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April 18, 2005

COMMITTEES:

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Dear Dr. Schulman:

Thank you for contacting me regarding Terri Schiavo. I appreciate hearing from you and having the benefit of your views on this truly sad situation.

On March 31, 2005, Terri died after a fifteen-year struggle for her life. As you may know, Terri tragically suffered a massive cardiac arrest in 1990, which left her profoundly cognitively disabled. For fifteen years, Terri had been using a feeding tube for sustenance. Since 1998, Michael Schiavo, Terri's husband and legal guardian, had been in a legal dispute with Terri's parents over whether to have her feeding tube removed. Mr. Schiavo argued that, despite the absence of any written expression of her wishes, Terri had told him that she would never want to be kept alive "artificially." However, Terri's parents, Bob and Mary Schindler, fought to prevent the removal of her feeding tube and argued that Terri never expressed an opinion relating to a situation similar to her situation of receiving nutrition and hydration through a feeding tube. In addition, her parents argued that Terri was responsive and believed that recovery was possible. Neurologists have also been in disagreement on Terri's condition.

Michael Schiavo twice succeeded in obtaining a court order to remove Terri's feeding tube. A court order in 2001 was overruled two days later by a new judge after her parents presented additional evidence. On October 15, 2003, a court again ordered the removal of her feeding tube. Subsequent to her feeding tube being removed, Florida's state legislature passed "Terri's Law," which allowed Florida Governor Jeb Bush, to issue a one-time stay on the court's order. Governor Bush immediately used this law to issue the stay and the feeding tube was replaced on October 21, 2003.

Michael Schiavo responded to Governor Bush and the state legislature by filing a case in court arguing that "Terri's Law" is unconstitutional under Florida's state constitution. In September 2004, the Florida Supreme Court issued a ruling that "Terri's Law" was unconstitutional. Responding to this ruling, Governor Bush appealed the decision to the United States Supreme Court urging the Court to overturn the decision. However, the U.S. Supreme Court refused to accept the appeal, meaning that the original decision made by the Florida Supreme Court stood.

Ultimately, a Florida state court ruled that on March 18, 2005, Terri's feeding tube would be removed and no further stays on this action would be granted.

The world watched the innocent life of Terri Schiavo hang in the balance as court after court turned down Terri's constitutional right to due process. Because there was genuine disagreement over Terri's mental capacity, many question whether she truly was in a permanent vegetative state. Some medical experts believed she had the capacity to do and become more. Medical experts disagreed over Terri's actual physical condition and whether she could have learned to swallow on her own if she received intensive therapy. Furthermore, it is unclear what Terri's intent was prior to her cardiac arrest.

Because we do not know Terri's true capacity nor what her intent was, Congress should always, as President Bush has said, "err on the side of life." Our U.S. Constitution guarantees all Americans the

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right to due process. Convicted murderers who are sentenced to death have their constitutional rights upheld to ensure that they receive due process and fair consideration in court. There is no question Terri deserved the same due process and fair treatment in accordance with the law.

In an unprecedented act by Congress and President Bush, a private relief bill was signed into law enabling the parents of Terri Schiavo to appeal to a federal court for review of state court proceedings to ensure that due process was upheld, and that Terri's rights were protected by the state court. Upon the enactment of this law by President Bush, the Schindlers filed new action in federal court and requested that Terri's feeding tube be re-inserted. Unfortunately, the court denied the Schindlers a fresh review of the case.

When it is obvious that certain judges and courts have distorted several facts surrounding a case, it is Congress's duty to challenge their decisions. It was necessary for Congress to enact this legislation to ensure that Terri's constitutional right to equal protection was fully exercised and for a federal court to review her case, including all of the outstanding evidence.

It was our hope that while a federal court deliberated, the tube would have been replaced, allowing nourishment to be restored to Terri while the review of her case continued. However, the Supreme Court denied taking up the case and Terri's life was further jeopardized. I am disheartened by the federal courts' refusal to review Terri Schiavo's case. Their actions are unconscionable. They sentenced Terri to death by dehydration and starvation—a sentence that would not be placed on the worst criminal.

As your United States Senator, I will continue to look for ways to ensure that the right to life is adequately protected.

Thank you again for contacting me. If I can be of further assistance on this or any other matter, please do not hesitate to call on me again.

Sincerely,

A handwritten signature in black ink that reads "Rick Santorum". The signature is written in a cursive, flowing style.

Rick Santorum
United States Senate

RJS:mac