

Bush, Congress intervene in Terri Schiavo case: political thuggery in the service of reaction

The Editorial Board
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The intervention of Congress and the Bush administration into the case of Terri Schiavo—the Florida woman on life support for the past 15 years—is an act of unmitigated political thuggery, exploiting a family tragedy for the most reactionary political purposes. It is both a moral abomination and a frontal assault on basic democratic rights.

The assertion of unbridled government authority over the most intimate and private concerns is an ominous warning of the political direction of the US ruling elite and its political agents. The emergency bill being rammed through Congress has been accompanied by open appeals to religious hysteria and thinly concealed incitement to violence against Michael Schiavo, his lawyer, and the Florida judge who upheld Schiavo's decision to terminate life support.

The cynical and brutal exploitation of an internal family dispute over the fate of Schiavo, whom doctors have declared to be in an irreversible vegetative state, is but the latest political provocation launched by Bush and his Republican allies in Congress. It follows a well established pattern of jumping on "hot button" issues—abortion rights, same-sex marriage, school prayer—in order to whip up the most backward, ignorant and intolerant social elements.

This is how the arch-reactionaries who control all of the levers of state power in the US seek to create a social base for right-wing policies that are opposed by the vast majority of the American people: militarism and war; the destruction of Social Security, Medicare and Medicaid; the gutting of democratic rights. Behind Bush and company stand the most predatory and criminal sections of the US ruling elite, who pursue by such means their plans to eliminate all legal and political restrictions on the pursuit of corporate profit and the accumulation of ever more obscene levels of personal wealth.

As the Schiavo affair demonstrates, the Democratic Party serves as the willing accomplice in this assault on the basic rights of the American people.

Acting at the instigation of Christian fundamentalist groups that have targeted the Schiavo case as an example of the "right to life," congressional Republicans made a series of attempts last week to overturn the Florida judge's decision to permit the withdrawal of life support.

Both the House and Senate met in emergency session Sunday to consider a bill entitled "For the Benefit of the Parents of Theresa Marie Schiavo," which would allow the parents to file suit in federal court to block the withdrawal of life support. President Bush flew back from a weekend at his Crawford, Texas ranch to be on hand to sign the bill, in a crass display of pandering to the Christian right.

Exemplifying the shameless hypocrisy that has permeated all of the actions of Bush and Congress in this case, White House spokesman Scott McClellan issued a statement that in matters of life and death, such as the Schiavo case, the president believed in careful reflection and deliberation.

This from a man who, as governor of Texas, rubber-stamped the execution of 152 prisoners, giving an average of 15 minutes apiece to their death row appeals. The Bush White House's record of "respect for human life" has included the razing of entire cities in Iraq, the dispatch of US Special Forces and CIA death squads around the world, and the widespread use of torture.

While the professional Christian fundamentalist zealots cultivated by Bush and the Republicans, whose supporters comprise a small minority of the American people, have applauded the machinations of the White House and Congress in the Schiavo case, the vast majority of the population look with incredulity and disgust at the events of the past several days. (Opinion polls show that there is little public support for such a politically motivated intervention by the federal government into the most intimate sphere of family life). The rest of the world is overwhelmingly repulsed by the spectacle of inhumanity and cynicism.

The Schiavo affair demonstrates several prevailing trends in American bourgeois politics: the decisive influence of the fundamentalist Christian right in the Republican Party, the cowardice and prostration of the Democratic Party in the face of reaction, and the exclusion of the vast majority of the American people from the entire process.

Terri Schiavo is one of 35,000 people in the United States who have fallen into a persistent vegetative state as the result of trauma, drug overdose or other medical complications. Schiavo collapsed in 1990, apparently as the result of a potassium imbalance, and has been in a non-responsive condition ever since. She breathes on her own, but is otherwise dependent on intravenous feeding for both water and food intake. Her brain function is effectively zero, attested to by numerous neurologists and other doctors who have examined her. There is no documented case of recovery from such a condition, unlike coma, where cases of awakening after many years, even decades, have been reported.

Schiavo's case has been heavily litigated because of a conflict between her husband Michael and her parents, Robert and Mary Schindler. Michael Schiavo has consistently maintained that his wife expressed a desire not to be kept alive in a vegetative state. His testimony has been found credible in numerous court proceedings, and his right to make the decision on life support, as the surviving spouse, has likewise been upheld.

The Schindlers are conservative Catholics who adhere to a traditionalist interpretation of Church doctrine. Whether in self-delusion, or under the influence of their far-right "advocates," the Schindlers have made flagrantly false claims about Terri Schiavo's condition—that she responds to them, that she even communicates—despite the absence of any supporting neurological data.

Under ordinary circumstances, this family tragedy might have ended up in a local court, but would never have become a major national issue, let

alone the pretext for a radical change in constitutional procedures. That required the political intervention of the Christian right groups that are a principal social base of the Republican Party.

In 2003, after Michael Schiavo first won a court order allowing the termination of life support to his wife, Florida Republican Governor Jeb Bush (brother of George W. Bush) and the Republican-controlled state legislature stepped in, passing and signing “Terri’s Law,” a bill that prohibited the termination of life support in her case only.

The law was eventually struck down by the Florida Supreme Court, and the case reverted back to Pinellas County, where Terri Schiavo now lives in a hospice. Last week, as the culmination of this protracted legal battle, Circuit Court Judge George Greer authorized Michael Schiavo to order life support withdrawn and barred any further proceedings in his court.

The Christian right groups backing the Schindlers pushed a bill through the Florida House of Representatives to again block the withdrawal of life support, but the Florida Senate defeated the legislation. A federal judge in Tampa refused to give the Schindlers standing to shift the case from Judge Greer to federal court.

The next step was an appeal to Congress, where the House of Representatives adopted a resolution last Wednesday granting the federal courts jurisdiction over all life support cases where there was any close family member who objected to termination—an open invitation for thousands to file such suits. The Senate, however, took up a more narrowly tailored version, which would have been limited to the Schiavo case only, because of objections from some Democrats to the more sweeping House bill. Both houses then began a two-week Easter recess, apparently dooming the bill.

On Friday, a rapid-fire sequence of events took place. Christian fundamentalist groups denounced the House and Senate for inaction and threatened the Republican leadership with retaliation. House and Senate committees then issued subpoenas for the testimony not only of Michael Schiavo, but also his brain-dead wife. This was coupled with threats that any action to terminate life support for Terri Schiavo would be construed as interference with a federal witness, a felony crime.

Judge Greer rejected the subpoenas, saying Congress had no jurisdiction in the case. “I don’t think legislative bodies or agencies have business in a court proceeding,” he told a lawyer representing the House Committee on Government Reform. “The fact that you—your committee—decided to do something today doesn’t create an emergency.” On Friday afternoon, the feeding tube for Terri Schiavo was disconnected.

The House committee then made an emergency appeal to the US Supreme Court, seeking an order to reinstate the feeding tube. The high court, in an unsigned opinion, rejected that appeal Friday night.

Also Friday night, Senate Majority Leader Bill Frist and House Speaker Hastert, both Republicans, announced that congressional committees would continue work on legislation over the weekend, declaring they were “committed to reaching agreement on legislation that provides an opportunity to save Mrs. Schiavo’s life.”

Frist and Hastert recalled Congress from its recess for an emergency session on Sunday to adopt the bill, opening the federal courts in Tampa for an appeal by the Schindlers. Passage of the bill required unanimous consent—granted by the Democrats in the Senate, but blocked by several Florida Democrats in the House. The plan was for the House to meet in a regular session at the earliest possible time under House rules—12:01 a.m. Monday—and pass the bill by majority vote. Bush is to sign it Monday morning, and the Schindlers are expected to file a federal suit the same day.

This parliamentary maneuvering has been accompanied by an extraordinary degree of rhetorical bullying and hypocrisy. The congressional Republicans normally posture as defenders of “states’ rights” against an overreaching federal judiciary, but here they are pushing for federal judicial intervention in a case that has been

exhaustively litigated in the state courts. They preach the primacy of “family values,” but are trampling on the right of Michael Schiavo to make a decision based upon his understanding of his wife’s own wishes. They claim to champion “limited government”—in order to attack programs for working people and the poor—but rip up all precedent on privacy rights so as to impose a government diktat over the most personal affairs of individuals.

Senator Frist used his background as a medical doctor to lend credibility to the groundless claims by the Schindlers. He said that after reviewing widely broadcast video footage of Terri Schiavo—in which she stares open-eyed and open-mouthed—he concluded that the diagnosis of “persistent vegetative state” was in error.

Frist is a heart surgeon, not a neurologist, and no reputable doctor would make a diagnosis based on a selectively edited videotape. Political rather than medical factors were decisive here. Frist is exploring a bid for the Republican presidential nomination in 2008, for which Christian right backing would be crucial.

House Majority Leader Tom DeLay, a fervent supporter of the death penalty and the US war in Iraq, denounced the removal of the feeding tube from the brain-dead woman as “an act of medical terrorism.” Standing before television cameras—which he has assiduously avoided for weeks because he is the subject of numerous investigations into corruption charges—DeLay declared, “Right now, murder is being committed against a defenseless American citizen in Florida.”

The cynicism of the Republican leadership is underscored by an unsigned one-page memo, leaked to the press, which had been distributed as “talking points” for Republican senators. The memo declared: “This is an important moral issue and the pro-life base will be excited that the Senate is debating this important issue.” It went on to cite the opportunity to bash Florida’s Democratic Senator Bill Nelson, who is up for reelection next year. “This is a great political issue,” the memo reads, “because Senator Nelson of Florida has already refused to become a cosponsor and this is a tough issue for Democrats.”

One of the most significant aspects of the Schiavo affair is the full-scale collaboration with the Christian right on the part of nearly every Democrat in the House and Senate. Senate Minority Leader Harry Reid, himself an opponent of abortion, quickly aligned himself with the plan for special legislation on the Schiavo case, and prevailed on the entire Democratic caucus, 44 members in all, to refrain from objecting and blocking passage of the bill.

At a Senate session held Saturday, to clear the way for a vote the following day, only two Republicans and one Democrat were in attendance, with Senator Tom Harkin of Iowa, a prominent liberal, working to facilitate passage of the bill. The Senate adopted the bill Sunday by unanimous consent—making every Senate Democrat responsible for its passage. While several House Democrats objected individually to passage of the bill, forcing the unusual post-midnight session, the House Democratic leadership tacitly endorsed the bill.

This led to an appropriate comment from Michael Schiavo’s lawyer, George Felos, who called the initial effort to issue subpoenas “thuggery,” and denounced the drafting of a special bill to deprive Michael Schiavo of his right to carry out his wife’s medical wishes. “It was odious, it was shocking, it was disgusting and I think all Americans should be alarmed,” Felos said. As for the Democrats, he said, “If they don’t stand up for Terri Schiavo, they deserve to be the minority party.”

In a television interview, Michael Schiavo denounced the politically-motivated government interference in his family. “This is what Terri wanted. This is her wish,” he said Friday on CNN. The government has “just trampled all over my personal life,” he added. Congress was “getting in the middle of something they know nothing about. And it’s sad. If they can do it to me, they can do it to everyone in this country.”

This warning should be taken to heart. The Schiavo case demonstrates

how far the United States has gone towards a dictatorship by right-wing zealots who seek to impose their fundamentalist religious views on the vast majority of the American people who do not share them.

Press reports of the scene outside the hospice in Pinellas Park, Florida, where Terri Schiavo lives, suggest the demented character of those who have rallied to the cause of “saving Terri.” A relative handful of demonstrators are in attendance, many of them regulars from the ultra-right protest circuit. According to one account, most of them were outside the Alabama Supreme Court last year to oppose the removal of a huge Ten Commandments monument, and others have joined in abortion clinic blockades.

Those present have included such figures as Patrick Mahoney of the Christian Defense League and Randall Terry of Operation Rescue, both of whom have been linked to violent attacks at abortion clinics. Some protesters carry signs that openly incite violence, accusing Judge Greer of “judicial murder,” or suggesting that Michael Schiavo, rather than Terri, should be cut off life support.

On Saturday morning, three people were arrested on trespassing charges when they attempted to enter the hospice. One was James “Bo” Gritz, a former Green Beret commander from the Vietnam War, who has long been prominent in fascistic militia circles and ran for president as the candidate of an ultra-right group.

There are myriad connections between such elements and the congressional Republican leadership. DeLay, in particular, seemed to be directly appealing for violence against Judge Greer, Michael Schiavo, and Schiavo’s attorney George Felos. He attacked Greer’s order as “barbaric,” called Felos “the personification of evil,” and even attacked Schiavo personally. “I don’t have a whole lot of respect for a man that has treated this woman in this way,” he said. “What kind of man is he?”

The legal and constitutional implications of the Schiavo case are extremely reactionary. It is notable that the bill rushed through the House and Senate declares that it sets no precedent and applies only to Terri Schiavo and her parents. This is the same logic employed by the US Supreme Court in its notorious decision in *Bush v. Gore*, settling the outcome of the 2000 presidential election by awarding the White House to Bush.

In enacting a law whose sole purpose is to overturn a specific state court decision in a private case, Congress is assuming the kind of arbitrary authority which the entire US constitutional system of checks and balances was designed to prevent. It is a giant step towards a system based, not on the rule of law, but on the exercise of absolute power by the party that occupies the White House and controls even a narrow congressional majority.



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