

Missouri Senate to vote on 'right to die' bill

ST. LOUIS (CNS) — By a 4-3 vote a Missouri Senate committee has approved a bill that would expand current law to allow families to end life-sustaining measures for those who are terminally ill or in "a permanent unconscious state."

The Missouri Catholic Conference has criticized the proposal, saying decisions on medical treatment should be based on whether treatment is beneficial or harmful and should be applied to everyone equally — whether the person is conscious or unconscious.

The proposal — approved Jan. 24 — is supported by Missouri Attorney General William Webster and the family of Nancy Cruzan, 32, the Missouri woman in a permanent vegetative state. The U.S. Supreme Court was reviewing Cruzan's fate on the issue of nutrition and hydration.

Webster's office argued before the U.S. Supreme Court in December, asking it to uphold a Missouri Supreme Court decision that would not allow the Cruzan family to end the feeding that is keeping the young woman alive. Webster told the *St. Louis Review*, archdiocesan newspaper, he expected the Cruzans to lose their case, and added that he believes there is no constitutional "right to die."

"But however the court rules, it is necessary to have modifications to the Missouri probate code," Webster said, adding that the proposal would expand Missouri's "living will law" so that "death-prolonging procedures" could be withdrawn from people in a "permanent unconscious state."

The proposal awaited action by the full state Senate. The House had yet to act on the bill.

The legislation would amend the state's so-called living will law to allow families the right to withhold food, water, or medicine from the terminally ill and permanently unconscious. Currently, only those in imminent danger of dying are subject to the law's provisions.

Such living will laws allow people to authorize, while in good health, the termination of life-sustaining treatment if ever faced with such a situation.

In testimony before the state Senate committee, Webster noted the "tragedy"

of the Cruzan case and "the very real agony of others in similar situations."

Later he told the *St. Louis Review* that "a broad ruling from the U.S. Supreme Court in finding a so-called 'right to die' could open the floodgates of abuse." Every state appellate court that has considered the issue has called for "a legislative response," and the proposed bill is an "effort to craft a statute with substantial safeguards for the patient," Webster said.

Nancy Cruzan's family wishes to stop hospital officials from administering food and water through her feeding tubes. The Missouri Supreme Court ruled against the family, so they appealed to the U.S. Supreme Court. Doctors say Nancy Cruzan could live for 30 years with the tubes and without them would soon die of starvation or dehydration.

When he testified before the state Senate committee that approved the proposed bill, Louis C. DeFeo Jr., executive director for the Missouri Catholic Conference, said that "those who are unconscious should not be treated like a subhuman group" but should have "the same equal rights that the conscious person has."

The state Catholic conference has proposed a "health care advocate" approach for health care decisions to balance the rights of all involved. The conference objected to the bill's calling for a "health care surrogate," an individual who can make health care decisions for a person who lacks the capacity to do so.

In other testimony, Dr. Paul Warner of Alexian Brothers Hospital in St. Louis warned that the bill's definition of "permanent unconsciousness" could include severely mentally retarded persons and some persons with Alzheimer's disease.

The Missouri Catholic Conference also opposed the bill's provision to allow probate courts to make medical treatment decisions in cases where the person has not declared their wishes in writing.

In these cases, three conditions must be met: the patient had been unconscious for three years or more; three doctors certified that the person was permanently unconscious; and no immediate family member dissented from the decision to remove life support.



Joyce and Lester Cruzan leave the U.S. Supreme Court Dec. 6, after justices heard arguments in an emotional "right to die" case involving their comatose 32-year-old daughter, Nancy Beth Cruzan.

Woman rallies from coma; abortion drew legal battle

By Liz Schevtchuk
Catholic News Service

WASHINGTON — Nancy Klein, whose abortion in early 1989 sparked a legal battle with pro-lifers, has emerged from a coma and is recovering, according to the hospital where she is being treated.

Representatives of the National Right to Life Committee in Washington welcomed Klein's progress and said it underscores the importance of providing food and water to comatose patients, but added that the loss of the unborn baby to abortion was unfortunate.

At age 32 and pregnant with her second child, Nancy Klein became the focus of a national controversy after suffering serious brain injuries in a car accident in December, 1988. She went into a coma, and doctors gave her odds for recovery as only 5 percent, claiming her chances would improve if her pregnancy were aborted.

When her husband, Martin, went to court to become her guardian, with power to allow the abortion, he was opposed by pro-life activists.

Klein won the first round in court but the appeals went to the Supreme Court, where

Justice Thurgood Marshall refused to intervene. Nancy Klein was 18 weeks pregnant when the abortion was performed Feb. 11, 1989. The full Supreme Court subsequently refused to reopen the dispute.

Nancy Myers, media relations director for the National Right to Life Committee, said that "we think it's great she's out of the coma. It'd be even better if her baby were alive, too."

Klein is a patient at the John F. Kennedy Medical Center's Robert Wood Johnson Jr. Rehabilitation Institute in Edison, N.J. She has been undergoing treatment and recovery for several months, and regained her speaking capabilities in December, the medical center reported.

"She's doing very well. She is still recovering," said Joe Passantino, a medical center spokesman, in a telephone interview with Catholic News Service Jan. 31.

Passantino said Klein began recovering in March 1989 after she was transferred to the rehabilitation institute in New Jersey from North Shore University Hospital, Manhasset, N.Y. She had initially been treated at the North Shore facility, and the

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Fr. Stallings excommunicated; cuts ties with Roman Catholics

By Mark Pattison
Catholic News Service

WASHINGTON — On an episode of the "Donahue" television talk show, Father George A. Stallings Jr. declared that "as of today, the African-American Catholic Congregation is going independent." The episode was scheduled for broadcast in nationwide syndication Feb. 5.

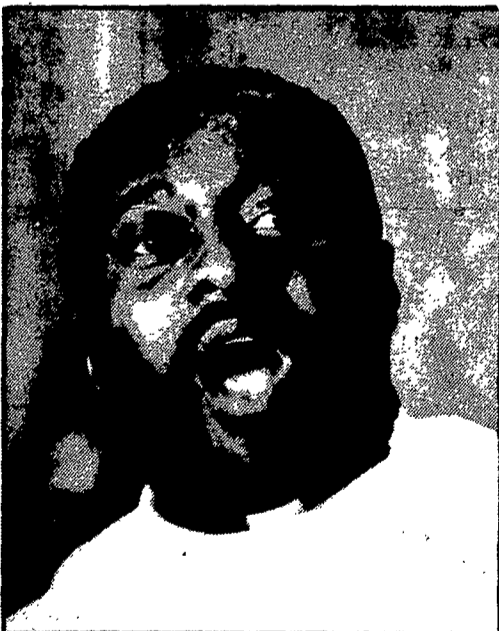
The 41-year-old black Washington priest, founder of the breakaway Imani Temple congregation, told host Phil Donahue, "We are no longer under the pope or the aegis of the Roman Catholic Church."

Eileen Marx, spokeswoman for the Archdiocese of Washington, said Father Stallings "has excommunicated himself" from the church by virtue of "his very public statements on the Phil Donahue show" and additional comments made during Feb. 4 services at Imani Temple in Washington.

"The public declaration on his part that he is no longer a part of the Roman Catholic Church is the reason for his excommunication," Marx said, "rather than the church excommunicating him."

"There does not need to be a letter or any kind of formal procedure occurring because he has declared it himself," Marx continued.

Since July, Father Stallings had been under suspension by Cardinal James A.



Father George A. Stallings Jr.

Hickey of Washington after he celebrated the first Imani Temple liturgies.

"My hope is not a reconciliation" with the church, Father Stallings said on the "Donahue" program, which was taped Jan. 30. But if church officials wanted to talk, he said, "we'll be more than happy to sit down at the table of brotherhood and sisterhood."

Suspension and excommunication are

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