

oregon daily emerald

An Independent Newspaper

Vol. 77, No. 122

Eugene, Oregon 97403

Thursday, April 1, 1976

Court grants Quinlan right to let Karen die

TRENTON, N.J. (AP) — Karen Anne Quinlan's father won the right in New Jersey Supreme Court Wednesday to allow his comatose daughter to die, climaxing a legal battle he began almost a year ago.

The court, in a 7-0 ruling, appointed Joseph Quinlan legal guardian of his 22-year-old daughter and said he could let her die if he can find competent medical authorities who agree with him that there is no reasonable possibility of her recovery.

The New Jersey attorney general said there would be no immediate decision on whether the state would appeal the decision. Joseph and Julia Quinlan said they would not ask to have their daughter's respirator disconnected until the state has time to decide on a possible appeal.

The doctors now treating Quinlan had fought against her parents' suit to turn off the support systems which have kept the young woman breathing since shortly after she fell into the coma on April 15, 1975. She has never regained consciousness.

After the court's decision was announced, Karen's parents told a news conference at their parish church in Mount Arlington they expected the hospital caring for Karen would comply with the ruling, even though it had opposed the Quinlans' suit.

"This is the decision we have been praying for," Julia Quinlan said.

Asked about her daughter's prospects for recovery, Quinlan said: "There is no hope and there hasn't been any. If we had any hope we would never have started this."

"We hope at the last minute the Lord will take her and we won't have to remove her from the respirator," Joseph Quinlan said.

The court said if the Quinlans choose to let their daughter die, "this decision should be accepted by a society the overwhelming majority of whose members would, we think, in similar circumstances exercise such a choice in the same way for themselves or for those closest to them."

Paul Armstrong, attorney for the Quinlans, said the ruling "leaves Mr. Quinlan free to return his daughter to her natural life processes. If those processes can't support her, she will die."

The court, in the opinion written by Chief Justice Richard Hughes, said that in cases like Quinlan's a medical point is reached where

the individual's rights to privacy and to choose death take precedence over the interests of the state in preserving human life.

"We think that the state's interests weaken and the individual's right to privacy grows as the degree of bodily invasion increases and the prognosis dims," the court said. "Alternately there comes a point at which the individual's rights overcome the state's interests."

The court opinion said future right to die cases can rely on the ruling Wednesday without the need for a case-by-case judicial review.

Last January, in arguments before the state Supreme Court, the Quinlan's attorney said the family "has a constitutional right to end futile medical measures" that have sustained Quinlan's life since she went into a coma on April 15, 1975.

Attorneys for the State of New Jersey, St. Clare's Hospital, the Denville, N.J., facility where Quinlan is a patient, and the young woman's doctors, urged the court to uphold a lower court ruling that denied the bid to end her life with legal sanction.

Last November, after a 10-day trial, Morris County Superior Court Judge Robert Muir ruled that treatment or the absence of treatment in a case such as Quinlan's was properly and purely a medical question for her doctors alone.

Quinlan fell into a coma after she allegedly mixed tranquilizers and alcoholic beverages. Her life has been sustained since then by medical treatment, including a mechanical respirator.

Her parents went to court last fall to argue that her case was medically hopeless and that treatment was interfering with her natural right "to die with dignity."

They testified that their daughter had said as late as six months before her coma began that she would not want to be kept alive if she ever became hopelessly ill.

Late last year state Atty. Gen. William Hyland reopened the investigation of the Quinlan case to determine if foul play contributed to her injuries.

Last month Hyland reported that a state grand jury had examined the case, including testimony of witnesses who were with Quinlan the night she lost consciousness, and had found no evidence of criminal activity in her case.



Drawing by JoAnn Fahlgren

To mourn privacy's death

Students stage mock funeral

The right to privacy is dead as the result of a Supreme Court decision, according to members of the Student Bar Association (SBA) who staged a mock funeral Wednesday in the courtyard at the Law School.

"We are mourning the death of privacy," said John Mehringer. "The Supreme Court killed it on Monday, and we are burying it today."

The Supreme Court ruled Monday that state laws which make it a crime for consenting adults to have homosexual relations in private are constitutional.

The court affirmed, without hearing arguments or issuing an explanatory opinion, a lower court decision against two anonymous homosexuals who had challenged a Virginia law which made sodomy illegal. They claimed that the law violated the rights of homosexuals

to "seek and enjoy sexual gratification."

"The ruling really goes farther than that," said Mary Ann Bearden, an SBA spokesperson. "They have, in effect, outlawed everything but the missionary position between married couples."

According to Jennifer Friesen, the decision could apply to heterosexual activity also. "Under this rationale, any unmarried sexual activity could be made illegal."

Approximately 35 students wearing black arm bands, stood around a flag-draped casket in the drizzling rain to hear taps played on a kazoo and a eulogy read by Barrie Herbold.

"I have come to bury privacy and to praise it," said Herbold. "On Monday we lost one more battle in our fight for the right to be different."

A wake followed the services.

Thirty-six states have laws forbidding private homosexual acts by consenting adults. Oregon is among the 14 states that have passed measures legalizing such conduct.

The other states are Illinois, Connecticut, Colorado, Hawaii, Delaware, Ohio, North and South Dakota, Washington, California, New Mexico, Maine and Arkansas.

The Supreme Court decision, said Bearden, could lead to changes in these state laws and other changes in privacy law.

"It's particularly irritating that they did this without any discussion or argument," said Bearden.

She said that there may be other spontaneous demonstrations against the Supreme Court decision around the nation, but the mock funeral was not part of a nationally organized demonstration.

Food stamps: Weaver poll indicates desire to keep it sound

Poorer students should be eligible for food stamps, say sixty per cent of the people responding to a poll conducted by Congressman Jim Weaver's staff.

The poll queried 1,500 Eugene-Springfield residents on the policies they feel the food stamp program should follow.

"We've got to clean up the food stamp program to keep it sound for those in real need — the elderly and others for whom the

program was meant to serve," Weaver says. "That's what they told me in the poll."

Weaver says comments accompanying the results showed that respondents wanted to see people working, either as a requirement to receive food stamps or as a means of staying off the program.

"Over three-fourths said the program was worthwhile," says

Weaver, "but that wasn't a blanket endorsement. Comments made it clear that the program needed to be tightened to eliminate abuse." The results of the poll:

	pro	con
The food stamp program is worthwhile	76%	24%

	pro	con
Working people with low incomes should receive food stamps	77%	23%

	pro	con
Poorer students should be eligible for food stamps	60%	40%

	pro	con
Cash, instead of food stamps, should be given	8%	92%

	pro	con
This country is rich enough to make sure everyone has enough to eat	82%	18%

	pro	con
The government should provide work for everyone if business doesn't	65%	35%