



AP file photo
In this March 25 file photo, a portrait of Brittany Maynard sits on the dias of the Senate Health Committee at the Capitol in Sacramento, Calif., as lawmakers took testimony on proposed legislation allowing doctors to prescribe life ending medication to terminally ill patients.

Judge to dismiss right-to-die lawsuit

By **JULIE WATSON**
Associated Press

SAN DIEGO — A judge strongly indicated Friday he will dismiss a lawsuit against the state by a single mom given only months to live and other California right-to-die advocates who want doctors to be allowed to prescribe fatal medication for terminally ill people.

During a hearing in which two of the plaintiffs broke down in tears, San Diego Superior Court Judge Gregory Pollack said the court is not the place to change the current law that prohibits physicians from prescribing such drugs and that he would issue a written decision Monday.

The lawsuit was brought against the state by Christy O'Donnell, two other terminally ill California residents and a San Diego doctor. Attorneys on both sides agreed that dismissal was certain, and the plaintiffs vowed to appeal.

O'Donnell, who turned 47 on Friday, has been diagnosed with Stage IV cancer of the left lung, which has spread to her brain, liver, spine and rib. The Santa Clarita woman said she will likely not live through the appeals process.

"For any judge, or anyone, or any law or legislator to tell me that my daughter has to watch me die painfully — that's wrong," said O'Donnell, crying after the hearing.

Pollack did not formally rule Friday but told the court that he did not have the power to declare the statute as unconstitutional.

"You're asking this court to make new law," Pollack said. "If new law is made it should be by the Legislature or by a ballot measure."

The judge said the parties probably could get "new law" from a higher court "but you can't get it from a lower level Superior Court judge like me."

At the end of the hearing, O'Donnell and Elizabeth Wallner, of Sacramento, stood up and asked to speak to the judge. Wallner told him the slow death allowed by current law is equivalent to "torture."

Under California law, suicide is legal. Doctors are also allowed at a patient's request to sedate the person and withdraw nourishment and further medical treatment until they die. Attorneys for

the plaintiffs had argued that is the same as prescribing life-ending drugs that can be self-administered when the suffering becomes unbearable.

Pollack said he disagreed and that courts have made a clear distinction between letting someone die and making someone die.

The plaintiffs are backed by Compassion and Choices, an advocacy group that has supported legislative efforts and similar lawsuits in various states.

Some advocates say they thought the nationally publicized case of Brittany Maynard, the 29-year-old California woman with brain cancer who moved to Oregon to legally end her life last fall, might usher in a wave of state laws allowing doctors to prescribe life-ending medications but that hasn't happened.

In California, a bill that would allow such prescriptions stalled. Similar legislation failed in 2007 amid religious opposition.

Tim Rosales, a spokesman for California Coalition Against Assisted Suicide, said the lawsuits show right-to-die advocates are getting desperate after the setbacks. He said people, especially those with low income, may turn to fatal medication to end their lives not because of suffering but because it's the cheapest health care option and they no longer want to be a burden.

"There have been a lot of red flags and concerns raised in bipartisan fashion, not only in California, but across the country against this," he said.

The lawsuit asks that the court impose an injunction on the current law, declaring it unconstitutional as applied to doctors. The plaintiffs asked for an expedited process because of their deteriorating health.

Voters approved doctor-prescribed fatal medication for the terminally ill in Oregon and Washington in ballot measures, while the Vermont legislature passed a right-to-die law.

In other states, the courts have stepped in. The Montana Supreme Court ruled in 2009 that nothing in state law prohibits physicians from giving aid in dying and that doctors could use a patient's request for the medication as a defense against any criminal charges.

Gunman known for anger, radical views

Associated Press

For decades before he opened fire in a Louisiana movie theater and killed two people, John Russell Houser was known as a man prone to anger, a loudmouth provocateur never afraid to share his opinion.

His family said they feared him so much they hid his guns and had him hospitalized. A local TV host frequently invited him as a guest, knowing he'd be a lightning rod who could light up the phone lines with rants against abortion and working women. In one prominent fight with local officials, he unfurled a 6-foot-by-6-foot banner outside his west Georgia bar picturing a swastika surrounded by the words, "Welcome to LaGrange."

"He was the kind of guy who would say, 'I'm going to get you,' but then again you get that a lot in local politics," said Jeff Hardin, former mayor of Phenix City, Alabama. For years, Houser lived and worked there and neighboring Columbus, Georgia.

In the early '90s, he was a regular guest on a local call-in television show where he'd be the conservative Republican pitted against a Democrat. The host, Calvin Floyd, said Houser had radical opinions that included advo-



Houser

cating violence against abortion providers, keeping women out of the workplace and fearing a military takeover of civilian government.

"He made a lot of wild accusations," said Floyd, who hosted the show on WLTZ-TV in Columbus for more than two decades. "He could make the phones ring."

Yet Houser had a dark side that went way beyond talk. In 1989, court records say, he was accused of hiring someone to burn down a Columbus lawyer's law office. His wife and other relatives filed papers accusing him of domestic violence in 2008. He was accused of virtually destroying a foreclosed home he was being evicted from in 2014.

In Lafayette, Louisiana, police said Houser stood up during a showing of the movie "Trainwreck" Thursday night and started shooting without a word. Two people were killed and nine were injured; authorities said Houser shot himself to death as officers pursued him in the theater.

"I wasn't a bit shocked that it

happened," Floyd said. "As many times as I had him on it was obvious he had a screw loose."

The church-going son of a longtime city tax official in Columbus, Houser received degrees in accounting and law but never applied to take the bar exam in Alabama.

Houser posted on an online career website that he was an entrepreneur who owned and operated two nightclubs in Columbus and LaGrange in the 1980s and 1990s. But his stint as a club operator ended sourly when he was accused of selling alcohol to minors at Rusty's Buckhead Pub.

In April 2001, the LaGrange mayor and city council voted to revoke all of Houser's alcoholic beverage pouring licenses based on five convictions of selling alcohol to minors in the span of a year from 1999 to 2000, according to a court filing. Houser appealed, but the court found the mayor and council acted correctly.

Houser put up the swastika banner in protest, according to an April 28, 2001, story in the LaGrange Daily News.

He told the newspaper he was "completely against" the Nazi philosophy but chose the symbol because it represents a government's ability to do what it wants.

Dylan's guitar returns to Newport

By **MICHELLE R. SMITH**
Associated Press

The guitar that Bob Dylan used to go electric at the Newport Folk Festival 50 years ago is back in Newport.

"Dylan's guitar is home," festival producer Jay Sweet said through a spokeswoman Friday, the opening day of this year's three-day outdoor festival.

Dylan used the Fender Stratocaster in his performance on July 25, 1965, when he strode on stage in a leather jacket and launched into the song "Maggie's Farm." The performance drew a mix of boos and cheers from the audience, from some who were thrilled by the performance and others who felt abandoned by someone who until then had been best known for singing protest songs with an acoustic guitar.

The moment is considered one of the most important in rock history.

Jim Irsay, owner of the NFL's Indianapolis Colts, bought the guitar in 2013 for \$965,000. It was the most expensive guitar ever sold at auction. The curator of his rare guitar collection, Chris McKinney, brought the guitar to the festival Friday, toting it with him as a carry-on on a commercial flight, he said.

This weekend's festival is paying tribute to Dylan's performance in a number of



AP file photo
Bob Dylan plays an electric guitar at the Newport Folk Festival on Aug. 3, 2002 in Newport, R.I.

ways, including a still-secret lineup of around a dozen musicians on Sunday that will not be revealed until they step on stage. The festival is also hosting a discussion of a book out this month that

examines the performance, and what led up to it, "Dylan Goes Electric! Newport, Seeger, Dylan, and the Night that Split the Sixties," by Elijah Wald.

Organizers say they also

hope the guitar can be played this weekend, although it has not been played in public in 50 years. It's not clear yet who will play the guitar, although Sweet has said repeatedly that while an invitation was extended to Dylan, he would not be coming to the festival this year.

The last time he played at the Newport Folk Festival was in 2002.

"It (the guitar) is such an important part of musical history, and Dylan was our generation's Shakespeare, so it's our way to give back and share," Irsay said.

A pilot who transported Dylan soon after the performance found the guitar on his plane and tried to return it to Dylan without success. His daughter auctioned the instrument.

Sweet asked McKinney to make sure it was in playable condition, so he checked through the instrument and changed the strings. The original ones Dylan used were thought to have still been on the instrument. Even though it hasn't been played in decades, it still sounded good, McKinney said.

"It's actually a good playing guitar," he said.

McKinney said he plans to bring the guitar to the book discussion on Sunday. He said musicians also will be invited by the festival to speak on a film about Dylan's 1965 performance and play the guitar if they wish.



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