

# History of the Right to Die Movement

1906

- The first euthanasia bill is drafted in Ohio. It fails.

1938

- The Euthanasia Society of America is founded.

1958

- Oxford law professor Glanville Williams publishes *The Sanctity of Life and the Criminal Law*, proposing that voluntary euthanasia be allowed for competent, terminally ill patients.
- Lael Wertebaker publishes *Death of a Man* describing how she helped her husband commit suicide. It is the first book in this genre.

1967

- The first living will is written by attorney Louis Kutner and his arguments for it appear in the Indiana Law Journal.
- A right to die bill is introduced by Dr. Walter W. Sackett in Florida's legislature. It fails.

1969

- Voluntary euthanasia bill introduced in the Idaho legislation. It fails.
- Elizabeth Kubler-Ross publishes *On Death and Dying*, a seminal publication that helps open the discussion of the taboo subject of death.

1976

- The New Jersey Supreme Court allows Karen Ann Quinlan's parents to disconnect the respirator that keeps her alive, saying it is affirming the choice Karen herself would have made. Quinlan case becomes a legal landmark. She lives for another eight years.
- California passes the Natural Death Act, the nation's first living will law, giving the documents legal standing.
- First international meeting of right to die groups is held in Tokyo. Six groups attend.

1978

- Derek Humphry's book, *Jean's Way: A Love Story*, is published and becomes a bestseller. Humphry, a British newspaper reporter, wrote the book after his wife, Jean Humphry, who had been suffering from terminal breast cancer, ended her life in 1975. Humphry assisted her in her self-deliverance.

- Doris Portwood publishes her landmark book, *Common Sense Suicide: The Final Right*. It argues that the elderly in poor health have reasonable and rational reasons for choosing to kill themselves, which the author herself eventually does.
- A play adapted from a 1972 television film, *Whose Life Is It Anyway?* premieres in London. The play tells the story of a sculptor who is paralyzed from the neck down as he fights for his right to die. It opens on Broadway in 1979 and is released as an American movie in 1981.

1979

- Artist Jo Roman, dying of breast cancer, commits suicide at a much-publicized gathering of friends that is later broadcast on public television and reported by *The New York Times*.

1980

- Derek Humphry founds The Hemlock Society in Los Angeles.
- The World Federation of Right to Die Societies is formed. It includes 27 organizations from 18 nations.

1985

- Betty Rollin's bestselling book, *Last Wish*, is published. It is an account of helping her mother, who was suffering from cancer, to die.

1986

- The Hemlock Society drafts model legislation to further the cause of legalizing medical aid in dying (MAiD). Titled The Humane and Dignified Death Act, this model bill is sent to legislators throughout the country. Opponents coin the term "physician assisted suicide."

1987

- The California State Bar Conference passes Resolution #3-4-87 to become the first public body to approve of physician aid in dying.

1988

- The Unitarian Universalist Association of Congregations passes a national resolution favoring aid in dying for the terminally ill, becoming the first religious body to affirm a right to die.

1990

- June 4: Dr. Jack Kevorkian assists Janet Adkins, 54, an accomplished musician and Alzheimer's sufferer, in ending her life. Charged with a crime, 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.
- 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 the patient would request if the patient could do so.

- Hemlock of Oregon introduces the Death With Dignity Act into the Oregon legislature. The bill fails to get out of committee.

## 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.
- Dr. Timothy Quill writes about “Diane” in the *New England Journal of Medicine*, describing his provision of lethal drugs to a leukemia patient who chose to die by her own hand rather than undergo therapy that offered a 25 percent chance of survival.
- 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. 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.
- Washington State voters reject Ballot Initiative 119, which would have legalized physician aid in dying. The vote is 54-46 percent.

## 1992

- California voters defeat Proposition 161, which would have allowed physicians to hasten death by actively administering or prescribing medications for self-administration by suffering, terminally ill patients. The vote is 54-46 percent.

## 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 physician assistance in dying 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 2012 Final Exit Network will persuade the Supreme Court of Georgia to declare this statute 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 comes to be known as *Quill v. Vacco*.

- November 8: Oregon voters pass Measure 16, the first MAiD 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 by the Ninth U.S. Circuit Court of Appeals.
- 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.
- September 22: In Australia, the first case of legally assisted death occurs in Darwin under a 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 on charges of assisting in a suicide and practicing medicine without authorization. She had worked with Dr. Kevorkian in many hastened deaths. Her indictment is later dropped because of her deteriorating health.

## 1996

- February 16: The Hemlock Society and ACLU of Florida jointly file a lawsuit in Florida state court, seeking to establish a constitutional right to MAiD. 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 secures the right to MAiD 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 MAiD is a right protected by the equal protection clause of the U.S. Constitution in that there is no logical difference between MAiD 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, where this appeal is consolidated with 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 MAiD 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 Palm Beach County Circuit Judge Lucy Brown immediately vacates the automatic stay;

almost as quickly, the appeals court reverses her order, reinstating the stay of the injunction. Thus, for two brief periods, Mr. Hall became the only person in America ever to have a right to legal MAiD 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 MAiD 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 authority 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 Appeals, holding that there is no constitutional right to MAiD. The Court held that while the Constitution does not require the states to allow MAiD, 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 legalize and regulate MAiD.
- 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 MAiD.
- August 26: Janet Good, 73, a lifelong civil rights activist who founded the Hemlock Society of Michigan, 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: The 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 apply federal law to 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 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 (of which he had been stripped).

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, he is eligible for parole in May 2007.

2003

- July 21: The Hemlock Society changes its name to End-of-Life Choices. The Hemlock Society of Florida refuses to change its name.

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. The Hemlock Society of Florida, EOLC's Florida affiliate, renounces its affiliation with EOLC and keeps its historic name.
- September: The disaffected former EOLC board members, combined with Derek Humphry and many other movement leaders, form Final Exit Network. In 2004 FEN provided compassionate support—not 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: 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.

2008

- In the November election, the citizens of Washington state approve the Washington State Death with Dignity Act by a margin of 58 percent to 42 percent (a much less close margin than that in Oregon 14 years earlier), making Washington the second state to legalize MAiD.

2009

- February 25: The Georgia Bureau of Investigation (GBI) launches an attack on FEN, using the Georgia 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 and shut it down permanently. The effort fails. FEN promptly regroupes and begins an aggressive defense. Documents released to FEN in the criminal proceedings later show 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, including FEN's medical director, Dr. Lawrence Egbert, who had also been charged in the Georgia case. The Arizona indictment brings to seven the number of Network volunteers facing charges. The

Arizona and Georgia cases are related in that the police in both jurisdictions were sharing information and coordinating their efforts.

- 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.
- Based on information seized in the Arizona and Georgia investigations, the GBI sends hundreds of letters to law enforcement agencies in most states, identifying Network-supported self-deliverances over the entire life of the Network and exhorting the law enforcement agencies to prosecute the Network and its volunteers. Not a single state law enforcement agency takes the bait until a publicity-seeking Minnesota prosecutor obtains an indictment in 2012 for an exit that took place in 2007. Thus, the Minnesota prosecution is a spinoff of the Georgia investigation and all the alleged crimes in Arizona, Georgia, and Minnesota took place around the same time in 2007.
- December 31: The Supreme Court of Montana, in *Baxter v. State*, holds that a physician cannot be prosecuted for providing MAiD in appropriate circumstances. As a result, some say Montana is a state where MAiD is “legal.” However, the Montana Supreme Court ruling is narrow and limited and, unlike the MAiD laws of Oregon, Washington, and Vermont, does not provide a comprehensive regulatory framework for MAiD. Since *Baxter*, the Montana legislature has refused to enact a MAiD law. Civil and regulatory issues make MAiD problematic for physicians in Montana.

## 2010

- April 24: *You Don't Know Jack*, a made-for-TV movie, airs for the first time on the HBO cable channel. Al Pacino wins an Emmy and a Golden Globe award for his quirky, but sympathetic portrayal Dr. Kevorkian.

## 2011

- April 4: Trial begins in the Phoenix case. Before trial, two defendants, Wye Hale-Rowe and Roberta Massey, had agreed to plead guilty to minor misdemeanors (in exchange for the State's dropping of the felony charges of assisting in a suicide) and testify against the other defendants, Dr. Egbert and volunteer exit guide Frank Langsner.
- April 19: The trial court judge in the Georgia 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 misdemeanor, as had Hale-Rowe and Massey. All three are sentenced to a year on probation.
- June 3: Jacob “Jack” Kevorkian dies (of natural causes, without assistance) at the age of 83.

## 2012

- February 6: The Supreme Court of Georgia rules in *Final Exit Network v. Georgia* that the Georgia statute on aiding in a suicide violates the First Amendment. The law is stricken in its entirety. All the Georgia charges against the Network and its members are dismissed.

- May 1: Georgia Governor Nathan Deal signs into law a replacement for the Georgia statute on assisting in a suicide. This time, the law is carefully written—more so than most such statutes in America—to steer clear of denying any First Amendment-protected free speech rights. It defines “assistance” in a suicide to include only “direct physical” assistance, which precludes a prosecution for speech alone.
- May 11: A grand jury in Hastings, Minnesota (Dakota County) indicts the Network and four of its volunteers on various charges related to alleged assistance in a 2007 self-deliverance, including a charge of “advising, encouraging, or assisting” in a “suicide.” This prosecution stems directly from evidence seized by the GBI in the Georgia case and later provided to the Dakota County prosecutor. Within months the defendants all file motions to dismiss the charges of “advising, encouraging, or assisting” in a “suicide” on grounds that they violate the defendants’ First Amendment-protected right to freedom of speech.

## 2013

- March 22: The District Court in Dakota County rules that the Minnesota law violates the First Amendment. Under her ruling, the State’s case appears to be gutted because the State may not convict a defendant for merely “advising” on suicide, a term so vague that it prohibits nearly any form of communication about self-deliverance. The State appeals to the intermediate Court of Appeals of Minnesota. In the meantime, the proceedings in Dakota County on the indictment remain on hold. In this decision, the Minnesota judge dismissed all charges against Ted Goodwin, a former president of the Network.
- March 26: Jerry Dincin, a distinguished psychologist, former president of the Network, and one of the volunteers under indictment in Minnesota, dies at 82, after a long battle with cancer. The Minnesota charges against him are dismissed as moot.
- May 20: Under “Act 39: Patient Choice and Control at the End of Life,” Vermont became the third state in the country (after Oregon and Washington) to legalize MAiD.
- October 30: The intermediate Court of Appeals of Minnesota rules in favor of the Network defendants even more firmly than the Dakota County trial court had. The Court of Appeals’ 18-page opinion finds that not only is the Minnesota statute’s prohibition on “advising” about “suicide” unconstitutional, but so is the statute’s prohibition against “encouraging” a suicide. The statute may only be applied if the State proves that a defendant provided “assistance” in a suicide, and not based merely on “advising” or “encouraging.”

## 2014

- March 19: In *State v. Melchert-Dinkel*, an older case unrelated to the Minnesota case against the Network volunteers, the Supreme Court of Minnesota holds that one may be charged with a crime “for assisting another in committing suicide, but not for encouraging or advising another to commit suicide.” The Network had submitted a brief *amicus curiae* to argue in favor of this position. Yet the Minnesota Supreme Court says one may be convicted of “assisting” in a “suicide” based on “words” that “enable” the suicide, thus reopening the door to convicting a person solely for the exercise of the First Amendment-protected right to freedom of speech.
- June 17: Having previously granted “further review” of the October 30, 2013 decision in the Network’s favor by the Court of Appeals of Minnesota, the Supreme Court of Minnesota withdraws its decision to review the Court of Appeals’ decision, thus letting it stand. The stay of proceedings in the trial court is dissolved and the trial may proceed.

- November 1: Brittany Maynard, 29, a telegenic, articulate Californian, dies in Oregon by making use of the Oregon MAiD law. Suffering from brain cancer, she moved from California to Oregon specifically to avail herself of Oregon's law. She became one of the world's best known public crusaders for MAiD. She wrote an opinion piece for CNN entitled "My Right to Death with Dignity." People magazine's website had more than 16 million unique visitors to its story on her impending death. She pleaded for passage of a MAiD law in California.

## 2015

- May 4: The Minnesota trial begins. By now, the defendants include only the corporation, Final Exit Network, Inc.; its former medical director, Dr. Larry Egbert; and a former case coordinator, Roberta Massey. Massey's case is severed from the rest of the case and her trial is indefinitely continued because her health conditions would not enable her to withstand a trial. The State severs the trial of Dr. Egbert from the trial of the corporation in order to compel Dr. Egbert to testify as a witness. Thus, only the corporation goes on trial.
- May 14: The jury finds the corporation guilty of assisting in a suicide. The conviction is made inevitable because the jury was instructed to convict FEN if it found that FEN's personnel spoke "words" that "enabled" the "suicide," which the Network openly admits to doing. FEN appeals, arguing that the First Amendment prohibits a conviction solely for speech, as opposed to conduct.
- August 24: At a sentencing hearing, FEN's attorney and president tell the judge that FEN is "unrepentant." The judge sentences FEN to the maximum sentence: a fine of \$30,000, plus restitution of \$3,000. FEN elects to pay its fine immediately, thereby making it legally impossible for the judge, as he said he wanted to do, to require FEN to serve a term of years on probation, which would have prohibited FEN from providing exit guide services in Minnesota.

## 2016

- June 9: The California End of Life Options Act goes into effect, making California the fourth state to enact a MAiD law.
- June 9: Dr. Egbert, 88, dies of a heart attack at his home near Baltimore. While Roberta Massey's trial remains theoretically pending, it appears unlikely she will ever be brought to trial because of her illnesses. Eventually, she enters a guilty plea to a minor misdemeanor in order to terminate the stress.
- December 16: The Colorado End of Life Options Act goes into effect. Colorado becomes the fifth state to enact a MAiD law.
- December: The Court of Appeals of Minnesota rules against FEN, affirming its conviction.

## 2017

- February 18: The D.C. Death with Dignity Act goes into effect, making Washington, D.C. the sixth jurisdiction in the U.S. to enact a MAiD law.
- FEN petitions the Supreme Court of Minnesota to review FEN's conviction on First Amendment free speech grounds. The Supreme Court of Minnesota denies review. FEN petitions the Supreme Court of the United States. The Supreme Court of the United States denies certiorari.

## 2018

- FEN files a civil action in U.S. District Court to strike down the Minnesota law as unconstitutional under the First Amendment. The court dismisses the action on technical jurisdictional bases. Thus, all the litigation spawned by the 2009 arrests is over.

## 2019

- January 1: The Hawaii Our Care, Our Choice Act goes into effect, making Hawaii the seventh U.S. jurisdiction to enact a comprehensive law authorizing MAiD.
- August 1: The New Jersey Aid in Dying for the Terminally Ill Act takes effect, making New Jersey the eighth jurisdiction to enact a MAiD law.
- September 19: The Maine Death With Dignity Act goes into effect, making Maine the ninth U.S. jurisdiction to enact a MAiD law.
- The New York Times calculates that 22 percent of Americans live in places where “residents with six months or less to live can, in theory, exercise some control over the time and manner of their deaths.”

## 2021

- June 18: The New Mexico Elizabeth Whitefield End of Life Options Act goes into effect, making New Mexico the tenth state to enact a MAiD law.

Acknowledgments: There are many who contributed to compiling this timeline, but the bulk of it comes from Derek Humphry and Robert Rivas.