



Terri Schiavo dies, but battle continues

Autopsy planned to clarify brain-damaged woman's condition

MSNBC staff and news service reports
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PINELLAS PARK, Fla. - Terri Schiavo, the woman at the center of a bitter feud over right-to-die issues, died Thursday, but her death led to new controversy as her parents and her husband traded accusations about who had access to the brain-damaged woman during her final moments.

Schiavo died at the Pinellas Park hospice where she lay for years while her husband and her parents fought in the nation's most bitter — and most heavily litigated — right-to-die dispute. She was 41.

An autopsy is planned, with both sides hoping it will shed more light on the extent of her brain injuries. In what was the source of yet another dispute between the husband and his in-laws, Michael Schiavo will get custody of the body and plans to have her cremated and bury the ashes in the Schiavo family plot in Pennsylvania.

The battle over whether to keep her alive galvanized the nation over the last month, with President Bush and Congress weighing in on the side of her parents.

The president, for one, said "millions of Americans are saddened" by Schiavo's death. "The essence of civilization is that the strong have a duty to protect the weak," he added. "In cases where there are serious doubts and questions, the presumption should be in favor of life."

The case had spent seven years winding its way through the courts, with Terri Schiavo's parents, Bob and Mary Schindler, repeatedly on the losing end.

They have been at odds with their son-in-law, Michael Schiavo, who consistently won legal battles by arguing that his wife would not have wanted to live in her condition. The case focused national attention on living wills, since Schiavo left no written instructions in case she became disabled.

Schiavo suffered severe brain damage in 1990 after her heart stopped because of a chemical imbalance that was believed to have been brought on by an eating disorder. Court-appointed doctors ruled she was in a persistent vegetative state, with no real consciousness or chance of recovery.

Last minute altercation

Brother Paul O'Donnell, an adviser to the Schindlers, said the parents and their two other children "were denied access at the moment of her death" and were only allowed into her hospice room after she died.

Another Schindler adviser, the Rev. Frank Pavone, said Schiavo's blood relatives were sent from her room just 10 or so minutes before she died because her condition was to be assessed and Michael Schiavo was going to visit.

"Bobby Schindler, her brother, said, 'We want to be in the room when she dies,'" Pavone said. "Michael Schiavo said, 'No, you cannot.' So his heartless cruelty continues until this very last moment. This is not only a death, with all the sadness that brings, but this is a killing."

Michael Schiavo's lawyer George Felos disputed that account

Felos said that when the time came for hospice workers to do an assessment, the brother engaged in a dispute with the police officer on duty. He characterized Michael Schiavo's decision that the relatives leave as an effort to provide a peaceful atmosphere for Terri's death.

Although he tried his best to be respectful of the Schindlers' wishes, "Mr. Schiavo's overriding concern was that Mrs. Schiavo die in peace ... in an atmosphere of love and not acrimony," Felos said.

Felos also criticized Pavone for the tone of his comments.

"Father Pavone chose to act as an ideologue using the pulpit rather than using the pulpit for some healing," he said.

Following Terri's death, Felos said that 30 to 40 hospice workers gathered around her bed to pay their respects. Some of these workers, whom he described as "angels of mercy" had cared for Schiavo for much of her five-year stay.

"It was a very emotional scene," said Felos.

The Schindlers had earlier pleaded for their daughter's life, calling the removal of the tube "judicial homicide."

After the tube that supplied a nutrient solution was disconnected on March 18, protesters streamed into Pinellas Park to keep vigil outside her hospice, with many arrested as they tried to bring her food and water. The Vatican likened the removal of her feeding tube to capital punishment for an innocent woman.

Dawn Kozsey, a musician who was among those outside Schiavo's hospice, wept when she learned of the woman's death. "Words cannot express the rage I feel," she said. "Is my heart broken for this? Yes."

Politicians and courts

Although several right-to-die cases have been fought in the courts across the nation in recent years, none had been this public, drawn-out and bitter.

Gov. Jeb Bush, whose repeated attempts to get the tube reconnected failed, said that millions of people around the state and world will be "deeply grieved" by Schiavo's death but that the debate over her fate could help others grapple with end-of-life issues.

"After an extraordinarily difficult and tragic journey, Terri Schiavo is at rest," Bush said. "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."

Six times, the U.S. Supreme Court declined to intervene. Schiavo's fate was debated on the floor of Congress and by President Bush, who signed an extraordinary bill on March 21 that let federal judges review her case.

"In extraordinary circumstances like this, it is wise to always err on the side of life," the president said.

But federal courts refused again and again to overturn the central ruling by Pinellas County Circuit Judge George Greer, who said Michael Schiavo had convinced him that Terri Schiavo would not have wanted to be kept alive by extraordinary means.

At a federal appeals court in Atlanta, one judge rebuked the White House and lawmakers Wednesday for acting "in a manner demonstrably at odds with our Founding Fathers' blueprint for the governance of a free people — our Constitution."

"Any further action by our court or the district court would be improper," wrote Judge Stanley Birch Jr., appointed by President Bush's father.

Relatives at war

Because Terri Schiavo did not leave written wishes on her care, Florida law gave preference to Michael Schiavo over her parents. But the law also recognizes parents as having crucial opinions in the care of an incapacitated person.

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

Still, her parents, who visited her nearly every day, reported their daughter responded to their voices. Video showing the dark-haired woman appearing to interact with her family was televised nationally. But the court-appointed doctor said the noises and facial expressions were reflexes.

Both sides also accused each other of being motivated by greed over a \$1 million medical malpractice award from doctors who failed to diagnose the chemical imbalance.

However, that money, which Michael Schiavo received in 1993, has all but evaporated, spent on his wife's care and the court fight. Just \$40,000 to \$50,000 remained as of mid-March.

Money issue

Michael Schiavo's lawyers suggested the Schindlers wanted to get some of the money. And the Schindlers questioned their son-in-law's sincerity, saying he never mentioned his wife's wishes until winning the malpractice case.

The parents tried to have Michael Schiavo removed as his wife's guardian because he lives with another woman and has two children with her. Michael Schiavo refused to divorce his wife, saying he feared the Schindlers would ignore her desire to die.

Schiavo lived in her brain-damaged state longer than two other young women whose cases brought right-to-die issues to the forefront of public attention.

Karen Quinlan lived for more than a decade in a vegetative state — brought on by alcohol and drugs in 1975 when she was 21; New Jersey courts let her parents take her off a respirator a year after her injury. Nancy Cruzan, who was 25 when a 1983 car crash placed her in a vegetative state, lived nearly eight years before the U.S. Supreme Court ruled that her parents could withdraw her feeding tube.

Schiavo's feeding tube was briefly removed in 2001. It was reinserted after two days when a court intervened. In October 2003, the tube was removed again, but Gov. Jeb Bush rushed "Terri's Law" through the Legislature, allowing the state to have the feeding tube reinserted after six days. The Florida Supreme Court later ruled that law was an unconstitutional interference in the judicial system.

On March 18, the tube was removed for a third and final time.