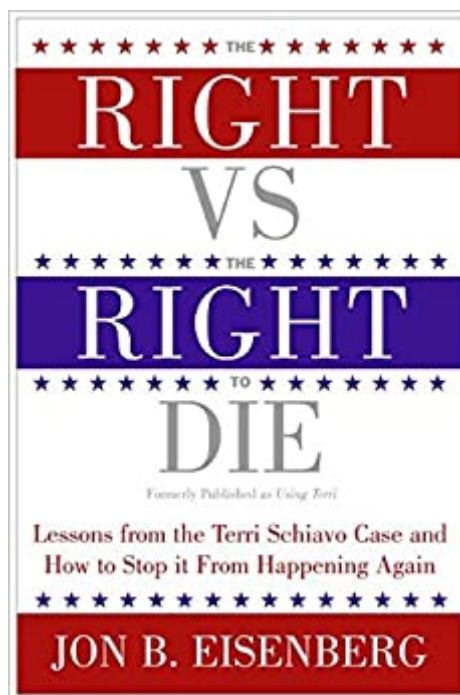


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# The Right Vs. The Right To Die: Lessons From The Terri Schiavo Case And How To Stop It From Happening Again



## Synopsis

The Terri Schiavo case was a key battle in a larger political struggle over abortion, stem-cell research, physician-assisted suicide, gay rights, and the appointment of federal judges. The religious Right chose to make it a national spectacle because they thought they could win. They were wrong. But there are many more battles to come. Jon Eisenberg, who served as one of the lead attorneys on Michael Schiavo's side, exposes the religious Right's strategies and follows the money trail to reveal how they are organized, who is funding the movement, and where we can expect future legal maneuvers to combat the American traditions of autonomy and freedom. Jon Eisenberg has experienced the family struggle of removing a feeding tube from a loved one and witnessed firsthand the Florida drama that will continue to have national legal and political consequences for years to come. What tactics can we expect to see in courtrooms and state legislatures all across this country in the days ahead? Who is behind the funding and what do they hope to accomplish and when? What are the religious and bioethical issues that are at the center of these debates and how will they affect future legal battles? Using Terri gives us a behind-the-scenes look at what happened -- and what's coming.

## Book Information

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## Customer Reviews

The debate among Terri Schiavo's relatives over whether to withdraw the feeding tube that kept her alive in a persistent vegetative state for over a decade was settled in March, when, after seven years of litigation and several attempts by state and national legislatures to overturn Florida's court

ruling, the tube was removed and Terri died in her husband Michael's arms. But according to Eisenberg, a lawyer who filed briefs on behalf of Michael, the national debate over whether Americans have the right to refuse life-sustaining medical treatment is just getting started. Eisenberg draws upon his previous experience with right-to-die cases to situate the Schiavo drama into an ongoing battle among bioethicists, clergy, right-to-lifers, doctors, politicians, lawyers and individual families. His book is as much a clarion call to protect the rights of personal autonomy as it is a step-by-step review of the Schiavo proceedings and a clear analysis of the legal issues involved. He speaks with engaging intimacy of his introduction to the debate through the illness of a favorite cousin, and the personal touch continues in the book's combination of analysis, reportage, declaration and memoir. Eisenberg raises substantial and urgent legal issues, and the accusations he fires—that the video clips of Terri shown on TV were grossly distorted by editing, that Tom DeLay, who sponsored a Congressional bill mandating the reinsertion of Terri's feeding tube, once ended life-sustaining treatment for his own father, that the religious right aims to dismantle the court system entirely—are potent. With legislation that would bar feeding tube removal pending in 12 states, this book is a timely and cogent argument for Americans' right to decide such end of life issues for themselves. Copyright © Reed Business Information, a division of Reed Elsevier Inc. All rights reserved. --This text refers to an out of print or unavailable edition of this title.

“Fascinating and frightening ... a much-needed wake up call for America. A terrific read by a first-rate legal mind.” (Nadine Strossen, President, American Civil Liberties Union, and Professor of Law, New York Law School) “A beautifully written book that shows how the religious Right is waging a well-funded campaign threatening all our freedoms.” (Erwin Chemerinsky, Alston & Bird Professor of Law and Professor of Political Science, Duke University) “If you care about preserving your right to control how you die this book will prove to be vital reading.” (Arthur Caplan, The Emanuel and Robert Hart Professor of Bioethics, Chair of the Department of Medical Ethics and Director, Center for Bioethics University of Pennsylvania) “A frank and unsettling account of the legal and political machinations surrounding the tragic death of Terri Schiavo.” (Edward Lazarus, author of *Closed Chambers: The Rise, Fall, and Future of the Modern Supreme Court*)

It's rare that a person who is not a celebrity, not an elected official, and not a criminal, captures the nation's attention for months on end. But this was the case of Terri Schiavo, ex-wife of Michael Schiavo, resident of Florida, cause celebre of the religious right, and martyr to many. This book is

written by one of the lawyers of Michael Schiavo, and is a description of the legal proceedings surrounding the Terri Schiavo case from the first day Terri collapsed into a coma, through her decade+ in a hospital with Michael by her side, and then through the circus that enveloped the Florida state legislature, Congress, and the courts of both Florida and the US Ninth Circuit. By reading this book, one comes to see Michael Schiavo as the true hero of this story, a devoted husband who finally left Terri after her parents told him to get on with his life. One also comes to understand much of the science, policy and politics behind the right-to-die, assisted suicide, and right-to-life movements in the USA. The author does a good job citing court cases, laws, and even religious documents related to this subject. All in all, a good book. The only things that the author should have included is a timeline of events at the very end, and a diagram showing how Terri's case moved between different legal jurisdictions.

This was a required reading for a course... which we never ended up reading. When I did get to read through it on my own, it was hard to take seriously. I prefer reading that which is presented more objectively. This addresses details some important topics, for futurists and historians alike, but it is more concerned about being political than anything else. Granted, this should be expected per the title: "The Right (politically) Vs the Right to Die." It is a more personal account from Jon Eisenberg on the dealings of the Terri Schiavo case. One might expect that necessarily produces an objective first-person account of the issues, but I think this book is more for those people who already know they'll agree with everything the author has to say and they just want someone to agree with them and be mad at another group for whatever reason. This book is the equivalent of sharing personal anecdotes with friends on Facebook, talking about how stupid everyone other than you is, and never hearing another perspective on those anecdotes. It's a shame because the issues are pressing and important, a less politically charged, emotional account of it all would be more valuable. Fortunately several other books out there do just that. If you want a politically charged, one-sided perspective of the Terri Schiavo case you may be able to handle this book. And if you agree with everything the author says you may even enjoy it! This could be most valuable if this particular book is supplementing several different accounts of the same events. I found it difficult to deal with and know I can get a better perspective of issues elsewhere.

I believe strongly that people should be able to decide for themselves, to the extent that it is possible, how much medical care they want. This goes both for people who want no heroic measures and people who want everything possible to be done. One of the most upsetting things

about this story is that a number of people trying to keep Terri Schiavo on the feeding tube, including her parents, admitted that they didn't really care what she wanted, even if she had left even more specific instructions. Does the reviewer who professed to be distressed by the arrogance of Michael Schiavo, et al., apply the same standards to the Schindlers and others trying to warp the law and established practice? They were certainly convinced that they had a direct pipeline to God. The reviewer who claimed that he had no problem with the decision to remove the tube, but felt that Eisenberg was unfairly attacking Christian conservatives should give more thought to what they did. Did this person stand up and say, "You're not speaking for me when you claim that God requires extraordinary measures"? Eisenberg pointed out that a number of Christians, even conservative Christians, were puzzled by the reluctance to let Terri Schiavo go to God. I already have advanced directives, and after this, I think that I will try to strengthen them. Eisenberg's account of events was compassionate, careful and fair. In all that I have read about this, I have not seen any good evidence that Michael Schiavo was a bad husband while his wife was living with him, or failed to do the best for her until it became clear there was no hope. I cannot understand the argument that it is playing God to remove the tube any more than it was playing God to use it in the first place. Terri Schiavo would have died naturally more than 15 years ago. There were times when I thought that perhaps Michael Schiavo should have turned care over to his in-laws, since they felt so strongly, but that is only because I don't think that Terri Schiavo was alive enough to care. I don't judge him for that, however. I know what it is to decide with family members when treatment should be ended since death can only be briefly postponed. I don't know what it is like to have to watch someone in that condition for more than fifteen years, convinced that they would not have wanted it to happen that way. I hope that I am never the cause of putting my own family through such character assassinations, public intrusions and sufferings.

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