



Wisconsin Update

Newsletter of Compassion & Choices of Wisconsin
(formerly Hemlock of Wisconsin)

Vol. 21, No. 2 Supporting the option of aid-in-dying for the terminally ill June 2011

Jury Acquits Final Exit Network Doctor in Assisted-Suicide Case: Unable to Reach a Verdict in Exit Guide Case.

By Michael Kiefer

(Michael Kiefer writes for the Arizona Republic, a newspaper in Phoenix, AZ. His story appeared on April 21, 2011 and has been edited here.)

It's not illegal to commit suicide in Arizona, but it is illegal to help someone else commit suicide.

The question before a Maricopa County Superior Court jury today was whether 2 members of Final Exit Network (FEN), a national right-to-die organization, had conspired to commit manslaughter in the death of a Phoenix woman who took her own life.

It was the first time a jury pondered the question, and they split their decision.

Lawrence Egbert, 83, an anesthesiologist from Baltimore, MD, was found not guilty of conspiracy to commit manslaughter by aiding suicide in the April 2007 death of Jana Van Voorhis, 58. But the jury was unable to reach a unanimous decision as to whether Franklin Langsner, 86, a retired college professor from Scottsdale, AZ, had committed manslaughter by aiding suicide as one of Van Voorhis' exit guides, or whether he was guilty of conspiring with Egbert to help her kill herself. [It deadlocked with 4 votes for acquittal, 3 votes for

guilty and 1 vote undecided].

Langsner had no comment. The Maricopa County Attorney's Office said they would retry his case.

Egbert scoffed at the idea of conspiracy, because he and Langsner had never met until they were together in the courtroom. "I only approve of the case," Egbert said.

Egbert is the volunteer medical director of FEN, a national tax-exempt organization with 3,000 members, "supporting the human right to a death with dignity."

Langsner was on his first assignment with the group and his job was to provide counseling and comfort to Van Voorhis. Two other FEN volunteers, Roberta Massey, 65 of Delaware, and Wye Hale Rowe, 83, of Colorado, pleaded guilty to the lesser charge of facilitation to commit manslaughter. They have not yet been sentenced. All of the charges are probation eligible. (Continued on page 3, **Jury**)

Rev. Matthew Nelson, a C&C Board Member, Will Speak in Milwaukee on Sunday, August 21, 2011

He will be in the pulpit of the First Unitarian Society of Milwaukee. See the notice on p. 5.

Dr. Jim Allen, C&C of WI Board Member, Dies at 82

On April 10, 2011, Dr. Jim Allen died in his sleep at his home in Shorewood Hills. He suffered from prostate cancer.

He was a graduate of the Marquette Medical School. He spent his medical career at the UW Dept. of Ophthalmology and the VA Hospital.

He joined the board of directors of C&C of WI in 2001 and served until his death.

Jim brought Rev. Matthew Nelson, a C&C

Board Member, to Wisconsin during a number of those years to speak to Unitarian congregations.

On hearing of Jim's death, Matthew wrote, "Oh, I am so sorry to hear this. Such a vibrant and focused man. Truly a gift to all of us. Such an amazing kind soul. He will be missed by so many people, including me."

C&C of WI Board Contributes to the Effort to Enact Death with Dignity Legislation in Vermont.

Patient Choices Vermont is the name of the local group that is campaigning for death with dignity legislation in Vermont. At its last meeting, the Board voted to send \$1000 to the group to support the cause.

You can follow developments in Vermont by visiting <http://patientchoices.org>.

You can also make individual donations to the effort through the website.

C&C of WI Will Have a Table and Display at the CWAG Annual Convention May 21-22 in Madison

The Coalition of Wisconsin Aging Groups (CWAG) will hold its convention in Madison at the Sheraton Hotel this year. C&C of WI will have a table, a display board and a member (or perhaps more than one member) there to greet attendees and introduce them to Compassion & Choices and discuss end of life issues.

Dick Grum, a member of the C&C of WI board for many years, will represent us as he has done at CWAG conventions over the years.

**Compassion & Choices of Wisconsin
Board of Directors**

President

Susan Wester(608) 442-1527
(smwester@mac.com)

Vice President

John Eliason(608) 827-0873
(jweliason@aol.com)

Secretary

Dawn Stucki..... (608) 849-8078
(destucki@tds.net)

Treasurer

Betty Dovenbarger.....(608) 833-2774
(bdoven@charter.net)

Membership

Dick Grum(608) 873-8277
(dickgrum2@yahoo.com)

Member-At-Large

Karen Deiro..... (414-282-3249)
(kdeiro@aol.com)

Newsletter Editor

Jim Greenwald(608) 233-7867
(cantlongreenwald@tds.net)

Program

Warren Olsen(608) 845-7972
(wolsen@chorus.net)

Member-At-Large

Anne Zimmerman(608) 745-1530

(**Jury** continued from page 1.)

“The issue is that the laws aren’t clearly defined,” said Kristen Wright, a Georgia attorney representing Egbert in the Arizona case as well as in a second case in Georgia.

There, Egbert and other FEN volunteers are charged with racketeering, advertising to assist a suicide and tampering with evidence. The trial is expected to start next year.

“These aren’t roving gang members, they’re 80-year-old citizen volunteers,” Wright said. “They talk to the person. They counsel them. They were there. It’s about dignity and peace.”

On its website, FEN states that “mentally competent adults have a basic human right to end their lives when they are suffering from a fatal or irreversible illness or intractable pain, when their quality of life is personally unacceptable, and the future holds only hopelessness and pain.”

According to attorneys and her family, Van Voorhis suffered from mental illness but was not suffering from physical illness, a fact kept from the jury.

She contacted FEN in early 2007. Massey, her case coordinator, forwarded her application to Egbert, who approved it. Then Massey assigned Langsner and Rowe, a family therapist, as the exit guides. Rowe flew to Phoenix, and she and Langsner went to counsel Van Voorhis at her townhouse.

Van Voorhis had already obtained a plastic hood and Rowe showed her how to hook up the helium tanks Van Voorhis had bought. They rehearsed the suicide on the afternoon of April 12, 2007. Langsner and Rowe returned that night.

According to Deputy Maricopa County Attorney Patrick Johnson, Rowe said, “Are you sure?” and “As soon as you’re ready, pull the bag down.” Van Voorhis breathed in

the helium for eight minutes, then nodded off. Rowe made sure she was dead, then the exit guides unhooked the tanks, removed the hood from Van Voorhis and arranged her body to make it look as if she had died in her sleep. They left the townhouse and threw the tanks and hood in a dumpster.

As pretense for a neighbor to discover the body, Van Voorhis had written a letter saying she didn’t feel well and would the neighbor check on her. Langsner and Rowe forgot to leave the letter on the neighbor’s doorstep and instead left it in the townhouse. So Rowe called Van Voorhis’ sister from Langsner’s phone, saying she was a friend who hadn’t heard from Van Voorhis in some time.

The sister found the body on April 15, 2007. Police found a note addressed to Frank and Wye taped to a window, and tracked Langsner by caller ID on the phone call to the sister.

The question for the jury was whether Langsner and Egbert operated within the law. The prosecution said they had not, and Johnson called them “a doctor and his associates brought together to bring death.” Don Samuel, Egbert’s lead attorney, balked at the word “conspiracy” in the charges against the two men. FEN “is registered with the U.S. government,” he said. “Do you think the Gambino family has a trademark? What kind of a conspiracy has a website?”

Langsner’s attorney, Antonio Bustamante, called his client “a potted plant,” someone who was in the room when Van Voorhis died, but, as it was his first sojourn, did not play an active role.

“The goal is to follow the law and the law says not to aid, so they didn’t,” Wright said. “She was anxious to do this and she didn’t want to wait another day.”

Honor Roll of Supporters Who Gave to the March 2011 Fund Raising Appeal

Twenty-five (25) members and donors gave a total of \$1975 to the March appeal, including:

Jim Allen	Shorewood Hills
Mary Jean Callahan	Washington Island
Nancy Dupont	Pittsville
Jean Geissler	Eau Claire
Barbara Larson	Sister Bay
Arvid Iverson	East Troy
William H. Kuehl	Kewanee
Ron Penkoff	Richland Center
Wilbur E. Selbrede	Madison
Mary Van Gorden	Black River Falls
George E. Olsen	Madison
Rose B. Smith	Madison
Claire Webber	Madison

Thank you all very much for your generous response, both those who gave and whose names are listed above and those of you who gave but whose name are not listed.

The Wisconsin chapter’s only source of funding for years now has been your contributions. We need every member’s financial support.

Moreover, we need an “angel” who can make a large contribution to our chapter or point us in the direction of a funding source or better still write a grant request to a foundation for us. Could that be you? Let us know.

Report on April Meeting: Hendrick Says the Budget Bill Is Bad for Seniors

John Hendrick, the Government Affairs Director of the Coalition of Wisconsin Aging Groups (CWAG), was the speaker at our April Meeting.

John said the Governor’s Budget Bill would require low income seniors on SeniorCare, the state low cost prescription drug program, to switch to Medicare Part D to save the state \$15 Million Dollars. Such a move would require that seniors pay \$28 Million Dollars for their drugs. CWAG has been campaigning against the federal government granting a waiver to the state to implement the change. Sen. Herb Kohl opposes the change.

In addition, the Budget Bill would freeze enrollment in FamilyCare, which provides long term services for persons with long term health problems and disabilities, so they can stay in their homes rather than institutions or nursing homes. Under the Bill, waiting lists for FamilyCare will get longer.

Furthermore, John mentioned that under the Bill, the poor would lose \$50 Million Dollars for the Homestead Credit and the Earned Income Credit, Milwaukee would lose \$7 Million Dollars in transit aids, and eligibility for state benefit programs would be determined by private entities.

Compassion & Choices of Wisconsin

Invites members, supporters and the public to a summer service at the First Unitarian Society of Milwaukee, featuring

Rev. Matthew Nelson

(Rev. Nelson is an ordained minister of the United Church of Christ and a member of the national board of directors of Compassion & Choices.)

Topic: The Personal and the Political: End of Life Choices

**Sunday, August 21, 2011 at 10:00 A.M.
 First Unitarian Society of Milwaukee
 1342 North Astor Street
 Milwaukee, Wisconsin**

Directions: From the west, take Interstate 94 and then 794 to the Van Buren St. exit. Turn left and proceed 7 blocks to E. Juneau Ave. Turn right and proceed 3 blocks to N. Astor St. Turn left and proceed 1 and 1/2 blocks.

Compassion & Choices Membership Form	Yes! I want to join Compassion & Choices * ___ \$45 Individual ___ \$60 Couple ___ Life Member ___ \$600 Life Couple Member	
	Please supply complete address: 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.	

How was “aiding suicide” defined in the FEN cases in Arizona ?

(The Judge’s statement of the law of the cases was contained in his Jury Instructions. It contained statements on a myriad of legal topics from “reasonable doubt” to “conspiracy.” Although Frank Langsner, the FEN exit guide, along with Dr. Larry Egbert was charged with the crime of Conspiracy to Commit Manslaughter by Aiding Suicide, I will not go into the elements the State is required to prove on the conspiracy charge.)

Here are the Judge’s brief instructions on aiding suicide: “In Count One, the State has charged Defendant Langsner with the crime of Manslaughter by Aiding Suicide. The crime of Manslaughter

by Aiding Suicide requires the State to prove that Defendant Langsner intentionally aided Jana Van Voorhis to commit suicide.”

“Aid’ means to assist in the commission of an act, either through active participation or by advice or encouragement.”

While the jury was deliberating, it sent a note to the Judge asking what “aid” meant. Well, it might. Is advice on how one might commit suicide “aid” if the giver of the advice and the recipient of the advice both understand that the choice as to whether to act on the advice is solely a decision to be made by the recipient? Must the advice be similar to active participation and encouragement?

See address label for your membership expiration date.

<http://www.compassionandchoiceswisc.org>

**Compassion & Choices of Wisconsin, Inc.
P.O. Box 7563, Madison Wisconsin, 53707**

