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## A Chronology

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# Court decisions legalize euthanasia

*The following presents the shocking history of court decisions in the past few years, which have made euthanasia legal in much of the United States.*

### 1984

**May 3**—Ohio's Ninth District Court of Appeals rules that a doctor who attempts to keep a patient alive against a relative's wishes can be tried and convicted on assault charges. Akron Medical Center and Dr. Howard Shapiro were sued for refusing to "pull the plug" on **Edna May Leach**.

**June 4**—Massachusetts Appeals Court rules in precedent-setting case that a conscious, elderly, mentally ill nursing home patient, who is not terminally ill, brain dead, or comatose, could reject all food, water, medication, and medical care, despite the fact that she was not legally competent. On May 30, the court allowed that artificial sustenance could be withheld from **Mrs. Mary Heir**, a ward of the state, who was "approaching end of normal lifespan." The Appeals court affirms that "the subjective considerations about the burdens of advanced medical technologies of an incompetent patient had to be considered by the court-appointed guardian."

**June**—A California patient sues Glendale Adventists Hospital for battery and violation of state and federal constitutional rights for "unconsented medical treatment." **William F. Bartling**, 70, suffered from several diseases and depression, but was not terminal. The state Superior Court ruled against Bartling, saying that medical ethics outweigh a patient's right to privacy, and turning off his respirator meant aiding suicide or murder.

**Aug. 2**—In a landmark ruling, the New Jersey Supreme Court rules that a boy born with birth defects and retardation could sue his mother's physicians for damages for allowing his "wrongful life." According to the suit, the mother could have decided to have an abortion if her condition (German measles) had been properly diagnosed during her pregnancy.

**Nov. 2**—In a national precedent, Minnesota Supreme Court affirms a lower court decision to let Hennepin County Medical Center remove patient **Rudolfo Torres** from a respirator, solely on recommendations of "independent" ethics committee, organized by hospital physician and starvation

advocate Dr. Ronald Cranford, who feared a lawsuit against the hospital, since Torres became comatose after strangling in the hospital's improperly placed head strap.

In ruling on Torres, an unconscious patient who was not in pain, the court said the decision to withdraw treatment (food) is not limited to pain avoidance. The patient may well have wished to avoid "the ultimate horror, [not of] death but the possibility of being maintained in limbo. . . ."

**December**—U.S. Court of Appeals orders Department of Health and Human Services not to investigate or regulate treatment of handicapped newborns in any federally funded programs, because it finds Section 504 of the Rehabilitation Act "wholly inapplicable to withholding or withdrawal of nutrition or medically beneficent treatment from handicapped infants—no matter how egregious the circumstances." HHS announces its intention to petition Supreme Court.

**Dec. 27**—California Court of Appeal for the Second District Court rules that **William Bartling** has a constitutional right to refuse life-saving medical treatment, and that right outweighs the hospital's responsibility to preserve life. It overturns a Superior Court decision that called turning off the respirator "murder." Bartling had died Nov. 6, but Hemlock Society lawyer Richard Scott pursued the case for precedent-setting purposes.

During 1984, living will laws were passed in 10 states: Florida, Georgia, Illinois, Louisiana, Mississippi, West Virginia, Wisconsin, and Wyoming.

### 1985

**Jan. 17**—New Jersey Supreme Court hands down **Clair Conroy** decision, overriding a 1983 ruling of the Appellate Division of the Superior Court which said that removal of food and water "constitutes homicide." The new ruling equates artificial feeding with medical care and says that food and water can be withheld or withdrawn from elderly incompetent nursing home patients with less than a year to live, if there is clear evidence that that is what the patient would have wanted, or by substituted judgment, if "the net burdens of the patient's life with the treatment . . . clearly . . . outweigh the benefits the patient derives from life."

In 1983, Conroy's nephew sued to have her starved, and Judge Reginald Stanton of the Superior Court acceded. The Appellate Division stayed the starvation order. Mrs. Conroy died days later, but her nephew took the case to the N.J. Supreme Court anyway.

**Jan. 17**—The N.J. Office of the Ombudsman for the Institutionalized Elderly is formed as a result of the Conroy decision. Like in Nazi Germany, the office has the right to authorize guardians who will decide if a nursing home patient will live or die, if withdrawal of life-sustaining treatment, including food and water, is in the patient's best interests.

**March 1**—Florida's Lee County Circuit Judge Thames R. Thompson upholds Florida's recently enacted Life Prolonging Procedure Act, which allows the removal of life-

sustaining therapies, but not nutrition and hydration. **Thomas Corbett** petitioned the court to remove the feeding tube of his 78-year-old wife, diagnosed as being in a "persistent vegetative state." Corbett, working with the Right to Die Society, says he will appeal.

**March 4**—**Roswell Gilbert** shoots his ailing wife of 51 years, after deciding that she was psychotic. His lawyer defends it a loving gesture, a "mercy murder."

**March 11**—**Gilbert** is convicted of first-degree murder by Judge Thomas Coker, Jr., who sentences him to life imprisonment with a 25-year minimum mandatory sentence for shooting his wife, who suffered from arthritis and Alzheimer's disease.

**May 22**—Massachusetts Probate Court hears the request of the family of former firefighter **Paul Brophy**, for permission to remove the coma patient's feeding line, his only form of sustenance, after New England Sinai Hospital, in a unanimous decision, refused to kill their patient. In his testimony, Brophy's physician recalled the Nazi concentration camps, calls starvation of coma patients a "barbaric and savage way to induce death."

**July 25**—Atlanta Centers for Disease Control, alarmed by a rash of hospital cluster deaths, issues guidelines for hospitals to investigate and stem suspicious increases in patient deaths due to "mercy murders" or lunacy.

**Aug. 1**—Minneapolis television reports on the death of an 89-year-old woman, hospitalized only for a fractured hip. Her daughter had requested a NPO order ("nothing given by mouth"). The woman, **Ella Bathurst**, died in six days—her calls for water never answered.

**September**—Ohio Court of Appeals reverses conviction of assault against doctors who kept a patient alive against her wishes.

**Oct. 8**—New Jersey Superior Court Judge Harry Margolis appoints lawyer for elderly nursing home patient **Hilda Peter**, who went into a coma after a heart attack in October 1984. Peter's companion, Eberhard Johanning, seeks to be appointed her guardian, and requests court permission to have physicians at the Cedar Grove Nursing home remove her feeding tube. This will be the first right-to-die test case under the recently passed Conroy guidelines.

**October**—Husband requests New Jersey court's permission to remove his wife's feeding tube. John Jobes, with attorney Paul Armstrong who argued the famous Karen Ann Quinlan case, petitioned Judge Arnold Stein of the Chancery Division of the Morris County Superior Court for the right to end the life of **Nancy Ellen Jobes**, his 30-year-old highly disabled wife, after physicians at the Lincoln Park Nursing Home refused his request. Mrs. Jobes was disabled as the result of an anesthesia mishap during an operation in May 1980. She is not in pain, is not brain dead, nor is she terminally ill.

**Oct. 10**—A hospital that deliberately let handicapped babies die is sued by four medical rights groups. In a 1977-

82 experiment, doctors at Oklahoma Children's Memorial Hospital used a "quality of life" index based on socioeconomic factors, to select which children born with spina bifida would receive aggressive treatment and live, and which would be denied treatment and die. Parents were not informed of the experiment. Of 69 children, 24 died after they were deprived of treatment.

**Oct. 22**—Massachusetts Probate Judge David H. Koppelman denies the right to starve coma patient **Paul Brophy**. The judge rules that the state is "morally obligated to sustain the life of an ill human being, even one in a persistent vegetative state." He says, "The proper focus must be on the quality of treatment furnished Mr. Brophy, and not the quality of his life, otherwise, the court is pronouncing judgment that Brophy's life is not worthy to be lived."

**Nov. 4**—New Jersey State Superior Court Judge Margolis holds hearing on the request to remove a feeding tube from **Hilda Peter**, a nursing home patient who is diagnosed comatose. State Ombudsman for the Institutionalized Elderly Jack R. D'Ambrosio, Jr. charged by the state to oversee the killing of elderly patients under the Conroy guidelines, reported to Margolis that Peter met every criterion of the Conroy guidelines but one: She was not terminally ill and could live for many years in her present condition, supported only with a feeding tube.

**Nov. 13**—New Jersey Superior Court Judge Harry Margolis appoints companion as legal guardian for **Hilda Peter**. It is expected that the guardian will petition the State Ombudsman for the right to remove the patient's feeding tube.

During 1985, living will laws were passed in Arizona, Colorado, Connecticut, Indiana, Iowa, Maine, Maryland, Missouri, New Hampshire, Oklahoma, and Utah.

## 1986

**Jan. 15**—U.S. Supreme Court is petitioned to hear Health and Human Services "Baby Doe" arguments, in which HHS seeks to assure lifesaving medical care and protection to handicapped newborns under Sec. 504 of the Rehabilitation Act.

**Feb. 12**—Thomas Corbett, with legal help and money from the Society for the Right to Die, appeals to the Florida high court a ruling preventing him from pulling his wife's feeding tube, even though **Mrs. Corbett** had died after the lower court issued that ruling.

**Feb. 13**—California Supreme Court hears \$10 million suit against Los Angeles County-run High Desert Hospital, for force-feeding **Elizabeth Bouvia**, a patient with cerebral palsy and a history of court battles, in cooperation with the Hemlock Society, to force hospitals to accept patient starvation.

**Feb. 27**—Judge Arnold Stein denies a "life-advocate" for brain-damaged New Jersey woman. Doctors and nurses for the Lincoln Park Nursing Home wanted an advocate who would fight to save their patient **Nancy Ellen Jobes**, whose



"St. Peter and St. John Healing the Cripple," by Albrecht Durer, 1513. Today, the Right to Die lobby's solution: euthanasia.

parents, husband, and court-appointed guardian all agree she should starve to death.

**March 6**—N.J. Ombudsman for the Institutionalized Elderly Jack D'Ambrosio, Jr. releases statement that the Supreme Court Guidelines on Conroy prevented him from consenting to the removal of the naso-gastric tube of **Hilda Peter**, as her legal guardian requested. The guardian appeals that decision to the Appellate Division.

**March 24**—Judge Arnold Stein of the Chancery Division of N.J. Superior Court hears testimony in the case of **Nancy Ellen Jobs**. Physicians and nurses at the Lincoln Park Nursing Home testify that she responds to sound, light, pain, and touch. She smiles, moves her limbs on command, and recognizes left from right.

**April 16**—The Court of Appeals for the Second District in Los Angeles rules that cerebral palsy patient **Elizabeth Bouvia** has a right to suicide. Justice Lynn Compton says the "right to die" should include "the ability to enlist assistance from others, in making death as painless and quick as possible."

**April 18**—In a precedent-setting decision, the Florida Court of Appeals overturns a lower court decision, that upheld the state's newly enacted living will law, which protects patients from being starved to death. This is the **Cobbett** case.

**April 23**—New Jersey Morris County Judge Arnold Stein gives family right to starve **Nancy Ellen Jobs**. Stein accepts as *proof* that Nancy Ellen would want to die, the hearsay testimony of her school friends from 15 years before! Jobs was just 15 years old when she supposedly stated that she

would not want to live like the unconscious Karen Ann Quinlan.

Stein discounted the testimony of noted neurologists and physicians, as well as Jobs's own nurses and doctors, that the patient was not "vegetative." They had a pro-life bias, Stein said, which "caused them to see signs of intelligence where no such intelligence exists." Lawyers for the nursing home appeal the decision.

**April 24**—California Superior Court gives doctors medical orders on keeping up pain relief medication for morphine-addicted **Elizabeth Bouvia**, while she considers starving again.

**May 7**—The Supreme Judicial Court of Massachusetts hears **Mrs. Brophy's** appeal of a lower court decision that she could not starve her healthy, comatose husband. The Court, at its own initiative, transferred Brophy's case from the Appeals Court.

The *amicus curiae* brief filed by the Society for the Right to Die (RTD) seeks to: "provide a national perspective on the fundamental right to refuse, specifically the withholding or withdrawal of artificial sustenance and the treatment of people who will not return to cognitive life." The RTD claimed the lower court erred in giving "unprecedented and totally unjustified weight to the State's interest in preserving life," because Brophy is not likely to return to a cognitive state.

**May 9**—"Euthanasia is not a defense for first-degree murder in Florida," the Florida Appeals Court rules, as it rejects the plea of **Roswell Gilbert** that he killed wife Emily out of "mercy." The Court confirms his 25-year-prison term with no chance of parole. Emily, who had osteoporosis and Alzheimer's disease, was not under regular medical care or medication—contrary to Gilbert's claims.

**May 13**—N.J. judge refuses Lincoln Nursing Home attorneys' request for a new trial in his pro-starvation decision for **Nancy Ellen Jobs**. The office of N.J. Public Advocate Alfred Slocum announces it would appeal the decision to the Appellate Division of the Superior Court, because there was not conclusive proof that Mrs. Jobs would want to starve to death. Justice Stein granted a stay on his order to remove the naso-gastric tube, which was requested by the Advocate's office and the nursing home, which joined the appeal.

**June 5**—California Supreme Court refuses to consider an appeal of a lower court decision giving **Elizabeth Bouvia** the right to starve to death.

**June 9**—U.S. Supreme Court condemns handicapped newborns to slaughter, striking down the "Baby Doe" precedents formulated to prevent the killing of handicapped infants. The decision denies babies the right to lifesaving medical treatment, protected by the federal government in the Rehabilitation Act of 1973, Sec. 504. In the opinion of the four judges, an infant born with a handicap cannot be considered a "qualified" handicapped individual who has a right to lifesaving medical treatment, if his parents refuse to consent to medical treatment.

**June**—Alaska's Governor Sheffield signs into law a living will statute which is the only one so far which asks signers if they wish to be fed by tube if and when they can no longer take food or water by mouth.

**June 23**—The husband of a 37-year-old woman paralyzed with amyotrophic lateral sclerosis (ALS, or Lou Gehrig's disease) asks a N.J. court to let her die. Francis Farrell asked that his conscious wife, who refused the insertions of a feeding tube, be allowed to remove her respirator. **Kathleen Farrell**, his wife, told the court she did not want to be a burden to her family.

**June 25**—Superior Court Judge Henry H. Wiley rules that husband and doctors could remove a life-sustaining respirator from **Kathleen Farrell**. Wiley states that the state does have an interest to preserve life, but the quality of Mrs. Farrell's life was "so poor, so minimal, and wracked with pain," that it would be "unfair and unjust" to force her to go on living.

The court appoints lawyers to protect Farrell's two teenage children. While the sons agree with Wiley's decision, their lawyers are appealing it to the state Supreme Court, because it goes beyond established N.J. law. Wiley stays his decision to allow the appeal.

**June 29**—**Kathleen Farrell** dies while still connected to her respirator at home.

**July 11**—N.J. Supreme Court decides to review the case of **Kathleen Farrell**, despite the petition of 13 New Jersey legislators not to, since the patient had died. The court schedules oral arguments for the fall.

**Sept. 11**—Massachusetts Supreme Judicial Court, in a 4-3 decision, condemns **Paul Brophy** to death. The decision, which overrules a lower court decision to protect patients against starvation, is the broadest euthanasia ruling yet. It endangers any unconscious patients suffering "an 'affliction' . . . which makes him incapable of swallowing." Dissenting Justice Nolan condemns the court for equating food and water with medical treatment, and endorsing "euthanasia and suicide . . . [which] is direct self-destruction and is intrinsically evil. No set of circumstances can make it moral."

**Sept. 24**—Supreme Court Judge Reginald Stanton orders St. Clair's Hospital, a Catholic hospital in New Jersey, to starve 55-year-old **Beverly Requena**, who has ALS and has several years to live. Requena, despite opposition from hospital personnel and other patients, demanded the right to starve. The court said that removing her to a different facility which would fulfill her death wish, would be a hardship for the patient.

**Oct. 6**—Three judges of the N.J. Superior Court, Appellate Division, endorse lower court order forcing St. Clair's Hospital to starve and dehydrate patient **Requena**.

**Oct. 8**—Former Hemlock Society lawyer amends a \$10 million suit against a Lancaster, California hospital and its ethics committee, which approved forced feeding of his client, the 29-year-old quadriplegic, **Elizabeth Bouvia**, in 1985.

Now, although the court has established her constitutional right to commit suicide by starvation, Bouvia is suing for damages. California Superior Court Judge Jerry Fields rules that Bouvia should at least be allowed to file a lawsuit for malpractice. Meanwhile, Bouvia has been transferred to County-University of Southern California Medical Center, where she eats voluntarily, and her morphine dose increases with her addiction to the pain reliever for her arthritis.

**Oct. 10-11**—Supreme Court Circuit Justice Brennan denies request by court-appointed attorney Peter Gubellini to order a stay on the starvation extermination of **Paul Brophy**. U.S. Supreme Court Justices Byron White and Chief Justice William Rehnquist also spurn the appeals—effectively sanctioning the Massachusetts Supreme Judicial Court decision allowing families and courts around the country to kill unconscious patients with hearsay evidence of the patient's presumed wishes.

**Oct. 17**—The comatose but otherwise healthy patient **Paul Brophy** is removed from the protective custody of physicians at New England Sinai Hospital and transferred to Emerson Memorial Hospital in Concord, Massachusetts, where doctors begin the final solution—a "treatment" which will kill the patient in less than a week.

**Nov. 5**—The N.J. Supreme Court hears arguments for three cases which will expand its euthanasia policy. The cases include **Nancy Ellen Jobs** and **Hilda Peter**, both nursing home patients, whose guardian and family sought, unsuccessfully, to starve them under the Conroy guidelines; and the **Kathleen Farrell** case, which was pursued, even though she had died after refusing a feeding tube and while still attached to her ventilator.

**Nov. 12**—Family says ALS patient **Beverly Requena** died a "beautiful" death—concentration camp style—by starvation, in a N.J. Catholic hospital.

**November**—Washington's Supreme Court orders the termination of life support, including a feeding tube, from a 22-year-old patient suffering from Batten's Disease, a genetic disease causing seizures and loss of bodily function and mobility. The parents of **Barbara Grant** petitioned the court to remove all life support—although she was not technically in a vegetative state, and could swallow fluids—presenting as evidence, statements of her wish not to be maintained artificially. But Grant had not spoken in five years, since she was about 15 years old! The lower court refused the hearsay evidence, but this was overruled later by the state Supreme Court.

During 1986, living will statutes were passed in Alaska, Idaho, Hawaii, and South Carolina. There are now 38 states and the District of Columbia which have laws allowing citizens to sign their lives away.

## 1987

**Jan. 22**—A handicapped Colorado patient takes Bouvia's example, and demands the right to starve to death in a

hospital. **Hector Rodas**, a 34-year-old quadriplegic, paralyzed from drug abuse and depressed over divorce, demands and gets from District Court Judge Charles Buss the right to starve to death in a Mesa County, Colorado hospital. Colorado's Living Will law expressly forbids starving patients, but, Buss says, the "act must not be interpreted to be a restriction of the decision-making authority of an adult such as Mr. Rodas. It should be interpreted instead, as an act that provides a means of limiting liability of doctors and hospitals who follow the living wills of individuals."

**Jan. 29**—N.J. Appellate Judges Pressler and Gaulkin of Camden County reverse 15-year prison term and demand release of **Gary Weidner**, who killed his handicapped friend by slashing her wrist and jugular vein. He was convicted and sentenced in May 1986, but released six months later after judges stated that his "continued imprisonment would constitute a serious injustice which overrides the need to deter such conduct by others."

**Jan. 30**—The American Civil Liberties Union (ACLU) petitions the Mesa County, Colorado District Court, asking that since obliging patient **Hector Rodas** with his requested starvation suicide "would result in a prolonged and painful death . . . [that] Mr. Rodas be confirmed as having the constitutional and privacy right to receive medication and medicinal agents, from a consenting health care professional or institution, which will result in a comfortable and dignified demise."

After the patient said he did not want a lethal injection, the ACLU recinded its petition, saying it hoped "to get a declaration that it would not be a criminal act to perform euthanasia."

While Rodas was dying, the ACLU filed suit against the Hilltop Rehabilitation Hospital for violating his rights by feeding him from June 1986 to Jan. 22, 1987. That case is still pending. Rodas died in the hospital on Feb. 6.

**Feb. 10**—Hawaii introduces the "Hemlock Solution"—physician-assisted suicide—as an amendment to its 1986 Living Will law. H.B. No. 807 is sponsored by 12 representatives and would allow "that any medical procedure that will terminate the life of the qualified patient swiftly, painlessly, and humanely" could be administered to someone who had signed a living will and had a terminal condition. "Terminal" is broadly defined as "any incurable or irreversible disease, illness, injury or condition which, without the administration of life-sustaining procedures, will . . . result in death in a relatively short time."

**June 15**—The Joint Commission on Accreditation of Hospitals orders U.S. hospitals to make "Do Not Resuscitate" standard policy for "irreversibly ill" patients, or lose Medicare funding and accreditation. To get patients to agree to DNR policies, hospitals champion their right to a "dignified death."

**June 24**—N.J. Supreme Court hands down three genocide rulings for its handicapped, comatose, and "brain dead"

citizens. The decisions form the broadest euthanasia rulings yet in the United States: They concern the cases of **Nancy Ellen Jobs**, **Hilda Peter**, and **Kathleen Farrell**.

The court rules: "All patients, with some limited cognitive ability or in a persistent vegetative state, terminally ill or not terminally ill, are entitled to choose whether or not they want life-sustaining treatment." To "protect" the rights of incompetent patients to die, a family, friend, or guardian can decide whether the incompetent patient should live, die, starve, or choke to death.

In his dissent, Justice O'Hern evokes the Nazis, and warns about society deciding what lives are "not worth living," and withholding food and water from them.

**June**—The Appellate Division of the New York State Supreme Court grants a wife the right to starve her brain-damaged husband. The judge overturns an earlier state Supreme Court decision and rules that the patient "has a common law right to refuse treatment in the form of nutrition and hydration by artificial means." The Westchester County Medical Center transfers the 34-year-old patient, **Daniel DeLio**, to Manhattan's Beth Israel Hospital Hospice, where he dies two weeks later.

**June 17**—N.Y. State Supreme Court Justice Edward Conway rules that an alert, mentally competent 84-year-old nursing home patient, **Theresa Laguerrier**, has a right to die, even though she has no life-threatening illness. He bars the Good Samaritan Nursing Home in Dalmar, N.Y. from force-feeding her.

**June 4**—The Arizona Supreme Court rules that a state-appointed guardian, the Public Fiduciary of Puma County, can eliminate lifesaving care, make decisions for non-treatment, like "Do Not Hospitalize" or "Do Not Resuscitate," for an incompetent nursing home patient, **Mildred Rasmussen**, 70. The patient never asked to be killed; yet the decision is hailed as an important step in broadening "patients' rights." It gives the state "guardians" the ability to trim the budget whenever an unconscious indigent patient winds up in a state-funded facility. The decision gives these patients' "rights" constitutional protection, which "means they cannot be altered by legislation."

**July 8**—New York State passes "Do Not Resuscitate" (DNR) legislation.

**July 9**—First New Jersey man is killed using N.J. Supreme Court decisions of Jobs, Farrell, and Peter. Superior Court Judge Harry Margolis allows wife's "loving gesture" of removing her husband's feeding tube. **Murray Putzer**, a conscious but paralyzed stroke victim, dies at home six days later.

**July 17**—The full N.J. Supreme Court refuses request to reconsider starvation decision on **Jobs**.

**July 18**—N.J. Supreme Court Justice Robert Lifford temporarily bars removal of **Jobs**'s feeding tube until nursing home can appeal to the U.S. Supreme Court. He also rules for Jobs to be moved to a hospital which will comply

with the starvation order.

**July 20**—U.S. Supreme Court Justice Byron White refuses to stay starvation ruling.

**July 21**—Supreme Court Justice Antonin Scalia refers emergency request for a stay to full court, which then rejects it without comment or recorded dissent.

**July 23**—Federal District Court judges refuses to intervene in **Jobes** case.

**July 24**—Three-judge panel of U. S. 3rd Circuit Court of Appeals unanimously refuses to stay **Jobes**'s starvation.

**July 27**—N. Y. State Superior Court Justice J. A. Sandifer orders medical treatment for an incompetent patient with AIDS, who signed a living will to stop treatment to save his live once he became incompetent. Justice Sandifer points out that the secondary brain infection **Tom Wirth** suffered from was curable, while the AIDS virus was not, so treatment was in order.

**Aug. 8**—**Nancy Ellen Jobes** dies of starvation and dehydration.

**Aug. 11**—New York Gov. Mario Cuomo signs into law the nation's first "Do Not Resuscitate" law. The law is a partial living will, since patients, convinced by hospital social workers and physicians that they would not want to be resuscitated, sign a statement to that effect. The law allows hospitals and physicians to ignore patients suffering respiratory or cardiac arrest, with no risk of criminal liability. Physicians can authorize DNR orders without the patient's permission, if they think the patient would suffer severe injury from just discussing it! If a patient is too sick or may actually die from the shock of the physician's request to let him die, then a relative or friend can, acting in the patient's "best interest," sign the order.

**Aug. 14**—Maine district attorney fights first starvation decision there. Androscoggin County Superior Court Judge Thomas E. Delahanty II rules that **Joseph Gardner**, a 25-year-old semi-conscious brain-damaged accident victim, has the "right" to be starved to death as his mother wishes. But Auburn D.A. Janet T. Mills, who will appeal the starvation decision to the state's Supreme Court, calls it murder. Maine law forbids the removal of food or water from patients, even with living wills.

**Sept. 3**—Pennsylvania establishes precedent, following New Jersey, in murder of ALS patient. Common Pleas Court Judge Samuel M. Leher allows removal of life-support and feeding tubes from a conscious but paralyzed patient with amyotrophic lateral sclerosis. The woman, known as "Jane Doe," petitioned the court on July 20 for removal of life-support systems, and died in a south Philadelphia hospital shortly after the order was handed down. The State Attorney General's Office called the decision "unprecedented" for Pennsylvania, which does not have a living will law.

Arkansas passed a living will law in 1987, bringing to 39 the number of states with such laws, plus the District of Columbia.

## AIDS, euthanasia, and the World Council of Churches

by an EIR Investigative Team

From Oct. 22-23, the National Council of Churches of Canada, the National Council of Churches of the U.S.A., and the World Council of Churches will be co-sponsoring a conference in Toronto, Canada, on the theme, "The Theological and Ethical Dimensions of AIDS." According to a source at the WCC's "Church and Society" division in Geneva, Switzerland, which oversees all WCC work on AIDS, one prominent theme of the event will be new approaches to the practice of euthanasia for AIDS victims.

This is to be the first in a series of such events during the coming weeks and months, building up to an "international consultation on AIDS" in June 1988, to be sponsored by the World Council of Churches, on the same "theological/ethical" theme.

"Church and Society" AIDS task force director Dr. David Gosling, a member of the Church of England who is closely linked to a gnostic faction within that Church's hierarchy, is a strong supporter of the hospice/"die-with-dignity" approach to AIDS. According to one report, one motivation for Dr. Gosling's ghoulish attitude is that several people are dying or have already died of AIDS at WCC headquarters in Geneva.

Gosling's unit, together with the WCC's Christian Medical Commission and its Education Division, had been requested by the World Health Organization, in 1985, to carry out a project on religious organizations' attitudes and approaches toward AIDS. The WCC established a close collaborative relationship with the Russian Orthodox Church on AIDS work, particularly focused on Zaire. Gosling believes that, as the AIDS epidemic goes out of control through Africa, only certain church institutions and organizations will have effective networks on the continent, to be able to deal with the problem. The churches will take over from the governments.

Gosling's support for the euthanasia approach to AIDS, is consistent with his enthusiasm for leading figures in the malthusian/population-control lobby. Privately, Gosling had circulated a proposal earlier this year for Thai "condom king" Mechai Viravaidya, who carries out mass vasectomies on Thai men and who has invented children's games with condoms as toys, to make condoms more popular as a "preven-