

Terri Schiavo: Lesson Learned

In 1990, Terri Schiavo suffered brain damage when her heart stopped briefly because of a possible potassium balance brought on by an eating disorder. Although she can breathe on her own, Terri has relied on a feeding tube to keep her alive for the past 15 years. Her husband had been fighting her parents in court to have the tube removed, contending that she would not want to be kept alive artificially. The courts recently agreed and the tube was removed. Her court-appointed doctors are also of the opinion that she is in a persistent vegetative state with no hope of recovery. On the other hand, her parents have contended that she responds to them and her condition could improve.

Unfortunately for Terri, she did not have a Living Will or a Health-Care Power of Attorney in place at the time she sustained the brain damage. Had there been one, there would have been no doubt in anyone's mind what her wishes were with respect to what should be done if she became incapacitated. Additionally, there would have been no need for Congress or the President to intrude on what is essentially a state case, but more importantly a private issue.

A Living Will (Advance Medial Directive) is a written declaration in which you state in advance your wishes about the use of life-prolonging medical care if you become terminally ill and unable to communicate. A Living Will authorizes the withholding or turning off of life-sustaining treatment if your condition is irreversible. An irreversible condition typically means that if you do not receive life-sustaining treatment, such as intravenous feeding or a respirator, you'll die.

If your Living Will is properly prepared and clearly states your wishes, the hospital or doctor should abide by it, and will in turn be immune from criminal or civil liability for withholding treatment. Are you worried that preparing a Living Will, will authorize abandonment by the medical system? If so, your Living Will can state whatever your wishes are regarding treatment. So if you prefer all possible treatment, whatever your condition, that can be stated in your Living Will also.

Another document that deals with health-care planning is a Health-Care Power of Attorney (HCPA). This document allows you to appoint someone else to make health-care decisions for you if you become incapable of making a decision. It can include, if you wish, the decision to refuse intravenous feeding or turning off of the respirator if you're brain dead. It can also be used to make decisions about a nursing home, surgery and artificial feeding.

Your Living Will or HCPA can be revised or revoked at any time, including during a terminal illness, as long as you are competent and follow the procedures as stated in the law. When either document is changed or revoked, individuals you gave copies to should be given notice, preferably in writing.

In addition to a Will and Power of Attorney, your local JAG office is available to prepare a Living Will or HCPA.

FOOD FOR THOUGHT

Quality is never an accident; it is always the result of high intention, sincere effort, intelligent direction and skillful execution; it represents the wise choice of many alternatives.

THE LEGAL GUARDIAN

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FUNDRAISING ACTIVITIES

Fundraising in the Federal workplace is extremely limited by law and regulation. All areas located on military installations are included in the Federal workplace unless specifically excluded.

Under AR 600-29, there are four authorized fundraising activities within the Department of the Army: fundraising for the Combined Federal Campaign (CFC); fundraising for the Army Emergency Relief (AER) fund; local fundraising; and religious fundraising conducted under AR 165-1, Chaplain Activities in the United States Army. With respect to local fundraising, provided there are no on-the-job fundraising, the following activities may be authorized: fundraising in support of installation MWR activities as provided in AR 215-1; occasional fundraising in support of on-post private organizations as conducted per AR 600-29; and other limited fundraising activities to assist the unfortunate, if authorized by The Adjutant General and heads of activities, provided such activities are consistent with the general provisions of AR 600-29.

National Guard members may not use their titles, offices, or positions to officially endorse Private Organization (PO) fundraising or membership drives unless an exception exists (e.g., CFC, AER, etc.). Nor can they personally solicit subordinates for PO membership or contributions during fundraising campaigns or allow their names to be used in a solicitation that targets subordinates. Therefore, announcements, e-mails, memos, faxes and the like notifying others of non-CFC fundraising events and activities for charitable organizations, meaning an endorsement of such events, are inappropriate.

Without reference to specific organizations, National Guard members may be encouraged to join, support, and participate in service, professional, recreational and benevolent organizations. Officials may describe various organizations and their goals, objectives, and activities; however, they cannot favor one over another. Purely personal, unofficial efforts to support fundraising outside the workplace (off duty, not in uniform) is not prohibited, as long as the effort does not imply Virgin Islands National Guard endorsement and no official time or resources are used. Fundraisers must involve voluntary giving and participation.

THE LAUGHABLE ESQUIRE

A man walking along the beach one day finds a bottle and rubs it. Sure enough, out popped a genie who said, "I'll

grant you three wishes, but there's a catch" "What catch?" the man asked. The genie replied, "Every time you make a wish,

every lawyer in the world will receive double the wish you were granted!" "Well, I can live with that! No problem!" replied the elated man.

"What is your first wish?" asked the genie. "Well, I've always wanted a Ferrari?! POOF! A Ferrari appeared in front of the man. "Now

every lawyer in the world has two Ferraris," said the genie. "Next wish?" "I'd love a million dollars," replied the man. POOF! One million

dollars appeared at his feet. "Now every lawyer in the world has Two million dollars," said the genie. "Well, that's okay, as long as I've got

my million," replied the man. "What is your third and final wish?" The man thought long and hard, and finally said, "Well, you know, I've

always wanted to donate a kidney!"

