

Will the West legalize euthanasia?

by Nancy Spannaus

In three so-called advanced sector countries this year, legal history was made. By virtue of court rulings and legislation, the legendary Nazi crime of euthanasia has been given legal protection.

Not even under the Nazis was the elimination of "useless eaters" so openly approved as it now is in West Germany, Italy, and—worst of all—the United States.

The right to kill

Three landmark decisions were made in the United States during the course of 1983:

- In April, the United States Court of Appeals in Washington, D.C. threw out a federal government ruling which would guarantee medical treatment for severely handicapped infants in federally-funded hospitals, at pain of removal of funding. The ruling was called "arbitrary and capricious."

- On Sept. 29, the California state legislature, the same body which initiated the so-called right-to-die laws in the United States in 1976, passed legislation which will allow relatives the "legal" right to pull the plug under a so-called "durable power of attorney."

- On Oct. 12, the highest court in the state of California threw out murder charges against two doctors who deliberately starved 55-year-old Clarence Herbert to death, after having convinced his family that his life was no longer worthy of being lived. Herbert had merely fallen into unconsciousness after undergoing elective surgery

The Clarence Herbert case was especially outrageous since an EEG was performed which did not show brain death. The doctors then took Mr. Herbert off his respirator, but after two days he still didn't die. They next deprived him of both food and water. Mr. Herbert died six days later and the hospital's autopsy report showed that dehydration was a major contributory factor in the cause of death.

In hospitals around the country, it has become commonplace for handicapped infants and the elderly to be deprived of *food and water* under the rubric of denying "extraordinary treatment." Both the federal government ruling, occasioned

by the much-publicized intentional killing of a mongoloid baby in Michigan in 1982, and the throwing out of murder charges in California, involved deprivation of elementary nutrition.

The Reagan administration has consistently fought against the concept of "useless eaters," but has found itself hamstrung by the courts at every turn. The most recent roadblock was in the case of a handicapped infant in New York whose parents have denied her essential surgery. The federal government attempted to intervene and evaluate the possibility of ordering treatment. The U.S. Supreme Court has so far lent its support to the state courts, who loudly protested federal moves to protect the handicapped as "Big Brother" interference.

Equally crippling to the administration's efforts for elementary protection of the sanctity of human life has been its commitment to fiscal austerity. With the beginning of the 1984 fiscal year in early October, for example, the federal government implemented a system of competitive bidding for operations. From now on, the government insurance programs will only pay for operations *at the price of the lowest bidder*.

In other words, it has become increasingly dangerous to enter a hospital in the United States—if you can afford to enter one at all. Fifteen states have right-to-die laws, and 22 more states have introduced legislation which legitimizes such suicides or murders. Insurance policies already encourage such practices, and soon bills like that in California will extend in other states the power of attorney to relatives. Health care will only be available to the healthy—with the others left to die.

And in Europe

While the battle has been less public in Europe, two striking cases indicate that legal precedent is taking them in the same direction.

In West Germany on Sept. 28, a Krefeld court acquitted a doctor who deliberately decided not to treat a patient who had attempted suicide, therefore leaving her to die. The patient, Charlotte Uhrmacher, had deliberately overdosed on morphine, soon after the death of her husband. The doctor, knowing that she had expressed suicidal wishes, arrived at the house to find her still alive. Despite the fact that he had several hours in which to save her, he stood by and watched her die.

In Rome, a man by the name of Luciano Papini killed his handicapped 14-year-old nephew by shooting him in the head. In the face of this clear and premeditated murder of a boy who was well enough to attend school, the court this December gave Papini a sentence of only four years, and then suspended the sentence.

Is there any crisis that will alert this dying civilization to the fact that its abandonment of the sanctity of human life is condemning it to extinction? That will be one of the major questions to be answered in 1984.