

## Free to Die and Free to Speak About It

When the state of Georgia arrested four Final Exit Network volunteers, it accused them and our group, which advocates for the right to die with dignity, of assisting in suicides. In doing so, it drew attention to a Georgia law that violates the First Amendment right to free speech — and now FEN has brought an action in U.S. District Court to defend its rights.

Georgia's prosecution has revived a legal row likely to play out across the country in the months and years ahead. "Assisted suicide," as it is so often and unjustly called, has been a controversial subject since at least the 1990s, when Michigan doctor Jack Kevorkian was imprisoned for helping terminally ill patients die. Quite a few states have passed laws against actively providing "aid" or "assistance" in another's death. Ironically, Georgia's statute isn't explicit on that point.

Rather, the state's assisted suicide law (O.C.G.A. 16-5-5) says that anyone who "publicly advertises, offers, or holds himself or herself out as offering" to aid another in "suicide" is committing a felony. In other words, the law bans talking about aid in dying. That makes it unconstitutional under the First Amendment. A state has no more right to ban speaking about assistance in death

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Jerry Dincin

than it does to outlaw political speech or controversial books.

The fact is, a small number of terminally ill patients, finding themselves incapacitated or in agony, choose to bring an end to their suffering. It is unfortunate that assistance in death is called "assisted suicide" no matter what the circumstances. The people who rationally decide to terminate irreversible suffering are not "suicidal" and do not wish to die any more than the next person. Their decision should not be likened to the tragedy of an untimely death by real suicide.

FEN's volunteers are deeply sympathetic to the wishes of these

circumstances. However, no one in our organization has ever actively aided in another person's death. Aid in dying is now legal, but only for a physician, in Montana, Oregon and Washington. "Physician aid in dying" will not likely be legal in other U.S. states within the next few years. But it's not what we do: we do not aid in dying and we are not, most of us, physicians.

Rather, our volunteers provide information, counseling, and moral support to terminally ill patients who are considering ending their lives. Usually they're grappling with conditions like Alzheimer's, with

one by one; or inoperable pancreatic cancer, with its crippling abdominal pain. Usually, those patients have already explored all known methods of treatment, in vain.

FEN provides two services. First, our volunteers give informa-

the same time, advances in medical science are transforming the way we experience death. It used to be that dying was mostly natural, inevitable, and quick. Now, medicines and machines make it possible to keep a dying patient on life support for years. Real choice needs to become a part of the process. And when death becomes a matter of choice, individuals should have the freedom to make it for themselves.

Because of these demographic and scientific shifts, we expect to see the debate over the right to die intensify. Meanwhile, more and more people will seek out the counsel of organizations like FEN. As we undergo this change as a society, let's keep our constitutional rights — and our freedoms — in sight.

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### Georgia authorities were following their state laws when they brought charges against four of our members

tion on hastening death to those who feel that an incurable medical condition has made life intolerable. Second, we provide compassionate company in the final moments. Technically, since our volunteers share information on how to induce death with certainty and without suffering, Georgia authorities were following their state laws when they brought charges against four of our members in 2009. But that law shouldn't exist in the first place. That's why FEN recently brought an action against Georgia in U.S. District Court, to vindicate the free speech rights of our volunteers.

The U.S. population is aging. At

people who rationally decide to terminate irreversible suffering are not 'suicidal' and do not wish to die

patients, and believe that being able to choose whether to live or die should be a basic human right for those under extreme medical

its slow, painful descent into advanced dementia; Lou Gehrig's disease, in which bodily functions, from speaking to swallowing, fail

## The 'Job-Killer' Lies About Health Care Reform

Republican leaders in the House are trying to repeal health care reform by asserting that it is a "job killer" and will cause the deficit to rise. According to an array of independent assessments, the GOP is wrong on both counts.

Rep. Eric Cantor (R-Va.) introduced a bill aimed at killing key provisions of the Health Care and Education Reconstruction Act of 2010. Cantor's 2-page bill says, "This act may be cited as the 'Repealing the Job-Killing Care Law Act.'

But giving the bill a catchy name doesn't mean the description is accurate.

"House Republicans claim that the legislation (the Affordable Care Act) is a 'job-killer' imply that health care reform measures will be a major drag on the economy because they will allegedly increase employers' costs," the Center on Budget and Policy Priorities noted. "But these claims are not supported by the evidence, and they are at odds with leading non-partisan assessments of how health care reform legislation will affect the economy and labor markets."

But an assessment by the Congressional Budget Office concludes that employers with 50 or more employees — approximately 70 percent of the total insurance market — will see their premiums remain the same or decrease by up to three percent in 2016. Smaller employers may see increases in the one percent to two percent range, according to the CBO.

The Center on Budget and Policy Priorities' Paul Van de Water observed, "Politico quotes

### THE CURRY REPORT

George E. Curry



incoming House Budget Committee Chairman Paul Ryan ... as stating that the health reform law 'is full of gimmicks that more than erase the false claim of deficit reduction' made by the Congressional Budget Office, which has estimated that the law will reduce the deficit by \$143 billion over 2010-2019 and by some \$1.3 trillion over the following decade. But the 'gimmicks' he cites are nothing of the sort, as my colleague Jim Horney and I explained in a report we issued when these and similar misleading charges began surfacing nearly a

... repealing the new law ... would increase the deficit

year ago.

"According to Politico, Rep. Ryan claimed that the Affordable Care Act uses revenues from Social Security and premiums from a new long-term care insurance to offset the cost of health reform. In reality, health reform reduces the deficit even without counting these revenues. As our report explained:

"CBO and the Joint Committee

on Taxation have concluded that the health reform legislation will reduce employer spending on health insurance, in part because the new excise tax on high-cost insurance plans will lead employers to shift some employee compensation from health insurance to cash wages. Workers will pay Social Security payroll contributions and income taxes on the additional wages."

FactCheck.org asks, rhetorically: So what about the "budget-busting" label that House Republicans are also trying to apply?

It answered its own question: "The Congressional Budget Office officially scored the new law as self-financing, projecting that it would actually reduce the deficit over the first 10 years — and beyond. And so it should surprise nobody that CBO said Jan. 6 that repealing the new law, as Republicans propose, would increase the deficit. CBO's latest

figures project that repealing the new law will increase the deficit by a total of \$230 billion over the next 10 years (through fiscal year 2021). So keeping it in place would help the budget, not bust it."

Republicans pushing for an extension of the Bush tax cuts for the wealthy and Democrats championing continued tax breaks for the middle class evidently were

not as concerned about the deficit when they joined hands last month to extend expiring tax breaks for everyone.

The \$860 billion measure signed by President Obama, among other things, extends unemployment benefits for another 13 weeks and

ventive services or screenings, such as mammograms, pap smears, or prostate screening. In turn, inadequate prevention and screening increases the likelihood of preventable illness, missed diagnoses, and delays in treatment.

### Uninsured children are 70 percent less likely than insured children to receive medical care for common childhood conditions

extends the Bush tax cuts for another two years. The tax breaks will cost \$544.3 billion over the next two years, including \$81.5 billion for the top 2 percent of taxpayers.

Largely missing in the debate over whether the new health care law is a "job-killer" is the amount of deaths that will be caused if Republicans are successful in repealing what they derisively call ObamaCare.

Mathematica Policy Research, Inc. noted last April, "Estimating the number of premature deaths attributable to lack of insurance presents methodological challenges, but some research indicates that as many as 44,500 deaths per year in the United States are linked to lack of insurance."

However, it is not methodologically challenging to measure the disparity between those who have health insurance and those who don't. According to Mathematica: Uninsured adults are less likely than insured adults to receive pre-

Uninsured children are 70 percent less likely than insured children to receive medical care for common childhood conditions, such as sore throat, or for emergencies, such as a ruptured appendix.

At-risk adults without insurance have higher rates of stroke and greater risks of death than at-risk adults with insurance.

When hospitalized, uninsured children are at greater risk of dying than children with insurance.

The question lawmakers should be weighing is not whether the health care bill is "job-killing," as Republicans claim. The real question is: What about the needless suffering and deaths that would occur without health care insurance being expanded? You can't put a price tag on that.

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