

## Physician Assisted Suicide – Victory for Now

By Kelly Rosati

### The Last Day –May 2

By now most of you are well aware of the glorious final outcome of the May 2 Senate vote on physician-assisted suicide (PAS). During a dramatic three-hour floor session, three Senators switched their vote to hand defeat to the so-called death with dignity bill by a vote of 14-11. (For more on how an issue that appeared dead resurrected the on the last three days of session, see ‘How It Happened’ page two of this newsletter.)

If they had not done so, Hawaii would have become the second state in the nation, after Oregon, to legalize physician assisted suicide. Most capitol insiders thought it would happen. Interested press calls began coming in from around the nation. On May 1, I received a call from the Los Angeles Times. On May 2, before the vote was taken, I received a call from the producer of NBC Nightly News with Tom Brokaw. (Once the bill was killed, he was no longer interested in doing the story, of course.)

They all seemed to think this was a done deal and wanted my reaction to Hawaii becoming the second state in the nation to legalize assisted suicide. And to be honest, we had begun exploring the possibility of legal action to

block the bill from going into effect if it had passed the Senate floor.

But we knew we had a chance. We knew people had been praying and calling from all across these islands. And we knew from personal contact with Senators that several of them, while leaning in favor of the bill, still had serious reservations. Some of those

reservations were technical and legal, not philosophical, as in the case of Senator Donna Kim (Moanalua Valley, Aiea, Pearlridge, Kalihi Valley.) She made clear she supports physician-assisted suicide but was not comfortable with many of the details of the bill. Some reservations were philosophical as in the case of Senator Bob Hogue (Kaneohe, Maunawili, Enchanted Lake.) While Senator Hogue wanted to give people the ‘choice’ they sought in this proposal, he couldn’t be sure in his heart that people wouldn’t lose their lives due to undue influence and a duty to die. In this end, with life and death in the balance, he had to vote no. Finally, Senator Rod Tam (Downtown, Pauoa, Nuuanu) said all the calls, faxes and e-mails he received made him desire further community deliberation on the topic.

The debate on the Senate floor was remarkable. Senator Jonathon Chun (South Kauai, Niihau) began the discussion with a remarkably comprehensive critique of the bill. Chun, a lawyer, took apart the so-called ‘safeguards’ in the bill designed to prevent abuse and coercion. He educated his colleagues on the widespread medical and disability rights

opposition to the proposal. He warned them of the unintended consequences that could result in innocent loss of life. He reminded them that this was ‘life and death’ they were deciding in this hurried, 11<sup>th</sup> hour fashion.

And he asked them to err on the side of caution and vote no on the measure. Senators Sakamoto (Moanalua, Salt Lake, Foster Village), Slom (Hawaii Kai, Aina Haina), and Hemmings (Kailua, Waimanalo), made eloquent and articulate speeches urging their colleagues to reject the bill.

In a shocking admission, Senator Bob Nakata declared “I know there will be errors and people will die unjustifiably” but then voted for the bill. Remarkably, he also cited health care cost containment as a reason to

*“...we knew we had a chance. We knew people had been praying and calling from all across these islands.”*

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*“The phones just wouldn’t stop ringing. We have not been this busy since I started with HFF.*

*People really wanted to get involved and stop PAS from being legalized in Hawaii. It was a wonderful experience to see the community rally together to make a difference.”*

*- Eva Simmons, HFF staff*

#### Important Reminders:

- ☺ Keep praying for your legislators and key government officials. Although the session is over, these issues will be back next session.
- ☺ Stay informed on the issues. If you have any questions at all, please feel free to call us at 230-2100.
- ☺ Coordinate a training session for your church. Call us to ask how!

# PHYSICIAN-ASSISTED SUICIDE FINAL DEBATE—HOW IT HAPPENED

by Kelly Rosati

On Wednesday, April 30, I went to the Senate to watch the passage of HFF and SOS's landmark commercial sexual exploitation bill. It had been an exhausting but successful session, with gambling and physician assisted suicide having been killed (so I thought) and with our three year effort to protect minors from use in strip clubs finally bearing fruit. Frankly, the session left this part-time HFF Executive Director and mother of two small children wondering how I could ever repeat a session like this one, without jeopardizing my time with my kids. But I was happy early April 30, only 2 more days and session was pau. And those two days were just to watch and wait.

How wrong I was.

As I entered the Senate chambers, the Senators were in recess and were mulling around on the Senate floor. Senator Suzanne Chun Oakland (Alewa Heights, Kalihi, Liliha, Nuuanu, Palama, Puunui) caught my eye and motioned for me to meet her off to the side. While we don't agree on some important issues, Senator Chun Oakland is always kind, open and accessible.

She told me there were 13 votes to pass physician assisted suicide and that it was going to be pulled and passed later that day. She was going to be among the 13. I felt as if I had been kicked in the

stomach or slapped in the face.

My eyes actually teared up as I asked her if there was anything I could do to change her mind back. You see, she had previously told me she would not vote to pull the physician assisted suicide bill this year. Because of that previous commitment, she felt it was only right to let me know she had changed her mind.

And I am so grateful she did (tell me that is, not change her mind.)

That set off the beginning of the effort to kill the bill. For nine hours that day, I sat with Errol Christian of the Hawaii Catholic Conference, Jenny Nolan of the Respect Life Office of the Catholic Church and John Long of Hawaii Right to Life. We sat in the Senate chamber to see what would happen. We lobbied every Senator we could during their recess times and we strategized with Senators Chun and Matsuura.

By the time the motion was made to pull the bill, it was unclear whether the proponents had enough votes. The Democrats called a caucus and then came back in to debate the issue. Then something dramatic happened.

Senator Matsuura rose to speak in favor of the motion to pull the bill from his committee. He stunned the room. I gasped. He had come to believe that there should be debate on the issue and that we would still win.

To be honest, while I knew Senator Matsuura did what he believed was right,

I was scared. I felt no such confidence that we could still defeat the bill.

But his vote to allow the floor debate completely took the political, fractional aspects out of the discussion. It cleared the way for an honest, emotional, vigorous and intellectual discussion of the issue.

And thankfully, Senator Matsuura was right. The initial 13-12 vote in favor of the bill as you know ultimately changed to 14-11 against. The change came after one of the most comprehensive lobbying efforts by so many groups and individuals.

This lobbyist has never witnessed anything quite like it in the Hawaii legislature.

We want to thank Errol Christian (Hawaii Catholic Conference), Jenny Nolan (Respect Life), John Long (Hawaii Right to Life), Jackie Mishler (Maui Right to Life), Walter Yoshimitsu (Roman Catholic Church), Ron Amundson (Not Dead Yet), Nancy McGuckin (Hawaii Nurses Association) and our other HPACC partners in the HMA, HPMA, and Healthcare Association for their work to defeat this proposal. We'd also like to give special thanks to the staff of Senator Matsuura and Chun and to all the people who prayed for this issue.

Mahalo again to all of you who prayed and called. As we said before, you made a difference for life.

## PHYSICIAN ASSISTED SUICIDE

*(Continued from "PAS" page 1)*

support the bill. For a Senator who prides himself on being a fighter for social justice, his comments left many breathless with disbelief and outrage.

Senators Colleen Hanabusa (Nanakuli, Waianae, Makaha), Matt Matsunaga (Palolo, Waialae, Kahala), Avery Chumbley (East Maui, North Kauai), and Suzanne Chun Oakland (Alewa Heights, Kalihi, Liliha, Nuuanu, Palama, Puunui), rose to make the case in favor of PAS. They declared their

belief that people should have the right to exercise this choice about their death. Citing the 'choice' of abortion, they declared the state had no compelling reason to deny people this choice at the end of their lives. Thankfully, their arguments didn't win the day.

And thankfully, people from all walks of life prayed and called. HFF, along with many other organizations and individuals, alerted everyone within our reach to contact the swing Senators. And contact they did. Many Senators received hundreds of calls. Some of the

phone machines were full and turned off. E-mails and faxes poured in. The bottom line –people got involved and it made a difference – a life and death difference. If you are one of those people, please accept our sincere mahalo. Without your prayers and action, there may have been a very different result.

Please do one more thing. Call and thank those who voted no. (Please see voting record on page 3) This issue will be back and we are already meeting with our medical and disability rights allies to formulate a strategy for next year.

# HOW YOUR SENATOR VOTED ON PHYSICIAN-ASSISTED SUICIDE

SENATOR	VOTE	DISTRICT REPRESENTED	PHONE	FAX	E-MAIL ADDRESS
Buen, Jan	NO	North/West Maui, Molokai, Lanai	586-7340	586-7343	senbuen@capitol.hawaii.gov
Bunda, Robert	NO	Wahiawa, Haleiwa, North Shore	586-6090	586-6091	senbunda@capitol.hawaii.gov
Chumbley, Avery	YES	East Maui, North Kauai	586-6030	586-6031	senchumbley@capitol.hawaii.gov
Chun, Jonathan	NO	South Kauai, Niihau	586-7344	586-7348	senchun@capitol.hawaii.gov
Chun Oakland, Suzanne	YES	Alewa Heights, Kalihi, Liliha, Nuuanu, Palama, Puunui	586-6130	586-6131	senchunoakland@capitol.hawaii.gov
English, J. Kalani	NO	Wailuku, Kahului, Upcountry	587-7225	587-7230	senenglish@capitol.hawaii.gov
Fukunaga, Carol	YES	Makiki, Tantalus, Ala Moana, Pawaa	586-6890	586-6899	senfukunaga@capitol.hawaii.gov
Hanabusa, Colleen	YES	Nanakuli, Waianae, Makaha	586-7793	586-7797	senhanabusa@capitol.hawaii.gov
Hemmings, Fred	NO	Kailua, Waimanalo	587-8388	587-7240	senhemmings@capitol.hawaii.gov
Hogue, Bob	NO	Kaneohe, Maunawili, Enchanted Lake	587-7215	587-7220	senhogue@capitol.hawaii.gov
Ige, David Y.	YES	Waimalu, Pearl City, Pacific Palisades	586-6230	586-6231	sendige@capitol.hawaii.gov
Ihara, Les	YES	Kaimuki, Kapahulu, Waikiki, Ala Wai	586-6250	586-6251	senihara@capitol.hawaii.gov
Inouye, Lorraine	YES	North Hilo, Hamakua, South Kohala, North Kona	586-7335	586-7339	seninouye@capitol.hawaii.gov
Kanno, Brian	NO	Ewa Beach, Makakilo, Waipahu	586-6830	586-6679	senkanno@capitol.hawaii.gov
Kawamoto, Cal	NO	Waipahu, Pearl City	586-6970	586-6879	senkawamoto@capitol.hawaii.gov
Kim, Donna Mercado	NO	Moanalua Valley, Aiea, Pearlridge, Kalihi Valley	587-7200	587-7205	senkim@capitol.hawaii.gov
Kokubun, Russel	YES	Puna, Ka'u, Kona	586-6760	586-6689	senkokubun@capitol.hawaii.gov
Matsunaga, Matt	YES	Palolo, Waialae, Kahala	586-7100	586-7109	senmatsunaga@capitol.hawaii.gov
Matsuura, David	NO	Hilo	586-7788	586-7792	senmatsuura@capitol.hawaii.gov
Menor, Ron	NO	Mililani, Waipahu, Crestview	586-6740	586-6829	senmenor@capitol.hawaii.gov
Nakata, Bob	YES	Kahaluu, Heeia, Kaneohe, Kahuku	586-7330	586-7334	sennakata@capitol.hawaii.gov
Sakamoto, Norman	NO	Moanalua, Salt Lake	586-8585	586-8588	sensakamoto@capitol.hawaii.gov
Slom, Sam	NO	Hawaii Kai, Aina Haina	586-8420	586-8426	senslom@capitol.hawaii.gov
Tam, Rod	NO	Downtown, Pauoa, Nuuanu	586-6450	586-6451	sentam@capitol.hawaii.gov

Take time to contact those Senators listed above who voted NO to legalized physician-assisted suicide. Remember to thank them for standing up for the value of human life. Please be courteous at all times.

## LANDMARK LEGISLATION ON COMMERCIAL SEXUAL EXPLOITATION HEADED TO GOVERNOR'S DESK

After three years of prayer and hard work, the bill authored by HFF and Sisters Offering Support (SOS) to protect minors from use in strip clubs and nude massage parlors is finally headed to the Governor's desk.

The bill, SB 2234, makes it a Class B felony to use a minor in a strip club or nude massage parlor. These are often gateway activities to prostitution and Honolulu has a big problem with minors being used in these areas.

The bill, authored and supported by Senators Chun and Matsuura sailed through the Senate only to be killed by Senate Judiciary Committee Chair Eric

Hamakawa. Thanks to the efforts of Senators Chun and Matsuura, House Republican and to an inexplicable change of heart by Rep. Hamakawa, the bill was approved by both chambers April 30 and now awaits action by the Governor. There were many people praying for this proposal as well and we thank them for their involvement.

We must now pray and contact the Governor's office, politely urging him to sign HB 2234 into law.

Other CSE issues

HFF would also like to commend

Governor Cayetano for his own proposals to require strip club owners to maintain age verification records and to crack down on those who use the internet to harm children.

We also would like to commend the administration for agreeing with the HFF proposal to raise the age that a minor can be used in pornography. Current Hawaii law allows 16 year old minors to be used in pornography.

HFF recommended the legislature at least raise the age to 18 and the Administration and the Legislature agreed. MAHALO.

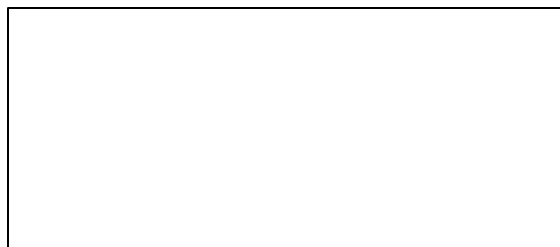


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*Facing the issues that face  
Hawaii's families.*

## HFF SCORECARD FOR 2002 SESSION Calendar of Events

Bill #	Bill Name	Description of Bill	Status / Action
HB 1687	Relating to Gambling	Creates new chapter in HRS relating to the development of a casino gaming resort in Kapolei.	DEFEATED in House Judiciary Committee. This issue will definitely come up again next session. Stay vigilant.
SB 2234	Relating to Sexual Exploitation	Establishes a Class B felony offense of sexual exploitation of a minor. Authorizes possible loss of license and property loss if convicted.	PASSED! Headed for signature by the governor.
HB 2487	Relating to Death With Dignity	Legalizes physician-assisted suicide.	DEFEATED in the Senate at third reading. This issue will definitely come up again next session. Stay vigilant!

**MAY 12, 2002**  
 ~ Mother's Day ~  
*Do something special for your mother and grandmother*

**June 17—28, 2002**  
**Cultural & Legislative Issues**  
 Training Enrichment Opportunity  
 Damien Memorial High School  
 10:00—12:15 a.m.  
 Contact 263-8844 ext. 341  
 for more information.  
 Contact us at 230-2100 for a registration form.