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Assisted suicide advocate Jack Kevorkian dies at age 83

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/ The Detroit News

Jack Kevorkian, a former Oakland County pathologist who stirred public debate about physician-assisted suicide and admitted helping 130 people end their lives, died early today. Kevorkian had been hospitalized with kidney and respiratory problems for several weeks at Beaumont Hospital in Royal Oak. He was 83.

The man known as "Dr. Death" died peacefully early this morning in the hospital listening to the music of Johan Sebastian Bach. Kevorkian likely died from pulmonary thrombosis (blood clots moving from his lungs to his heart), said his lawyer, Mayer Morganroth.

"History will look very favorably upon Dr. Jack Kevorkian," said attorney Geoffrey Fieger, who defended Kevorkian on many of his assisted suicide cases.

Fieger said at a press conference at his Southfield law offices that he believes that if Kevorkian hadn't been so weak and infirmed that he might have made choice to end his life the way he helped others do so.

"I will personally miss him," Fieger said. "I am personally grateful to have known such a great man."

Michigan's most famous felon pathologist, dubbed "Dr. Death" in the heyday of his assisted-suicide crusade, was released from prison in 2007 after serving more than eight years of a 10- to 25-year sentence for murder for a nationally televised fatal injection he gave in 1998 to a patient stricken with Lou Gehrig's disease.

A jury convicted him of second-degree murder in the case, dramatically ending a string of acquittals that had imbued Kevorkian with strident self-righteousness and transformed him into a symbol of the right-to-death movement.

Kevorkian vowed before his release from prison that he would refrain from ever again assisting in a suicide, but that didn't keep him from the lecture halls or interview requests from the media. He went from CBS' "60 Minutes" upon his release to the BBC to writing editorials in the New York Times in response to an unfavorable commentary.

He again was in the spotlight recently after filmmakers produced a biopic of his life: "You Don't Know Jack: The Life and Deaths of Jack Kevorkian," which aired on HBO in April 2010.

When asked about the right-to-die debate, at a Detroit premiere for the film, Kevorkian adamantly defended his actions.

"This is an ethical practice," Kevorkian said. "One that doctors should be able to practice without fear. Once something is declared ethical it is covered by law. Not religion or politicians."

After his release in 2007, Kevorkian spoke at seminars across the country and had taken up the cause of

the Ninth Amendment, which protects rights that aren't specifically mentioned in the Constitution.

He was also political enough to run in the November 2008 election for Michigan's 9th U.S. House District but lost.

In recent years, he said he wanted to talk to young people about "natural" civil rights and liberty, but even as he eschewed participating in assisted suicide he railed at an emasculated public for failing to enact assisted suicide laws.

Right-to-die movement

Kevorkian, who was the point man for the right-to-die movement in the 1990s, had been suffering from liver damage from hepatitis C. "I despise people dying at my hand, but I'm forced as a physician to deal with it," Kevorkian was quoted as saying outside of jurors' hearing.

Kevorkian helped patients end their lives by hooking them up to a lethal-injection machine he created or by strapping them to a face mask that was connected to a carbon-monoxide canister.

He stunned the country and put himself in the forefront of the physician-assisted suicide movement in June 1990, when he assisted the suicide of Janet Adkins, a 54-year-old Alzheimer's patient from Portland, Ore., at an Oakland County park.

Kevorkian told The News he hooked Adkins up to the machine he called a "suicide device" and when she pushed a button, it injected her with a lethal dose of chemicals.

Oakland County authorities charged Kevorkian with first-degree murder in 1991 in Adkins' death, but the charges were dropped because Michigan did not have a law governing assisted-suicides.

Over the next eight years, Kevorkian provided lethal gas and chemicals to those whom he considered terminally ill and who wanted to die.

His actions sparked the still-unsettled debate in the United States about whether it is ethical and moral for doctors to help end the suffering of hopelessly ill patients. He also forced discussions about the reliability of a terminal diagnosis and the prospects for future medical treatment.

But the short, gaunt doctor with large glasses over his sunken eyes and a trademark crew cut often overshadowed the issue he tried to promote. Not all those he helped die were incurably ill nor were they all in the end stages of life, his many medical critics said.

Cocky and combative, Kevorkian publicly announced the assisted suicides and tied them to a need for death rights in this country. By his actions, Kevorkian dared prosecutors to charge him and forced politicians and the public as a whole to wrestle with the issue.

In 1991, the state Board of Health voted overwhelmingly to suspend Kevorkian's license to practice medicine in Michigan, ruling that he "constitutes a threat to the public health."

Kevorkian was charged in 1992 in the deaths of Sherry Miller, a 44-year-old Roseville mother of two who suffered from multiple sclerosis, and 58-year-old Marjorie Wantz of Sodus, who was afflicted with chronic pelvic pain, but the charges again were dropped because Michigan didn't have an assisted suicide law. The charges were reinstated in 1994 but a jury acquitted Kevorkian.

In September 1998, two months before Michigan voters considered legalizing assisted suicide, Kevorkian took a bolder step. In a videotape later played on CBS TV's "60 Minutes," Kevorkian killed Waterford Township's Thomas Youk, who said he wanted to die but lacked the physical ability to do it himself. In his other cases, Kevorkian provided only the tools and guidance for physician-assisted suicide.

Charged again with murder and insistent on defending himself for once, Kevorkian hoped the case would establish a bold new boundary for medical treatment. Instead, his conviction ended nearly a decade in the spotlight.

"In terms of getting the problem and possible solutions out to the general public, he achieved a great deal," said Derek Humphry, who in 1980 founded the Hemlock Society, which supported assisted suicide. "On the other hand, he set us back in terms of the medical profession. ... I wish he had been a bit more diplomatic."

The early years

Kevorkian was born in Pontiac in 1928, the son of Armenian refugees. Both of his parents lost family members in the Armenian massacres carried out by Turks during World War I.

His father was an autoworker who later owned an excavating company; his mother was a homemaker. In 1945, Kevorkian graduated with honors from Pontiac High School at age 17. He later graduated from the University of Michigan's medical school in 1952 with a specialty in pathology, the study of death and disease.

During his internship at Henry Ford Hospital in Detroit, Kevorkian said a woman dying of cancer helped spark his later work. In his 1991 book, "Prescription: Medicide, The Goodness of Planned Death," he said the woman seemed "as though she were pleading for help and death at the same time." The incident convinced him that physician-assisted suicide was ethical and proper.

His early work was provocative and controversial, presaging the battles to come.

In 1956, he wrote an article on his research and photographs of blood flow to retinas at the moment of death. The work first earned him the nickname "Dr. Death."

In a presentation in Washington, D.C., two years later, Kevorkian called for medical experimentation on willing death row inmates. Officials at the University of Michigan, where he then worked, were appalled by the proposal.

Still, the experience hardly ended his interest in unconventional medicine.

From 1961 until 1966, Kevorkian occasionally transfused cadaver blood into living patients at Pontiac General Hospital. He wrote about it in a medical journal, which again thrust him briefly into the professional spotlight. He defended the practice by pointing out that Soviet doctors did the same during World War II to save wounded soldiers.

In 1970, Kevorkian began a decade as chief pathologist at Detroit's Saratoga General Hospital. He retired from there and briefly moved to California, where he helped bankroll and produce a film adaptation of Handel's "Messiah."

After that project failed, Kevorkian returned to Michigan and increasingly focused on death rights in articles published in obscure medical journals.

Throughout his career, Kevorkian was an outspoken critic of medical convention. He dismissed the profession as "nothing other than a commercial business."

In 1987, Kevorkian took a more public tack when he advertised in Metro Detroit newspapers offering "death counseling" services.

A year later, he published "The Last Fearsome Taboo: Medical Aspects of Planned Death" in the journal *Medicine and Law*. The article outlined Kevorkian's vision for suicide clinics that would include medical experimentation on willing subjects.

In 1989, working in a Royal Oak apartment located above a former funeral home, Kevorkian finished his first model of the "Mercitron," a device crafted from \$30 in scrap parts. The machine was designed to anesthetize the patient, then stop their heart with chemical injections.

All he needed was a patient.

The first suicide

Janet Adkins could no longer remember her sons' names or play the piano when she contacted Kevorkian in October 1989 about killing herself. The 54-year-old Portland, Ore., woman had Alzheimer's disease and didn't want to live as it ravaged her mind.

Kevorkian urged her to try an experimental drug treatment in Seattle, and, when that failed, he agreed to help her commit suicide.

Adkins and her husband flew to Michigan because at the time Oregon law made it a felony to provide the means to commit suicide.

On June 4, 1990, Adkins and Kevorkian traveled in his 1968 Volkswagen van to Groveland Oaks Park in Oakland County and connected her to the Mercitron.

In 25 seconds, Adkins was unconscious. Within six minutes, she was dead.

If death was swift, the preparation was not.

No one would allow the procedure on their property and a part on the machine broke before Adkins used it. Kevorkian had to drive home and get pliers to fix it.

"This was done under the world's worst condition — worst," Kevorkian said at the time. "Terrible the first one had to be done this way. ... I didn't feel good when I did it. I was emotionally drenched, wrung out. It was by obligation to a suffering human."

Kevorkian said Adkins' last words were to "make my case known."

Her death made international news and began a debate that Kevorkian stoked for the rest of the decade.

The death-rights movement

While Michigan authorities grappled with the potentially criminal implications of Kevorkian's acts, death-rights advocates worked, mainly without success, across the country to legalize assisted suicide.

Beginning in the early 1990s, voter initiatives failed by varying margins in California, Maine and Washington. Michigan voters overwhelmingly rejected it 71-29 percent in 1998.

In 1997, the U.S. Supreme Court unanimously upheld bans on physician-assisted suicide in Washington and New York, though it left a legal opening for states to allow it.

Some states, such as Iowa and Rhode Island, specifically tightened their laws to ensure assisted suicide remained illegal.

Hawaii's lawmakers flirted with legalization in 2002, but couldn't maintain support. Vermont's legislators have considered the issue in recent years but made no efforts to change the law.

Oregon stands as a singular exception.

In 1994, voters there narrowly passed the Death With Dignity Act, a groundbreaking initiative that allowed terminally ill patients to take prescription medicine to kill themselves.

The federal government immediately challenged the law in court and prevented it from taking effect until after voters there resoundingly voted in November 1997 to keep the law on the books.

More than 200 people killed themselves in the first seven years of Oregon's assisted suicide program.

But with its most visible symbol behind bars and the country fixated on terrorism after the September 11 attacks, the assisted suicide movement largely fell out of the national consciousness during Kevorkian's prison years.

A leading advocacy group for death rights, the Hemlock Society, itself died a quiet death in 2003. The organization was renamed the Final Exit Network and is less aggressive than its earlier incarnation, said Humphry, who helped found Hemlock. At least three other like-minded death-rights groups also vanished in recent years.

In 2005, public opinion polls showed general support in allowing the death of Terri Schiavo, a Florida woman who spent nearly 15 years in a persistent vegetative state. Still, her flashpoint case did little to spur a renewed push for death rights.

"The right-to-die movement in America is just paddling in the water," Humphry said in a 2006 interview with The News. "It's not getting anywhere. Our membership is strong. Our money is ample. The movement is there. But the political climate is so strongly against us, there's not a lot we can do at the moment."

Fighting the law by flouting it

For years, Kevorkian employed a scorched-earth public relations battle for the assisted-suicide movement.

Hours after Michigan authorities issued a legal order to stop aiding suicides, Kevorkian called a news conference and set the paper on fire.

In February 1991, Oakland Circuit Judge Alice Gilbert banned Kevorkian from using his suicide machine. He said then that he would abide by the judge's order, but continue to lobby for a change in the law.

Hours later, Kevorkian told a 44-year-old dentist with bowel cancer how to build a suicide machine. The next day, Kevorkian announced his actions publicly.

Oakland prosecutors were angry, but conceded that Kevorkian had not technically violated the judge's order.

After each acquittal, after each attempt to criminalize his conduct, Kevorkian grew bolder. He often maintained that his actions were guided by different standards.

"I'm disobeying an immoral law. I may go to prison, but then it will change," Kevorkian said in an interview with British media.

On another occasion, he put it this way: "Curtailing human suffering is ethical and shall be my overriding concern."

Kevorkian's caustic style inspired opposition from many corners.

Not Dead Yet formed in 1996 after Kevorkian was acquitted in the deaths of two women who were not

terminally ill. Concerned that Kevorkian represented a growing eagerness to kill those with medical problems, the group picketed him and showed up in force at his later trials.

Legal strategy backfires

The Youk trial was a disaster for Kevorkian.

Oakland prosecutors learned from the earlier acquittals. In those cases, jurors considered the suffering of the patients before their deaths.

To avoid a verdict based on sympathy, prosecutors charged Kevorkian with murder but not euthanasia. That decision ruled out details of Youk's diminished life.

Stripped of his key defense and serving as his own lawyer, Kevorkian called no witnesses in the case.

The entire strategy frustrated David Gorosh, an attorney who took the case for free. Near the end, Morganroth joined Kevorkian's legal team, but the damage had been done.

Oakland Circuit Judge Jessica Cooper repeatedly urged Kevorkian to let his lawyers handle the case, but the headstrong doctor refused until after the jury was already deliberating the verdict.

In an appeal to the jury, Kevorkian insisted he did what doctors do: relieve pain. The prosecutor called Kevorkian "a medical hit man who comes in the night with his bag of poison."

The jury convicted him of second-degree murder and illegal delivery of a controlled substance.

At sentencing, Cooper's courtroom was filled with both supporters and opponents of assisted suicide. Focusing on the law as it stood, not as Kevorkian or his patients might like it to be, Cooper imposed the maximum sentence.

"Consider yourself stopped," Cooper told Kevorkian. "When you purposely inject another human being with what you know to be a lethal dosage of poison, that, sir, is murder."

In his appeals, Kevorkian later blamed Gorosh for providing ineffective counsel, a move that invited guffaws from legal observers who maintained Kevorkian was, as usual, his own biggest problem.

Know Jack

Kevorkian was a lifelong bachelor. He advocated a Spartan diet and maintained a fastidious lifestyle.

Kevorkian showed up for a 1996 interview with "60 Minutes" proudly wearing a \$15 suit.

He rejected organized religion, calling it hypocritical and a myth. At the same time, Kevorkian didn't profess atheism either. Instead, he claimed a spiritual connection to Johann Sebastian Bach.

Kevorkian didn't like TV and he hated politics. He was an avid reader.

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