



Written by [Warren Mass](#) on January 28, 2014

## Texas Woman Taken Off Life Support; Unborn Baby Also Dies

Marlise Muñoz — a pregnant woman who had been described as “brain dead” — [died soon after being removed from life support machines](#) at a Fort Worth hospital on the morning of January 26. Muñoz was hospitalized after collapsing at her home on November 26, apparently from a pulmonary embolism.

When Muñoz was admitted to the hospital, 14 weeks pregnant at the time, doctors continued life support by means of a heart-lung machine indefinitely because Texas state law requires that the life of an unborn child be safeguarded by keeping the mother alive.



[The Texas Advance Directives Act](#) (Sec. 166.049) states: “A person may not withdraw or withhold life-sustaining treatment under this subchapter from a pregnant patient.”

On Friday, January 24, State District Judge R.H. Wallace ordered John Peter Smith Hospital to officially declare Marlise Muñoz dead, setting a deadline of 5:00 p.m. Monday to withdraw life support. Wallace said the law did not apply because “Mrs. Muñoz is deceased,” reported the *Dallas Morning News*. The hospital complied approximately 29 hours before the deadline set by the judge.

On the day the judge ordered the end of life support, the hospital said tests indicated that the pre-born baby was 22 weeks and 5 days old.

In the August 23, 2010 issue of *Pediatrics*, [Dr. Barbara J. Stoll and her colleagues](#) presented data indicating that a baby’s chance for survival outside the womb increased from six percent at 22 weeks to 92 percent at 28 weeks. The majority of infants of 24 weeks or greater survive.

While little has been reported about the possibility of doctors making an attempt to save the life of the unborn Muñoz baby, Heather King and Jessica Janicek, attorneys for the woman’s husband, Erick Muñoz, issued a statement in January that the baby was “distinctly abnormal.”

“The fetus suffers from hydrocephalus [water on the brain]. It also appears that there are further abnormalities, including a possible heart problem, that cannot be specifically determined due to the immobile nature of Mrs. Muñoz’s deceased body,” the [Fort Worth Star-Telegram](#) quoted the statement saying.

The *Star-Telegram* also cited a study published in 2010 by a team of researchers in Heidelberg, Germany, who had reviewed medical literature from 1982 to 2010 and found 19 cases where a pregnant woman was declared brain-dead. In 12 of the 19 cases, a viable baby was delivered and survived the postnatal period.

“Depending on maternal stability and fetal growth, the decision [to administer life support to the



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mother] must be made on an individual basis,” the study noted.

“According to our findings, prolonged somatic support can lead to the delivery of a viable child.”

Despite the admittedly uncertain, yet distinctly possible, chance of saving the life of the Muñoz baby, the doctors apparently made no attempt to do so and the baby died along with her mother. (While most reports stated that the baby’s gender was indeterminable, others indicated that, near the end, the baby’s father named her Nicole.)

Upon word that life support had been withdrawn, attorneys King and Janicek, [said in a written statement](#): “May Marlise Muñoz finally rest in peace, and her family find the strength to complete what has been an unbearably long and arduous journey.”

An [AP report](#) quoted Larry Thompson, identified as a state’s attorney arguing on behalf of the hospital January 24, who said that the hospital was trying to protect the rights of the fetus as it believed Texas law instructed it to do. “There is a life involved, and the life is the unborn child,” Thompson said.

Coverage of the tragic death of Marlise Muñoz and her baby received more insightful treatment from pro-life sources than in the mass media. Steven Ertelt wrote in [LifeNews](#) on January 27 that following Muñoz’s lapse into unconsciousness on November 26, “Her husband and parents have been incomprehensibly fighting ever since to have her taken off of life support – knowing that in the process their child and grandchild would also die.”

Many pro-lifers who read the statement issued by the Muñoz family attorneys share Ertelt’s reaction, that it “oddly never mention[ed] the baby who died along with his or her mother.”

“Hello?” asks Ertelt. “It’s as if the baby never existed. It just seems there is more to this story than meets the eye.”

Ertelt noted that Erick Muñoz and his attorneys made much of the fact that the baby might be abnormal, perhaps setting the stage to justify allowing the baby to die along with the mother.

In another article for [LifeNews](#), Kristine Kruszelnicki wrote:

Has the debate over bodily autonomy and “a woman’s right to choose” so blinded society that even when the issue has nothing to do with a woman still capable of choice, and even when the body in question is no worse off on a ventilator than in the ground, we nonetheless cannot grant a fetus the right to what he or she needs to survive? How have we come to fight for a fetus’ life via fetal surgery on the one hand, and yet deny a nearly viable fetus the basics of oxygen and nutrients on the other hand — simply because her mother’s family wants a body to bury sooner rather than later?

A January 27 article posted at [LifeSiteNews.com](#) quoted several pro-life leaders, including Mark Harrington, executive director of Created Equal, who said: “The death of Baby Muñoz represents a colossal failure on so many levels. Her father failed her. The Attorney General of Texas, Greg Abbott, failed her. The hospital failed her. Finally, by usurping the will of the people of Texas, the courts failed her.”

Harrington continued: “Baby Muñoz was a human being who deserved the same legal protections of born people. The truth is Baby Muñoz was executed by judicial tyranny.”

Another pro-life leader quoted by LifeSiteNews is Operation Rescue President Troy Newman, who, in a statement made while Muñoz was still alive, blamed the media’s persistent use of the term “brain



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death” as contributing to the baby’s death.

“The public has been given the erroneous impression that Marlise is a dead and decaying corpse,” Newman said. “Marlise’s heart continues to beat and she continues to nourish her pre-born baby. A rotting corpse cannot do that.”

On the day that the judge’s order to terminate life support for Marlise Muñoz was issued, 50 members and supporters of [Operation Rescue](#) held a vigil outside the Fort Worth hospital where she had been sustained.

“We needed to give that baby a voice and dignity in death that he or she never had in life,” said the group’s President, Troy Newman. “We wanted the world to understand that this baby’s life — whether there were health issues or not — had value and deserved a chance at life.”

“This baby was a precious gift and his or her life had value even if there were developmental issues. We don’t kill people because they are handicapped,” said Newman.

Comparisons have been made between the cases of Marlise Muñoz and Terry Schiavo, but although they are similar from an ethical standpoint, distinct differences exist. Unlike Muñoz, Schiavo’s brain was functioning normally, although she was either unconscious or semi-conscious for long periods of time. If Munoz had not been pregnant, few people would insist that extraordinary measures (beyond normal nutrition and hydration) be used to keep her alive.

However, The Texas Advance Directives Act was enacted for a reason, to ensure that life-sustaining treatment not be withheld from a pregnant patient, for the sake of her unborn child as much as her own.

In this case, as in many others, the decision of a single judge overrode a law passed by representatives of the people, leaving a victim that the law intended to protect defenseless.



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