New York Times Article about Minimally Conscious Patients Sparks Debate

By Jeffrey K. Hester, LL.M. candidate

On September 28, 2003, the New York Times Magazine published an article written by Carl Zimmer entitled, “What If There Is Something Going On in There.”1 Zimmer’s article explored the research being conducted by Nicholas D. Schiff, Joy Hirsch, Joseph T. Giacino and other researchers into the different levels of consciousness and brain activity of patients diagnosed as vegetative or in a persistent vegetative state (“PVS”). The research highlighted by the article centered on imaging studies demonstrating that certain vegetative patients can exhibit brain activity indistinguishable from that of a normal brain when exposed to specific stimuli. This led some of the researchers to advocate for a new diagnostic category of consciousness termed ‘minimally conscious state’ (“MCS”).2 The Zimmer article also described the concern of these researchers that perhaps the medical profession was giving up too soon on some patients with brain injuries who might, with adequate stimuli, “emerge” from their vegetative state.3

The next day, The National Right to Life Committee’s Dave Andrusko published an article entitled “Awakening His Mind’s Eye” on the organization’s website that reported on the Zimmer article and used the article to highlight the inadequacy of medical terminology to accurately account for the range of mental activity in persons described as being in a PVS.4 Andrusko argued that it is diagnostic labeling by medical experts that lies at the heart of disputes such as the Terri Schindler-Schiavo case in Florida.

Andrusko, a pro-life advocate and vehemently opposed to the withdrawal of Terri Schiavo’s feeding tube, opined that “Terri is, in fact, severely brain-damaged, but that is NOT the

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2 Id. at 54; see also Joseph T. Giacino, et al., The minimally conscious state: definition and diagnostic criteria, Neurology, February 12, 2002, at 349-53.

3 See Zimmer, supra note 1 at 56.

4 Dave Andrusko, Awakening His Mind’s Eye, (visited November 9, 2003), http://www.nlrc.org/News_and_Views/September03/nv092903.html
same as being in PVS” and touted the research reported in the Zimmer article as providing “some reinforcements” for the “rag-tag army of family, friends, and volunteers who have stood by Terri Schindler-Schiavo.”

Andrusko’s article ultimately concluded,

“In practice “PVS” and “minimally conscious” are code words for “lives not worth living. [...] [T]he trap we must not fall into is to accept these vaguely-defined labels as accurately describing anything.”

Carl Zimmer objected to the National Right To Life Committee’s politicizing of his New York Times Magazine article and responded on The Loom, his blog to clarify what he termed “serious misinformation” about patients in a persistent vegetative state. Zimmer then proceeded to blast the Andrusko article:

Here’s what you get in the National Right to Life piece: MCS supposedly ‘identifies people who are in a condition somewhere between a pvs and a coma.’ That’s like saying 3 is somewhere between 1 and 2. By mixing up the difference between MCS and VS, Andrusko performs a sleight of hand with the results of the scanning work, making it seem as if vegetative patients actually have these remarkable reserves of mental activity. [...] It is absolutely untrue that people accurately diagnosed in chronic vegetative states— who have not shown any signs of consciousness in years— have shown any evidence of consciousness in brain scans.

Zimmer further explains, “My article was primarily about scientists who are doing basic research on the biology of consciousness, trying to figure out what’s going on in the brains of people who cannot tell them anything about their own inner life.” To be fair, Andrusko’s sentiment about diagnostic labeling does echo a concern raised by some of the researchers about the treatment of patients in a PVS. The article published by Nicolas D. Schiff, et al. in Brain states:

5 Id.
6 Id.
7 Carl Zimmer, Consciousness and Culture Wars, (visited November 9, 2003), http://carlzimmer.com/blog/C1015037710/E1912938577/index.html (Zimmer posted his response about the politicization of the New York Times Magazine article on October 7, 2003, the same day Florida Governor Jeb Bush filed an amicus brief in the Schiavo case. Two weeks later, on October 21, 2003, Governor Bush would issue an executive order staying the withdrawal of Terri Schindler-Schiavo’s feeding tube).
8 Id.; See also Nicholas D. Schiff, et al., Residual cerebral activity and behavioural fragments can remain in the persistently vegetative brain, 125 Brain 1210, 1231 (2002), (Researchers note that “Future additional diagnostic imaging will not alter the potential for functional recovery in chronic vegetative patients.”).
9 Id.
Patients who suffer complex brain injuries resulting from traumatic, anoxic/hypoxic or axonal-shearing disruptions of cerebral function are viewed as a homogenous group with hopeless outcomes. This outlook has resulted in few attempts at neurobiological treatments to raise their functional capacities.  

Putting the politics aside for a moment, the actual work of the researchers has been fascinating. The Schiff article relates the researchers’ finding that, “Occasionally, patients in a PVS may express isolated behavioural fragments clearly generated at the forebrain level. […] These findings led us to evaluate additional PVS patients with multimodal imaging techniques in order to determine in detail what cerebral activity may remain in patients with catastrophic brain injuries.” What the researchers discovered is that while “PVS patients remain behaviourally unconscious, patients in other conditions, such as the minimally conscious state may exhibit reliable but inconsistent interaction with their environment.” The researchers hope that their studies of PVS and MCS patients will lead to techniques for the identification, assessment and treatment of patients with less severe brain injuries and to assist in their recovery.

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10 See Schiff, supra note 8, at 1211.

11 Id.

12 Id. at 1230.