

HON. RON PAUL OF TEXAS BEFORE THE US HOUSE OF REPRESENTATIVES April 6, 2005

Hypocrisy and the Ordeal of Terri Schiavo Clearly no one wins in the legal and political battles over the death of Terri Schiavo. Although it has been terribly politicized, a valuable debate has emerged. This debate is not about abortion or euthanasia in general, nor about death in the abstract. It's about an individual's right to life and the value of life itself. Without concern for the life of each individual, liberty is meaningless and indefensible.

This debate deals with the passive treatment of the critically and terminally ill. This type of decision is manageable most of the time without government interference, but circumstances in this case made it difficult to determine proper guardianship. The unprecedented level of government involvement, questions about which branch of government had the ultimate say, and what the explicit intent of the patient was, brought national attention to what was otherwise a family conflict.

Terri Schiavo is a unique case, and unfortunately her fate ended up in the hands of lawyers, judges, and the legislators. The media certainly did their part in disrupting her final days.

In a free society the doctor and the patient-- or his or her designated spokesperson-- make the decision, short of using violence, in dealing with death and dying issues. The government stays out of it.

This debate, though, shows that one life is indeed important. It is not an esoteric subject; it's a real life involved and a personal issue we can't ignore, especially in this age of Medicare, with government now responsible for most of the medical bills.

We're rapidly moving toward a time when these decisions will be based on the cost of care alone, since government pays all the bills under nationalized health care. As we defer to the state for our needs, and parental power is transferred to government, it is casually expected that government will be making more and more of these decisions. This has occurred in education, general medical care, and psychological testing. The government now can protect the so-called

right of a teenager to have an abortion, sometimes paid for by the government, without notifying the parents.

Free-market medicine is not perfect, but it's the best system to sort out these difficult problems-- and it did so for years.

Eventually, government medicine surely will ignore the concern for a single patient as a person, and instead a computer program and cost analysis will make the determination. It will be said to be more efficient, though morally unjustified, to allow a patient to die by court order rather than permitting family and friends to assume responsibility for the cost of keeping patients alive.

There's plenty of hypocrisy to go around on both sides of this lingering and prolonged debate. In this instance we heard some very sound arguments from the left defending states' rights and family responsibility, while criticizing the federal government involvement. I'm anxious for the day when those who made these arguments join me in defending the Constitution and states' rights, especially the 9th and 10th Amendments, on many other economic and social issues. I won't hold my breath.

More importantly, where are those who rightfully condemn congressional meddling in the Schiavo case-- because of federalism and separation of powers-- on the issue of abortion? These same folks strongly defend Roe vs. Wade and the so-called constitutional right to abort healthy human fetuses at any stage. There's no hesitation to demand support of this phony right from both Congress and the federal courts. Not only do they demand federal legal protection for abortion, they insist that abortion foes be forced to fund this act that many of them equate with murder.

It's too bad that philosophic consistency and strict adherence to the Constitution are not a high priority for many Members. But perhaps this "flexibility" in administering the rule of law helps create problems such as we faced in the Schiavo ordeal.

Though the left produced some outstanding arguments for the federal government staying out of this controversy, they frequently used an analogy that could never persuade those of us who believe in a free society guided by the constraints of the Constitution. They argued that if conservatives who supported prolonging Terri's life would only spend more money on welfare,

they would demonstrate sincere concern for the right to life. This is false logic and does nothing to build the case for a local government solution to a feeding tube debate.

First, all wealth transfers depend on an authoritarian state willing to use lethal force to satisfy the politicians' notion of an unachievable fair society. Robbing Peter to pay Paul, no matter how well intentioned, can never be justified. It's theft, plain and simple, and morally wrong. Actually, welfare is anti-prosperity; so it can't be pro-life. Too often good intentions are motivated only by the good that someone believes will result from the transfer program. They never ask who must pay, who must be threatened, who must be arrested and imprisoned. They never ask whether the welfare funds taken by forcible taxation could have helped someone in a private or voluntary way.

Practically speaking, welfare rarely works. The hundreds of billions of dollars spent on the war on poverty over the last 50 years has done little to eradicate poverty. Matter-of-fact, worthwhile studies show that poverty is actually made worse by government efforts to eradicate poverty. Certainly the whole system does nothing to build self-esteem and more often than not does exactly the opposite.

My suggestion to my colleagues, who did argue convincingly that Congress should not be involved in the Schiavo case, is please consider using these same arguments consistently and avoid the false accusation that if one opposes increases in welfare one is not pro-life. Being pro-liberty and pro-Constitution is indeed being pro-life, as well as pro-prosperity.

Conservatives on the other hand are equally inconsistent in their arguments for life. There's little hesitation by the conservative right to come to Congress to promote their moral agenda even when it's not within the jurisdiction of the federal government to do so. Take for instance the funding of faith-based charities. The process is of little concern to conservatives if their agenda is met by passing more federal laws and increasing spending. Instead of concentrating on the repeal of Roe vs. Wade and eliminating federal judicial authority over issues best dealt with at the state level, more federal laws are passed, which strictly speaking should not be the prerogative of the federal government.

The biggest shortcoming of the Christian Right position is its adamancy for protecting life in the very early, late, and weakened stages, while enthusiastically supporting aggressive war that results in hundreds of thousands of unnecessary deaths. While the killing of the innocent unborn represents a morally decadent society, and all life deserves an advocate, including Terri

Schiavo, promoting a policy of deadly sanctions and all-out war against a nation that committed no act of aggression against us cannot come close to being morally consistent or defensible under our Constitution.

The one issue generally ignored in the Schiavo debate is the subtle influence the cost of care for the dying had on the debate. Government paid care clouds the issue, and it must be noted that the courts ruled out any privately paid care for Terri. It could be embarrassing in a government-run nursing home to see some patients receiving extra care from families while others are denied the same. However, as time goes on, the economics of care will play even a greater role since under socialized medicine the state makes all the decisions based on affordability. Then there will be no debate as we just witnessed in the case of Terri Schiavo.

Having practiced medicine in simpler times, agonizing problems like we just witnessed in this case did not arise. Yes, similar medical decisions were made and have been made for many, many years. But lawyers weren't involved, nor the courts nor the legislators nor any part of the government-- only the patient, the patient's family, and the doctor. No one would have dreamed of making a federal case of the dying process.

A society and a government that lose respect for life help create dilemmas of this sort. Today there is little respect for life-- witness the number of abortions performed each year. There is little respect for liberty-- witness the rules and laws that regulate our every move. There is little respect for peace-- witness our eagerness to initiate war to impose our will on others. Tragically, government financing of the elderly, out of economic necessity, will usher in an age of euthanasia.

The accountants already have calculated that if the baby-boomer generation is treated to allow maximum longevity without quality of life concerns, we're talking about \$7 trillion in additional medical costs. Economists will determine the outcome, and personal decisions will vanish. National health care, of necessity, will always conflict with personal choices.

Compounding the cost problems that will lead to government ordered euthanasia is the fact that costs always skyrocket in government-run programs. This is true whether it's a \$300 hammer for the Pentagon or an emergency room visit for a broken toe. And in addition deficit financing, already epidemic because of our flawed philosophy of guns and butter, always leads to inflation when a country operates on a paper money system.

Without a renewal in the moral fiber of the country and respect for the constitutional rule of law, we can expect a lot more and worse problems than we witnessed in the case of Terri Schiavo. When dying and medical care becomes solely a commercial event, we will long for the days of debating what was best for Terri.

Hopefully, this messy debate will lead more Members to be convinced that all life is precious, that family and patient wishes should be respected, and that government jurisprudence and financing falls far short of providing a just solution in these difficult matters.