

## STATE MUST CONFRONT DEATH WITH DIGNITY

by

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About a half a dozen years ago, I penned a column about death with dignity based on a personal family experience. At that time only one state, Oregon, allowed you the right to die with a doctor's help at the time and in the manner of your own choosing.

Today, five states allow some form of doctor-assisted suicide. But similar to the groundswell of the gay marriage amendments, a tsunami is gathering strength and will soon wash over Indiana. Draft bills, ballot initiatives and court cases are progressing in 20 more states and several countries.

Here is our family's story and my update on this issue:

We lost a member of the family. Casey Elizabeth Maurer died a peaceful death at her age of 105. At the end, her hearing and eyesight were vastly impaired, and she was in constant pain. Her time had come.

Casey was incapable of deciding her own fate and, given the circumstances, Janie and I enlisted a doctor to administer a lethal injection. Death came quietly and swiftly. This merciful act did not occur in a state where a physician-assisted suicide law is in effect. Casey was sent to her final rest in Indiana.

Please don't call the cops. It was perfectly legal. You see, Casey was a poodle. In Indiana, dogs are allowed the dignified death to which we all aspire—humans are not.

Had Casey been human, her death would have been termed an active involuntary euthanasia: legal injection by a doctor into a dying patient without that person's express request. In Indiana, the doctor would have been convicted of murder and sentenced to prison for half a century.

Hoosiers officially view assisted suicide only slightly less severely than murder. Indiana code ranks assisted suicide as a Class C felony and penalizes anyone who would provide the physical means by which another person attempts or commits suicide. A Class C conviction carries a sentence of two to eight years. Legally speaking, in Indiana if you are terminally ill and wish to hasten a slow, agonizing death, you must do it by yourself, and if you cannot, we don't care.

For years, clandestine euthanasia and assisted suicides have occurred at the hands of enlightened and caring physicians even if the law bans them from doing so. Often, release is achieved by administering pain relief medicines in lethal doses. Is this approach hypocritical in Indiana? We pretend to shun doctor-assisted dying, yet we tacitly condone the practice. Shouldn't this exercise in humanity be decriminalized?

Americans' opinions on assisted suicide are changing dramatically, according to a Gallup survey conducted last year. Now, more than two-thirds of U.S. adults say doctors should be allowed by law to assist patients who are terminally ill and living in severe pain to commit suicide. Our youth are leading the way. The Gallup poll showed 80 percent of younger adults favor an assisted suicide law.

Whose life is it, anyway? What is it that society values that is so important as to prevail over the ultimate liberty of deciding when to die? I hear echoes of the anti-gay Religious Freedom Restoration

Act over which Indiana stumbled earlier this year when human rights were denied based upon right-wing versions of what God might have said thousands of years ago. Perhaps it is a question of freedom from religion. Must those of us who disagree subordinate our end-of-life decisions to those who believe death should come about only by the will of a deity?

We deserve a debate of this issue in our Legislature. But first, our representatives should experience a terminally ill patient in profound pain and agony pleading for the right to die in a manner and in a time of his or her own choosing. Indiana should grant this important freedom. Until then, one can only hope to live like a human and die like a dog.

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<https://www.ibj.com/articles/55676-state-must-confront-death-with-dignity> and reproduced here by permission of the author. In December 2008, Indiana University Law School alumnus Michael S. Maurer, JD'67, and his wife, Janie, made a very substantial donation to the school. In recognition of the Maurers' support, the school was renamed the Michael Maurer School of Law. Mr. Maurer is a member of the Legislative Dialogue Committee of Compassion & Choices of Indiana. Six states and the District of Columbia now allow medical aid in dying, including Oregon, Washington, California, Montana, Vermont, and Colorado.)