

which could be more dangerous than the one in Chiapas.” He pointed out that the state borders other states where the violence could spread, such as Oaxaca and Michoacán.

Already a year ago, on June 1, 1994, the daily *El Financiero* reported that Memorandum 6454 from the defense secretary to the interior secretary, Jorge Carpizo, dated Feb. 8, 1994, communicated that information had been received that a “near-term shipment of 2,000 AK-47 rifles” would be dispatched from the United States “with the state of Guerrero as its destination,” where “some facts have been manifested which allow us to presume the possibility that drug trafficking and general criminal activities may get mixed up with a subversion in the making.”

On July 20, Marcelino Díaz de Jesús, one of the leaders of the Guerrero 500 Years of Indigenous Resistance Council, said, according to *La Jornada* on July 21, that “if institutionalized violence in Guerrero is not restrained and the state of law reestablished, many peasants and indigenous may go underground, the guerrilla groups may come back to life and a new armed uprising begin. The government of Rubén Figueroa is bringing us to the brink of this. He has to straighten himself out. . . . We are one step away from widespread violence breaking out and groups going underground.”

Governor Figueroa says, according to *Proceso*, that there are “many indications” that OCSS is tied to the Underground Revolutionary Party Union of the People-Party of the Poor, which goes by the unwieldy acronym Procup-PDLP. On July 20, this clandestine front averred that if “the aggression against the people of Guerrero” continues, they will respond militarily. Interviewed by *El Financiero* on July 21, Procup-PDLP leader David Cabañas Barrientos declared that the political and police climate in Guerrero is “more acute than when Lucio Cabañas”—his brother—“rose up in arms.” He bragged that there are in Guerrero “thousands of activists in our parties ready to respond to Figueroa’s aggression, to the assassination of peasants.” Another Procup spokesman, Felipe Canseco Ruiz, reiterated that the social and political conditions in the state “are more favorable today for an armed outbreak than when Lucio Cabañas went up into the mountains.”

Both denied that Procup-PLDP had kidnapped the businessman Jorge Sekiguchi and the prominent banker Alfredo Harp Helz in 1994. But an *El Financiero* journalist, Miguel Badillo, had written on July 17 that “reports from National Security itself, obtained exclusively by *El Financiero*,” indicate that the authorities had located the kidnappers, which they identified as Procup-PDLP, in June 1994, but that then-President Carlos Salinas de Gortari “did not allow the capture of the kidnappers, nor the recovery of the ransom of \$17 million paid for freeing Harp Helz . . . because it was politically inconvenient to make noise about the existence of guerrilla warfare two months before the presidential election.”

Germany

Euthanasia comes one step closer

by Jutta Dinkermann

The author is a member of the federal executive committee of the Club of Life of the Federal Republic of Germany. Her commentary on a recent far-reaching legal victory for the death lobby was published in May in the newspaper Neue Solidarität, and was translated from German by Nora Hamerman.

The recent acquittal in the so-called Kempten “death help” trial corresponds totally to a ruling of the German Supreme Court, which laid out the basis for a complete legalization of euthanasia in Germany in a groundbreaking decision handed down in September 1994.

The following is the background to the verdict. In March 1994, the son of a Mrs. Schwarza, who was in a hospital in Kempten, Germany, and the doctor who was treating her, were convicted of attempted homicide in a courtroom of the state court in Kempten, and were sentenced to pay a fine, because they had attempted to interrupt the artificial feeding of Mrs. Schwarza, who was in a coma. Nursing home personnel had prevented this, and reported the men; the woman died, months later, of pneumonia.

The German high court quashed the verdict, and sent the case back to the state court for a new hearing. Until now, in Germany, it was usually at least considered, that the immediate onset of death must have begun before a sick person’s life-support measures could be turned off. This assumption no longer has to be taken into account in the wake of the Supreme Court decision. What is decisive now, is the “presumed intention” of the patient.

But in the aforementioned case, no adequate evidence of the “presumed intention” of the patient was submitted, and so the Supreme Court went so far as to admonish the state court that it would have to examine whether “there had been present, over and above the presently known, insufficient conditions—at least from the standpoint of the accused—further decisive facts for a presumed consent by Mrs. Schwarza.”

Whereas the son, in the first trial, had only indicated a single alleged expression in this respect by his mother in the middle of the 1980s (she had commented on a film about a difficult medical case, that she did not want to end “that way”), in the second trial he suddenly came up with numer-

ous friends and acquaintances, all of whom testified that the mother had also voiced such sentiments to them.

'Life worth living'

The reason why the state court tolerated this transparent maneuver can be traced right back to the wording of the federal court's ruling. The written opinion explicitly illustrated what to do when the "presumed intention" of a patient cannot be ascertained:

"If, even with the required careful investigation, concrete particulars for the establishment of the individual's presumed intention cannot be found, then criteria can and must be referred back to, which correspond to general conceptions of value. . . . The less the recovery of what is generally conceived to be a life humanly worth living is expected . . . the more an interruption of treatment appears to be defensible."

The invoking of this monstrous argument, "general conceptions of value," about a "life humanly worth living" as the deciding criterion for life and death, was also used in the plea argued by Klaus Ulsenheimer, a professor of criminal law at the University of Munich and the lawyer for the doctor at the Kempten trial. For a long time, Ulsenheimer said, it has been the "reigning dogma" in Germany, that the interruption of treatment would be possible in the case of "irreversible unconsciousness."

This juridical "reigning dogma," however, ignores the fact that precisely in the case of coma patients, the evidence of "irreversible unconsciousness" is highly prolematic and, for the most part, false.

Already today, coma patients and brain-damaged patients are the German patient group which suffers from the most prejudice. Every year in Germany, thousands of people with serious head injuries become coma patients. For the most part, so far, immediately after being released from intensive care units, they are hospitalized in nursing homes and hospitals, psychiatric units, or, in some cases, are lodged with completely overburdened relatives.

Coma patients targets of opportunity

With only 250 hospital beds allocated in 1993 for the further direct treatment of coma patients in Germany, it is easy to prove that countless such patients—exactly like Mrs. Schwarza—are denied the slightest chance of rehabilitation. To label such people from here on out as "irreversibly unconscious" and incurable, is not only inhuman, but simply not up to date with the latest scientific knowledge. Only after the end of an intensive treatment therapy, which may last many weeks, months, or even years, can it be surmised whether a patient will remain in that situation. Nevertheless, up to one-fourth of the patients with suitable treatment can be reincorporated back into their former jobs, and a further one-third can be restored to their families after what is, often, enormous improvement.

It is no accident that coma patients, in every country where the practice of euthanasia is on the forward march, should be the first victims. It is not only the high costs of treatment, but the absolute "worthlessness" (in financial terms) of the victims, the length of the treatment, and the uncertain outcome of the illness that make them so "attractive" for this purpose. It can be easily suggested to the population, moreover, that this is just a matter of "human shells in a permanently vegetative state" or whatever other nonsense is asserted. Once the killing of coma patients is accepted as "human," then, step by step, the other, less seriously ill patient groups will be targeted.

It is also no accident that in its verdict, the German Supreme Court widened the patient groups threatened by euthanasia to all those who do not match up to the "general conception of values" regarding a "life humanly worth living." For there is a whole series of grave, and often incurable, diseases which do not lead straight to death, and which require a lengthy, intensive, and expensive treatment.

The Club of Life warning

The Club of Life already warned some years ago, in an appeal endorsed by leading figures inside and outside Germany, that in reality, behind the euthanasia campaign there is not truly any respect for the will of the afflicted, but rather brutal concern for costs. In the light of the economic crisis and the stark austerity measures being taken in health care, today—as once before in Germany—old and sick people are supposed to be shunted aside as "useless eaters."

But something else must be added. Euthanasia should, normally, run up against a determined resistance in the population, if a sharp diminishing of all respect for human life had not all too frequently been allowed to set in. And only too often, the challenge of genuine compassion at the sickbed is experienced as an unreasonable demand and threat against one's own superficiality and interests. Today, even from the organized medical profession no decisive opposition can be expected, because professional medical ethics themselves have not been spared the effects of the "spirit of the times."

One does not need to be a clairvoyant to be able to foresee that in a few years in Germany the same conditions will rule as in neighboring Netherlands, where thousands of people are killed against their will every year and even mentally ill patients have been granted the presumed "right to die." Thousands of Netherlanders, beset by anxiety over this fate, carry a declaration around with them in order to expressly announce that they reject being killed by euthanasia.

The times in which the euthanasia abominations of the Nazis in Germany still acted as a deterrent are past. Whoever still attempts to deny this, after the acquittal in the state court in Kempten, is either a fool or an ignorant person, who is trying to avoid responsibility.