

LANDMARK TRIALS OF MODERN ETHICS

Timeline

1952 – Jack Kevorkian graduates from the medical school at the University of Michigan.

June 4, 1990 – In his first assisted-suicide case, Kevorkian aids in the death of Janet Adkins.

November 20, 1991 – The Michigan Board of Medicine indefinitely suspends Kevorkian's license.

February 25, 1993 – Michigan Governor John Engler signs a law banning assisted suicide. The law expires in November 1994 and a second law is passed in July 1998. In November 1998, Michigan voters reject a ballot initiative legalizing physician-assisted suicide.

August 4, 1993 – Kevorkian assists in the suicide of Thomas Hyde.

1994 – Thomas Youk has surgery on his left knee. He never fully recovers.

May 2, 1994 – Kevorkian is acquitted in the suicide of Thomas Hyde.

November 8, 1994 -- Oregon becomes the first state to legalize assisted suicide when voters pass a tightly restricted Death with Dignity Act. Legal appeals keep the law from taking effect.

1996 – Thomas Youk learns that he has ALS (see Vocabulary).

March 8, 1996 – A jury acquits Kevorkian in the deaths of Merian Frederick and Ali A. Khalili.

May 14, 1996 – Kevorkian is acquitted in the 1991 suicides of Sherry Miller and Marjorie Wantz.

June 12, 1997 – In Kevorkian's fourth trial, the judge declares a mistrial. The case is later dropped.

November 5, 1997 -- Oregon residents vote to uphold the state's assisted-suicide law, the first in the United States.

September 17, 1998 – Jack Kevorkian administers a lethal injection to Thomas Youk.

November 22, 1998 – "60 Minutes" airs the videotape of the death of Thomas Youk.

November 25, 1998 -- Michigan charges Kevorkian with first-degree murder, violating the assisted suicide law, and delivering a controlled substance without a license in the death of Thomas Youk.

April 13, 1999 – After being convicted of second-degree murder in the death of Thomas Youk, Kevorkian is sentenced to 10-25 years in prison.

April 10, 2001 -- The Netherlands became the first country in the world to legalize voluntary euthanasia or suicide.

November 22, 2001 – The Michigan Court of Appeals upholds Kevorkian's conviction.

April 11, 2002 – The Michigan Supreme Court rejects Kevorkian's request for a new trial.

Important People

Adkins, Janet – The first patient with whom Kevorkian practices assisted suicide. She suffered from Alzheimer's disease.

New conditions bring new choices. Today, advances in technology and changing social norms force us to confront ethical issues that rarely arose in the past. Sophisticated medical devices can keep a patient alive in ways that were once impossible. But what if a patient—or a patient's family—doesn't wish these mechanisms to be used? Another concern involves the end of life—who decides when it occurs? If a terminally ill person chooses to die, does that person deserve medical assistance? Or how far can a child go when he believes his parents are abusive? Very often, such delicate questions must be decided in court. LANDMARK TRIALS OF MODERN ETHICS explores some of these remarkable cases.

MICHIGAN V. KEVORKIAN: THE ETHICS OF ASSISTED SUICIDE

He became known as "the suicide doctor" and "Dr. Death," and controversy followed him everywhere. Dr. Jack Kevorkian believed that terminally ill people had the right not only to die, but also to have the assistance of a physician in doing so. Some people saw him as an angel of mercy; others considered him little better than a killer. Kevorkian's mission to legalize assisted suicide landed him in many courtrooms. At first, Kevorkian helped his patients die with the aid of a "suicide machine," an apparatus he invented that allowed the patient to press a button and release life-ending drugs into the bloodstream (sometimes Kevorkian used a device that allowed the patient to inhale lethal carbon monoxide gas). This way, it could not be said that Kevorkian initiated the action himself—it was the patient's doing. However, in order to test the law, Kevorkian took a dramatic step. In September 1998 he dispensed with the "suicide machine" and administered the drugs directly to the patient himself. As he expected to be, he was arrested and charged with murder. In a further startling move, he fired the attorney that long stood by him and decided to act as his own lawyer at the trial. The jury would have to decide whether "Dr. Death" was, as he claimed, a humanitarian who sought only to end human suffering or, as the prosecution charged, a murderer.



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Cooper, Jessica – Judge at Kevorkian’s fifth trial, in which he is accused of the murder of Thomas Youk.

Dragovic, Lguibsa – Oakland County medical examiner who testifies that Kevorkian committed homicide.

Fieger, Geoffrey – Kevorkian’s attorney in his first four trials. He does not participate in the murder trial because Kevorkian prefers to act as his own attorney.

Frederick, Merian – A victim of ALS (see Vocabulary), whom Kevorkian helps to commit suicide, an act for which he is put on trial in 1996.

Gehrig, Lou – Hall of Fame New York Yankee first baseman and most famous victim of ALS. Died in 1941 at age 37. Because of him, ALS is often called “Lou Gehrig’s disease.”

Girsh, Faye – Member of the Hemlock Society (see Vocabulary). A Kevorkian supporter who sees his murder trial as an opportunity to change the law on assisted suicide.

Gorosh, David – Kevorkian’s attorney during his murder trial. He only assists, however, as Kevorkian conducts the defense himself.

Heinzmann, Scott – Anti-Kevorkian protester.

Hyde, Thomas – An ALS victim who Kevorkian helps to die by breathing in carbon monoxide (see Vocabulary).

Kenney, Thomas – Prosecutor in Kevorkian’s trial for the death of Thomas Hyde.

Kevorkian, Jack – Retired Michigan pathologist (see Vocabulary) who became famous in the 1990s for advocating and practicing assisted suicide.

Khalili, Ali A. – A victim of bone cancer whom Kevorkian helps to commit suicide, an act for which he is put on trial in 1996.

Potter, Marianne – Hospice nurse who takes care of Thomas Youk at the end of his life. She doesn’t believe in assisted suicide.

Skrzynski, John – Prosecutor in Kevorkian’s murder trial.

Wallace, Mike – Television correspondent who interviews Kevorkian for the news program “60 Minutes” and airs the videotape of Thomas Youk’s death.

Youk, Melody – Thomas Youk’s wife.

Youk, Terry – Thomas Youk’s brother.

Youk, Thomas – 52-year-old victim of ALS to whom Kevorkian administers a lethal injection, resulting in Kevorkian’s trial for murder.

Vocabulary

ALS – Amyotrophic lateral sclerosis. A progressive neurodegenerative disease that attacks nerve cells in the brain and the spinal cord. Patients in the later stages of the disease become totally paralyzed, although their minds remain unaffected.

carbon monoxide – A colorless, odorless, tasteless, and highly poisonous gas. Jack Kevorkian used it in several of his assisted suicides.

electrocardiograph – A device that records the electrical activity of the heart and is usually used to diagnose heart abnormalities. Kevorkian uses one to determine that Thomas Youk is dead.

patient’s right to choice at the end of life.

euthanasia – The act of putting a terminally ill or injured person to death in a painless manner in order to end that person’s suffering (the term is also sometimes applied to the mercy killing of animals).

Hemlock Society -- A nonprofit association, founded in 1980, that supports a patient’s right to choice at the end of life.

pathology – The study of the causes of disease and of the changes that diseases cause in the body. Kevorkian was a retired pathologist when he took up the cause of assisted suicide.

Things to Think About

The prosecutor said that the trial was not about a patient’s “right to die” but about Kevorkian’s “right to kill.” However, Kevorkian claimed that his intention was always to “end a patient’s suffering,” not to “kill” him. Do you find the prosecutor’s argument persuasive? If the result of ending someone’s suffering means that that person dies, do you see a difference between ending suffering and killing someone?

The documentary shows examples of some strange paintings that Kevorkian did earlier in his career. Do you think these images are evidence of a vigorous artistic talent or the sign of a troubled mind? Do you think it was unfair that Terry Youk and Melody Youk were not allowed to testify at the trial? If they had, do you think the outcome would have been different?

Kevorkian stated that he was fighting for “a fundamental freedom we all possess”—that is, the right to die with dignity. Do you think that is a fundamental right, even if it includes suicide? If you had been a voter in Oregon, would have approved the ballot measure that allowed physician-assisted suicide?

In his summation, the prosecutor used the term “final solution” to describe Kevorkian’s activities—this was the term that the Nazis applied to their murder of some 6 million Jews during World War II. Do you think he was going too far by, as the documentary put it, equating euthanasia with genocide? Or was the difference only a matter of numbers?



Internet Resources

<http://www.kevork.org/> -- A Web site devoted to Kevorkian's career, with a large number of articles on his trials, beliefs, patients, and so on.

<http://www.fansoffieger.com/chronology.htm> -- From a Web site devoted to Geoffrey Fieger, a useful chronology of Kevorkian's career. The site also contains other information on Kevorkian and regular updates on his status.

<http://www.pbs.org/wgbh/pages/frontline/kevorkian/> -- From PBS, an excellent site called "The Kevorkian Verdict," including information about his life and career and about the legal issues raised by his advocacy of physician-assisted suicide.

http://www.rights.org/deathnet/Kevorkian_one.html -- A site called "The Kevorkian File," with a description of his activities and patients, as well as "Opposing Views."

<http://www.courtvt.com/casefiles/kevorkian/kevorkian.html> -- From Court TV, a detailed site on Kevorkian with an extensive file of news stories about his career.

<http://www.lwc.edu/administrative/library/death.htm> -- From Longwood University, a chronology of events regarding physician-assisted suicide in general.

<http://www.lwc.edu/administrative/library/suiart.htm> -- A guide to journal and newspaper articles, hearings, court proceedings, and decisions on physician-assisted suicide.

<http://www.deathwithdignity.org/index2.htm> -- The Web site of the Death with Dignity National Center, an organization that is devoted to "expanding end-of-life choices and advancing the legalization of physician aid in dying."

<http://www.hemlock.org/> -- The home page of the Hemlock Society.

<http://www.acponline.org/journals/annals/01apr98/pasdebat.htm> -- From the *Annals of Internal Medicine*, a scholarly paper on "The Debate over Physician-Assisted Suicide."

Other Resources

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Hendin, Herbert. *Seduced by Death: Doctors, Patients and Assisted Suicide*. Norton, 1998.

Hillyard, Daniel and Dombrink, John. *Dying Right : the Death with Dignity Movement*. Routledge, 2001.

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Moreno, Jonathan D. *Arguing Euthanasia: The Controversy over Mercy Killing, Assisted Suicide, and the "Right to Die."* Simon and Schuster, 1995.

Quill, Timothy E. *Death and Dignity: Making Choices and Taking Charge*. Norton, 1994.

Smith, Wesley J. *Forced Exit: The Slippery Slope from Assisted Suicide to Legalized Murder*. Times Books, 1997.



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