federal appeals. Greer denies the Schindlers' final trial court appeal. The Schindlers file an emergency petition with the Florida Supreme Court. It's rejected.

March 27, 2005: Communion and last rites are performed for Terri Schiavo, who is Catholic. Protests outside the hospice gain intensity. A member of the Schindler family asks demonstrators to be calm.

March 28, 2005: Gov. Bush reiterates there is nothing else he can do to have feeding resumed.

March 29, 2005: The Rev. Jesse Jackson visits the Schindlers. Just before midnight, the 11th U.S. Circuit Court of Appeals agrees to consider an emergency petition by the Schindlers.

March 30, 2005: The appeals court rejects the bid. The U.S. Supreme Court refuses to hear the case as well.

March 31, 2005: Terri Schiavo dies.

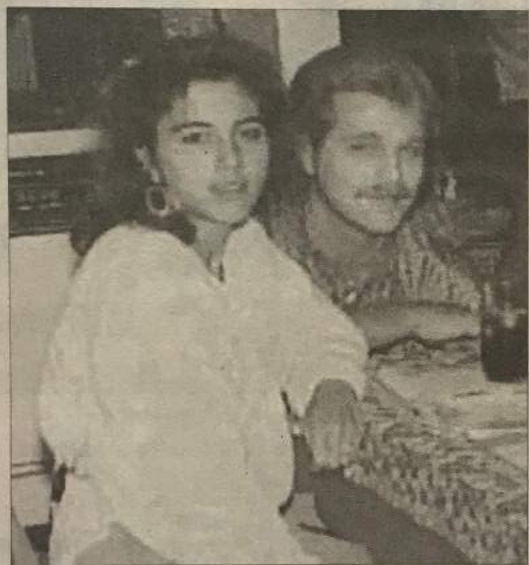


Whittemore



Knight Ridder/Tribune

Mary Schindler is escorted to Hospice House Woodside to say goodbye to her firstborn child after receiving the news that she had died.



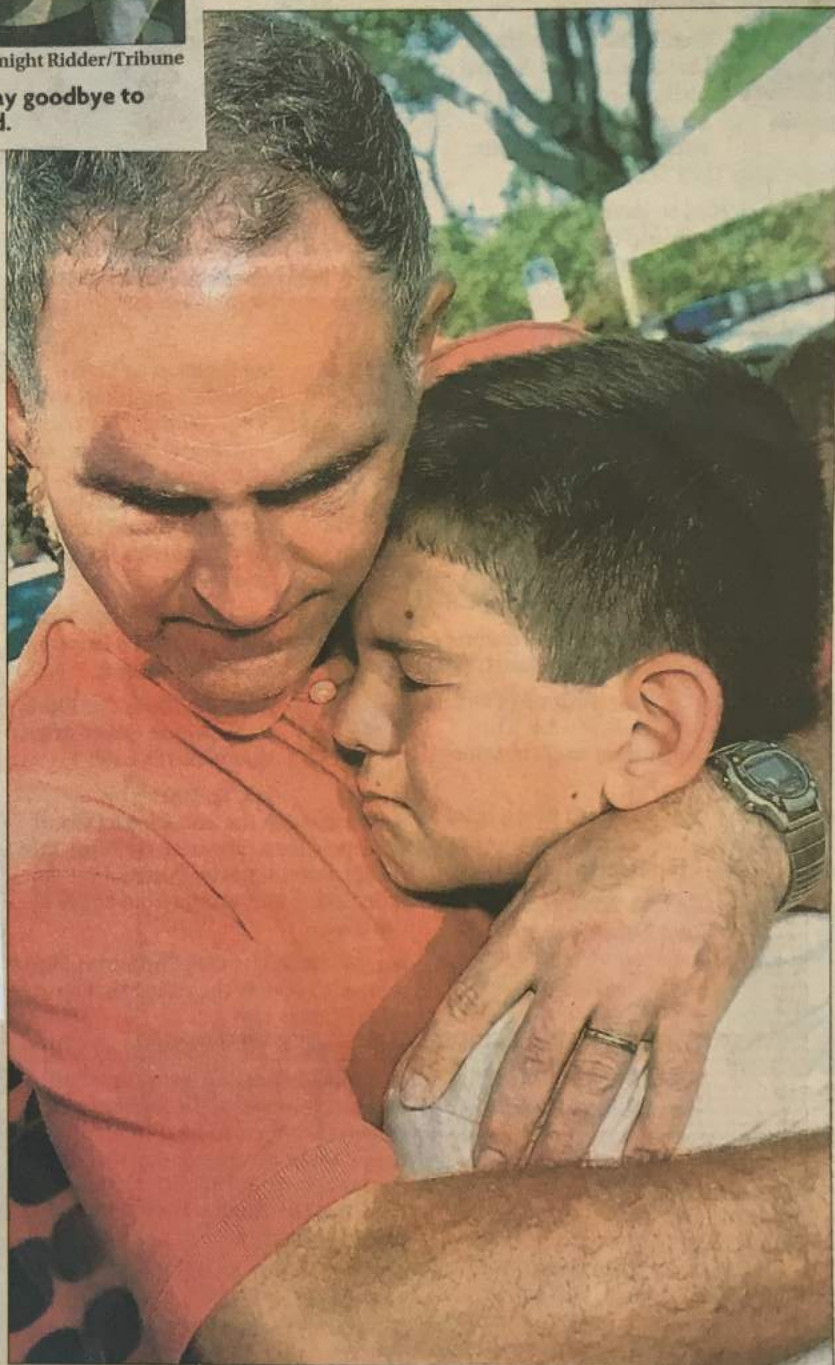
Family photo

Terri Schindler met Michael Schiavo in 1982. He was her first boyfriend and her first kiss.



The Associated Press

Michael Schiavo, left, with attorney George Felos, made his case in 2003 on "Larry King Live."



Tribune photo by BRUCE HOSKING

Peter Palumbo, of Kissimmee, holds his 11-year-old son, Mike, outside the hospice after Schiavo's death. The vigil had been going on for weeks.

Case Put Mortality On Doorsteps

IDEOLOGICAL LINES CRACK;
LIVING WILLS ARE WRITTEN

By KEITH ERSTEIN
kepstein@tampatrib.com

TAMPA — Years before the Terri Schiavo case erupted into a national sensation, Dolores Mumford and her husband, Olin, who have been married 51 years, got their affairs in order.

They chose cemetery plots near their home in Town 'N Country. They drew up wills. They detailed their wishes in case they couldn't speak. They specified someone to be in charge.

Then, although such difficult matters seemed resolved, along came the Schiavo furor. It unsettled Dolores Mumford. Now she worries the government might not honor her "living will."

"The government should stay out of it. I don't want somebody telling me what I can or can't do in a family matter," she said. "If they do this, what else will they try? Leave my courts alone. Leave my family life alone."

Mumford, 72, is no activist. She is a lifelong, churchgoing Republican who until recent weeks considered herself a strong supporter of Florida Gov. Jeb Bush.

"He's fallen so far in my estimation. A number of them have."

Such shifting sentiments amid citizen anxiety over personal preparations for death and the reach of gov-

ernment Washington and state governments held firm. Despite multiple appeals, judges did not waver.

"This case hasn't made any law," Stanford University law Professor Pamela Karlan said. "Instead it forced a lot of people to think about making clearer to people around them what their wishes are."

However, maneuvering by politicians, whose motivations appeared at times a mixture of the heartfelt and the Machiavellian, may have long-term effects in public life.

A person's stand on the Schiavo case could become a test of candidacy or judicial nomination, starting with an anticipated U.S. Supreme Court confirmation battle, probably this summer.

"This is arguably as big as Roe v. Wade. It's a seminal event," said David Stevens, a doctor who serves as executive director of the Christian Medical Association, referring to the 1973 Supreme Court decision legalizing abortion.

Stevens, a close friend of the neurologist who helped Gov. Bush in a last-ditch effort to gain custody of Schiavo so her feeding tube could be reinserted, predicts escalating skirmishes over caring for the severely incapacitated and terminally ill.

"This will resonate in judicial appointments and on the political front. People feel strongly and deeply about this. They talk about it around the water fountain. Politicians see it as a political issue. Some see medicine as the source of salvation; others have a



The Associated Press

House Majority Leader Tom Delay, R-Texas, on Thursday condemned federal and state judges who declined to order Schiavo be kept alive.

THE STORY IN NUMBERS

5,513

Days from Terri Schiavo's collapse to her death

2,516

Days from the time Michael Schiavo first asked for removal of his wife's feeding tube to her death

400

Number of protesters outside Hospice House Woodside on Saturday

in Congress on giving government and society more oversight on guardians who may not act in the best interests of the incapacitated. "Euthanasia is the ultimate form of discrimination," she said.

Other people think the Schiavo case opens for public debate perplexing questions about sustaining human life that may not be worth living — or is always worth saving.

Where Medicine Stands

Huge medical advances enable doctors to prolong lives, even when patients are in pain or so brain-damaged they are unlikely to have much of a life.

The independent Institute of Medicine in 2002 urged health care practitioners to improve care of the dying and chronically ill. Many hospitals still do not offer end-of-life services and palliative care.

The American Medical Association has noted, in a formal policy statement, that "some technologies have resulted in merely prolonging the suffering of dying patients." The AMA has urged society to address "the needs of people suffering during the terminal phase" of life.

Some argue, as have Terri Schiavo's parents and siblings, that vulnerable people who cannot speak for themselves are entitled to whatever medical science can do to keep them alive.

Republican House Majority Leader Tom Delay, of Texas, said: "God has brought ... us ... Terri Schiavo to elevate the visibility of what is going on

Terri Schiavo



1963-2005

Short Life, Long Fight

Terri Schiavo spent more than a third of her life in a brain-damaged state, while her husband and parents argued over her care and wishes.



News Channel 8

Schiavo collapsed in February 1990. A year later, her husband and parents together sought therapy for her.



Tribune photo by BRUCE HOSKING

Supporters of the Schindlers gathered outside Schiavo's hospice in protest of the tube's removal March 18.



The Associated Press

Bob and Mary Schindler, with children Suzanne Vitadamo and Bobby Schindler, won a stay in December 2002 to prevent the removal of Terri Schiavo's feeding tube.



The Associated Press

The feeding tube was removed for the second time in October 2003. Gov. Jeb Bush acted to have it reinserted.



Death Brings Some Calm To Storm Outside Hospice

PROTESTERS COMFORT ONE
ANOTHER, ASK WHAT NOW

By RICHARD MULLINS
rmullins@tampatrib.com

PINELLAS PARK — Members of the Schindler family, surrounded by a ring of television cameras, crossed a road from a warehouse complex at 9:50 a.m. Thursday and entered the Hospice House Woodside.

The movement caught the attention of dozens of demonstrators, many of whom wondered whether this meant Terri Schiavo had died, 13 days after her feeding tube was removed.

The crowd hushed as Schindler family adviser Brother Paul O'Donnell approached a makeshift camera studio on the sidewalk just after 10 a.m.

"It is with great sadness that it's been reported to us that Terri Schiavo has passed away," he said.

For a moment, it was quiet.

Then came the sounds of people beginning to mourn. Some started cutting down their cardboard protest signs and stuffing them into bags like garbage. Others clutched their hands to their faces and knelt, praying around picnic blankets, coolers full of water and tarps used for shade.

After weeks spent at vigil in front of the hospice, supporters seemed to retreat, to one another, to makeshift tents they had built, or to news reporters asking questions.

Many did not know where to go, or what to do next.

The person they had hoped to rescue was gone.

A crossing guard hugged one protester. "I hope they are happy now,"

blurted Carl Crisp, 71 of Largo, while hugging Dawn Kozsey, 47, of Ocala National Park.

Kozsey wept and said, "I know this is God's work somehow, but this is a sad day. Where do we go from here?"

A few people gathered in a circle, singing "Amazing Grace," surrounded by a circle of television cameras. "Keep praying, stay here all day," O'Donnell told supporters.

Then came questions. Was Michael Schiavo in the room when his wife died? Police would not say. Were her parents there? Did she die quietly? Rumors flew.

News helicopters began circling above as more reporters rushed in and the line of cars at a police checkpoint grew. A green garbage truck drove past, "R.I.P. TERRI," written in soap on the windshield.

Sitting, quietly crying under a tree, Harvest Bashta, 15, of Chicago clutched a Bible. "This will only make me pray harder for our nation," she said. "I was hoping for a complete healing for Terri."

At 11:14 a.m. two white vans from the Pinellas County medical examiner's office emerged from the parking lot and drove in separate directions, each with police motorcycles and a trail of running photographers behind. One had Schiavo's body. One was a decoy.

Supporters mingled, speaking with reporters from around the world until 4:30 p.m., when Schindler family members gathered at the microphone. Reading a statement, Terri's brother, Bobby, said he had a message for his deceased sister.

"You were unable to speak for yourself," he said. "But you spoke so loudly. ... You stood with grace and dignity and made your family proud."



Tribune photo by MICHAEL SPOONEYBARGER

Veronica Puckett, of St. Petersburg prays while David Vogel and Laurene Temple offer comfort.



Tribune photo by MICHAEL SPOONEYBARGER

A veteran of long vigils outside the hospice, Mary Porta, of St. Petersburg, continues to pray hours after Schiavo died.



Tribune photo by BRUCE HOSKING

Lauren Murch is overcome with grief. The 17-year-old from Redhouse, Va., and her brother had just arrived at the hospice Thursday morning.

Animals, Trans Am, family and friends were the focus of Terri Schiavo's life.

By DAVID SOMMER
dsommer@tampatrib.com

PINELLAS PARK — She loved animals, liked to show off in her dad's Trans Am, looked forward to vacations down the Jersey Shore.

As a child growing up outside Philadelphia, Terri Schiavo dreamed of running her own dog-grooming business. As she got older, the goal was to be a veterinarian.

"Growing up, Terri was an animal freak," her mother, Mary Schindler, recalled.

"I had every animal you can think of in our house: Terri's turtles, Terri's rabbits, Terri's gerbil and a yellow Lab named Bucky," Schindler said. "I don't have a problem with animals, but I don't like them in my house. But we had them anyway."

Terri, who died Thursday morning at age 41, was the first of the Schindler children, one year and one month older than her brother, Bobby, and 3½ years older than Suzanne.

"Terri and Bobby were close, but one day I heard this muffled voice coming from a suitcase," Schindler said. "Bobby had apparently locked her in the suitcase, and when she came out she was beet red from screaming. They must have been playing."

A few days later, Terri did something completely out of character, her mother said.

"I heard a bump. She pushed Bobby down the steps. Thank God I just had those steps carpeted."

It's the suitcase incident that dominates family lore.

"We were just fooling around, and she hid from me in the suitcase," Bobby, 40, recalled of the incident perhaps 35 years ago.

"Then I told her I didn't know how to open the latch. The suitcase was flopping all over, and I ran downstairs" to hide, he said.

Another time, when they were older and Terri got to drive that black Trans Am with the pop-off roof panels, she ran over a cat, Bobby recalled.

"Terri was driving home, and she comes in hysterical that she hit and killed a cat," Bobby said.

So he and his father retraced her route, found the cat's corpse and hid it, he said.

"We came back and told Terri she must have missed it, and she went back to see for herself," he said. "Good thing we hid it because it was dead as a doornail."

Bob Schindler recalled the time his eldest daughter bought a live Christmas tree, only to discover it was wickedly crooked once she got it home.

"I told her to take it back to where she bought it and have them put it in the tree straightener," he chuckled. "They eventually gave her a new tree."

She Always Saw The Good

Bob Schindler frequently had fun at the expense of his daughter's doe-eyed naivete, said Diane Meyer, Terri's best friend throughout childhood.

Terri was a good person who did good things for others and never suspected anyone of being capable of anything else, Meyer said.

"She never had a bad word for anyone, never an unkind word," Meyer said. "She is one of the people you meet and you feel lucky. ... She had the kind of life that affected everybody she knew."

Meyer said her father and Bob Schindler were best friends in high school, so the families were close.

At one time, the Schindlers and the Meyers both lived on Bloomfield Avenue in northeast Philadelphia. Later, when Bob Schindler's business took off, the family moved to Red Wing Lane in the suburb of Huntington Valley northeast of the city.

Every summer, all the kids would get two vacations "down the shore" in New Jersey, Meyer said: once at the Schindlers' place in Stone Harbor and once at the Meyers'

beach house in Cape May.

She and Terri loved to watch children's movies such as Disney's "Bambi" and "Pinocchio," anything with animals, Meyer said.

"As times we used to try to hijack a kid to go to Disney movies" so they wouldn't look out of place, she said.

Terri also liked a schmaltzy romance.

"She loved the movie 'Officer and a Gentleman.' She saw that movie four times the first week it came out," Meyer said.

Meyer also remembers the time Terri ran over an animal, only she recalls it was a rabbit, and Terri was driving to the Meyers' house.

"Terri came into the house hysterically crying. It must have taken us 15 minutes to get it out of her," Meyer said. "Bobby and my brother went down and hid the rabbit, and we took her down there and showed her the spot."

'She Became Stunning'

Bob Schindler recalled that his daughter never gave him any trouble while she was growing up.

She was overweight all through school and was not athletic, her father said. "She wouldn't go to summer camp, but she wanted to go to dancing school and learn ballet," he

said. "I had to go to this recital, and Terri was anything but graceful," he said. "I laughed so hard."

Bob Schindler said he once stayed home sick and had the house to himself for the first time he could recall.

"I went upstairs to look around, and Bobby's room, it was a dump. Suzanne's room was normal. Terri's room was full of stuffed animals," he said. "In every nook and cranny would be a stuffed animal."

Terri lost a lot of weight during her senior year at Archbishop Wood High School, a Catholic school that was divided by sex. Meyer estimated she dropped 70 pounds from a high of about 200.

"She was always beautiful, but she became stunning," Meyer said. "There was always a shy side to Terri, but she blossomed out and became more self-confident."

After high school, Terri enrolled at Bucks County Com-

munity College, a commuter school where she turned heads in the black Trans Am with a golden phoenix emblem on the hood.

One of those heads was that of Michael Schiavo, a tall, blond-haired, blue-eyed sophomore from Levittown, Pa.

Schiavo was Terri's first and only boyfriend, and he proposed after they dated about half a year.

"I sat both of them down and said: 'At least wait a year. At least get your diplomas'" from community college, Mary Schindler said. "They insisted they were in love."

In November 1984, the couple were married at Our Lady of Good Counsel Church, where Terri had attended grammar school and worshipped throughout her childhood.

She was a month shy of her 21st birthday.

"I remember telling her she couldn't have champagne at her wedding," Meyer said.

At first the newlyweds lived in their own apartment. Finances soon forced them to move in with the Schindlers, where they occupied a basement room that recently had been paneled and carpeted, Bob Schindler recalled.

Transfer To Florida

In early 1986, the Schiavos moved to St. Petersburg, where the Schindlers owned a vacation condominium, paying \$400 a month rent to Terri's parents when they could.

Terri had worked as a clerk at a Prudential Insurance agency in Philadelphia and transferred to another Prudential agency in St. Petersburg, her father said.

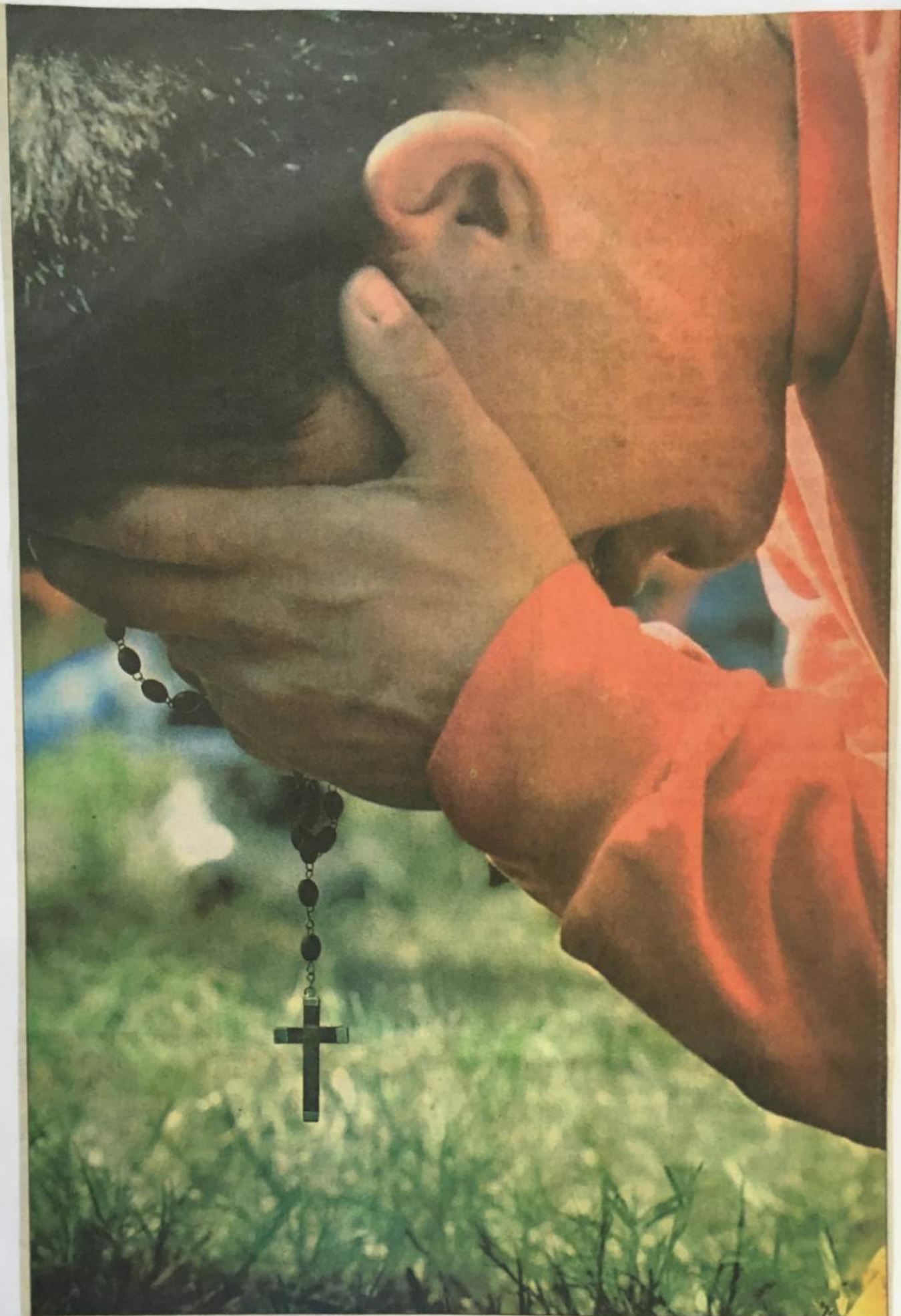
However, she still hoped for a career caring for animals and talked of going to veterinary school, at one point contacting television personality Joan Embry of the San Diego Zoo for advice, Mary Schindler said.

"Embry told her to finish her education," Mary Schindler said.

Later in 1986, after Bob Schindler sold his business and Suzanne graduated from high school, the Schindlers carried out their original plan to retire to the St. Petersburg condominium. For a while it was crowded, Bob Schindler said.

Eventually the Schindlers rented a home where they

of the world," the report said.
ted) operations in many parts-
successful (and highly classi-
are "engaged in imaginative,
◆ U.S. intelligence operatives
Libya, it said.
designs for a nuclear bomb to
Khan's network had provided
daring," discovered that
The CIA, through operations



Knight Ridder/Tribune

Thomas Kimmet, of Wisconsin Rapids, Wis., was among the many protesters who turned to prayer for solace.

CONSTITUTION CONCERNS

Continued From Page 1

Schindlers, we remain a country of laws," Turley said. "We are not allowed within our Constitution to disregard our constitutional principles when they are inconvenient."

Schiavo died Thursday, 13 days after her feeding tube was removed on the order of Pinellas Circuit Judge George Greer. She had been in what many doctors have called a persistent vegetative state for 15 years. Her husband, Michael, successfully petitioned in state court seven years ago to have the tube removed on the grounds that she would not have wanted to live that way. Her parents have disputed that claim and fought to keep her alive.

State, Federal Laws Written

The battle provoked legislators sympathetic to the Schindlers to adopt two laws, one by the state and the other by the federal government. The state law was ultimately overturned by the Florida Supreme Court. More recently, Gov. Jeb Bush tried unsuccessfully to have state officials take custody of Schiavo, but Greer ordered them not to, and the governor

backed down.

The federal law — passed in an extraordinary session and signed into law when President Bush cut short his vacation March 21 — gave federal courts jurisdiction to review the case. But federal judges refused to order Schiavo's feeding tube reinserted because they concluded the Schindlers had not proved they would probably be able to prove their daughter's rights were violated in state courts. One federal appeals judge, Stanley F. Birch Jr., wrote an opinion in which he concluded the Schiavo law was unconstitutional.

Three days before the law passed, the U.S. Senate health committee tried to prevent the removal of the feeding tube by subpoenaing Terri Schiavo. The tactic failed when Greer refused to change his order.

"In some ways, this case reaffirms the brilliance of the Madisonian democracy," Turley said. "Two of the three branches [of government] failed to carry out their responsibilities. ... In this case, both the legislative and executive branch exceeded their authority, but the system continued to function with one branch, the judicial branch, holding the line."

As the chief attorney for Liberty Counsel, a conservative civil rights organization, Matthew D. Staver filed a friend-of-the-court brief in support of the Schindlers in the federal proceedings.

Staver believes the case should motivate state legislators to consider adopting laws barring the removal of life support in cases where patients have not expressed their wishes in writing and where there is a dispute among family members about the patients' wishes. Staver also maintains that the law should disqualify a legal guardian who has a conflict.

Paul F. Rothstein, of Georgetown University Law Center, said the case may lead a lot of states to "scramble around to clarify their statutes, their laws on what to do in a situation like Terri Schiavo was in."

Congress May Be Emboldened

Rothstein said he thinks the Schiavo experience has damaged the constitutional separation of powers. "I think it removes a brick from the wall," he said. "I'm not 100 percent sure it will totally recover."

Rothstein said Congress may be emboldened by this case to try to pass laws designed to affect individual court cases, more often than it has in the past. "Congress sort of feels its muscle here," he said. "Nobody took them to task here," except for Birch, whose opinion had no force of law because it was filed merely in concurrence with a procedural ruling.

Birch, who was appointed to the bench in 1990 by the former President Bush, suggested in his opinion that Congress had acted in hubris, accus-

in the Schiavo case, DeLay said, "There's plenty of time to look into that."

White House press secretary Scott McClellan declined to sign on to judicial criticism. "We would have preferred a different decision from the courts ... but ultimately we have to follow our laws and abide by the courts," he said.

Erwin Chemerinsky, professor at Duke Law School, said DeLay's comments were "outrageous." If legislators tried to impeach judges as a result of this case, it would pose "a grave threat to separation of powers," he said.

But, Chemerinsky added, "I don't think it's going to go anywhere." Chemerinsky noted that many of the most prominent critics of Congress, including Judge Birch, are conservatives. "It's real hard for someone like Tom DeLay to say it's just the liberal judges."

Chemerinsky agreed with others that the case didn't do damage to the system of government. "A system that's existing for this long isn't easily changed by any single event," he said.

"In our constitutional history, I don't think this has any lasting significance," Chemerinsky added. "In our cultural and popular history, it may have more lasting significance."

Information from The Associated Press was used in this report.

ing the body of "arrogating vital judicial functions to itself."

Staver, who disagreed with Birch's opinion, said the American system of government has emerged from the Schiavo case unscathed. "There have been times throughout our history where we've had these struggles between different branches of government," he said. "Time has ultimately healed these collisions. I think in the long scheme of things, this will not harm our separation of powers."

Calls For Judicial Reform

Staver said he has long believed in the need for judicial reform, and that belief has not been affected by the Schiavo case. He said the case may give more fuel to reformers. Depending on how that fight turns out, the judiciary could emerge hobbled or strengthened, he said.

Reacting to Schiavo's death, House Majority Leader Tom DeLay said, "This loss happened because our legal system did not protect the people who need protection most, and that will change."

Speaking with reporters later in Houston, the Texas Republican said lawmakers "will look at an arrogant and out-of-control judiciary that thumbs its nose at Congress and the president."

Asked if that included the possibility of the House bringing impeachment charges against judges involved

Father Thanks Supporters At Memorial

MORE THAN 200 COME TO REMEMBER SCHIAVO

By ANTHONY McCARTNEY
amccartney@tampatrib.com

PINELLAS PARK — With a montage of photos of his daughter projected behind him, Bob Schindler briefly leaned forward on the glass lectern of the Praise Cathedral Renewal Center, trying to gain his composure.

A shout of "We love you" filled the sanctuary, and within seconds more than 200 people were applauding the grieving father of Terri Schiavo.

They clapped until Schindler quietly delivered the message he came to the cathedral to say: "Thank you."

The crowd quieted, and Schindler continued: "I just

thank you so, so much."

Thanking supporters became a nightly routine for the Schindler family, who often navigated the crowd of protesters outside Hospice House Woodside, where Schiavo lay dying the past two weeks.

After her death Thursday morning, supporters hastily organized a memorial service to remember Schiavo, whom most people knew solely from TV and newspapers.

Schindler was the only member of Schiavo's immediate family to attend the nearly hourlong service. Brother Paul O'Donnell, the Schindlers' spiritual adviser, said the family will hold a memorial service early next week.

Schindler apologized to congregants for arriving in shorts and a short-sleeved shirt, telling them he hadn't planned on

attending services Thursday.

He remained at the service about 15 minutes, hugging people as he walked out.

The Rev. Terry Gensemer, of Fairfield, Ala., told the audience that Schiavo's death was not in vain. There would be a lasting political impact from her case, he predicted.

Likening Schiavo's case to a passage from the Gospel of John about a seed-bearing fruit, Gensemer said, "There has been a seed planted in the government of the United States, and it will bear fruit."

He said he expected more legislative action aimed at protecting people in Schiavo's condition.

Marlene Doyle and her mother, Jane Janes, both of Pinellas Park, attended Thursday's service simply to pay respects, they said.

"We felt all along it was in God's hands," Doyle said.

She said that although they have followed the case closely, they never went to the hospice. She said she felt she knew Schiavo better after the service.

Monsignor Thaddeus Malanowski, who has ministered to Schiavo for four years, recounted several behind-the-scenes moments from the previous two weeks, including giving Schiavo Communion and last rites.

He said Schiavo remained vibrant in the days after the removal of her feeding tube, smiling and laughing and interacting with her parents.

"They may have the body," he told the congregation, "but we have her soul."

Reporter Anthony McCartney can be reached at (813) 259-7616.

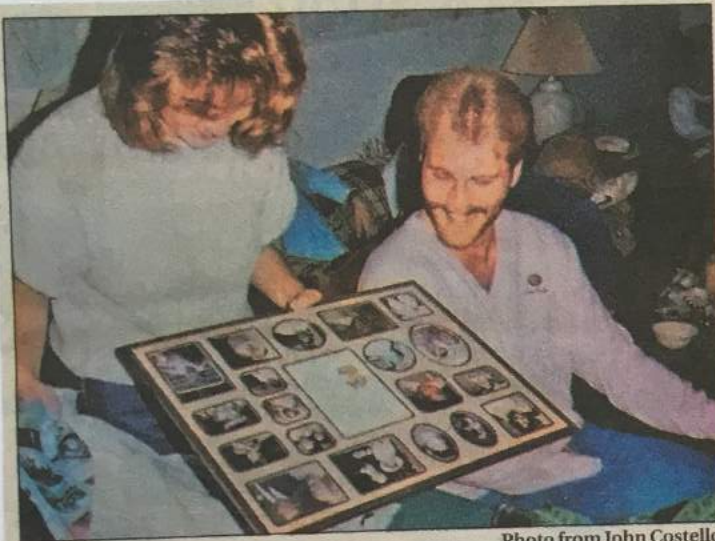
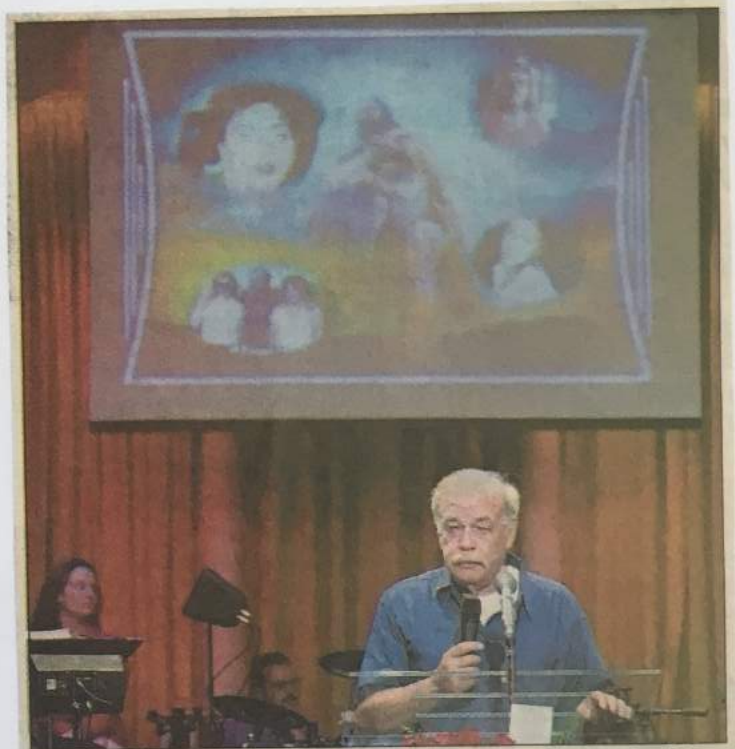


Photo from John Costello

Terri met Michael Schiavo in college. He was her first and only boyfriend. He proposed after they dated for about six months.



"Terri and Bobby were close," her mother says, but he did lock her in a suitcase once.



The Associated Press

Bob Schindler was the only family member to appear at the hastily organized memorial at Praise Cathedral Renewal Center.

After The Quiet Moments Of Mourning, Debate Refires Over End-Of-Life Choices

By DAVID SOMMER
dsommer@tampatrib.com

PINELLAS PARK — A family's clash over a young woman's right to live or die — a struggle that ultimately polarized the nation — dissolved in grief and relief with the death of Terri Schiavo early Thursday.

The feud between the Schindler family and son-in-law Michael Schiavo continued to the last moments of the brain-damaged woman's life. It is likely to reverberate into the future, as lawmakers wrestle with the questions raised in the dispute over her end-of-life wishes.

A day short of two weeks after her life-sustaining feeding tube was removed, the 41-year-old woman died Thursday morning at Hospice House Woodside.

When word of her death was announced outside the building, there was a brief silence. Then people who had prayed and protested — some of them for days — began to mourn, take down signs and ask reporters what they knew of Schiavo's final moments.

The debate sparked by the family feud over whether to remove her feeding tube isn't likely to end soon.

Advocates of prolonging life under almost all circumstances on one side, and of the right to refuse medical treatment on the other, will continue to push for legal change in Tallahassee and on Capitol Hill.

There were few, if any, political or re-

See **MOURNING BEGINS**, Page 13 ▶
Death called "calm, peaceful, gentle."

JOYFUL GIRL

Terri Schiavo's family and friends reminisce about better days and on her passions and goals. **Page 8**

THEY WEPT

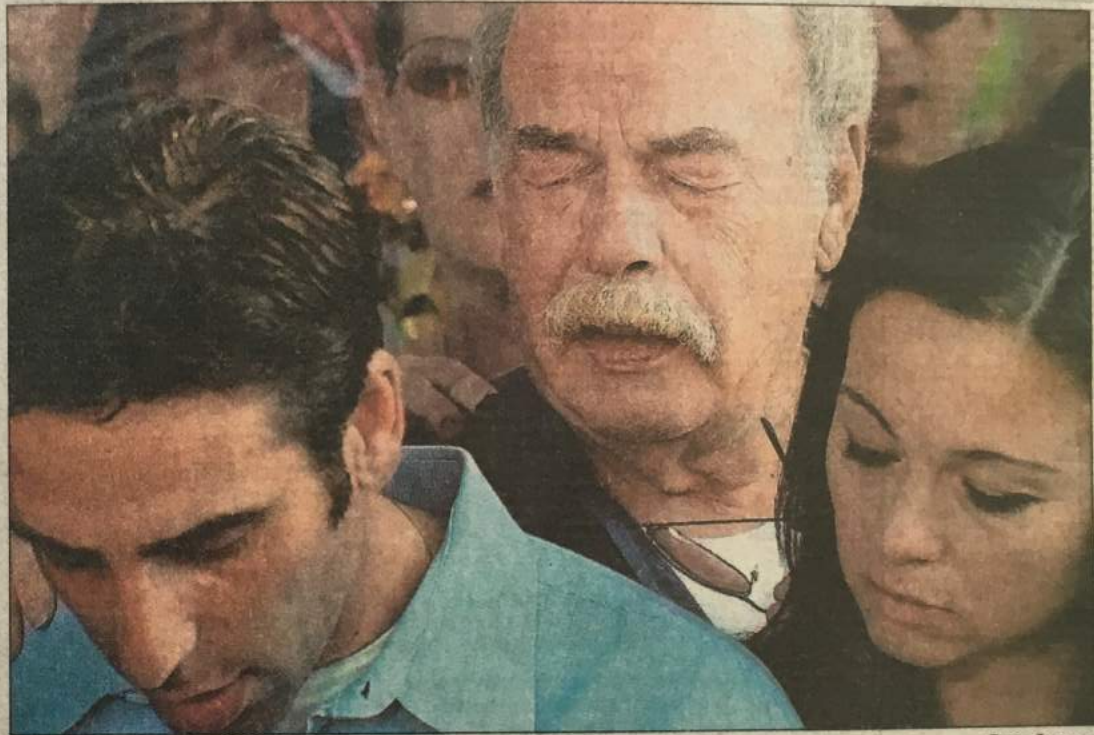
Outside the hospice, supporters of the Schindler family comforted one another. **Page 9**

LEGACY

The case may foment battles in court, congress and public discourse for years to come. **Page 11**

EPILOGUE

The president, the governor and the Vatican address the circumstances of her death. **Page 12**



Getty Images

"You stood with grace and dignity and made your family proud," Bobby Schindler, left, said of his sister Terri Schiavo. He grieves Thursday with his father, Bob, and sister Suzanne Vitadamo.

Nation Of Law Tested

By ELAINE SILVESTRI
esilvestri@tampatrib.com

TAMPA — The bitter dispute over Terri Schiavo exploded into a national battle, pitting America's branches of government against one another, threatening at times to lead to a constitutional crisis.

The confrontation became personal and legal, with members of Congress hurling insults and threats at judges who wouldn't order Schiavo fed. As recently as Thursday, one House leader raised the specter of impeachment.

Although Schiavo's family may never heal its rift, experts in constitutional law say the country's legal system remains solidly intact, that Schiavo's legacy may be more evident in our culture than in our system of government.

"There's no damage done to the system," said Jonathan Turley, a professor at George Washington University Law School. "We have a constitutional system that was built for bad weather, not good weather. ... Once again, it has proven it can actually function with two dysfunctional branches."

Turley said he sympathized with Schiavo's parents, Bob and Mary Schindler, because he recently went through a similar situation, choosing to leave his father on life support.

"Despite my agreement with the

See **CONSTITUTION CONCERNS**, Page 13 ▶
Lawmakers sound call for judicial reform.

Terri Schiavo



1963-2005

She Found Joy In Small Things



Terri Schindler-Schiavo Foundation

Terri, left, horseshoes with younger siblings Bobby and Suzanne in this family photo from the 1980s.

"She is one of the people you meet and you feel lucky. ... She had the kind of life that affected everybody she knew."

DIANE MEYER

Best friend throughout childhood

She found joy in

Small Things



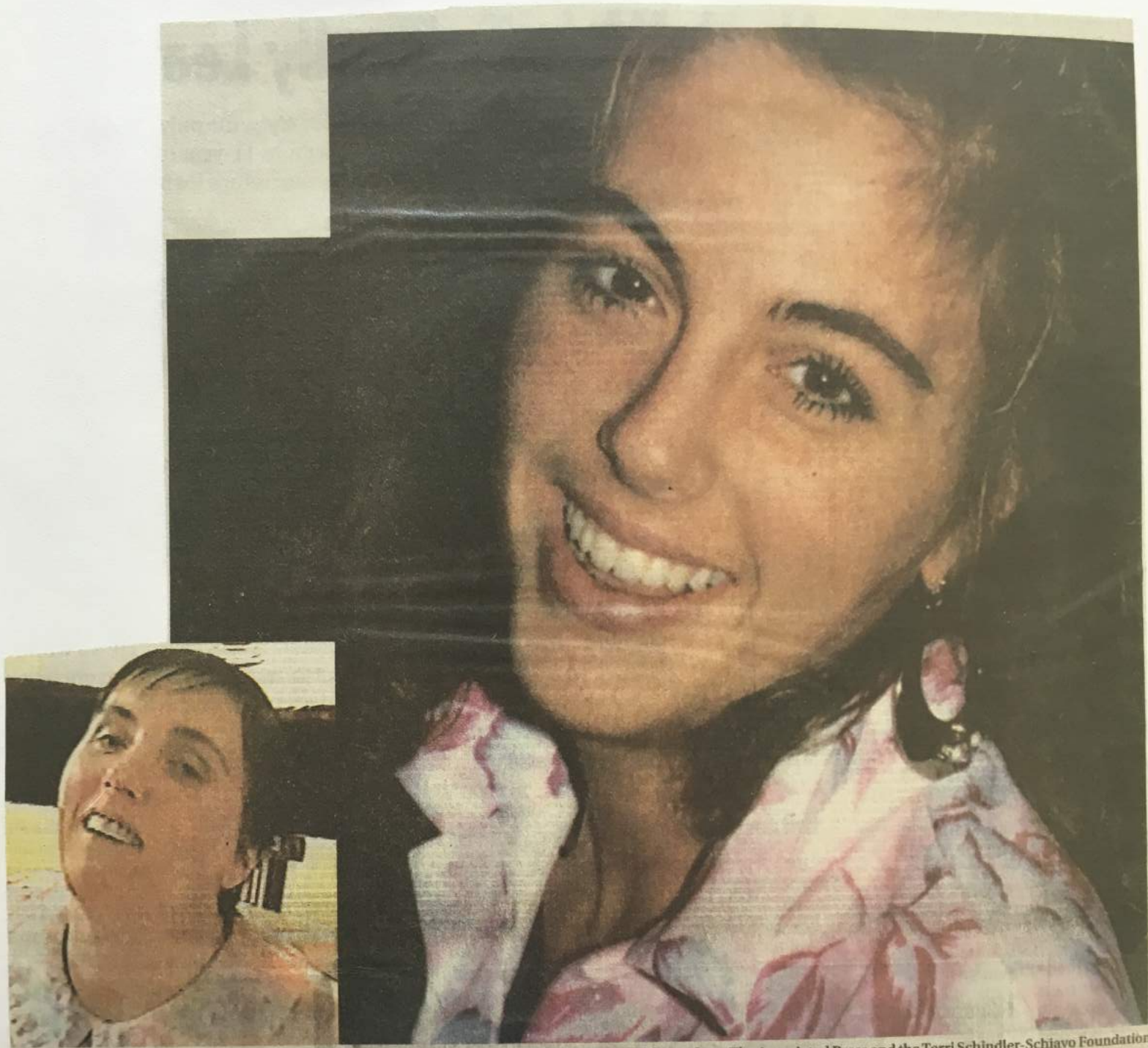
Terri Schindler-Schiavo Foundation

Terri, left, horsing around with younger siblings Bobby and Suzanne in this family photo from the 1980s.

"She is one of the people you meet and you feel lucky. ... She had the kind of life that affected everybody she knew."

DIANE MEYER

Best friend throughout childhood



Photos from The Associated Press and the Terri Schindler-Schiavo Foundation

Terri Schiavo



1963-2005

May Terri Schiavo Rest In Peace



The Associated Press

Harvest Bashta, 15, of Chicago, prays after it was announced that Schiavo had died Thursday morning.

Michael Schiavo Poised To Sue Caregivers

CLEARWATER — Michael Schiavo has asked a court to waive the two-year statute of limitations on filing a medical malpractice lawsuit against one or more of his deceased wife's caregivers.

Terri Schiavo, 41, died March 31 after her feeding tube was removed after a seven-year court battle. Schiavo's attorney in this case, Mark Perenich, said he was not able to discuss the proposed lawsuit behind Tuesday's request for an extension of the two-year statute of limitations.

By law, medical malpractice lawsuits must be filed within two years of the alleged misconduct unless an extension is granted.

In October 2003, Terri Schiavo's feeding tube was removed on court order. Doctors reinserted it on orders from Gov. Jeb Bush.

David Sommer



Tribune file photo by VICTOR JUNCO



Terri Schiavo spent 15 years in a persistent vegetative state, but her mother, Mary Schindler, said she was responsive. Schiavo died March 31 and was buried in Clearwater.

Her parents, Bob and Mary Schindler, said her mind and feeding tube was removed in 1990 when, at age 26, she suffered an unexplained heart failure that cut off oxygen to her brain.

Her parents, Bob and Mary Schindler, said her mind and feeding tube was removed in 1990 when, at age 26, she suffered an unexplained heart failure that cut off oxygen to her brain. Her parents, Bob and Mary Schindler, said her mind and feeding tube was removed in 1990 when, at age 26, she suffered an unexplained heart failure that cut off oxygen to her brain.

A FAMILY TRAGEDY ENDS

A seven-year court battle over Terri Schiavo's right to live or die — a clash that polarized the nation — ended in March when the brain-damaged woman died 13 days after her feeding tube was removed. Her husband, Michael, consented her life ended in 1990 when, at age 26, she suffered an unexplained heart failure that cut off oxygen to her brain.

WHAT'S NEXT: Michael Schiavo has created a political action committee to oppose politicians who tried to intervene in the case, and he has threatened a medical malpractice lawsuit against the caregivers who kept his wife alive against his orders. The Schindlers have "vowed to do everything within our power to prevent anyone from ever experiencing the same tragedy that Terri endured," Bob Schindler said in a letter on the family's Web site.

THE TAMPA TRIBUNE

and The Tampa Times

SCHIAVO AUTOPSY

CONCLUSION: She was blind and not aware of surroundings.
NO ABUSE: No evidence of trauma, drugs or poisons found.
IN THE END: Results support husband; Schindlers skeptical.



By DAVID SOMMER
 dsommer@tampatrib.com

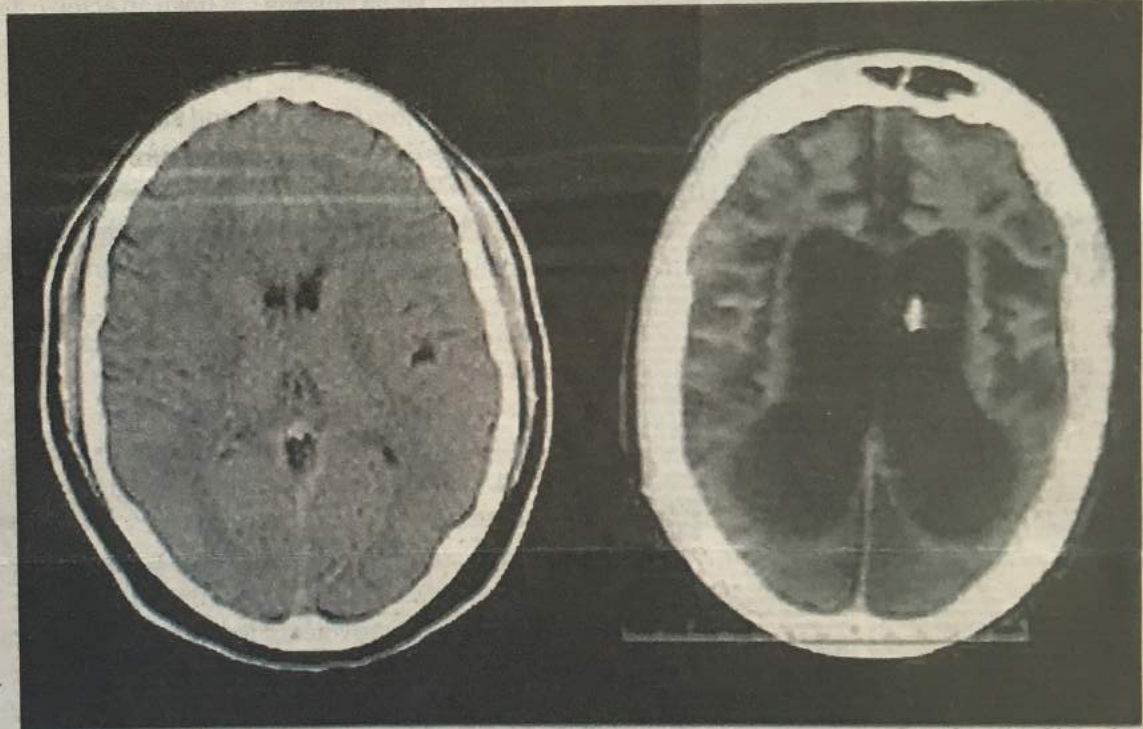
LARGO — Terri Schiavo was blind and had irreversible brain damage, but the underlying cause of the heart failure that led to her condition remains uncertain, a team of forensic pathologists said Wednesday.

The St. Petersburg woman had an extraordinarily strong heart, and some "external force" caused it to temporarily stop working years before her death, Medical Examiner Jon Thogmartin concluded Wednesday.

The autopsy findings largely support the position of her husband, Michael Schiavo, and undercut allegations by her parents, Bob and Mary Schindler, that their son-in-law caused her condition.

However, Thogmartin's exhaustive report, which includes input from board-certified experts on brain and heart pathology, is not likely to settle a family feud that has drawn worldwide attention.

"It seemed like he did a pretty thorough investigation," Terri Schiavo's brother, Bobby Schindler, said after watching Thogmartin deliver his findings. "But it only raises more questions. It eliminated bulimia. It eliminated heart attack. But Terri and [Michael Schiavo] had been fighting all day."



Scans from Ronald Cranford

The autopsy concluded the condition of Terri Schiavo's brain, shown at right in a 2002 CT scan, was "very consistent" with the diagnosis of her being in a persistent vegetative state with no awareness of her surroundings. At left is a CT scan of a normal 25-year-old.

SCHIAVO AUTOPSY

Continued From Page 1

made since the feud began in the early 1990s, his attorney said Wednesday.

"For years and years, the courts have found no abuse of Terri, ... and that's what the medical examiner found," attorney George Felos said.

'Can't Blame Them For Trying'

Thogmartin, the medical examiner for Pasco and Pinellas counties, and Polk County-based Medical Examiner Stephen Nelson, an expert in neuropathology, concluded the condition of Terri Schiavo's brain was "very consistent" with the diagnosis of her being in a persistent vegetative state with no awareness of her surroundings.

One of the few surprises Thogmartin reported finding, that Terri Schiavo was blind, undercuts the Schindlers' contention that videos posted on the Internet show their daughter was able to react to her mother and could follow the arc of a balloon waved over her bed, Felos said.

At an hourlong morning news conference, Thogmartin and Nelson said they could understand how family members could think someone in Terri Schiavo's condition was reacting to them during bedside visits.

Even the medical experts at first were optimistic about her prognosis, Thogmartin said.

"It is very sad to look at the whole spectrum of her [medical] records and watch that optimism fall," he said. "You can't blame them for trying."

Nelson said there is no way for an autopsy to confirm a diagnosis that a living person was in a persistent vegetative state rather than in a minimally conscious state, as the Schindler family asserts.

However, "there is nothing in her autopsy report ... that is inconsistent with persistent vegetative state," Nelson said. "She was very definitely blind and would not be able to register any type of thought or cognitive awareness of what was going on."

Schiavo's brain weighed less than half of what it should have in a normal state, and significantly less than that of Karen Ann Quinlan, who survived 10 years in a coma in what was a highly publicized dispute in the 1970s over removal of life support, Nelson said.

Thogmartin said he found no evidence that an eating disorder caused Schiavo's potassium levels to fall, leading to her heart failure.

There are a number of explanations for the low potassium level found after the woman's collapse, Thogmartin said.

Her heart was so strong that doctors were able to get it working again after she spent more than an hour with no measurable blood pressure, which resulted in massive brain damage, he said.

It was so strong, in fact, that it kept beating for 13 days after her feeding tube was removed and she became dehydrated, Thogmartin said.

Medical records and interviews with friends and family showed it was unlikely Terri Schiavo was responsible for her illness, Thogmartin said. There was no evidence of drug abuse, bulimia or diet pills. The fact that she had lost 100 pounds or more as a teenager and was adamant about not gaining the weight back is not abnormal, he said.

"According to everyone, she was a very clean-living young woman," and no one on either side of the dispute had anything negative to report about her, Thogmartin said.

Absent further information, nothing can be ruled out as an underlying



B. Schindler

Brother says his family still thinks Terri Schiavo's husband caused her collapse from heart failure.



Felos

Michael Schiavo's attorney says the medical examiners' report proves there was no abuse.

cause of death "other than overt trauma," Thogmartin said.

"Whatever caused that problem was not in her heart," Thogmartin said of her collapse. "It was an external problem that caused it."

Michael Schiavo was unavailable for comment Wednesday. Felos declined to comment on what, if any, plans his client has for her cremated remains.

Reporter David Sommer can be reached at (727) 799-7413.

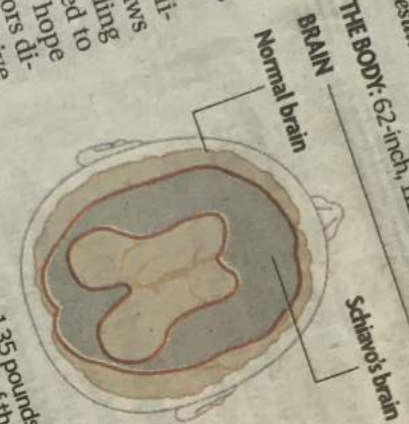
Bobby Schindler said his family still thinks Michael Schiavo caused Terri Schiavo's collapse from heart failure on Feb. 25, 1990, at age 26. Terri Schiavo died March 31, 13 days after a feeding tube that had kept her alive for more than 15 years was removed on court order.

For the previous seven years, Michael Schiavo had battled his in-laws to gain that permission, contending his wife never would have wanted to be kept alive for so long with no hope of recovery from what her doctors diagnosed as a persistent vegetative state.

The autopsy report, in which Thogmartin found no evidence of physical trauma, drug use or poisoning, "didn't add any comfort for our family," Schindler said. Terri could have been helped, with therapy, he said. Michael Schiavo is pleased that the Thogmartin's findings ruled out a liability of allegations of foul play that the Schindlers and their supporters have

AUTOPSY OBSERVATIONS

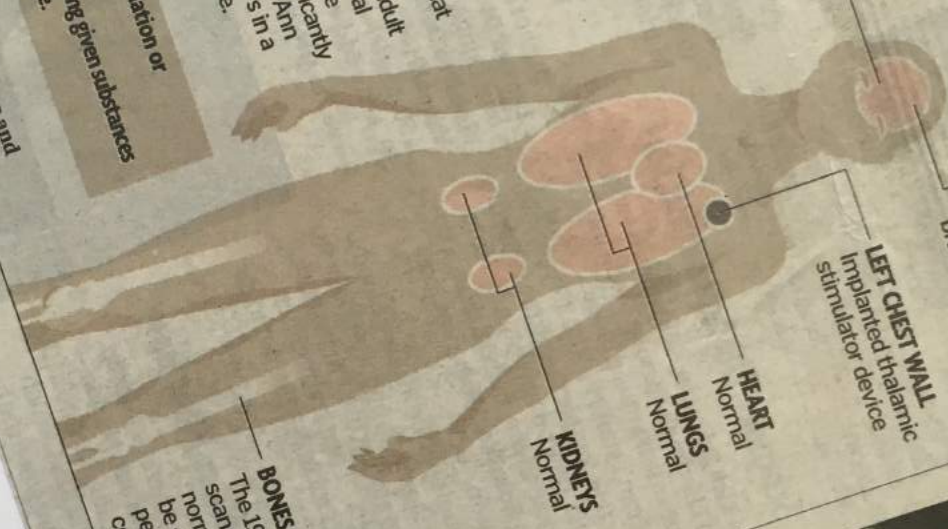
Results of the April 1 autopsy on Terri Schiavo:
THE BODY: 62-inch, 112-pound white female



Brain weight was 1.35 pounds. That weight is less than half of the expected tabular weight for her adult age. It was smaller in its vertical dimension as a result of tissue volume loss. It weighed significantly less than the brain of Karen Ann Quinlan, who spent 10 years in a persistent vegetative state.

No evidence of strangulation or other trauma.
 No evidence of her being given substances to hasten her demise.

Tribune graphic. Source: Pasco and Pinellas County medical examiner



BONES
 The 1991 bone scan showed normal injuries to be expected in a person in her condition.

AFTERMATH



It is very sad to look at the whole spectrum of her [medical] records and watch that optimism fall. You can't blame them for trying.

JON THOGMARTIN
 On the initial optimism for Schiavo's recovery

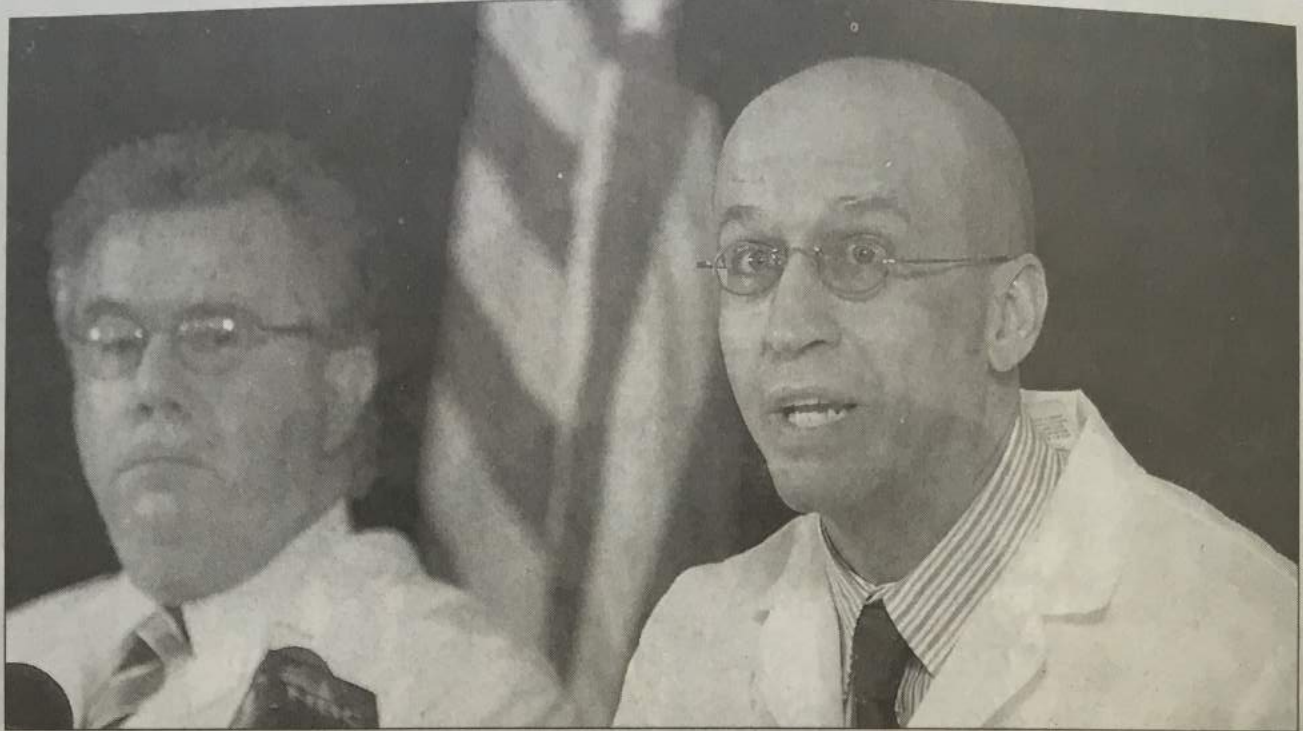
It seemed like he did a pretty thorough investigation. But it only raises more questions.

BOBBY SCHINDLER
 Terri Schiavo's brother

See **SCHIAVO AUTOPSY**, Page 6
 Blindness undercuts balloon video.
 Medical examiner sought to be thorough.



Keywords: Schiavo, to read the autopsy report on Terri Schiavo.



Tribune photo by BRUCE HOSKING

"The Florida system is designed for the medical examiner to be independent. I have no relationship to either side," said Jon Thogmartin, right, who did not allow pathologists from either side to be present for the autopsy.

Examiner Focused On Thoroughness

HE TOOK TIME TO REVIEW RECORDS, TALK TO EXPERTS

By DAVID SOMMER
dsommer@tampatrib.com

LARGO — Medical Examiner Jon Thogmartin knows it is unlikely he will ever perform a higher-profile autopsy than that of Terri Schiavo.

That is one reason the results took so long to complete, Thogmartin said in an interview before Wednesday's autopsy release.

As the final arbiter of what happened to a woman whose case has garnered worldwide attention — and debate — Thogmartin said he wanted to review every available medical record and bring in specialized expertise where he felt it necessary.

Thogmartin said much of the autopsy was completed in the weeks after Schiavo's death. However, a brain pathology expert's report was not finalized until this week, and the last of Schiavo's medical records were trickling in as recently as late last month, he said.

In a case where the underlying cause of death happened 15 years

ago, Schiavo's medical records and the expert's opinion on the condition of her brain — and any possible cognitive ability — are the crux of the matter, Thogmartin said.

Thogmartin received advance notice of the intense scrutiny his report is receiving.

When news broke that he intended to do an autopsy before signing off on Michael Schiavo's plan to have his wife cremated, Thogmartin's office was inundated with e-mail and telephone calls from the public and reporters.

"They shut us down for 12 hours," he said of the onslaught.

Police agencies investigating homicides and other suspicious deaths could reach Thogmartin and his employees only on their cell phones, he said.

Since then, e-mail messages have continued to flood his in-basket, the medical examiner said.

"I filter them out and put them in a file," he said. The few he read, he said, he read for "entertainment value."

"Pretty much all" of the correspondents wanted both quick results and a thorough job, he said.

"One asked me: 'What's taking so

long? This is taking longer than the pope.' Well, the pope didn't have an autopsy, but I didn't bother to write back," he said.

Thogmartin said he does not allow any outside influences in his autopsies.

That is why he refused requests from Michael Schiavo and Terri Schiavo's parents, Bob and Mary Schindler, that they be allowed to have their private pathologists present for the autopsy.

"The Florida system is designed for the medical examiner to be independent. I have no relationship to either side," he said.

Public Defender Bob Dillinger said he can vouch for Thogmartin's independence.

The previous medical examiner, who resigned in disgrace before Thogmartin took over in December 2000, was widely perceived as biased in favor of law enforcement and state prosecutors, Dillinger said.

Thogmartin is "a breath of fresh air," the public defender said. "He gives his independent opinion and lets the chips fall where they may."

Reporter David Sommer can be reached at (727) 799-7413.

Findings Put Some In Hot Seat

GOP LAWMAKERS INSISTED SCHIAVO WAS RESPONSIVE

By ANNE E. KORNBLUT
The New York Times

WASHINGTON — The autopsy of Terri Schiavo — particularly the findings that she had irreversible brain damage and was blind — left Republicans who had pushed so aggressively for federal intervention struggling Wednesday to defend their argument that she should have been kept alive.

Sen. Mel Martinez, R-Orlando, who pressed the case most, said he since has had second thoughts about Congress' involvement.

"I really probably come to the view this has to be more resolved at the state level, seems like the kind of issue the state courts deal with," Martinez said.

Rep. Mike Pence, R-Ind., said that in his five years in office, he saw Congress do its "worst job communicating" during the Schiavo episode.

The case has reverberated politically for months, contributing to a drop in approval ratings for the Republican-controlled Congress, whose leaders convened an emergency session in March to pass legislation protecting Schiavo.

The case has also given Democrats ammunition to use against the Senate majority leader, Bill Frist, a transplant surgeon who, on the Senate floor, voiced his opinion about Schiavo's condition based on videotapes in which she appears to react to some stimuli.

Aides to Frist said he had never made a formal diagnosis and thus had nothing to retract.

Democrats cited the autopsy results as proof that Schiavo's husband had been vindicated.

"I think it will be seen at some point as a turning point in America about what's going on with the Republican Party — namely that you have this fanatical party willing to impose its own views on people, and frankly, powerful enough to do it," said Rep. Barney Frank, D-Mass., who was among the most vocal critics of the Schiavo bill. "This is particularly a problem for Dr. Frist. This is a direct refutation of his TV diagnosis."

Frist did not respond to questions about the findings. His spokeswoman, Amy Call, urged reporters who asked about the case to assert that Frist "never made a diagnosis."

Throughout the floor debates, Republicans asserted that she was responsive to external stimuli and that the removal of her feeding and hydration tubes would lead to the murder of a conscious woman.

Frist, in his floor statement March 17, said that after viewing videotape of Schiavo, it was clear she was responsive. "To be able to make a diagnosis of persistent vegetative state — which is not brain dead; it is not coma; it is a specific diagnosis and typically takes multiple examinations over a period of time because you are looking for responsiveness — I have looked at the video footage," Frist said. "Based on the footage provided to me, which was part of the facts of the case, she does respond."

TAMPA BAY AREA

Michael Schiavo Named Guardian Of The Year

The Associated Press

MIAMI — The husband of Terri Schiavo was honored by a group that advocates guardianship services for his wife's long efforts to get his wife's feeding tube disconnected. Michael Schiavo, 42, was given the Guardian of the Year

Award by the Florida State Guardianship Association on Friday.

Terri Schiavo lived in a persistent vegetative state for 15 years before dying in March after a protracted legal battle between her husband and her parents over her end-of-life

wishes. She died from dehydration after her feeding tube was disconnected.

"As you know," Michael Schiavo said as he accepted the award, "I'm not much of a speechmaker. I don't talk much. But on behalf of my wife, Theresa, I thank you."

Brother Paul O'Donnell, a Franciscan friar who serves as the Schindler family spokesman, criticized the award, calling it "offensive."

Most guardianship association members are appointed by judges to represent people who have been officially

deemed incapacitated. They said Michael Schiavo was a controversial choice, but they decided to honor him because of his commitment to honoring what he says was his wife's wish not to be kept alive artificially.

"We see a lot of situations



Schiavo He was awarded for the efforts he made to get Terri Schiavo's feeding tube disconnected.

where family steps away," said association President-elect Michelle Kenney. "He stuck by. He didn't walk away." The award was given at the group's meeting in the Miami suburb of Doral.

TIMELINE

Terri Schiavo spent more than a third of her life in a brain-damaged state, while her husband and parents argued over her care and wishes.

Feb. 25, 1990: Terri Schiavo, 26, suffers heart failure. Because her brain is deprived of oxygen, she lapses into what doctors call a persistent vegetative state. She is put on a feeding tube.

May 1998: Michael Schiavo's parents, the Schindlers, appeal his request. Terri Schiavo's parents, the Schindlers, appeal.

April 2001: The feeding tube is removed after appeals fail. The tube is reinserted days later after a judge orders a new hearing.

October 2003: Doctors again remove the feeding tube after the Schindlers lose a second hearing. The state Legislature passes Terri's Law at the urging of Gov. Jeb Bush, and the tube is reinserted.

September 2004: The Florida Supreme Court strikes down Terri's Law.

March 2005: The feeding tube is disconnected while a federal court reviews the case. President Bush signs the bill. The Schindlers file an emergency request to have the tube reconnected, but the federal courts, including the U.S. Supreme Court, refuse to order reinsertion.

March 31, 2005: Terri Schiavo dies.

THE TAMPA TRIBUNE

and The Tampa Times

A Year Later, Schiavo Battle Has Moved On

Fight To Remember



Associated Press file photo

Protesters stood vigil outside Woodside Hospice in Pinellas Park a year ago this week, as Terri Schiavo lay dying. Her husband won a court fight to remove the feeding tube that had kept her alive since 1990. Her parents held out hope that the process would be stopped.

Characters In Schiavo Case

AWARDS GIVEN, BOOKS WRITTEN, BILLS FORGOTTEN

By DAVID SOMMER
dsommer@tampatrib.com

CLEARWATER — The drumbeat of opposition to the removal of Terri Schiavo's feeding tube has given way to the clatter of keyboards in the year since she died at a Pinellas Park hospice.

Within weeks of her death, the first of at least 11 books went on sale chronicling the family feud over whether the brain-damaged woman would have wanted to be kept alive had she known what fate held for her.

This week, books co-written by her parents and the husband they have come to revile make their debuts to mark the first anniversary of Schiavo's death.

In the months leading up to the court-ordered removal of her feeding tube in March 2005, after Schiavo spent 15 years in what most doctors diagnosed as a persistent vegetative state, the case made worldwide headlines.

What once had been a private family dispute moved out of the courts and into the chambers of Congress and the Florida Legislature.

At one point, President Bush cut short a Texas vacation to fly back to Washington to sign legislation aimed at keeping Schiavo alive. Earlier in Rome, Pope John Paul II convened an international symposium and concluded that feeding tubes should not be considered as artificial life support for Catholics such as Schiavo.

In Attention's Glare

The judge at the center of the case, who presided at a January 2000 trial over Schiavo's end-of-life wishes and ruled she would not want to be kept alive with a feeding tube, was forced to leave the Baptist congregation where he had worshipped for decades.

When Circuit Judge George Greer's ruling granting Michael Schiavo the right to remove his wife's feeding tube was carried out, hundreds of pro-life demonstrators gathered at Woodside Hospice for what turned out to be a 13-day vigil. The world watched with the help of dozens of satellite and microwave television news trucks.

Husband Tells His Side In New Book

MICHAEL SCHIAVO SAYS HE ALMOST GAVE UP

By DAVID SOMMER
dsommer@tampatrib.com

CLEARWATER — A series of appearances on national television this week to promote his new book will cap off a year of change for Michael Schiavo.

In that book, Schiavo writes that he made a last-minute decision to give up on his fight to remove the feeding tube from his brain-damaged wife last year as he was hounded by protesters and getting death threats, but his attorney talked him out of it.

On March 16, 2005, the day before Terri Schiavo's feeding tube was removed for the last time, Schiavo's longtime fiancée, Jodi Centonze, persuaded him "to walk away from Terri," he said in the book released Monday and titled "Terri: The Truth."

She was worried about the safety of their two children. He called his attorney, George Felos, to deliver the news.

Felos "reminded me that we had to realize that it wasn't just about Terri anymore," Schiavo wrote. "It was about the rest of the people who didn't want the government telling us how we could die and when we were allowed to decide that we didn't want further medical treatment. And it was about who has the right to make decisions between a husband and wife."

Schiavo, who did not respond to a request for an interview, initially sought privacy after his wife's feeding tube was removed for the last time, his brother and his attorney said last week.



In January, Michael Schiavo visited his wife at the Catholic Church.

In June, Schiavo's headlines were estranged in-Philadelph have been di

At a waterside the oak trees memorial Park, Schindlers said tended to gall

In addition Schiavo's birth includes the in This Earth, Fe the date she s heart failure th her brain.

Michael Schiavo wife lost all cog he stuck wit throughout the with the Schind to keep her all maintained the ued to interact death.

In a TV interv vo said he did r the Schindlers b my promise" on "It was from nothing to do w

7,000 people who report-earning \$1 million or more experienced such audits. Even re had their returns audited ough correspondence with tax agency.

Susan Long, co-director of Transactional Records Ac-s Clearinghouse, said the collectors produced those v statistics very quickly and ler pressure.

How do we know these res are right?" she asked. overall, the IRS audited less n 1 percent of individual tax rms.

Last year marked the first e the tax collectors started cking the number of audits long millionaires.

IRS spokesman Terry Lem-s said the published data nted a misleading picture cause millionaires only

Loans Blacks'

ck progress and problems. For three years, blacks' over-well-being compared with ites has stagnated, the re-t says. Although some black ple are prospering, blacks erally — in economics, lth, education, social jus-

and civic engagement — about three-quarters as as whites, the report es, citing figures from al Insight, an economic ysis company.

overnment data show that k Americans have more double the rates of infant tality, unemployment and rty as white Americans, eport also notes.

owning a home is the way t Americans accumulate th, wrote Lance Freeman, olumbia University urban

Schindlers Find Work Together

FOUNDATION FOCUSES ON END-OF-LIFE CARE

By DAVID SOMMER
dsommer@tampatrib.com

ST. PETERSBURG — The Schindler family always said their fight to keep Terri Schiavo alive brought them together, and that is true now more than ever.

All four surviving members of the family, Terri Schiavo's parents, Bob and Mary Schindler, her brother, Bobby Schindler, and her younger sister, Suzanne Vitadamo, now work for the Terri Schindler-Schiavo Foundation.

Bobby Schindler quit his job as a science and mathematics teacher at Tampa Catholic High School. Vitadamo gave up her career as a stock broker.

In a cramped, three-room office on Central Avenue, the Schindlers field e-mail and telephone calls from people anxious about end-of-life decisions being made for loved ones without their consent.

Everywhere, it seems, Terri Schiavo looks down on them from framed photographs, paintings and drawings made by supporters during the family's unsuccessful eight-year court battle to keep son-in-law Michael Schiavo from removing his wife's feeding tube.

Photographs of the family meeting Pope Benedict XVI shortly after Terri Schiavo's death one year ago,

Pat Anderson, who took up the fight of Terri Schiavo's parents, Bob and Mary Schindler, in appellate courts after they lost at the 2000 trial, has not written a book but said she is considering writing a law review article with two other lawyers who fought to keep Schiavo alive.

Anderson, who had broken with a former law partner and was launching a solo practice in St. Petersburg when she took on the Schindlers' case, also has put her career and personal life back on track.

"I got my life back," she said last week. "I moved my office to the beach, Tom [her partner and husband] got sworn into the Bar, and we got the time finally to get married. ...



Knight Ridder/Tribune file photo (2005)

Bobby Schindler, left, Suzanne Vitadamo, Bob Schindler and Mary Schindler keep framed photos of Terri Schiavo hanging in the foundation offices.

along with numerous religious artifacts and a drawing of Michelangelo's Pieta, attest to the Schindlers' deep Catholic faith.

A map of the United States in the tiny conference room bears color-coded stars showing where one or more family members traveled during the past year to speak at gatherings against abortion rights.

The stars marking 30-odd locations are not up to date, and they do not reflect Bobby Schindler's overseas appearances in New Zealand, Germany and England.

Last week, he was headed to Ireland for yet another conference. The rest of the family was preparing to head to New York for a week of television appearances to promote their new book, "A Life That Matters: The Legacy of Terri Schiavo — A Lesson for Us All."

The foundation will put profits from the book toward its initial goal of building a "network throughout the county, and possibly the world," of professionals in law and

medicine who can help people fight to keep loved ones alive, Bob Schindler said.

The Schindlers said they also will work to get state laws changed to protect people from being removed from life support when all family members do not agree to it.

Only Louisiana has acted as a result of the nationwide debate over whether Schiavo's feeding tube should have been removed against the will of her biological family.

The new Louisiana law prevents a spouse from making such a decision if they are living with another person — as Michael Schiavo was when he had his wife's feeding tube removed over the Schindlers' objections.

Lawmakers in other states have been unable to get similar changes passed into law, Bobby Schindler said. "It's going to take a little while before these laws are actually changed," he said before heading to Ireland.

I'm in a Florida frame of mind."

For the judge at the center of the battle, life never will be the same, he said last week.

Greer no longer has sheriff's detectives assigned to protect him 24 hours a day. But bodyguards were on hand recently when he appeared at the Suncoast Tiger Bay Club to receive the latest in a long series of awards.

The judge has been honored repeatedly in recent years by legal groups such as the Florida Conference of Circuit Judges, the American Board of Trial Lawyers and bar associations in Pinellas, Pasco and Hillsborough counties. Typically, the awards applaud him for commitment to following the rule of law in the face

of public criticism and hostility.

However, Greer said, the pride he once felt at being identified in public as a judge and former Pinellas County commissioner has turned into apprehension at the motives of those around him.

"My life is as back to as normal as it's ever going to get, I think," the judge said. "I look at things differently."

Reporter David Sommer can be reached at (727) 799-7413.



TBO.com Keyword, Schiavo for an in-depth look at the case, including background stories, video and court documents.

After Terri Schiavo died March 31, attention turned to Pinellas-Pasco Medical Examiner Jon Thogmartin.

Thogmartin performed an exhaustive autopsy and concluded Schiavo's cognitive brain functions ceased in 1990 when she suffered heart failure at age 26. However, Thogmartin was unable to resolve the question of what caused a seemingly healthy young woman's heart to malfunction.

Gov. Jeb Bush then kept the controversy going for a few more weeks by asking State Attorney Bernie McCabe to look into an alleged gap in time between when Michael Schiavo discovered his wife had collapsed and when he called 911.

In early July, McCabe said he found nothing "indicative of criminal activity." The governor said he considered the state's involvement over.

Politicians Move On

By then, pollsters were reporting public backlash over the politicians' intervention in the case. Pundits attributed Schiavo with tipping a long slide in the president's public opinion ratings. Debates in Tallahassee and Washington abruptly ended. Other than U.S. Sen. Mel Martinez's statement this year that he now thinks it was wrong to get involved, the politicians mostly have been silent.

"I think we were very successful in raising the debate. I don't think we were successful in resolving it," state Rep. Dennis Baxley, R-Ocala, said last week of the sudden end to what had been a fierce argument about proper removal of life support.

Baxley, who led the fight in the state House of Representatives to keep Schiavo alive, said he still wants the law changed to prevent the removal of life support when a family does not agree to it.

"There is still in our chamber this cloud of euthanasia," Baxley said. "At some time in the future we will address it."

Lawyers' Lives Go On

The two lawyers who did the lion's share of battle in Michael Schiavo's eight-year fight for court permission to remove his wife's feeding tube have spent the past year getting their lives, and practices, back on track.

Schiavo's attorney, George Felos, said he spent a month in Hawaii scuba diving and partaking in what he termed "an extensive meditative retreat."

"There were a lot of facets of my life that were just on the back burner," Felos said.

Felos also has traveled the country speaking about end-of-life issues and is seeking a publisher for what will be his second book on the subject: "Beyond Schiavo — Searching for Death with Dignity."

Terri Schiavo Case Is Emerging As Factor In Race For Governor

By MICHAEL FECHTER
mfechter@tampatrib.com

TAMPA — The political debate over Terri Schiavo's death is emerging as an issue in the 2006 election campaign. Attorney General Charlie Crist told an audience in West Palm Beach on Thursday that as governor, he would have stayed out of the fight between Schiavo's husband and parents about whether to keep the brain-damaged woman alive with a feeding tube. A 15-year legal battle appeared to be over last year when Congress, President Bush and Gov. Jeb Bush pressed to intervene legislatively to keep Schiavo alive. Ultimately, the courts sided with Schiavo's husband. She died of dehydration on March 31, 2005, after her feeding tube was removed. She "I am pro-life, and I respect life," Crist, a Republican candidate for governor, said at a gathering of the nonpartisan Forum Club of the Palm Beaches. "There are some decisions that ought to be left to God and family. Had I have been governor, I would have done the same thing," as Bush. In an interview, Crist minimized his differences with the governor.

See **SCHIAVO FACTOR, Page 8** ▶
Democratic candidates stress the issue.

Schindler Family To Write Book About Schiavo Battle

TAMPA — Terri Schiavo's parents and siblings are writing a book about their struggle in the end-of-life case that divided the country and captured the attention of Pope John Paul II and President Bush, their publisher said Tuesday.

The yet untitled memoir by parents Bob and Mary Schindler, brother Bobby Schindler, and sister Suzanne Vitadamo will be published in March to coincide with the first anniversary of the death of the brain-damaged woman, whose feeding tube was removed after her husband won a court order to do so.

"This book is the moving story of an ordinary family caught up in extraordinary circumstances, and it will set the record straight for the first time," said Jamie Raab, senior

vice president and publisher at Warner Books in New York.

The Schindlers' book is likely to compete for space on the shelves with a memoir by Terri Schiavo's husband, Michael, who fought his in-laws in court for eight years to end her life, arguing she would not have wanted to be kept alive in what doctors called a persistent vegetative state.

The Associated Press

PINELLAS

Schiavo Sounds Off On Wedding, Politics

Nearly a year after his brain-damaged wife died, newly married Michael Schiavo said his last name remains famous.

The Schiavo name is so famous from the family feud over whether to end Terri Schiavo's life, he told MSNBC on Thursday, that he used an assumed name during a recent Las Vegas honeymoon with Jodi Centonze.

"We kept it quiet," he told MSNBC. The wedding was Jan. 21 in a Safety Harbor church.

Schiavo and Centonze dated about 11 years and have two young children.

Terri Schiavo collapsed and was left with irreversible brain damage in 1990.

She died in March after her feeding tube was removed. Many politicians worked to prevent the removal.

Still upset by their actions, Michael Schiavo in December announced the formation of TerriPAC, a political action committee.

Its purpose is to restore personal freedoms and individual rights.

"I'm out to hold these people accountable," he said. "These people should not have done what they've done. ... They walked into people's personal lives and took over."

Josh Politlove

Schiavo, Girlfriend Are Married

SAFETY HARBOR — Michael Schiavo, whose brain-damaged wife was at the center of a contentious end-of-life battle, has remarried, family members said.

Schiavo married his long-time girlfriend, Jodi Centonze, on Saturday in a private church ceremony, said John Centonze, brother of the bride.

Schiavo's first wife, Terri, died in March after her feeding tube was removed. She had suffered irreversible brain damage after collapsing at age 26 in 1990.

Schiavo and his new wife have two young children. They met about 11 years ago.

"It was very emotional," John Centonze said after the noon ceremony. "It's been a long time coming. A lot of things happened in between."

The Associated Press

Demonstrations that the world watched from outside a Pinellas County hospice have disbanded. Bodyguards no longer protect Circuit Judge George Greer around the clock. Husband Michael Schiavo has remarried, been promoted and started his own political action committee. Parents Mary and Bob Schindler began their own

foundation that includes their son, who quit teaching, and daughter, who gave up a career as a stockbroker. Emblematic of the debate over who gets to decide end-of-life questions — an issue that reached Congress, President Bush and the Vatican — the case of Terri Schiavo continues as the one-year mark of her death nears, on Friday. Now the argument is fueled with competing books, not protests.

Books Delve Into Untold Stories, Emotions

Schiavo Realized Debate Transcended His Wife

Michael Schiavo decided when Congress became involved to give up his fight to remove his wife's feeding tube, he wrote in "Terri: The Truth." But his attorney persuaded him not to.

He "reminded me that we had to realize that it wasn't just about Terri anymore," Schiavo wrote in his book, which went on sale Monday. "It was about the rest of the people who didn't want the government telling us how we could die and when we were allowed to decide that we didn't want further medical treatment."

He wrote that his wife died in his arms. "Tears were streaming down my face and I was sobbing as I tried to tell Terri that it was okay now, it was finally over. I remember saying, 'You can be at peace now. I love you.'"



Schindlers Believed In Humanity Of The Heart

"I felt I was living in a parallel world, where a different language — legalese — spoke a set of incomprehensible rules," Mary Schindler wrote in "A Life That Matters: The Legacy of Terri Schiavo — A Lesson for Us All," which went on sale Tuesday. "I felt no connection to this world, yet knew that Terri's fate would be decided by those rules, and not by anything that governed my world, where humanity has less to do with the law than with the heart."

Much of the book, co-written by her family, is in Mary Schindler's voice. But at one point her husband, Bob Schindler, wrote about a day that is unlikely to come:

"I don't know that I could ever forgive. I also pray that one day I'll be able to. But I have too much anger at what's happened."

March 31, 2008



In this undated photo released by the Schindler family, Terri Schiavo is shown before the 1990 heart attack that deprived her brain of oxygen.

Remember Terri Schiavo, Groups Say

EUTHANASIA FOES MARK ANNIVERSARY OF DEATH

TBO.com

Three years ago, Terri Schiavo was removed from life support in Pinellas Park.

Monday, on the anniversary of her death, The Terri Schindler Schiavo Foundation and Priests for Life called for a day of remembrance.

Schiavo died March 31, 2005, at age 41, almost two weeks from the time her feeding tube was removed after a seven-year court battle between Schiavo's husband, Michael, and her parents, Bob and Mary Schindler.

"No one should ever have to witness what my family witnessed, watching a loved one slowly dehydrate to death," said Schiavo's sister, Suzanne Vitadamo, in a statement.

"We want Terri's day to remind us that persons with disabilities are never burdens and should be treated with nothing but our unconditional love and compassion," Vitadamo said.

Priests for Life and the Terri Schindler Schiavo Foundation are nonprofit organizations that oppose euthanasia. The groups have declared March 31 "Terri's Day" to "foster education, prayer and activism regarding discrimination against the disabled" and "advocacy for people in situations similar to what Terri and her family faced," a statement said.

Schiavo had been fed through a tube since a heart attack in 1990 that deprived her brain of oxygen and left her in a persistent vegetative state.

Michael Schiavo won a legal battle against the Schindlers to carry out what he said was his wife's wish. He testified that she had said she would not want to be kept alive under such circumstances.

After a January 2000 nonjury trial, Pinellas-Pasco Circuit Judge George Greer ruled that testimony from Schiavo and his relatives provided "clear and convincing evidence" that Terri Schiavo indicated she would not want to be kept alive without hope of improvement.

The Schindlers appealed. Greer's ruling was upheld again and again by state appellate courts and in federal court. Twice, Schiavo's feeding tube was removed on Greer's orders, only to be reinserted.

In April 2001, another judge intervened and the feeding tube was replaced. The second time, in October 2003, former Gov. Jeb Bush ordered the tube reinserted, using a hastily crafted measure known as Terri's Law that was later struck down as unconstitutional.

An autopsy found she was blind and her cognitive brain functions ended after her heart failure. She died of dehydration.

photo by
anied
ndlers
nily."

Make your wishes known with proxy or living will

TERRI SCHIAVO

Continued From Page 1

people who are profoundly disabled. It's a issue. If we allow quality-of-life consid which ones, and where do we stop?

There were some separation-of-powe Not long ago, courts were under attack legislatures, which criticized the courts activist when they were finding aborti unconstitutional or allowing removal of port. Here you had a case, the Schiavo cas had been decided by a court, and then th Legislature just passed legislation to say one case, we're going to let the governor t goes against all principles of having three t of government and that they each have powers and limits.

Q What is the best resolution for case as Schiavo's?

A I think the presumption should be cha for permanent vegetative state after a number of years, like two years. When the question that someone is in a permanent v tive state, then the presumption should be the feeding tube is going to be removed un there is evidence that the person would ha wanted it continued.

Schiavo is just one of many disputed ca There are 30,000 to 40,000 people in a pe nent vegetative state who are being kept a because of a feeding tube. Unless they ind that they wanted to be kept alive in that c tion, where they have no present interest l tinuing to live because they will never expe anything again, we're just keeping them all other people. That is a better way to show for people in this condition rather than try parse through what they said.

In fact, I think that would be a relief for r family members because then society is sa you're not doing anything inappropriate or questionable when you seek to remove the ing tube after two years. You don't have to court to fight for this. The fact is that the l you make it legally, the more the family wil they are doing something wrong.

Q What should people do to ensure ot follow their wishes about end-of-lif issues?

A The living will is supposed to be the so but I'm not a big proponent of it. I thin should name a health care proxy, someone want to make these decisions.

You have to have human beings make tl decisions at the time. I think a lot of this ca decided in advance. It's going to be decide the loss of capacity, because you can't ant what the situation is going to be and what question will be.

Most importantly, they have to have coo cation with the physicians. We haven't yet out how to bring the family or proxy togetl share information and decide what the go treatment are and work as a team. Some i cians are really good at it. It's not a critica physicians; it's a criticism of the system th doesn't encourage and support those kind

Suggested form of a Living Will, Florida Statutes Section 765.303

Living Will

Declaration made this _____ day of _____, 2_____, I _____ willfully and voluntarily make known my desire that my dying not be artificially prolonged under the circumstances set forth below, and I do hereby declare that, if at any time I am mentally or physically incapacitated and

_____ (initial) I have a terminal condition.
or _____ (initial) I have an end stage condition.
or _____ (initial) I am in a persistent vegetative state,

and if my attending or treating physician and another consulting physician have determined that there is no reasonable medical probability of my recovery from such condition, I direct that life-prolonging procedures be withheld or withdrawn when the application of such procedures would serve only to prolong artificially the process of dying, and that I be permitted to die naturally with only the administration of medication or the performance of any medical procedure deemed necessary to provide me with comfort care or to alleviate pain.

I do _____, I do not _____ desire that nutrition and hydration (food and water) be withheld or withdrawn when the application of such procedures would serve only to prolong artificially the process of dying,

It is my intention that this declaration be honored by my family and physician as the final expression of my legal right to refuse medical or surgical treatment and to accept the consequences for such refusal.

In the event I have been determined to be unable to provide express and informed consent regarding the withholding, withdrawal, or continuation of life-prolonging procedures, I wish to designate, as my surrogate to carry out the provisions of this declaration:

Name _____
Street Address _____
City _____ State _____ Zip _____
Phone _____

I understand the full import of this declaration, and I am emotionally and mentally competent to make this declaration.

Additional Instructions (optional): _____

(Signed): _____

Witness _____	Witness _____
Street Address _____	Street Address _____
City, State & Zip _____	City, State & Zip _____
Phone _____	Phone _____

At least one witness must not be a husband or wife or a blood relative of the principal.

— This form offered as a courtesy of The Florida Bar and the Florida Medical Association —

tribune file photo



INSIDE

Where's Sarah?

Despite falling to show at Ala statehood celebrations, soon ex-governor goes viral with tl about her future. **DETAILS, Pa**

7.5.2009 ■ THE TAMPA TRIBUNE ■ TBO.COM

Life – and death – After Terri Schiavo

By **TASHA KATES**
Media General News Service

More than four years after the death of Terri Schiavo, a University of Virginia law professor is raising questions about the legal and ethical issues surrounding Schiavo's life on a feeding tube.

Lois Shepherd, who also is an associate professor of biomedical ethics at the university, is the author of the newly released "If That Ever Happens to Me: Making Life and Death Decisions after Terri Schiavo."

Shepherd, 27, said she thinks experts have focused too much on a patient's rights and not enough on people's responsibilities to a patient like Schiavo.

"In the last 10 years, it has been turned into a rhetoric about a right to life," Shepherd said. "Rights are necessary and good, but they don't help us solve a lot of these problems."

"Instead, if we think about our responsibility to care and respect people, then we can try to get behind the rhetoric and start talking about the things that really matter."

Schiavo suffered cardiac arrest in 1990 in her St. Petersburg home. Her brain suffered damage from a lack of oxygen, and she eventually went into a vegetative state. Her husband said Schiavo would not have wanted to be kept alive if she could not have recovered, while her parents said she would not have wanted her feeding tube removed.

After a seven-year court battle, Schiavo's feeding tube was removed March 18, 2005. She died 13 days later at age 41.

Q What was it about Terri Schiavo's case that interested Americans?

A You have a dispute between the husband and the parents, which is one of the things that made the case so big. Pope John Paul II weighed in on the issue at a pivotal time in 2004. The Schindlers, Terri's parents, were Catholic, and they relied on what the pope had said to further their cause. Then right-to-life groups and disability rights groups come together as I think they had not before with the common purpose of preventing the removal of life support from people in a vegetative state.



Schindler family photo

Terri Schiavo was 26 when she suffered cardiac arrest in her Pinellas County home.

SHORT LIFE, LONG FIGHT

Terri Schiavo spent more than a third of her life in a brain-damaged state while her husband and parents argued about her care and wishes.

Feb. 25, 1990: Terri Schiavo, 26, suffers heart failure. Because her brain is deprived of oxygen, she lapses into what doctors call a persistent vegetative state. She is put on a feeding tube.

May 1998: Michael Schiavo files a petition to end his wife's life support; a judge grants his request. Terri Schiavo's parents, the Schindlers, appeal.

April 2001: The feeding tube is removed after appeals fail. The tube is reinserted days later after a judge orders a new hearing.

October 2003: Doctors again remove the feeding tube after the Schindlers lose a

second hearing. The state Legislature passes Terri's Law at the urging of Gov. Jeb Bush, and the tube is reinserted.

September 2004: The Florida Supreme Court strikes down Terri's Law.

March 2005: The feeding tube is disconnected a third time. Congress passes a law that would allow the tube to be reconnected while a federal court reviews the case. President George W. Bush signs the bill. The Schindlers file an emergency request to have the tube reconnected, but the federal courts, including the U.S. Supreme Court, refuse to order reinsertion.

March 31, 2005: Terri Schiavo dies.

Republicans thought that it would be politically advantageous for them to push the case. It was, interestingly, a way about conservative politicians to prove their conservative credentials at a time when we were in the midst of this debate about embryonic stem cell research. It tapped into the conservative movement's attempt to frame things as promoting a culture of life rather than a culture of death.

I didn't buy the conservative idea that artificial nutrition and hydration are basic care that should always be provided because sometimes they can cause more suffering than a lack of feeding tubes. It's not a simple issue. The conservative position on it is that it's basic care. The liberal position on it was it's medical treatment. And neither of those is exactly right.

Q What legal and ethical issues did Schiavo's case raise?

A One of the issues is: How much proof do we have to have about what a person wanted before we remove a feeding tube in this kind of a case? What the Schindlers argued is that Florida is that there had to be clear and convincing evidence of what the person would have wanted. The legal standard in Florida is that there had to be clear and convincing evidence of what the person would have wanted. The evidence argued that we should treat nutrition and hydration differently than we should treat artificial nutrition and hydration. The court said it did.

say that if you allow feeding tubes for people in a vegetative state, then you're going to discriminate removing tubes from people in a vegetative state. See **TERRI SCHIAVO, Page 5 »**

5,513

Days from Terri Schiavo's collapse to her death

2,516

Days from the time Michael Schiavo first asks for removal of his wife's feeding tube to her death

44

Judges who have ruled on the case since 2000

21

2nd District Court of Appeal rulings

11

Florida Supreme Court rulings

6

U.S. Supreme Court rulings

4

11th U.S. Circuit Court of Appeals rulings



Tribune file photos
Schiavo's death at 41 ended the epic legal battle that went all the way to the White House, Congress and the Supreme Court. A feeding tube kept her alive for 15 years.

Schiavo's father dies at 71

His family says that he had heart failure.

By **KEVIN WIATROWSKI**
kwiatrowski@tampatrib.com

TAMPA » Robert Schindler Sr., whose yearslong fight to keep his daughter Terri Schiavo alive made worldwide headlines, died Saturday.

He was 71.

In a statement, Schindler's family said the Philadelphia native died of heart failure at Northside Hospital in St. Petersburg.

He lived in Gulfport with his wife, Mary.

"He'd been dealing with health problems since Terri's death," said Schindler's son, Bobby.

Terri Schiavo, then 26, suffered heart failure in 1990, causing the brain damage that left her in what doctors described as a per-



Schindler
Fought to keep daughter attached to feeding tube.

sistent vegetative state.

Her husband, Michael, sought court permission to have her feeding tube removed. But the Schindlers fought to gain custody of their daughter.

Schiavo died March 31, 2005, two weeks after her feeding tube was removed. She was cremated and buried in Pennsylvania in accordance with her husband's wishes.

In 2005, the fight reached the U.S. Congress and then-President George W. Bush, who signed a law aimed at keeping Schiavo alive.

Her parents and their two surviving children founded

the Terri Schindler Schiavo Foundation to support families facing similar fights regarding the rights of people with disabilities.

The National Right to Life Committee, a Washington-based group that advocates against abortion, euthanasia and assisted suicide, issued a statement on Schindler's death.

"His death is a profound loss for all of us in the pro-life movement," said the group's president, Wanda Franz.

Funeral services will be held in Philadelphia, although details have not been announced.

Memorial donations may be made to the Terri Schindler Schiavo Foundation, 5562 Central Ave., Suite 2, St. Petersburg FL 33707.

Reporter Kevin Wiatrowski can be reached at (813) 731-8168.

Parents' Visits Limited

SCHIAVO'S FEEDING TUBE
SET TO BE REMOVED TODAY

Tape's Release Causes Restriction

By STEPHEN THOMPSON
The Tampa Tribune
and ROD CHALLENGER
WFLA, News Channel 8

PINELLAS PARK — Terri Schiavo's feeding tube is going to be removed today, and her parents fear they will not be allowed at her bedside when she dies.



M. Schiavo
Says wife wouldn't want to exist in this state

Bob and Mary Schindler had been warned by Schiavo's husband and legal guardian, Michael, that if they released a videotape of Terri Schiavo, their visitations with their daughter would be restricted.

The Schindlers released the tape Tuesday anyway, as they were surrounded by supporters carrying signs outside Hospice House Woodside, which is providing care for their daughter. Hours later, one of Michael Schiavo's attorneys, Deborah A. Bushnell, made that warning a reality.

Now, the Schindlers can't watch over their daughter as she slowly dies unless they are accompanied by her husband or someone who represents him, according to a letter from Bushnell to the Schindlers' attorney, Pat Anderson.

The back-and-forth is just the latest between the Schindlers of St. Petersburg, who want to keep their daughter alive, and their son-in-law of Clearwater, who doesn't believe his wife would want to exist in her current condition. Most physicians have said

See **TERRI SCHIAVO, Page 4** ▶
Few options left to Schindlers.

➤ *Go to TBO.com to see clips of the latest video released by Schiavo's family.*



Tribune photo by MARK GUSS

Bob and Mary Schindler, the parents of Terri Schiavo, must now be accompanied at their daughter's bedside, according to a letter from Schiavo's attorney. The Schindlers' son Robert told WFLA, News Channel 8, "Terri is going to die alone without her family."