

# END-*of*-LIFE CHOICES

Dignity ♦ Compassion ♦ Control

NEW JERSEY NEWS  
APRIL 2004



## MISSION

To maximize the options for a good death, including legal physician aid in dying for terminally ill, mentally competent adults who request it, under careful safeguards.

*End-of-Life Choices was founded in 1980 with two goals: to change the law to permit physicians to help suffering people end their lives under careful safeguards and to educate people about planning for a peaceful death.*

## PRESIDENT'S MESSAGE

You may have noted a recent opinion of the United States Court of Appeals for the Ninth Circuit. That decision was *Raich v. Ashcroft* (2003 WL 22962231, decided December 16, 2003).

*Raich* involved the question of whether Congress could constitutionally outlaw California intrastate growth and use of marijuana for medicinal purposes. The Ninth Circuit ruled that the plaintiffs had demonstrated a strong likelihood of ultimately convincing the court that such legislation exceeded the powers of Congress under the Commerce Clause of the United States Constitution. Accordingly, the Ninth Circuit instructed the United States District Court for the Northern District of California to enjoin the federal government from prosecuting persons involved with the intrastate growth and use of medicinal marijuana.

The *Raich* decision has strong relevance for end-of-life choices. As most members know, Oregon voters have legalized self-deliverance, under stringent and tightly controlled conditions. United States Attorney General John Ashcroft is fully aware of the results of that Oregon election. In response, Ashcroft has threatened to revoke the licenses of participating physicians to dispense pharmaceuticals. He has based his attack, in part, upon government regulation of the practice of medicine.

Nothing in the United States Constitution authorizes the federal government to regulate the practice of medicine. But the Constitution does authorize the federal government to regulate interstate commerce. And it is this Interstate Commerce Clause upon which, in large part, Ashcroft has hung his hat.

Principles of federalism require our federal government to limit its governing to matters ceded by the States. The practice of medicine is not one of those matters. Neither are decisions concerning self-deliverance. *Raich*, applied to the issue of self-deliverance, will help pave the way for physicians and their patients to tell the federal government to mind its own business.

The struggle for the right of self-deliverance is frustrating. Progress comes slowly. It has well-organized and monied opponents. But it is a just struggle. Those who battle for the right of self-deliverance will ultimately prevail. *Raich* is a significant step in that direction.

## PROPOSED MERGER

At the March board meeting, President Allan Marain announced that End-of-Life Choices and Compassion in Dying are exploring the feasibility of a merger. The Compassion in Dying Federation is another death with dignity group based in Portland, OR. Compassion also stresses equal concern for end-of-life care, fighting for better symptom and pain management in the terminally ill. The prospect of such a merger is very exciting, as both groups share the goal that at the end of life we must have the



President Allan Marain  
Allan@HemlockNJ.org

legal option of physician-assisted suicide. Compassion's membership of 1100 added to Choices' membership of approximately 34,000 would make our national voice that much louder.

National is hosting a "Design Team" meeting of chapter leaders nationwide from both Choices and Compassion to discuss pros and cons of the merger. They will meet in Glendale, CO, outside of Denver, in the new End-of-Life Choices offices on June 18, 19, and 20. President Marain will represent Choices-NJ.

## **ARTHUR HAUSKER LAUDED**

At the January 25 board meeting, Art Hausker's resignation as chapter treasurer was announced. The board expressed its thanks to Art for his many years of service to the chapter in this position. He remains as chapter secretary.

## **NEW TREASURER APPOINTED**

Joan Miller of Basking Ridge was elected at the January 25 board meeting to replace Art Hausker as chapter treasurer. Joan has been an accountant for 30 years. She is Controller for Office Solutions, Inc., in Warren and has acted as treasurer in other volunteer activities, making her an ideal successor to Art.

## **NEW BOARD APPOINTMENT**

At the March 28 board meeting, Howard Wineberg of Old Bridge was elected to the board of trustees. He will fill the role of speaker coordinator in addition to being one of our speakers. We are fortunate to have Howard in our ranks; he is a former Oregon resident and is a college lecturer, having taught a course in physician-assisted suicide at Portland State University. He now teaches sociology at Rutgers University in New Brunswick.

## **CHOICES SPEAKS OUT!**

We are seeing an increasing number of requests for speakers. If you heard Dr. Harry Zutz address the Humanists of New Jersey at Fair Lawn, you were no doubt fascinated by the account of his personal evolution as a physician trained only to heal to one who has come to realize that physician-assisted suicide should have its place in our society. Dr. Zutz, a retired anesthesiologist who remains active on hospital and hospice boards, said that very few medical schools require courses pertaining to death and dying and that he personally has found post-discharge palliative care to be unsatisfactory. In the face of technological advances that keep patients alive longer, Dr. Zutz said that physicians adhere to anachronistic beliefs in treating terminal illnesses. In his words, "We sustain life but prolong the dying process."

With the AMA opposed to physician-assisted suicide, medical professionals like Dr. Zutz who believe that we are entitled to legal medical alternatives at the end of life are invaluable in helping us reach and educate other medical practitioners in the Choices philosophy. We are indebted to Dr. Zutz for his willingness to act on our behalf.

In addition to Dr. Zutz and Howard Wineberg, we are pleased to welcome Larrimer Bonwick of Waldwick to our Speakers' Bureau. Larry is a retired electrical engineer and consultant who has lectured extensively on engineering topics. He is deeply dedicated to the Choices philosophy and looks forward to using his lecturing and teaching experience to educate others about our goals.

## **Upcoming Speaking Engagements**

**April 13, New Brunswick:** Larry Bonwick will address Howard Wineberg's sociology class. It is uncertain that the newsletter will have reached anyone by then, but if do you receive yours in time, a few spaces in class are available for anyone who wants to attend. To reserve a space and for directions, call Howard Wineberg at (732) 679-7869 or e-mail him at winebergh@hotmail.com.

**April 22, Princeton:** Dr. Harry Zutz will address the Practitioners Exchange, a group of alternative and holistic health care practitioners. His topic is "Choices At the End of Life: Compassion, Control, and Dignity." The meeting is closed to the public.

**June 23, Bridgewater:** Howard Wineberg and possibly Allan Marain will address the New Jersey Humanist Network at its monthly meeting at 7 PM at the Bridgewater Library, 1 Vogt Drive, Bridgewater, NJ 08807. The presentation will include a discussion of Oregon's Death with Dignity Act, physician-assisted suicide, and Choices. Choices members and their guests may attend. For more information, contact Howard Wineberg at (732) 679-7869 or e-mail winebergh@hotmail.com.

## **CALLING ALL RETIREES**

Do you live in an adult community? Does it have a place for us to reach your neighbors by presenting a Choices program? Many such developments have an auditorium or other hall available. There is a very good chance that many of your neighbors share your wishes for options at the end of life but are unaware of our organization's existence or efforts. They may welcome information about advance directives and durable powers of attorney, Caring Friends, and other resources that Choices can make known to them. Help us and them by simply determining the availability of a meeting place. Phone Howard Wineberg at (732) 679-7869 or e-mail winebergh@hotmail.com with information about your community's ability to accommodate a Choices program.

## MORE HELP NEEDED

The following positions are in need of volunteers:

**Webmaster**—We need a computer/design wizard to maintain our Web site.

**Publicity**—We need someone or a committee who can put together press releases, community calendar entries, and newspaper advertising to promote Choices programs open to the public.

**Speakers**—If you enjoy speaking to groups, we need you. We can provide a sample speech as a guide, but your finished speech must be tailored to reflect your own perspective regarding Choices.

If you are interested in any of these positions, come to the May 2 board meeting in Maplewood at 1 PM or call President Allan Marain at (732) 828-2020.

## CASE UPDATE

### Dr. Jack Kevorkian

A Michigan parole board failed to recommend to the governor a commutation of Dr. Kevorkian's sentence and a judge in District Federal Court in Detroit ruled that Kevorkian's trial was not flawed. Dr. Kevorkian is now waiting to learn whether the Sixth Circuit Court of Appeals in Cincinnati will hear his appeal. Kevorkian was convicted of murder in 1999 for injecting a lethal dose of barbiturates into Thomas Youk, an ALS patient who had requested his help. Youk's widow and his brother were not allowed to testify until the end of the trial. Dr. Kevorkian is serving a sentence of 10 to 25 years in prison and is not eligible for parole until 2007.

## END-OF-LIFE CHOICES WALLET CARDS

We have a supply of business cards from the national office if you would like to carry a few in your wallet in case you find yourself in a conversation about End-of-Life Choices with friends or relatives and they express an interest in the organization. The cards contain the End-of-Life Choices logo with the tagline "Dignity, Compassion, Control." Included is the national office's address, phone number, fax number, and Web site address. If you would like to have a few of the cards, e-mail [Roberta@HemlockNJ.org](mailto:Roberta@HemlockNJ.org) or call (856) 429-8247.

## E-MAIL REMINDERS

Misplace your newsletter and not able to remember the dates of upcoming chapter events? Want a reminder a week or two in advance and again a day or two before a meeting or other event? Send your e-mail address to the editor at [Roberta@HemlockNJ.org](mailto:Roberta@HemlockNJ.org) to be included in the new e-mail reminder service.

## MEMBERSHIP APPLICATION

On the back page of this newsletter you will find an application for membership in End-of-Life Choices. If you know of someone who might join the organization, please give him or her the application form. Help our movement grow!

## DIRECTIONS TO MAY BOARD MEETING

Sunday, May 2, 1 PM, at the Ethical Culture Society, 516 Prospect Street, Maplewood, NJ 07040

### From North Jersey:

Take the Garden State Parkway South to I-78 West. Take Exit 49 North (Springfield Avenue, Route 124). Take the first left (use jughandle) onto Valley Street and follow it for approximately 2 miles to Parker Avenue. Turn right onto Parker and follow it to Prospect Street (2nd left). The Ethical Culture Society is one-half block up Prospect Street.

### From Northwest Jersey:

Take I-78 East to Exit 49 North (Springfield Avenue, Route 124). Take the first left (use jughandle) onto Valley Street and follow it for approximately 2 miles to Parker Avenue. Turn right onto Parker and follow it to Prospect Street (2nd left). The Ethical Culture Society is one-half block up Prospect Street.

### From South Jersey:

Take the New Jersey Turnpike North to Exit 11 (Garden State Parkway). Take the Parkway North to I-78 West. Take Exit 49 North (Springfield Avenue, Route 124). Take the first left (use jughandle) onto Valley Street and follow it for approximately 2 miles to Parker Avenue. Turn right onto Parker and follow it to Prospect Street (2nd left). The Ethical Culture Society is one-half block up Prospect Street.

For further information, contact Rosalie Sussman at (973) 763-3819.

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## MANY THANKS

A warm thank you Bob and Diane Levine for their wonderful hospitality at the January board meeting in their home in Princeton.

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*Visit our Web sites at*

[www.endoflifechoices.org](http://www.endoflifechoices.org)

[www.endoflifechoicesnj.org](http://www.endoflifechoicesnj.org)

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## YES, I want to join End-of-Life Choices!

I understand that this automatically includes state membership privileges in End-of-Life Choices of New Jersey, Inc. Please make check payable to End-of-Life Choices.

As a member, I'll receive *End-of-Life Choices* and *New Jersey News*.

**ANNUAL CONTRIBUTION (dues are not tax-deductible)**

\$35 Single     \$43 Couple     \$350 Life Member     \$430 Life Couple

Here's an extra donation to the Hemlock Foundation (tax-deductible)

Here's an extra donation to End-of-Life Choices of New Jersey, Inc. (tax-deductible)

Name \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ ZIP \_\_\_\_\_

MAIL TO: End-of-Life Choices, PO Box 101810, Denver, CO 80250-1810  
Or PHONE: (800) 247-7421 (Visa or MasterCard Accepted)