**HISTORY OF THE RIGHT-TO-DIE MOVEMENT**

Pivotal Events in the Right-to-Die Movement

***Until laws protect the right* of every *adult to* a *peaceful, dignified death, Final Exit Network will be* *there to support those who need relief from their suffering today!***

The right-to-die movement in the United States began in earnest when Derek Humphry founded the Hemlock Society in 1980. For years the main focus for activists was passing laws that support an individual's right to a peaceful, dignified death. Many states readily passed legislation supporting advance directives; and there was widespread acceptance of the principle of the "double effect” - death resulting from aggressive pain control treatment.

Unfortunately, efforts to pass physician aid-in­dying (PAD) laws have been successful only in the states of Oregon and Washington. A court case established the right to PAD in Montana in 2010, and the Attorney General of Georgia acknowledged in a court case in 2011 that assistance in “suicide” (even by non-physicians) is legal in Georgia so long as it is kept confidential. Legal research appears to indicate PAD may be legal in some other states, such as Hawaii.

In many states where PAD is illegal, many individual acts of courage, compassion and love to assist the suffering went largely unnoticed, and district attorneys were typically reluctant to prosecute most of the cases that came to light. With a few notable exceptions, the deeply private and merciful act of helping a loved one to hasten death was largely ignored-perhaps even tolerated. When Dr. Jack Kevorkian entered the scene, however, he launched an increasingly public and provocative campaign to challenge prohibitions against physician aid-in-dying, culminating in 1998 with televising his assisting the death of Thomas Youk on CBS "60 Minutes." Dr- Kevorkian was prosecuted and imprisoned for murder.

Despite several very bitter public battles, notably those of Nancy Cruzan and more recently Terri Schiavo, that resulted in court rulings authorizing the removal of life support; and despite numerous polls chronicling public support for laws allowing PAD hovering around 70%, efforts at changing the laws have mostly been foiled.

While we applaud the work of organizations that seek legislative action to strengthen our right to die a peaceful and painless death at the time and place of our choosing, it is abundantly clear that legislative change will not come soon enough for the many people who need help now and in the foreseeable future.

That's why we say, until laws protect the right of every adult to a peaceful, dignified death, Final Exit Network will be there to support those who need relief from their suffering today.

-- Ted Goodwin, Final Exit Network President (2004-2009)

**1906**

• The first euthanasia bill is drafted in Ohio.

**1938**

• The Euthanasia Society of America founded.

**1969**

• Elizabeth Kubler-Ross publishes "On Death and Dying," a seminal publication that opens discussion of the taboo subject of death.

**1975**

• March 29 – Jean Humphry, who is suffering from terminal breast cancer, dies at her home in the Cotswolds region of England. Her husband, Derek, a newspaper reporter, assisted her in her self-deliverance. He writes a book, *Jean’s Way: A Love Story*, which becomes a bestseller. Mr. Humphry devotes the rest of his life to the campaign for the legalization of aid-in-dying and euthanasia.

**1976**

• California passes the Natural Death Act, the nation's first Living Will law.

**1980**

• Derek Humphry founds The Hemlock Society in Los Angeles.

**1984**

• The Hemlock Society begins national campaign to promote education concerning advance directives.

**1986**

• The Hemlock Society drafts model legislation to further the cause of legalizing physician aid-in-dying. Titled The Humane and Dignified Death Act, this model bill is sent to legislators throughout the country.

**1990**

• June 4 - Dr. Jack Kevorkian assists Janet Adkins, 54, an accomplished musician and Alzheimer’s sufferer, in ending her life. Charged with murder. Dr. Kevorkian defeated the charge because Michigan had no law against assisting in a suicide. He went on to assist at least 130 people in self-deliverance, generating an extraordinary amount of publicity on the subject, and on the state’s repeated, unsuccessful efforts to convict him of crimes in other cases.

• June 25 - In Cruzan v. Director, Missouri Department of Health, the United States Supreme Court rules that for patients who are in a comatose or vegetative state, life support and medical treatment can be suspended if there is clear and convincing evidence that this is the course of action they would request if they could do so.

**1991**

• Patient Self-Determination Act takes effect. This federal law requires nursing homes, hospitals, home-health agencies. hospices, and HMOs to provide patients with information on state laws governing advance directives.

• Derek Humphry publishes the first edition of *Final Exit: The Practicalities of Self-Deliverance and Assisted Suicide for the Dying*. The very existence of this self-help book is considered controversial, yet it has been banned only in France. It was the No. 1 bestselling nonfiction book in America for 18 weeks and has sold over a million copies. In 2011 Dell published the latest updated edition. *Final Exit* has been translated into 12 languages. In April 2007 the editors and book critics of the *USA Today* selected *Final Exit* as one of the 25 most memorable books of the last quarter century.

**1993**

• The Hemlock Society forms the Patients' Rights Organization-USA, a political action organization.

• The Netherlands codifies guidelines into laws, giving physicians permission to perform euthanasia without the fear of prosecution if they follow the guidelines.

**1994**

• January 24 – The Washington-based right-to-die group Compassion in Dying, a predecessor of today’s Compassion and Choices, joined by five doctors and three patients, files a lawsuit in the U.S. District Court for the Western District of Washington. They seek a court declaration that Washington State’s law against assisting in a suicide is unconstitutional as applied to prevent a terminally ill, imminently dying, competent adult from obtaining the assistance of a willing physician in his death. They argue that such PAD is within a zone of individual privacy protected by the due process and equal protection clauses of the constitution. The case is called *Compassion in Dying v. State of Washington*.

• May 3 - Ruling in *Compassion in Dying v. State of Washington*, U.S. District Judge Barbara J. Rothstein finds Washington’s statute against assisting in a suicide unconstitutional. The State of Washington appeals to the Ninth U.S. Circuit Court of Appeals.

• July 1 – An “anti-Kevorkian law” takes effect in Georgia. The sponsor says section 16-5-5(b) of the Georgia Statutes was enacted to keep “Dr. Kevorkian or someone like him” from “coming to Georgia.” In 2011 Final Exit Network will seek to have this law declared unconstitutional.

• July 20 – A group of physicians and patients led by Dr. Timothy Quill file suit in the United States District Court for the Southern District of New York, in Manhattan. They seek a court declaration that New York’s law against assisting in a suicide is unconstitutional on the same legal theories as those in the Washington State case. This case ultimately comes to be known as *Quill v. Vacco*.

• November 8 - Oregon voters pass Measure 16, the first physician aid-in-dying law in the world, by 51 percent to 49 percent. Opponents of aid in dying promptly bring a federal court lawsuit seeking to enjoin Measure 16 from being enforced, arguing that it is unconstitutional.

• December 7 - In the Oregon lawsuit, U.S. District Court Judge J. Michael Hogan enters a preliminary injunction that suspends Measure 16 from becoming effective pending further review.

• December 15 – A New York federal district judge rules against Dr. Quill and his co-plaintiffs, dismissing *Quill v. Vacco.* The plaintiffs appeal to the Second U.S. Circuit Court of Appeals.

**1995**

• March 9 – The Ninth U.S. Circuit Court of Appeals affirms Judge Rothstein’s decision in *Compassion in Dying v. State of Washington*, finding that Washington’s statute prohibiting assistance in suicide is unconstitutional to the extent that it interferes with the doctor-patient relationship when a physician seeks to assist a terminally ill, imminently dying, competent adult patient in his death. The State of Washington appeals this decision to the Supreme Court of the United States.

• May 15 - Dr. Jack Kevorkian is acquitted of charges that he violated the common law of Michigan by assisting in the deaths of Marjorie Wantz and Sherry Miller.

• August 7 - In Oregon, Judge Hogan declares Measure 16 unconstitutional, making the injunction permanent. This decision is appealed to the Ninth U.S. Circuit Court of Appeals.

• September 22 - In Australia, the first case of legally-assisted death occurs in Darwin under the new law of the Northern Territory, which became effective on July 1.

• November 13 - Janet Good, founder of The Hemlock Society of Michigan, is indicted for assisting a suicide, conspiring to assist a suicide (felonies punishable by 5 years in prison and $10,000 fine) and for practicing medicine without authorization and conspiring to practice medicine without authorization (felonies punishable by

4 years in prison). She had worked with Dr. Kevorkian in many hastened deaths. Her indictment is later dropped because of her deteriorating health. She is suffering from pancreatic cancer.

**1996**

• February 16 – The Hemlock Society files a lawsuit in Florida state court, seeking to establish a constitutional right to PAD. While this case makes the same arguments as plaintiffs made in the Washington and New York cases as to the federal constitution, it also argues that the privacy provision of Florida’s state constitution also secures the right to PAD to competent, terminally ill adults.

• April 2 – In *Quill v. Vacco*, the Second U.S. Circuit Court of Appeals reverses the New York trial court’s dismissal of Dr. Quill’s action. The appeals court rules that PAD is a right protected by the equal protection clause of the U.S. Constitution in that there is no logical difference between PAD and terminal sedation or other forms of death caused by the termination of artificial forms of life support. The State of New York appeals to the Supreme Court of the United States. This appeal is considered alongside the Washington case, which is now called *Washington v. Glucksberg.*

**1997**

• January 31 – In the Hemlock Society-sponsored Florida case, state court Judge Joe Davis rules that both the U.S. Constitution and the state Constitution of Florida guarantee the right to PAD to a terminally ill, imminently dying, competent adult. Judge Davis enjoins the state from punishing Dr. Cecil McIver for assisting the lone surviving patient, Charles Hall, in his death. The State appeals within an hour, thus invoking an automatic stay of the ruling, but Judge Lucy Brown immediately vacates the automatic stay. Thus, for two brief periods, Mr. Hall became the only person in America ever to have a right to legal PAD under a court’s order. He chose not to die at that time.

• February 27 - Concerning Oregon's Measure 16, a three-judge panel of the Ninth U.S. Circuit Court of Appeals unanimously rules that the lawsuit challenging the Oregon Death with Dignity Act must be dismissed because those who are challenging the law lack legal “standing,” which is to say, they cannot show that they themselves face an immediate threat of harm. In practical effect, this ruling means (as the supporters of the law had always argued) nobody would ever have legal standing to sue to have the law declared unconstitutional because the law does not affect anybody except those who voluntarily choose PAD under the law.

• March 24 - Australia's parliament overturns the Northern Territory law sanctioning euthanasia and assisted suicide. At issue, in addition to the "conscience vote" on euthanasia, is whether a territory has the right to pass such a law.

• June 26 – In *Washington v. Glucksberg* and *Quill v. Vacco,* the Supreme Court of the United States reverses the Ninth and Second U.S. Circuit Courts of Appeal, holding that there is no constitutional right to PAD. While the Constitution does not require the states to allow PAD, it does allow them to decide for themselves whether to legalize it or criminalize it, setting the stage for a state-by-state political battle over proposals to regulate PAD.

• July 17 – In *Krischer v. McIver,* the Supreme Court of Florida follows the decision of the Supreme Court of the United States in *Glucksberg* and *Quill*, but also rules that the privacy provision of the Florida constitution likewise does not guarantee a terminally ill, imminently dying, competent adult the right to PAD.

• August 26 – Janet Good, 73, a lifelong civil rights activist who founded the Hemlock Society of Michigan in her living room, dies an assisted death near Detroit. She had assisted Dr. Kevorkian for years. She is later played by Susan Sarandon in the HBO movie *You Don’t Know Jack.*

• October 14 - Supreme Court of the United States refuses to hear an appeal from the February 27, 1997 decision of the Ninth U.S. Circuit Court of Appeals in favor of Oregon’s Measure 16, thus ensuring that patients may finally receive physician aid-in-dying under the law’s provisions.

• November 4 - Oregon voters reject Measure 51, which would have repealed Measure 16, the Oregon Death with Dignity Act.

**1998**

• March 24 - Oregon records the first legal physician-assisted death under the state's Death with Dignity Act.

• June 5 - Attorney General Janet Reno says the Justice Department will not interfere with the Oregon law. Physicians are free to prescribe lethal drugs for qualified patients who request them without fear of penalty.

• November 22 - During an interview with Mike Wallace on CBS's "60 Minutes," Jack Kevorkian shows videotape of how he injected a lethal drug to bring about the death of 52-year-old Thomas Youk of suburban Detroit. Kevorkian invites the authorities to prosecute him.

• November 25 - The Oakland County, Michigan, prosecutor indicts Dr. Kevorkian on charges of first-degree murder, assisting a suicide in violation of the Michigan law and administering a controlled substance without a medical license. Kevorkian remains free without bail and says that if he is convicted he will starve himself to death in prison.

**1999**

• March 26 – Dr. Kevorkian is convicted of second-degree murder and delivery of a controlled substance. Sentenced to 10 to 25 years in prison, heis eligible for parole in May 2007

**2002**

• The Hemlock Society Board of Directors adopts a blueprint for a public advocacy campaign. The campaign is managed by the legislative committee and chaired by immediate past chair Fred Richardson of Portland, Maine. The campaign seeks to:

• Form a speakers' bureau;

• Revitalize local chapters and form new ones;

• Bring together a coalition of groups with strong representation in Washington, D.C.;

• Implement a bold legislative strategy seeking to prevent the federal government from taking choice away from the states and use the national effort to bring political credibility to this movement; and

• Increase membership in and donations to the organization.

**2003**

• July 21 - The Hemlock Society changes its name to End-of-Life Choices.

**2004**

• July 1 - End-of-Life Choices merges with Compassion in Dying to become Compassion & Choices. A large group of board members from End-of-Life Choices resigns in protest.

• September - That group of board members, combined with Derek Humphry and many other movement leaders, forms Final Exit Network(FEN). In 2004 FEN provided support – not any illegal form of “assistance” – in one member’s self-deliverance.

**2005**

• FEN provides its support services to 24 members across the country in their self-deliverance. The annual number continues to grow until the arrests of 2009.

**2007**

• June 1 - Dr. Jack Kevorkian is paroled from prison on the condition that he not assist in any more suicides. He had served eight years of a 10-to-25-year sentence.

**2009**

• February 25 – The Georgia Bureau of Investigation (GBI) launches an attack on FEN, using the racketeering law to claim that the Network is a criminal conspiracy. Four Network volunteers are arrested. Network funds in the amount of almost $325,000 are seized, along with another $10,000 in funds of the World Federation of Right to Die Societies. Key Network members’ homes are searched and records and computers seized. Internal GBI documents later revealed that the GBI intended to “dismantle” the Network on this date. The effort fails. FEN promptly regroups and begins an aggressive defense. In later years it becomes apparent that the GBI had never expected to have to prove their case at a trial.

• May 12 – A Phoenix, Arizona grand jury indicts four Network volunteers. Among them is the Network’s medical director, Dr. Lawrence Egbert, who had also been charged in the Atlanta case. The Arizona indictment thus brings to seven the number of Network volunteers facing charges. The four Arizona defendants surrender in Phoenix and are released on bail.

• October 7 – A Georgia judge rules that the Network was denied due process of law in the seizure of its funds, and therefore orders the funds released.

**2010**

• April 24 - *You Don’t Know* Jack, a made-for-TV movie, airs for the first time on HBO. Al Pacino wins an Emmy and a Golden Globe award for his quirky, but sympathetic portrayal Dr. Kevorkian. A decade after he shocked the world with his assistance in suicides, public opinion has changed. His portrayal in the movie and the public’s acceptance of it seem to suggest that he is regarded as a folk hero.

**•** December 9 – Acting at the Network’s behest, two Exit Guides and one Network member file an action in the United States District Court for the Northern District of Georgia alleging that the 1997 Georgia statute, the “anti-Kevorkian law,” is unconstitutional. They assert that the Georgia law infringes on their right to speak to one another and others about choices at the end of life. The federal court lawsuit is still under consideration.

**2011**

• April 4 – Trial begins in the Phoenix case with jury selection. Before trial, two defendants, Wye Hale-Rowe and Roberta Massey, had agreed to plead guilty to reduced charges and testify against the other defendants, Dr. Egbert and volunteer Exit Guide Frank Langsner.

• April 19 – The trial court judge in the Atlanta case denies the defendants’ motion to dismiss the indictment against them. The defendants immediately appeal this decision to the Supreme Court of Georgia, arguing that the Georgia statute against assisting in a suicide deprives them of their First Amendment rights.

• April 21 – The jury in the Phoenix trial finds Dr. Egbert not guilty and is unable to reach a verdict in the case against Langsner, thus causing a mistrial. The State later announces that it will retry Langsner, but instead later enters into a plea bargain to let him plead guilty to a minor charge, as had Hale-Rowe and Massey. All three are sentenced to a year on probation. None admitted to “assisting in a suicide.”

• June 3 – Dr. Jacob “Jack” Kevorkian dies (of natural causes, without assistance) at the age of 83.

• November 7 – Oral argument is conducted in the Supreme Court of Georgia on the FEN defendants’ appeal. The case will probably be under consideration well into 2012.

**2012**

• The Network is operating and serving members.

Revised December 2, 2011**FINAL EXIT TRA1N1NG EVALUATION**

Thank you for participating in the Exit Guide Training. Your opinion is important to us as we plan for future sessions. Discussing end-of-life issues evokes strong feelings and while your impressions are fresh in your mind, we would like your help by answering a few questions.

I. How would you rate the application for exit guide training and the instructions for attending the training session? *(Please circle one)*

Excellent Above average Average Fair Poor

5 4 3 2 1

Do you have any suggestions for improvement? *(Continue on back, if necessary)*

2. How would you rate the exit guide information presented?

Excellent Above average Average Fair Poor

5 4 3 2 1

Do you have any suggestions for improvement?

3. How would you rate the instructors? Any individuals particularly good or not?

Excellent Above average Average Fair Poor

5 4 3 2 1

Do you have any suggestions for improvement?

4. How would you rate the handout materials?

Excellent Above average Average Fair Poor

5 4 3 2 1

Do you have any suggestions fur improvement?

5. How would you rate the facilities?

Excellent Above average Average Fair Poor

5 4 3 2 1

*Continued on second page)*

6. How would you rate the length of the training?

Much too long Too long Just right Too short Much too short

5 4 3 2 1

7. Were there subjects you expected to hear about that were not covered?

Yes No If yes, what were they?

8. Were there subjects covered that you thought were unnecessary?

Yes No If yes, what were they?

9. What did you like most about the training?

10. What did you like least about the training?

11. Were you able to get all of your questions answered?

Yes No If no, what were they?

12. Are you willing to serve as an Exit guide? \_\_\_\_Yes \_\_\_ No

Other Comments or suggestions:

Name (Optional)