

***CRUZAN v. DIRECTOR, MISSOURI DEPARTMENT OF HEALTH***  
**RIGHT TO DIE**  
*110, S.Ct.2841 (1990)*

“On the night of January 11, 1983, Nancy Cruzan lost control of her car as she traveled down Elm Road in Jasper County, Missouri. The vehicle overturned, and Cruzan was discovered lying face down in a ditch without detectable respiratory or cardiac function. Paramedics were able to restore her breathing and heartbeat at the accident site, and she was transported to a hospital in an unconscious state. An attending neurosurgeon diagnosed her as having sustained probable cerebral contusions compounded by significant... lack of oxygen. The Missouri trial court in this case found that permanent brain damage generally results after 6 minutes in an anoxic state; it was estimated that Cruzan was deprived of oxygen from 12 to 14 minutes. She remained in a coma for approximately three weeks and then progressed to an unconscious state in which she was able to orally ingest some nutrition. In order to ease feeding and further recovery, surgeons implanted a gastrostomy feeding hydration tube in Cruzan with the consent of her then husband. Subsequent rehabilitative efforts proved unavailing. She now lies in a Missouri state hospital in which is commonly referred to as a persistent vegetative state: generally, a condition in which a person exhibits motor reflexes but evinces no indications of significant cognitive function. The State of Missouri is bearing the cost of her care.”

“Nancy is diagnosed as in a persistent vegetative state. She is not dead. She is not terminally ill. Medical experts testified that she could live another thirty years.”

Nancy’s parents have requested that the hospital remove Nancy’s feeding and hydration tubes. The hospital refuses to do so without permission from your court.

- Should your court require clear and convincing evidence that Nancy herself would want the feeding and hydration tubes removed?
- If it is impossible to determine Nancy’s wishes, should someone else be allowed to make the decision to remove Nancy’s feeding and hydration tubes?
- What criteria should the decision maker be required to consider?
- Should the state be able to override this decision?
- What factors would you consider in allowing the state to override the decision?