



Wisconsin Update

Newsletter of Compassion & Choices of Wisconsin

Vol. 19, No. 1 Supporting the option of aid-in-dying for the terminally ill March 2009

Montana Court Strikes Down Restriction on Death With Dignity

(On December 5, 2008, a Montana District Court issued its decision in a case challenging the constitutionality of the application of the homicide statutes to physician aid in dying. The Court concluded that the Montana constitutional rights of individual privacy and human dignity, taken together, encompass the right of a competent terminally ill patient to die with dignity. The decision was written by Judge Dorothy McCarter of the Montana First Judicial District Court, who in subsequent action denied the State's request that the decision's effect be delayed pending appeal. The case was brought by terminally ill patients and their doctors, who were represented by local counsel and by Compassion & Choices, which was represented by Kathryn Tucker.

The following are excerpts from Judge McCarter's decision).

“The complaint alleges that competent terminally ill patients and their physicians have rights under the Montana Constitution to ‘aid in dying.’”

“The individual dignity clause of the Montana Constitution, also found in Article II, section 4, states, ‘The dignity of the human being is inviolable.’ This language has been defined

by the Montana Supreme Court on two occasions. In [the first instance], the Court stated: ‘Respect for the dignity of each individual – a fundamental right, protected by Article II, Section 4 of the Montana Constitution – demands that people have for themselves the moral right and moral responsibility to confront the most fundamental questions of life in general, answering to their own consciences and convictions.’”

“Article II, section 10, of the Montana Constitution provides: ‘The right of individual privacy is essential to the well-being of a free society and shall not be infringed without the showing of a compelling state interest.’ This

(Continued on p. 3, **Montana Court**)

April Public Meeting of C&C of WI

The April Public Meeting of Compassion & Choices of Wisconsin will be held in Madison at the First Unitarian Society on Saturday, April 18, 2009 at 9:30 A.M. Filmmaker Karen Cantor will show and discuss her film *Merian's Way*. See the meeting notice on page 5. Come to the meeting and bring a friend.

Visit www.compassionandchoiceswisc.org for information regarding end-of-life issues.

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2008—2009**

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C&C of WI Board Action

At the December meeting, the board decided that the newsletter should be printed in a larger size type and on white or cream color paper. How do you like the 14 point type and the color? Do you want us to keep it or do you want us to go back to the 12 point type and the colored paper. Let us know. We would welcome letters to the editor on this or on any matter related to C&C of WI or aid in dying for the terminally ill. Send your letters to the Editor, 3934 Plymouth Circle, Madison, WI 53705.

In another action, the board decided that each issue of the newsletter should contain an appeal for donations and that an envelope be enclosed in the newsletter for that purpose. The following item contains information on donations.

Fund Raising Appeal a Success

Twenty seven (27) members and friends of C&C of WI donated \$1380 in the last appeal. This amount met the challenge thrown down by one of our generous members who pledged to donate \$1000 if other members would donate that amount or more. You Did It.

Please see the honor roll of donors on page 3.

All donations to C&C of WI are deductible for federal and state income tax purposes in the year they are made. In sending in your donation, please indicate whether we have your permission to list your name and the name of the community in which you live on the honor roll of those who have made donations.

(Continued from page 1, **Montana Court**)

Honor Roll of Donors

right has been addressed by the Montana Supreme Court on many occasions, and the court has acknowledged that Montana adheres to one of the most stringent protections of its citizens' right to privacy in the United States, exceeding even that provided by the United States Constitution. [Quoting from one of those cases] 'It is, perhaps, one of the most important rights guaranteed to the citizens of this State, and its separate textual protection in our Constitution reflects Montanans' historical abhorrence and distrust of excessive governmental interference in their personal lives.'

"The Court concludes that a competent terminally ill patient has the constitutional right to die with dignity. This right is protected by Article II, sections 4 and 10, of the Montana Constitution and necessarily incorporates the assistance of his doctor, as part of a doctor-patient relationship, so that the patient can obtain a prescription for drugs that he can take to end his own life, if and when he so determines."

"The Court recognizes compelling State interests in protecting patients and their loved ones from abuses, in protecting life in general, and in protecting the integrity and ethics of the medical profession. However, those interests can be protected while preserving a patient's right to die with dignity."

"The implementation of this Court's decision, including provisions to protect the compelling state interests, remains a function of the legislature."

We tip our hats to all of you who supported our cause. The total number of donors was twenty eight, including the following:

James C. Allen	Madison
Leo E. Butler	Appleton
Nancy E. Fowell	Waukegan
James L. Greenwald	Madison
Judith M. Hartig-Osanka	Racine
Henry C. Hart	Madison
Ralph Hudson	Eau Claire
William H. Kuehl	Kewaunee
George Olsen	Madison
Mary L. Siberz	Middleton
Rose B. Smith	Madison
Judy C. Stevens	Wausau
Robert J. Szymanski	Milwaukee
Robert Van Susteren	Milwaukee
Susan Wester	Madison
Shirley L. Williams	Ripon
Anne C. Zimmerman	Portage

Report on Nov. Meeting: Atty. Jaeger Discussed the Power of Atty. for Health Care

James A. Jaeger, a Madison attorney, spoke at the First Unitarian Society in Madison on the topic *Who Will Decide for Mom?*

Mr. Jaeger emphasized the written document called the Power of Attorney for Health Care (POAHC), which is used to plan for decision making at any time but most frequently at the end of life. The POAHC comes into play when the patient can not receive and evaluate medical information and communicate his or her decision on treatment or non-treatment to the doctor. The POAHC authorizes the agent, who the patient has named when he or she prepared the document, to tell the doctor what decisions the patient would have made except for the patient's incapacity.

Mr. Jaeger said that the preparation of the POAHC document was important, but that equally important is making your views on what medical outcomes are acceptable to you and what outcomes are not acceptable to you in conversations with your agent.



James Jaeger (insert) speaking to the November meeting on the topic *Who Will Decide for Mom?*

Compassion & Choices of Wisconsin

NOTICE of April Membership Meeting

Members are invited to attend the meeting, which is open to you, your relatives and friends and to the general public.

Karen Cantor, an independent filmmaker, will show and discuss her film *Merian's Way*. Merian Frederick of Ann Arbor, Michigan, who suffered from Lou Gehrig's Disease, refused, in the final stages of her illness, to become a mind trapped in a suffocating body.

Saturday, April 18, 2009
First Unitarian Society, Living Room, Landmark Building
900 University Bay Drive, Madison, WI

9:30 A.M. Coffee and conversation
9:45 Announcements
10:00 Program

If you need directions to the meeting or a ride call Betty at (608) 833-2774 or Jim at (608) 233-7867.

Compassion & Choices Membership Form	Yes! I want to join Compassion & Choices *	
	___ \$45 Individual ___ \$60 Couple ___ \$450 Life Member ___ \$600 Life Couple Member	
	<i>Please supply complete address:</i>	
	Name/s _____ Address _____ City _____ State Zip _____ Telephone () _____ E-Mail _____	Make Checks Payable to and Send To: Compassion & Choices P.O. Box 101810 Denver, CO 80250-1810 Or Call: 1-800-247-7421 Visa or MasterCard accepted Dues are not tax deductible
* The payment of dues includes your membership in Compassion & Choices of Wisconsin . You are invited to call 1-800-247-7421 if you cannot afford the \$45 membership. Every effort will be made to accommodate your circumstances.		

“At Some Point, the Only Thing Worst Than Dying Is Being Kept Alive,” Dr. Craig Bowron, M.D.

(Dr. Bowron is a hospital-based internist and a writer in St. Paul, MN. His article appeared in the New York Post on January 9 and has been greatly reduced in length here. The full article is available through our website.)

“One of my patients started dialysis six months ago at the tender age of 85, and the diabetic vascular problems that put her kidneys in the tank persist. One leg has been amputated above the knee; several toes on her remaining foot have succumbed to gangrene. She’s withdrawn; food goes into her mouth, but she won’t chew and swallow unless her children instruct her to. She intermittently refuses pills. She says she feels exhausted and weak most of the time.

This woman suffers from what we call ‘the dwindles,’ characterized by advancing age and illness.

Her family has designated her ‘full code,’ meaning that if her heart stopped or she were to cease breathing, we’d do CPR to revive her.

Everyone wants to grow old and die in his or her sleep, but the truth is that most of us will die in pieces. Most will be nibbled to death by piranhas, and the piranhas of senescence are wearing some very dull dentures. It can be a torturously slow process, with an undeniable end, and our instinct shouldn’t be to prolong it.

At some point in life, the only thing worse than dying is being kept alive.”

See address label for your membership expiration date.

**Compassion & Choices of Wisconsin, Inc.
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