

## Needs approval of hospital group

# Quinlan's father to decide fate

TRENTON, N.J. (UPI) — New Jersey's highest court yesterday put the fate of comatose Karen Ann Quinlan in the hands of her father, ruling he has the right to find doctors willing to remove her life-seeking respirator and allow her to "die with dignity."

The state's Supreme Court, in appointing Joseph Quinlan his 22-year-old daughter's guardian, ruled, however, that any such action to end Karen's life would have to be approved by the Ethics Committee of St. Clare's Hospital, where she has lain unconscious since last April 14.

The court also said there would be no civil or criminal liability for removal of the respirator.

State Attorney General William Hyland said no decision on an appeal had been made, but he left the impression that the state would not try to reinstate the decision of Superior Court Judge Robert Muir denying the parents' requests to allow their daughter to die.

"There probably will be a willingness to see if we could live with this standard, given that it does involve the medical profession," Hyland said. "The decision is highly compassionate and probably represents the consensus of society."

In a 59-page opinion, the seven-member high court panel said, "We have no hesitancy in deciding ... that no external compelling interest of the

state could compel Karen to endure the unendurable, only to vegetate a few measurable months with no realistic possibility of returning to any semblance of cognitive sapient life."

With her father's permission, the court said, the respirator may be withdrawn if a team of doctors concludes there is no possibility of her recovering from her present "comatose condition to a cognitive, sapient state."

Doctors at St. Clare's who originally refused the parents' request to remove the respirator may feel differently now because "we assume that she is now even more fragile and nearer to death than she was then," the court said.

But, the court said, it was giving new powers to the father as guardian because if the present doctors still disagree, he may find other doctors "who may take a different view."

Paul W. Armstrong, lawyer for the Quinlans, held a news conference immediately following the decision and said Karen's parents cried when he informed them of the decision by telephone.

Asked if the Quinlans would back down in their efforts to remove the respirator now that the court decision had been rendered, Armstrong said, "I can assure you that that will not be the case. This is what they have wanted all along. This is the answer to their prayers."

He added that if Karen's two attending physicians refused to go along with removal of the respirator, "the family most assuredly would look for another doctor."

He said he has had no indication from the hospital that they would object to removing the respirator under the guidelines of the court decision.

"There is no indication that the hospital would want to block the removal, specifically in the light of the court's removal of criminal and civil liability," Armstrong said.

The high court said it disagreed with a lower court judge who ruled that Karen's father was too emotionally involved in the case to make the day-to-day decisions on his daughter's medical treatment.

"His strength of purpose and character far outweighs these sentiments and qualifies him eminently for guardianship of the person as well as the property of his daughter," the court said.

The court also ruled that, in consideration of Karen's right of privacy, her parents may on her behalf make the decision that she has a right to die in privacy.

"Ultimately, there comes a point at which the individual's rights overcome the state interest. It is for that reason that we believe Karen's choice, if she were competent to make it, would be vindicated by the law," the court said.

Karen, who turned 22 on Monday, has been in what doctors described as a "chronic vegetative state" since last April 14 when she mixed gin and tranquilizers during a birthday party for a friend.

Her parents, who have visited Karen daily at St. Clare's Hospital in Denville, N.J., argued in an unsuccessful lower court trial that Karen had a "right to die with grace and dignity." Karen weighed 120 pounds when she entered the hospital, but by last November her body had shriveled to half that.

On Nov. 10, Superior Court Judge Robert Muir Jr. ruled in Karen's case that only a doctor can decide when to stop treating a patient who is dying.

Muir said removal of a respirator before a patient's heart stops beating was considered homicide under New Jersey law. Karen's doctors at St. Clare's originally refused to remove the respirator last July, four months after she slipped into the coma.

The Quinlan family lawyers argued before the court that Karen would die before the year was out.

During a hearing on the appeal last Jan. 26, the justices indicated they believed a patient had the right to refuse medical treatment. But they expressed concern whether the right could be exercised by a patient's family.

## Senate likely to defeat no-fault insurance bill

WASHINGTON (UPI) — The Senate voted yesterday to return to committee, and almost certainly kill, legislation to set mandatory federal standards for states to follow in implementing no-fault auto insurance.

The bill, considered one of the most important pieces of consumer legislation to come before the 94th Congress, was recommended on a 49-45 vote.

A similar no-fault bill passed the Senate in 1974 but died for lack of House action.

"Recommendation would defeat this bill," said Sen. Frank Moss, D-Utah, floor manager of the legislation.

Moss, attributing the Senate action to lobbying by trial lawyers, told reporters after the vote he hopes consumer groups will pressure the House to approve no-fault legislation

this session so the Senate can reconsider the issue.

"I don't think it's hopeless," he said.

Trial lawyers fought the bill because they would stand to lose business. No-fault greatly reduces the number of court suits involving traffic accidents.

Chairman Warren Magnuson, D-Wash., of the Senate Commerce Committee called the measure "one of the most important consumer bills we've had before the Senate in a long, long time."

He said the only opposition was "from the people who are benefitting the most from the system as it is — the Bar Association of the United States."

Moss joined those voting to recommend the bill so he could move to reconsider the vote.

Senators who favored sending the bill back to committee argued that no-

fault is an issue that should be handled on a state-by-state basis without federal interference.

"We're trying to debate and run every facet of human life from Washington," said Sen. Robert Morgan, D-N.C.

The bill's supporters said mandatory federal standards are needed to extend the no-fault concept to all states on a uniform basis. They said states still would administer the program and regulate their insurance industries so long as basic federal standards were met.

Many major insurance companies endorsed the concept of federal no-fault standards. One argument for such a system is that persons injured in auto accidents can be reimbursed quickly without the often drawn-out process of establishing who was at fault.

## House votes Congress control of FEC

WASHINGTON (UPI) — The House voted yesterday to give Congress more direct control over the Federal Election Commission.

Left in a bill revamping the FEC were the issues of extending public financing to congressional races, curtailing the proliferation of corporate and union political committees and adopting the alternative of scrapping all the proposed changes and simply reconstituting com-

mission in line with Supreme Court orders.

An effort by Rep. Bill Frenzel, R-Minn., to eliminate a section making all past and future FEC advisory opinions subject to congressional veto was defeated 269 to 134.

But the House adopted by a 42 to 40 vote another Frenzel amendment eliminating a provision under which a federal official could protect a staff member from

an FEC allegation he was working illegally on his boss's political campaign by certifying the staffer was performing regularly assigned duties.

The House decided by voice vote to maintain the current limit of \$100 per person in cash contributions to a candidate, to lower the threshold for criminal prosecution to \$1,000 for "knowing and willful" violation of campaign con-

tribution limits and to add the possibility of a year in prison for such violations.

Arguing unsuccessfully for his key amendment to eliminate congressional veto of FEC actions, Frenzel said, "This section of the bill is central to weakening the independence of the Federal Election Commission."

He said 140 advisory opinions already have been issued by the FEC in 18 months and all would be nullified if the bill became law.

The FEC's power to issue opinions and give federal matching funds to presidential candidates has been suspended by a Supreme Court ruling.

Rep. Wayne Hays, D-Ohio, chairman of the House Administration Committee which wrote the bill, said the veto power was needed because, "I don't think any member really wants to give the commission the power to rewrite the law."

## Ergot drug, witch trials linked

BOSTON (UPI) — A theory that an LSD-type drug caused the Salem witch trials of 1692 is a bewitching idea, but may just be a lot of hocus pocus, a prominent historian said yesterday.

Dr. Stephen Nissenbaum, a University of Massachusetts at Amherst history professor, said he was skeptical about a theory that girls in Salem Village hallucinated after eating bread contaminated with a fungus called ergot, which grows on rye seed.

The witch trials resulted in the execution of 20 persons after the girls accused other people in the village of putting them under spells.

In the latest edition of Science Magazine, a University of California psychology graduate student suggested the drug-like ergot caused the girls to see "the devil at work."

Nissenbaum, author of "Salem Possessed", a book on the social implications of the witch trials, said Linda R. Caporael's theory cites only "circumstantial evidence."

He said there are some "very obvious" social and political reasons, to be skeptical about the theory.

"The fact is you would expect that large

numbers of people in the village would have been afflicted, and not just girls from two households between the ages of 18 and 19," Nissenbaum said, for example.

Only the girls in the households of Rev. Samuel Parris and Thomas Putnam Jr., accused villagers of being witches. Other residents who had been eating bread made with rye harvested from the same crop apparently were not afflicted.

"It also appears unlikely to me that this would not happen in any other year, in any other household and in any other village," he said.

Nissenbaum theorizes in his book, that the accusations of witchcraft were caused by the political atmosphere of the 17th century and "severe internal troubles" within the two households.

"The fact of the matter is that the reverend learned he was not going to be paid for the year, and Putnam had just been cheated out of an inheritance. It was a time of severe strife in both families," he said.

Nissenbaum also said attempts were being made to run Rev. Parris out of town, suggesting that Parris was attempting to rid the village of people who were against him.

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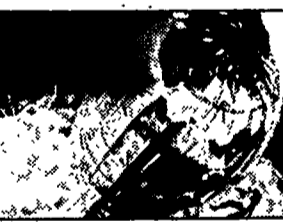
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