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Right to die goes on trial today

■ **ASSISTED SUICIDE:** *The Supreme Court will study briefs from patients, families, doctors, religious leaders and philosophers*

By Calvin Woodward
Associated Press Writer

WASHINGTON — The Supreme Court will hear about Sara Sinnard, who suffocated herself with a plastic bag because she couldn't find a doctor to end her agony from heart disease, when it takes up the issue of assisted suicide today.

It will also hear about Larry McAfee, a quadriplegic who asked for the right to die but changed his mind, concluding in the process that assisted suicide devalues humanity.

Justice Antonin Scalia has confessed to feeling like someone being asked to deliver cosmic wisdom.

"Why would you leave that to nine lawyers, for heaven's sake?" he recently asked.

Because there is ultimately nowhere else to go.

It's an issue that can touch anyone: the dreadfully ill grandmother, the failing dad, their families, the handicapped — anyone, because everyone dies.

Should death be hastened by the healer or arrive at its own pace? That question comes to the court atop a mountain of human pain and worry.

In deciding whether prohibitions against assisted suicide in New York and Washington state are constitutional, the nine justices will be dealing with perhaps their most emotionally laden case outside abortion. A decision is expected by July.

The court is braced for a big day today, when it will hear arguments.

Officials were handing out tickets after midnight for the 50 or more courtroom seats reserved for the public. Ticket holders had to spend the rest of the cold night outdoors on the building's plaza.

The court expected 1,000 or more demonstrators to gather out-

side and assigned 115 press seats inside, more than four times the usual number.

Briefs have been filed from philosophers in favor of the right to assisted suicide and philosophers against. Doctors, religious leaders, patients and families are similarly divided.

"The notion that physician-assisted death ... should be a matter of personal choice at once pushes us because it is at odds with our traditional values, while it pulls us because it offers a possible solution to one of the most heart-breaking of our present-day realities," Oregon says in its brief.

Federal courts ruled last year the prohibitions in New York and Washington were unconstitutional.

Oregon was the first state to legalize assisted suicide for terminally ill adults but backs the right of the other states to prohibit it. The Clinton administration opposes assisted suicide.

Public opinion appears uncertain.

In an October Gallup Poll commissioned by the National Hospice Organization, 50 percent of respondents said doctor-assisted suicide should be legal and 41 percent said it should not.

A study that month by Duke University indicated support was weakest among people most likely to use the right. Only 40 percent of the frail, elderly people surveyed favored assisted suicide as an option for the terminally ill while 60 percent of their relatives did.

The American Medical Association will tell the court of the "profound danger" for people with undiagnosed depression or inadequately treated pain who may turn to suicide instead of proper care and pain relief.

The American Medical Student Association will counter that for many terminal patients, "death may constitute not harm but the only available relief."

A Catholic group calls assisted death "a poisonous concoction of

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The notion that physician-assisted death... should be a matter of personal choice at once pushes us because it is at odds with our traditional values, while it pulls us because it offers a possible solution

— excerpt from Oregon trial briefing

warmhearted, misguided pity and coldhearted utilitarianism.”

A group of families whose relatives sought assisted suicide asks: "How 'natural' is it to die of convulsions and dementia?"

In the passions involved and points of public debate, the argument on assisted suicide has some parallels with abortion. Yet both sides are cautious about going too far to link the two.

Abortion opponents see assisted suicide as yet another attack on the sanctity of life.

The case of Sinnard, who died alone because her husband of 49 years might have been implicated had he been in the room, is held out as the equivalent of the back-alley abortions women went through before legalized abortion.

Her death is one of many wrenching stories to be presented to the court.

In another, Patty Rosen describes a 10-hour ordeal she experienced helping her 26-year-old daughter, stricken with bone cancer, die. "I moaned, sobbed, prayed and kept pushing the drugs," she writes.

Advocates for the disabled will contend some of the people whose suicides were attended by Dr. Jack Kevorkian were not terminally ill, but depressed over their condition. Assisted suicide, they say, is a "death train" for the handicapped.

A number of disabled people have formed a group to oppose assisted suicide. They call themselves Not Dead Yet.

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