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PEDIATRIC SURGERY SERVICE
DEPARTMENT OF SURGERY

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28 March 1983

C. Everett Koop, M.D.
The Surgeon General
Office of the Surgeon General
Department of Health & Human Services
Room 716-G
Humphrey Building
200 Independence Avenue, S.E.
Washington, D.C. 20201

Dear Chick:

Regarding the ruling on handicapped newborns which prohibits discriminatory failure to feed and care for handicapped infants and urges the use of a Hotline telephone to Washington, D.C., to provide information about violations, I wonder if you were supportive of these regulations? As you well know, I am extremely supportive of life and try in every instance to make decisions that are in the best interests of the infant. Some of these decisions, as you well know and have readily admitted, involved deciding that all has been done for the infant that can be done, that his disease state is a terminal one, and that prolonging his life is not in his best interest.

These regulations, however, threaten to create a "spy network" in the worst "Big Brother - 1984" sense where people with little knowledge or understanding of the situation, can trigger a federal investigation into the actions of an individual physician or hospital, and place the burden of proof upon the doctor and those associated with him who have made a responsible decision in the patient's best interest.

Aside from the moral and religious questions which you have raised so meaningfully in your past activities in this area, the concerns which you have raised regarding government interference in the lives of people, and the entry of bureaucratic decision making foibles into personal, moral, ethical, medical decisions, has been one of the most telling arguments in favor of your overall viewpoint.

As a staunch Republican bordering philosophically on libertarianism, I cannot accept the use of the federal government in a potentially reckless, threatening and bureaucratic fashion to accomplish what may be a most meritorious purpose from the ethical, moral and human standpoints.

However, as your friend and strong supporter and admirer, I did not wish to embarrass you by expressing any opinions to legislators or others

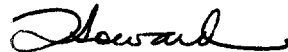
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in the federal bureaucracy, without letting you know my feelings and finding out your position on this matter. I firmly believe that your leadership in the area of the ethics of right to life decisions has awakened many members of the medical community to the problems that abortion and euthanasia regulations have created. I believe that properly presented and advocated, a thoughtful pro-life stand wins wide support among good and thoughtful people. Regulations which allow federal intrusion into the daily activities of the practice of medicine, will only serve to raise the hackles of those who are most supportive of the ethical and moral issues which you favor.

I will wait to hear from you before taking any further action against these regulations, but my attitude is to oppose them most strongly as unwarranted intrusions into the practice of medicine. If you agree with me, I would appreciate any suggestions you may have as to what effective methods can be used to reverse these regulations. I would be happy to discuss it with you at greater length. Please be assured that it is the method and not the intent that I oppose.

Best personal regards to you and Betty.

Sincerely,



Howard C. Filston, M.D.
Professor of Pediatric Surgery
and Pediatrics

HCF:bhs