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Congress of the United States
House of Representatives
Washington, D.C. 20515

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April 20, 1982

The Honorable Richard S. Schweiker
Secretary of Health and Human Services
Washington, D. C. 20201

Dear Mr. Secretary:

Last week a tragedy, which many believe has quietly become commonplace in the United States, pushed its way into our national conscience via the front page of the WASHINGTON POST and other major media. A newborn child afflicted with Down's Syndrome and a digestive tract disorder (which could have been corrected by routine surgery) was, at the insistence of his own parents and with the approval of the Indiana Supreme Court, allowed to die of starvation in the very hospital in which he was born only a week earlier. This selective destruction of handicapped children is morally and ethically repugnant to our very way of life and cannot be tolerated in a society which cherishes the sanctity of human life and the intrinsic worth of each individual. The very idea that a court of law would sanction a parental demand to destroy a child which, for whatever reason, they did not want is an affront to the principles upon which our legal system was built and must be corrected immediately before this, too, becomes somehow acceptable.

This deliberate starvation of an infant is all the more abhorrent while there were other families eager to adopt and love this defenseless handicapped baby.

All of the academic controversies about when a human life begins and when that human life becomes a person pale into insignificance in the face of this act of eugenic infanticide. We believe the crucial factor here was that this baby was afflicted with Down's Syndrome, and hence his right to life -- his Constitutional right to equal protection of the laws -- was deemed forfeit. Such a doctrine is totally contrary to the traditional view that every human life has intrinsic worth. This example of the triumph of the Quality of Life Ethic at the expense of the Sanctity of Life Ethic has implications far beyond this case.

We implore you, Mr. Secretary, to act now to insure the equal protection of our laws to handicapped children. The statutory basis for such action already exists under Section 504 of the Rehabilitation Act of 1973 which prohibits any discrimination against the handicapped

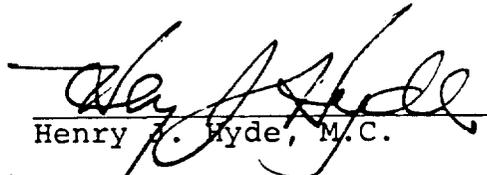
under programs or activities receiving federal financial assistance. You need only clarify existing regulations enforcing such prohibition to expressly forbid the denial of any treatment which would be provided to normal babies in hospitals under similar circumstances. Certainly the refusal of nourishment and routine surgery to an infant because of his handicap is an unconscionable violation of the letter and spirit of the law and cannot be allowed to happen to other children like the Bloomington Baby.

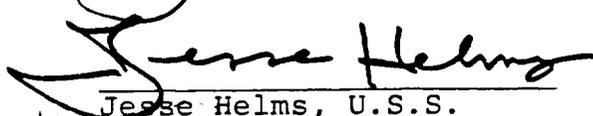
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In closing, Mr. Secretary, we cannot too strongly stress the importance of prompt action in this matter. Every day can mean the difference of life or death for a newborn Down's Syndrome or other handicapped baby.

Thank you, Mr. Secretary, for your consideration of this request.

Sincerely,


Henry J. Hyde, M.C.


Jesse Helms, U.S.S.


Orrin G. Hatch, U.S.S.


Mark O. Hatfield, U.S.S.

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