

Origins and History of the Deadly Living Will and Its Sequel, Assisted Suicide

Healthcare Advocacy and Leadership Organization (HALO)

www.halorganization.com

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In 1938, the Euthanasia Society of America (ESA) was founded in New York. In 1939, ESA proposed legislation for "voluntary" euthanasia. According to attorney Charles Nixdorff, treasurer, "the society hoped eventually to legalize the putting to death of non-volunteers beyond the help of medical science." (*New York Times*, 1/27/1939:21) ESA's president, Dr. Foster Kennedy, a neurologist, speaking before the Society of Medical Jurisprudence at the Academy of Medicine, urged legalizing euthanasia "primarily in cases of born defectives who are doomed to remain defective." (*New York Times*, 2/14/1939) These statements reveal the perpetual goal of the "right to die" movement: the legalization of the "right to kill" persons who are deemed "defective" with or without their consent.

After numerous unsuccessful attempts to legalize euthanasia, ESA leaders realized that they must first change the mindset of our nation.

GLOSSARY

ESA: Euthanasia Society of America. Later names were **SRD:** Society for the Right to Die; Choice in Dying; **PFC:** Partnership for Caring; Last Acts Partnership

EEC: Euthanasia Educational Council (arm of ESA). Later names were **CFD:** Concern for Dying; Choice in Dying

AAHS: Americans Against Human Suffering. Later named Americans for Death with Dignity

CID: Compassion in Dying Federation. Now called **C&C:** Compassion & Choices.

HS: Hemlock Society. Later named End-of-Life Choices. Now called **C&C** (after uniting with CID).

Disgruntled former HS members founded **FEN:** Final Exit Network.

DDNC: Death with Dignity National Center

NHPCO: National Hospice and Palliative Care Organization

AAHPM: American Academy of Hospice and Palliative Medicine

ABBREVIATED TERMS

LW: Living Will

PAS: Physician-Assisted Suicide

MAID: Medical Aid in Dying (one of several deceptive terms for **PAS**)

DWD: Death with Dignity

1966

- A highly influential figure in medical ethics and key player in the development of the “right to die” movement, Dr. Joseph Fletcher, publishes *Situation Ethics*, a book that earns him the moniker “Father of Situation Ethics.” Fletcher and his wife were friends of Margaret Sanger and had helped her establish the Planned Parenthood Federation. His 1991 obituary in the *New York Times* stated, “In 1954, he published ‘Morals and Medicine’, arguing the case for active euthanasia, for telling the truth to dying patients, for artificial insemination and for sterilization of those judged unfit for parenthood. The book stirred debates, many still unresolved, that shaped the field of medical ethics.”

1967

- **The Euthanasia Society of America** launches a massive educational campaign, establishing the **Euthanasia Educational Council** and introducing the **Living Will** as a tool to promote discussion and legalization of euthanasia.

1973

- The first state **LW**-type legislation fails in Florida thanks to strong opposition from advocates for Down syndrome children and the FL Catholic Conference. Rep. Walter S. Sackett, MD, introduced the bill as a cost-saving measure that would save billions of dollars "if the state's mongoloids [referring to people with Down syndrome] were permitted to succumb to pneumonia."

1974

- Joseph Fletcher becomes the president of **ESA** and serves for the next two years. His mantra, as reported by the *American Journal of Nursing* in 1973, was: “What has taken place in birth control is equally important in death control.”

1975

- Under Fletcher’s leadership, **ESA** changes its image by changing its name to the **Society for the Right to Die**, expunging "euthanasia" (a reminder of the Nazi killing program) from its name while also proclaiming a new “right.”

1976

- **SRD**’s first success: the California "Natural Death Act," a **LW** law, passes. THE “CHOICE” TO REFUSE MEDICAL TREATMENT FOR THE EXPRESS PURPOSE OF CAUSING DEATH IS NOW LEGAL IN ONE STATE.
- The first “right to die” suit (supported by **SRD**) is filed in New Jersey. The court, basing its decision on the "right to privacy" (the “right” upon which the 1973 U.S. Supreme Court overturned all state laws restricting abortion), permits Karen Ann Quinlan’s ventilator to be removed. 21-year-old Karen had been diagnosed to be in a persistent vegetative state. She unexpectedly lives for more than nine years after her ventilator is removed, requiring only ordinary care, including tube-feeding.

1979

- The **EEC** changes its name to **Concern for Dying** and splits from **SRD**.

1980

- British journalist, Derek Humphry, immigrates to the U.S. and founds the **Hemlock Society** in California to promote death-on-demand without restrictions. (In 1975, Humphry, according to his own report, "aided" his first wife to kill herself by poisoning her coffee and later wrote *Jean's Way*, a book recounting her "suicide.") Note: **HS** was named after the poison Hemlock used in ancient Athens for executions (e.g., the death of Socrates) and state-approved suicides.
- "Dear Abby" champions the "right to die" by promoting the **LW** in her advice column. **SRD** credits her for an avalanche of requests for the document.

1984

- 22 states and Washington, D.C. have adopted **LW** laws and the push is on.
- At the World Federation of Right to Die Societies meeting, Australian bioethicist Helga Kuhse explains the strategy of the world-wide euthanasia movement: "If we can get people to accept the removal of all treatment and care, **especially the removal of food and fluids**, they will see what a painful way this is to die, and then, in the patient's best interest, they will accept the lethal injection." (Emphasis added.)

1986

- At a conference titled "A New Ethic for the New Medicine," the American Medical Association's Council on Ethical and Judicial Affairs endorses causing death by starvation and dehydration, issuing this policy: "Even if death is not imminent, but a patient's coma is beyond doubt irreversible, ...it is not unethical to discontinue all means of life-prolonging medical treatment [including] medication and artificially or technologically supplied respiration, nutrition and hydration."
- **HS** forms **Americans Against Human Suffering** to seek legalization of "physician-aid-in-dying" (medical homicide by lethal injection or orally ingested drug overdose).

1987

- 32-year-old Nancy Ellen Jobes dies from dehydration at her parents' request. Even though two neurologists agreed that she was aware, responsive and purposeful, the New Jersey Supreme Court upheld lower court decisions that family members may refuse medical care *without* clear evidence of a patient's wishes. **SRD** participates in this and all early "right to die" court cases.
- In his book *Setting Limits*, Daniel Callahan, director of the Hastings Center (a bioethical think tank), proposes rationing medical treatment after a certain (unspecified) age. This is consistent with previous statements, such as, "Given the increasingly large pool of super-annuated, chronically ill, physically marginalized elderly, [denial of food and water] could well become the non-treatment of choice..." (*The Hastings Center Report*, 10/83:22)

- Dr. Otis Bowen, Secretary of Health and Human Services, testifies before the Senate Finance Committee that one way to attack the problem of rising healthcare expenditures is to encourage Americans to sign **LWs** refusing treatment. There is a steady movement toward less concern for providing the best medical care and more concern for cost containment.

1988

- **AAHS** fails to gather enough signatures to place its "physician-aid-in-dying" initiative on the CA ballot. Humphry calls the effort "a valuable dress rehearsal."
- The American Association of Retired Persons (AARP) is congratulated by **HS** of Illinois for publishing an article promoting **HS**, **SRD**, and **CFD**. (*Modern Maturity*, June-July 1988)

1989

- **HS** moves its headquarters to Oregon, planning to eventually place a **physician-assisted suicide** initiative on the OR ballot.
- Medical journals and popular media increasingly give favorable treatment to assisted suicide and euthanasia, setting the stage for acceptance of medically imposed death by the medical profession and society at large.

1990

- In Michigan, unemployed pathologist Jack Kevorkian ("Dr. Death") hooks Janet Adkins to his "self-execution machine." His first known victim, Adkins, was a 54-year-old Oregon woman in an early stage of Alzheimer's disease who had bested her son at tennis a week prior to being killed by Kevorkian. Criminal charges against Kevorkian are dropped, but a judge orders him not to use the machine again. Nevertheless, he goes on a killing spree. By his own admission, the body count of his victims numbers at least 130 before he is stopped. (See 1999.)
- The U.S. Supreme Court, in its first "right to die" case, *Cruzan v. Missouri Department of Health*, upholds Missouri's requirement that there be "clear and convincing evidence" of an incompetent patient's wishes. Nevertheless, 33-year-old Nancy Cruzan is starved and dehydrated to death after a lower court finds new evidence — an alleged conversation she had 12 years prior — to be "clear and convincing evidence" that she would refuse food and fluids if she could speak for herself.
- The **Patient Self-Determination Act** (federal law forcing healthcare providers to promote **LWs**) is enacted as part of the 1990 budget reconciliation bill. Effective in 1991, everyone being admitted to a healthcare facility is offered a **LW** to sign if they haven't already executed an advance directive. (Cost-containment is the primary motive for the PSDA's passage. **LWs** are designed to ensure that sick people die quickly. Dead people don't need costly medical care. [See 1987].)

IMPORTANT: If you have a Living Will or other advance directive for healthcare that is not specifically life-affirming, HALO advises you to destroy it. Replace it with a document designed to protect your right to life and to lifesaving and life-sustaining medical treatment and care. For

information about the medical directives HALO recommends, click on this link: <https://halorganization.com/pdf/LAMP.pdf>. The Life-Affirming Medical Proxy (LAMP) document is available for download there.

What is the LAMP document? It is a healthcare advance directive that enables you to appoint someone you trust – a proxy – to make health care decisions for you, in accord with life-affirming principles and your express wishes, in the event you become permanently or temporarily incapable of speaking for yourself.

Is the LAMP preferable to a Living Will? Absolutely yes. By executing a LAMP, you ensure that the person with authority to make medical decisions for you is a carefully chosen family member or friend familiar with your principles and wishes and capable of firmly protecting your best interests. Furthermore, your proxy will make decisions based on your current medical situation. A Living Will, on the other hand, is an advance directive in which a person gives health care providers, who may be unfamiliar to the person, authority to withhold or withdraw medical treatment and even ordinary care, such as tube-feeding, in future, unforeseeable circumstances. This is dangerous. Medical decisions—whether to accept or refuse treatment—should always be based on current information.

1991

- Lending an air of legitimacy to **PAS**, the influential *New England Journal of Medicine* publishes Dr. Timothy Quill's article detailing how he assisted the suicide of a 45-year-old woman with leukemia. He would be held neither legally nor ethically responsible.
- D. Humphry's *Final Exit* (how to commit suicide manual) hits the *New York Times* best seller list. This book is subsequently found next to the bodies of suicide victims.
- Washington voters reject the **Death with Dignity** (assisted suicide) initiative placed on the ballot by the WA State Chapter of **HS**, led by Ralph Mero. Note: The infamous Ralph Mero also led the 1970 initiative effort that liberalized abortion law in WA.
- **Choice in Dying** forms by re-merging **SRD** and **CFD**. It promotes "end-of-life choices" through education (heavily focused on influencing the ethics of doctors and nurses) and distribution of **LW** documents.

1992

- **Americans for Death with Dignity** (formerly **Americans Against Human Suffering**) tries again in California, collecting enough signatures to put a **PAS** initiative on the ballot. Voters reject it. Note: **AAHS** changed its name because being "for...dignity" is more positive sounding than being "against...suffering."

1993

- Dr. Ezekiel Emanuel, a future architect of Obamacare, wrote in the *American Journal of Medicine*: "...increasingly it will be our collective determination as to what lives are worth living that will decide how incompetent patients are treated. We need to begin to

articulate and justify these collective determinations.” [AJM, January 1993, Vol. 94, p. 115]

- **Compassion in Dying Federation**, an **HS** spin-off, is founded in WA State to counsel the terminally ill and help them "with personal assistance, if necessary, to intentionally hasten death." Ralph Mero is **CID**'s first executive director and president.

1994

- George Soros' Open Society Institute creates the Project on Death in America (PDIA) "to help transform the experience of dying in the United States." In the future, billionaire change-agent Soros will heftily bankroll "right to die" groups.
- The Oregon **DWD** Act is narrowly approved by voters. Legal challenges ensue, blocking this **PAS** measure from taking effect.
- The **Death with Dignity National Center** is established to replicate the Oregon **DWD** law in other states.
- Every state now has some type of advance directive—**LW** and/or Durable Power of Attorney for Health Care (medical proxy)—law.

1996

- After Jack Kevorkian assists the suicides of two women with non-terminal disabilities and is acquitted, disability activists form NOT DEAD YET. NDY makes news by picketing Kevorkian's home and conducting a sit-in at the Denver **HS** office. Disability rights groups' energetic opposition to assisted suicide becomes a "thorn in the side" of assisted suicide advocates.
- Attorney Barbara Coombs Lee replaces Mero at the helm of **CID**. She had helped draft, promote, and defend the Oregon **PAS** law (**DWD** Act). Under her, **CID** becomes a well-funded national organization.

1997

- President Clinton signs the "Assisted Suicide Funding Restriction Act" prohibiting federal funds from paying for or promoting assisted suicide.
- The U.S. Supreme Court unanimously upholds the right of states to prohibit **PAS**. This decision overturns the 9th Circuit Court of Appeals ruling that Washington State's law prohibiting assisted suicide is unconstitutional. **CID** had initiated the challenge to laws forbidding **PAS**.
- After wending its way through court challenges and another popular vote, Oregon's **DWD** Act takes effect. Doctors begin to write prescriptions for suicide. ASSISTED SUICIDE IS NOW LEGAL IN ONE STATE.
- **Last Acts**, a coalition funded by the Robert Wood Johnson Foundation, was formed to "improve care" at the end of life. ("Improve care" is often code for "hasten death.")

1999

- Kevorkian (now a media celebrity) is convicted on one count of second-degree murder. He had videotaped himself injecting lethal drugs into Thomas Youk, a man with ALS (Lou

Gehrig's disease). CBS "60 Minutes" aired the video in 1998. It was used in court as evidence against Kevorkian. He would serve only eight and a half years of his 10-25 year prison sentence.

- **Choice in Dying** rebrands itself as **Partnership for Caring**. **PFC** manages **Last Acts**.

2000

- In January, Florida judge George Greer rules that Michael Schiavo may order the withdrawal of all food and fluids from Theresa (Terri) Schindler-Schiavo, his permanently brain-damaged wife. Michael claimed that she wouldn't want to be kept on life support, but Terri's only "life-support" is a feeding tube without which she will die a slow, cruel death by starvation and dehydration. Her parents and siblings fight to save her life, protesting that they want to care for her for the rest of her life.

2003

- **HS** starts **End-of-Life Choices**, a political action committee centered in Denver.
- In a dramatic turn of events, on 10/21, the FL legislature enacts "Terri's law," permitting Gov. Jeb Bush to order Terri Schiavo's feeding tube reinserted after six days without food and water.
- In the 2003 *Report of Activities of the Project on Death in America*, George Soros contributes an essay, "Reflections on Death in America," in which he expresses admiration for his mother having "joined the Hemlock Society."

2004

- Pope John Paul II declares that providing patients in "vegetative" states with tube-administered food and fluids is "morally obligatory," and that no judgment on their quality of life could justify "euthanasia by omission." JP II also states, "A man, even if seriously ill or disabled in the exercise of his highest functions, is and always will be a man, and he will never become a 'vegetable' or an 'animal.'" (Address to the International Congress on "Life-Sustaining Treatments and Vegetative State," 3/20/04)
- On 5/6, a judge declares "Terri's Law" unconstitutional. Gov. Bush appeals and receives a stay while the ruling is reviewed.
- **Final Exit Network** is founded by disgruntled members of **HS** and **End-of-Life Choices**, including **HS** founder Derek Humphry. **FEN's** "exit guides" counsel people on how to end their lives with helium and plastic bags and attend suicides.
- **Last Acts Partnership** (a name resulting from the merger of **PFC** and **Last Acts** in December 2003)—whose roots trace back 66 years to the **ESA**—ceases operations. Its assets and some of its personnel go to the **National Hospice and Palliative Care Organization**. Note: The vice chair of **PFC's** board of directors and its director of National Policy, Donald Schumacher, subsequently becomes the president and CEO of the **NHPCO**. HOSPICE AND PALLIATIVE CARE MEDICINE HAS BEEN INFILTRATED BY THE MOVEMENT TO LEGALIZE EUTHANASIA AND ASSISTED SUICIDE.

2005

- On 3/31, Terri Schiavo’s life is ended by dehydration in a Florida hospice after all efforts by her family, numerous physicians, disability rights groups, pro-life organizations, concerned citizens, the Legislature and Governor of FL, the U.S. President and Congress fail to halt Judge Greer’s order that Terri be denied all food and water until dead.
- **Compassion in Dying** and **End-of-Life Choices** (formerly the **Hemlock Society**) merge to form **Compassion & Choices**, self-described as “working to improve care and expand choice at the end of life.” **C&C** facilitates assisted suicides and, with the **DDNC**, works tirelessly to legalize **PAS** throughout the U.S.
- The deceptively named “Compassionate Choices Act” is introduced in the CA legislature, but support for **PAS** is lacking in both the Assembly and the Senate. Facing defeat, **Californians for Compassionate Choices** blame media for using the “negative” term “assisted suicide” to describe their bill and urge the media to use “more neutral” terms such as “death with dignity,” “right to die” and “end of life choices.” (*Californians for Compassionate Choices Press Kit*, 9/28/05)

2007

- The **American Academy of Hospice and Palliative Medicine** takes “a position of studied neutrality” regarding **PAS**. In 2016, **AAHPM** will reaffirm this position, but will omit the word “suicide,” rebranding **PAS** as **PAD**, the acronym for **physician-assisted dying**. (AAHPM, June 24, 2016.) Note: Neutrality gives the green light to **PAS** as surely as support does. **C&C** celebrates when medical societies adopt either a neutral or supportive stance because this creates the illusion that assisted suicide is a legitimate medical treatment and melts the resistance of legislators.

2008

- On 11/4, (14 years after Oregon) Washington becomes the second state to legalize **PAS**, with 59% voter approval of the deceptively named “Death with Dignity Act.”
- On 12/5, Montana District Judge Dorothy McCarter rules in *Baxter v. Montana* that “the Montana constitutional rights of individual privacy and human dignity, taken together, encompass the right of a competent terminally [ill] patient to die with dignity.” **C&C**, whose legal counsel presented arguments in the case, claims another victory.

2009

- On appeal, the Montana Supreme Court does not uphold McCarter’s ruling that **PAS** is a constitutional right but does find that patient consent can be a defense for a physician charged with assisted suicide.

2010

- **C&C** receives \$1 million from the Soros American Foundations and is listed as one of its “top 75 grantees.” (“Selling suicide with George Soros’ money,” Anne Hendershott, www.washingtonexaminer.com, 4/4/2013)

- At a conference in Chicago called "Heights of Compassion: Bridges to Choice" (funded with millions of Soros dollars) advocates for **PAS** and promoters of palliative care hold joint meetings to “find common ground.” (Ibid.)

2013

- Capital Research reports that, to date, Soros philanthropies have given **C&C** \$7,027,000 and have also given funds to the **DDNC**.
(https://capitalresearch.org/article/suicide_lobby/)
- The **AAHPM** includes Dr. Timothy Quill (see 1991), an Oregon **DDNC** board member, on its list of “Hospice and Palliative Care Visionaries.” It is frightening to imagine what “vision” the AAHPM has for hospice and palliative care.

2013 -2018

- The assisted suicide train seems to be picking up speed. Four more states and Washington, D.C. enact laws legalizing **PAS**: Vermont (2013), California (2015), Colorado (2016), Washington, D.C. (2016), Hawaii (2018).

2019

- New Jersey and Maine become the 7th and 8th states to legalize assisted suicide.
- In Montana, assisted suicide is governed by the MT Supreme Court decision *Baxter v. State* (see 2009). Some doctors are claiming they have assisted suicides in MT. After many failed attempts to clarify the law, **PAS** now has *de facto* legality in that state.
(<https://newsletter.halorganization.com/2019/06/in-oregon-other-suicides-have-increased.html>)
- In March, the Trump Administration releases its 2020 budget which would prohibit the use of funds to carry out D.C.’s **DWD** law. **C&C**, in a fundraising letter, lamented that this would “embolden opponents of medical aid in dying to consider seeking a nationwide ban on the practice.” Medical Aid in dying (**MAID**) is **C&C**’s deceptive tag for **PAS**.
- On 6/10 the American Medical Association votes 65-35 to retain its longstanding opposition to **PAS** because it is “fundamentally incompatible with the physician’s role as healer, would be difficult or impossible to control, and would pose serious societal risks.” This is a TREMENDOUS VICTORY FOR LIFE!

Almost every group that promotes the “right to die” sprang from the Euthanasia Society of America and the Hemlock Society—deadly accurate names. Don’t be deceived by the kinder, gentler names they’ve adopted over the years. They use words like compassion, rights, choice, dignity, etc. that appeal to emotions and mask the truth. Regardless of how it is dressed up, deliberately ending any person’s life for any reason and by any method is killing. Once a society permits certain people to be killed, where will that dark path lead?

The “right to die” movement started picking up steam when the **Living Will** was promoted as a tool to allow people to “choose” to refuse unwanted medical treatment. That was a lie. We already had that right. What we did not have was a right to ask our healthcare providers to

cause our deaths while keeping us “comfortable” or the right to end the lives of those who are inconvenient. The intention of euthanasia and assisted suicide promoters is and always has been to legalize killing people whom they deem “defective,” “unproductive,” or “lives not worth living”—with or without their consent.

In the last 30 years, there have been hundreds of attempts to legalize **PAS** in various states. The vast majority of these bills and initiative efforts have failed. Furthermore, in the last ten years, at least nine states have strengthened their laws against assisted suicide/euthanasia. They are Alabama, Arizona, Georgia, Idaho, Louisiana, New Mexico, Ohio, South Dakota and Utah. Citing these states as examples, we must contact every legislator in every state, urging them to enact laws that define assisted suicide and euthanasia as homicide, with stiff penalties for transgressors of the law. Currently, we seem to have an ally in the White House. NOW is an opportune time for an all-out assault on **PAS** and euthanasia.

Let’s fulfill **C&C**’s fear that we will be emboldened to seek a national ban on **PAS** and euthanasia. If we all work together, we can derail **C&C** and company and, thereby, protect many lives.