

**Road to a Kill:  
The Judge Who Didn't Pay Attention to Terri Schiavo's Witnesses**

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Four years after Terri Schiavo was killed by dehydration over thirteen days, dying on March 31, 2005, the transcripts from witness testimony in her trial in 2000 are finally available on-line. And what the transcripts reveal—now in full detail and in a form everyone can read—is a shocking tale of bias and sheer incompetence on the part of Judge George Greer.

Greer's opinion in the trial has been available on-line for years, ever since Terri's case became a *cause célèbre*. But it is impossible to evaluate his reasoning without access to the testimony on which he based his decision. Greer concludes that there is "clear and convincing evidence" that Terri would have wanted her food and water discontinued, but he cites his evidence only allusively, and it is intensely frustrating to a researcher to be unable to check his statements against the testimony itself.

As the transcripts amply show, it would be an understatement to say that Greer's conclusion is not supported by the evidence. To begin with, the conversations with Terri described by the witnesses are indirectly relevant at most to the question of whether she would have wanted a feeding tube withdrawn. The witnesses who, Greer concluded, gave clear and convincing evidence of her wish to be dehydrated to death testified instead to statements which make no reference to tube feeding.

Consider Scott Schiavo, Terri's brother-in-law. Scott testified that Terri sat next to him at a luncheon following his grandmother's funeral at which he and the other relatives were talking disapprovingly of the grandmother's care in her last days. Terri supposedly said, "If I ever go like that, just let me go. Don't leave me there. I don't want to be kept alive on a machine." But Terri herself had a feeding tube; she was not kept alive on a machine. Scott's testimony makes it painfully obvious that the "machine" in question was a ventilator:

It was something that...knowing my grandmother, it was upsetting to see, to walk in to say goodbye to your grandmother and the machine has her lifting off the bed for air. Her chest pumping up.

Joan Schiavo, Terri's sister-in-law (married to a third Schiavo brother), appears much more vague and unreliable when one reads her actual words than when one reads Greer's summary. Greer says of Scott and Joan Schiavo's testimony, "The court...finds nothing therein to be unreliable." He then refers to Terri's "statement" that "she wanted it stated in her will that she would want the tubes and everything taken out," which gives

the impression that Terri made a specific statement about tube feeding. But here is the crucial portion of Joan's actual testimony:

We had watched a movie one time on television. It was about somebody. I don't remember. It was about a guy who had an accident and he was in a comma [sic]. There was no help for him. We had stated that if that ever happened to one of us, in our lifetime, we would not want to go through that. That we would want it stated in our will we would want the tubes and everything taken out.

The plural pronoun "we" is so noticeable in this bit of testimony, the absence of any clearly remembered, specific statement by Terri herself so striking, and the details of the situation of the man in the movie so obscure, that George Felos, the attorney pressing for Terri's dehydration, tried to get something a little more satisfactory:

Q When you say "we" had stated it --

A Myself and her.

Q As best you can recall, what did Terri say in response to seeing that movie?

A She did not like the movie. Just the whole aspect of family and friends having to come and see their son or friend like that, she thought it was horrible.

Q Do you know what type of life support the person in the movie was on? Do you recall?

A No. I don't know all the different -- I just know there was some tubes in him. Like what you call the breathing machine. The feeding machine. I don't know all the different names of the machines.

And *this* gave Greer a clear statement of intent from Terri that she would want to have her feeding tube removed and to die by dehydration?

Greer's representation of Diane Meyer's testimony is even more confused and distorted than his representation of the Schiavos' testimony. Diane Meyer was a witness on the Schindlers' side of the case. She testified that Terri had spoken passionately years before about the case of Karen Ann Quinlan and had opposed Karen's parents' position. Karen's parents obtained court permission in 1976 to have Karen removed from a ventilator. To the surprise of many, Karen proved able to breathe on her own and lived for nine more years, receiving tube feeding. The picture of a Terri who wanted "all the tubes taken out" and who would want to die by dehydration rather than live with a feeding tube stands in striking contrast to the picture Meyer gave of a Terri who bitterly resented on Karen Ann Quinlan's behalf the presumptuous determination that Karen would have wished to die. And if Terri disagreed with what Quinlan's parents did, when Quinlan continued to receive food and water, it is plausible that she would have disagreed even more strongly with the more radical decision in her own case.

But Greer dismissed Diane Meyer's testimony altogether. One of his major arguments for doing so stemmed from his false belief that Quinlan died in 1976 when her ventilator was removed. Greer made much of the verb tense in Meyer's testimony,

arguing that present tense verbs could not have been used of Quinlan in 1982, when Meyer said the conversation with Terri took place. Greer therefore concluded that the conversation must actually have taken place no later than 1976, at which time Terri was only twelve years old. Here is Greer's oddly unclear description of Diane Meyer's testimony:

A witness called by Respondents testified to similar conversations with Terri Schiavo but stated that they occurred during the summer of 1982. While that witness appeared believable at the outset, the court noted two quotes from the discussion between she [sic] and Terri Schiavo which raise serious doubts about the time frame. Both quotes are in the present tense and upon cross-examination the witness did not alter them. The first quote involved a bad joke and used the word "is." The second quote involved a response from Terri Schiavo which used the word "are". The court is mystified as to how these present tense verbs could have been used some six years after the death of Karen Ann Quinlan [sic].... While the court certainly does not conclude that the bad joke and comment did not occur, the court is drawn to the conclusion that this discussion most likely occurred in the same time frame as the similar comments to Mrs. Schindler. This could well have occurred during this time frame since the witness and Terri Schiavo...spent portions of their summer vacation together which would have included the mid-1970's.

Greer had already concluded that Terri's comments to Mrs. Schindler about the Quinlan case must have occurred when the Quinlan case was in the news in 1975-76, and indeed Mrs. Schindler had left this possibility open by testifying spontaneously that the conversation she remembered was prompted by news stories about Quinlan on television. But the similar conclusion regarding Diane Meyer was far more dubious. Here the transcripts themselves are particularly helpful, since Greer tells almost nothing about what Meyer actually said or about those famous present-tense verbs.

The verb "is" arose in a joke that Meyer said she told Terri:

A There was an incident that happened one summer where I told a poor joke about Karen Ann Quinlan. I remember distinctly because Terri never lost her temper with me. This time she did. She told me that she did not find the joke funny. She did not approve of what was going on or what happened in the Karen Ann Quinlan case. I remember one of the things she said is how did they know she would want this. How did they know she wouldn't want to go on. She was so strong about it. Terri, to take that strong of a stand and say something so strongly and come back at me the way she did, it really embedded in my memory....I apologize for the joke. It was, "What is the state vegetable of New Jersey?" And the punch line was Karen Ann Quinlan.

Q Do you recall when that was?

A In trying to go back through my memory, the nearest I can track it was after we graduated high school, I believe it was, because my parents gave me a car and I remember us being in that car. It was the summer of '82.

Even had Karen Ann Quinlan been dead, the joke still could have been told several years later, including its use of the verb “is.” Since Quinlan was still alive in '82—a fact Greer obviously did not know when he wrote his opinion—his objection has no point at all.

Moreover, Greer does not account for Meyer’s mention of the gift of a car and the occurrence of the conversation in the car, though it is an important point. One often does remember a conversation by visualizing the place where it took place, and obviously Diane was not driving around in her own car with Terri in 1975 when the girls were only eleven or twelve. This is a convincing detail, yet Greer brushes it off, and it would not be known at all were it not for the transcripts themselves.

The transcript record regarding the verb “are” is even more telling. Here Greer makes an outright error regarding the witness testimony. He claims that both verbs in Meyer’s testimony “are in the present tense, and upon cross-examination the witness did not alter them.” This implies that Meyer used the word “are” spontaneously in her initial statement about her conversation with Terri in a way that implied that the conversation took place in 1975-76 and that she retained this word under cross-examination by Felos. But that is not correct. In her initial testimony, quoted above, Meyer says that Terri “did not approve of what was going on or what happened in the Karen Ann Quinlan case.” The word “are” does not appear, and the testimony could easily describe a conversation that took place in 1982. The supposedly telling use of “are” first comes from the mouth of Felos, who is the questioner in the dialogue below. He asks a leading question and prompts Meyer to repeat the relevant phrase. Meyer takes that bait and repeats the phrase, but she resolutely refuses to be bullied into admitting that therefore the conversation must have taken place while she and Terri were children:

Q Now I believe you mentioned that you—that Terri’s comment was that she did not approve of what the parents are doing?

A She did not approve of what happened. What the parents are doing.

Q What the parents are doing. Would you agree that what the parents were doing...was trying to remove or seeking permission to remove the respirator from Karen Ann Quinlan?

A Yes, sir.

Q Wouldn’t you agree that the statement, “I don’t agree with what the parents are doing” would make no sense if the parents had already done the act?

A I see what you’re saying there, but what I’m saying is what I believe Terri was talking about is it was ongoing....It was their position I think she was objecting to....What I’m saying is what you are talking

about is one word. “Are” as opposed to “were.” I’m saying, in the course of memory, it is semantics. It was the opinion. What was important to me is what she was expressing in terms to her objection to what their intent was.

In other words, Meyer says that she remembers as a propositional matter that Terri was opposed to the Quinlans’ attitude and actions in the case, to their approach to the case, not that she specifically remembers Terri’s saying, “I disapprove of what Karen Ann Quinlan’s parents are doing.”

If this all seems like legal pettifoggery, we should remember that Greer treated it as proven that the conversation Meyer recounted took place when Terri was a child. “There are some comments...” says Greer, “made by Terri Schiavo which the court does not feel are germane to this decision. The court does not feel that statements made by her at the age of 11 or 12 years old truly reflect upon her intention regarding the situation at hand.”

None of this sifting of the witnesses’ evidence is meant to imply that it is ever legitimate to kill a patient as Terri Schiavo was killed. A patient who wants to go without food and water until he dies of dehydration is a patient who wants ordinary care (not medical treatment) withdrawn. Such a wish is suicidal and not morally binding upon caregivers. But the agents of the culture of death have chosen to take their stand upon choice, upon one’s right to control one’s own life. And as St. Paul judges the Jews by the Torah and the Gentiles by the law written on the heart, so too we may see how the secularist lives up to his own claimed standard of choice.

Upon investigation we find that for those who, like Terri, live lives deemed unworthy of life, the rhetoric of choice is a sham. The law sets up what look like safeguards for choice, ostensibly designed to make sure that the choice made is the patient’s own. But since the law has become an instrument for killing the weak rather than protecting them, these safeguards are the flimsiest of paper barriers, and the entire legal system works together to make sure they pose no real obstacle.

If there is one overarching impression one carries away from reading Judge Greer’s opinion and comparing it with the transcripts, it is an impression of shoddiness. Greer knows the verbal forms of law but is unable or unwilling actually to apply careful standards of evidence—especially if doing so would get in the way of the conclusion to which his bias leads him. Some have portrayed Judge Greer as a conscientious judge merely applying a law he did not make. Others have implied that he was engaged in an explicit, behind-the-scenes conspiracy against Terri. But the picture that emerges from the legal record is different from either of these. Judge Greer was neither as intelligent nor as good at his job as he thought himself. He was sloppy, heavily biased against Terri’s life, and, in the years of litigation that followed his 2000 decision, stubbornly unwilling to reconsider that decision or to permit any challenge within his small arena of power. He was, in other words, one of the petty bureaucrats of death. May God preserve us all from falling into such merciless hands.

*For Judge Greer’s 2000 decision, see <<http://abstractappeal.com/schiavo/trialctorder02-00.pdf>>.*

*For the witness transcripts in Terri's 2000 trial, see*  
<<http://www.lydiamcgrew.com/Schiavo>>.

*For a more detailed discussion of the legal issues surrounding Terri's case, Greer's opinion, and the testimony transcripts, see Lydia McGrew, "[The Illegal Death of Terri Schiavo](#)," [The Christendom Review](#), Volume 1, Issue 02.*