



NEWS FROM **CONGRESSMAN LEE**
TERRY 2ND DISTRICT, NEBRASKA

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Terry Votes to Give Florida Woman a New Hope of Life

Bill is for "the relief of the parents of Theresa Marie Schiavo"

WASHINGTON – U.S. Congressman Lee Terry (R-NE), in the early hours of this morning, voted to uphold a chance to life of Theresa Marie Schiavo (S. 686) in a vote of 203 to 58. Terry returned to DC late Sunday night for an emergency session of Congress allowing Schiavo's parents to bring suit on behalf of their daughter for violation of any right under the United States Constitution or laws of the United States relating to "the withholding or withdrawal of food, fluids, or medical treatment necessary to sustain her life."

"As Terri lies starving, every minute is critical. This is a bipartisan measure that would allow her food and fluids to be restored while her case is heard in federal court. This is an issue that one has to vote their conscious on," Terry said. "Terri could be anyone's son or daughter and all people have a right to life through due process of the law. This woman is not in the process of dying and we must uphold her right to life and her family's right to make their case in court. Why not give Terri one more chance to live, one more review not initiated by her husband, but by her parents who love her, care for her, and have fought the hardest for her life."

Schiavo's feeding tube was removed Friday afternoon. While both Schiavo's parents and husband have been afforded counsel, Schiavo has never been afforded independent counsel – in a matter that will determine whether she will be fed or starved. Schiavo has had no voice of her own in these legal proceedings - something fundamental to every adult American; including convicted murderers.

The legislation instructs the District court to hear the case without delay and without regard to State court proceedings or whether remedies available in State courts have been exhausted. The bill requires that any suit or claim under the act must be filed within 30 days of the date of enactment and makes clear that nothing in the act shall be construed to "create substantive rights not otherwise secured by the Constitution and laws of the United States or the States." In addition, the legislation specifically states that it confers no additional jurisdiction on any court to consider any claim related to "assisting suicide" or "a State law regarding assisting suicide."

The Constitution gives Congress complete authority over the jurisdiction of the Federal courts. This legislation is an appropriate exercise of Congressional authority to say that a Federal court should hear Schiavo's case solely in order to make sure none of her existing Federal rights were denied by the State court below. Throughout history it has been understood that Federal courts should be the ultimate arbiters of Federal law, especially in Federal civil rights cases such as this one. Up to now, Federal courts have been exercising their discretion to refuse to hear the case in deference to ongoing state proceedings. This legislation states that the District court gives a cause of action to Schiavo's and requires the District court to hear the case to determine whether any of her existing Federal rights were denied or insufficiently addressed by the State court below. In essence, the bill supports federalism values by simple providing a "double check" in Federal court to make sure none of her Federal rights under existing law were violated.

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