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Hawaii Is Poised to Allow Doctors to Assist Suicides

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Hawaii is expected to become the second state to allow physician-assisted suicide, two weeks after a judge rebuffed the federal government's attempt to ban the practice in Oregon.

The state Senate is scheduled to take a final vote today on a law nearly identical to the Oregon statute. After an emotional debate Tuesday night, the measure passed the Senate on an initial vote of 13 to 12, leaving both sides scrambling over the next 48 hours to line up votes for a final reading, required under state law.

"The proponents have been tenacious. For the people in our community who are opposed to assisted suicide, if they do nothing, we will have physician-assisted suicide in Hawaii," said Kelly Rosati, a spokeswoman for the Hawaii Family Forum, an organization that has mobilized grass-roots opposition to the legislation.

The state House of Representatives approved two "death with dignity" bills in early March. But the measure was stalled in the Hawaii Senate, in part because of U.S. Atty. Gen. John Ashcroft's move to sanction doctors in Oregon who prescribed lethal drugs under that state's law.

Ashcroft's directive, issued in November, found that doctors who prescribe drugs such as barbiturates to hasten the death of the terminally ill are in violation of federal drug trafficking laws. But a federal judge in Oregon ruled last month that Ashcroft had overstepped his authority, a development that helped revive the stalled legislation in Hawaii.

On Wednesday, lawyers for patients in Oregon who had sued to challenge the Ashcroft directive filed a claim in federal court seeking nearly \$1 million in attorney's fees. The claim was filed under a statute that allows reimbursement for citizens who must use the courts to enforce their rights.

"It's unfortunate that you have an ideological decision on the part of the attorney general that is now going to be paid for by the taxpayers," said Kathryn Tucker, legal director for Compassion in Dying,

who helped represent the patients who sued.

The Justice Department has said it is considering an appeal of U.S. District Judge Robert Jones' ruling, but has not yet filed one.

Meanwhile, on April 1, the Netherlands became the first country to fully legalize euthanasia, sanctioning what effectively had been the practice in that country for many years. Similar legislation is expected to become law in Belgium.

In Hawaii, the biggest procedural stumbling block has been put up by state Sen. David Matsunaga, chairman of the Health and Human Services Committee. Until this week, he had refused to move the bill forward, despite approval of a nearly identical measure in the state House.

Senators voted 15 to 10 on Tuesday night to recall the bill to the floor, then adopted it on an initial vote. Today's vote, if the numbers hold, would constitute final passage. One of the Senate's three Republicans, Bob Hogue of eastern Oahu, was among those voting for the measure.

The bill is nearly identical in wording to Oregon's statute, adopted as a voter initiative. The law took effect in 1997; so far, 91 terminally ill Oregonians have taken their lives with a physician's help. The law requires that applicants be diagnosed with less than six months to live and be free of depression. Patients must reconfirm their decisions after the request.

Several senators in Tuesday's debate challenged the value of those safeguards.

"This isn't about death with dignity, this is death by murder," Republican Sen. Fred Hummings said. "There's nothing dignified about asking a doctor to put someone to death."

But Sen. Robert Nakata, a Democrat and a Methodist minister, spoke in favor of the legislation. "I believe that death is an integral part of life, and if we could look at it in that sense, we can welcome death when our time comes," Nakata said.

"Hopefully, it'll be a death with a lot of dignity; time to say our good-byes and move on."

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