The Living End

New Yorkers fight for assisted suicide

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New York: New York's prohibition against assisted suicide is being challenged in Federal Court in Manhattan. Compassion for Dying, a grassroots organization which successfully challenged a similar statute in Washington state earlier this year, is organizing the litigation here. The Washington case is currently pending appeal. The litigation affects all patients traditionally considered to be "terminally ill," including people in the end stages of AIDS.

The New York statute, said to be more restrictive than the Washington statute by the group's attorney Carla Kerr of Hughes Hubbard & Read, imposes criminal liability of manslaughter in the second degree for anyone who successfully assists a person in committing suicide. The charge can be brought against anyone who is even present during the suicide, leaving those who choose this route to die alone. The suit targeting the New York law alleges infringement of liberty rights and the right to an equal protection of laws as required by the 14th Amendment of the U.S. Constitution. "The right at issue is very narrow," says Kerr. "Mentally competent, terminally ill adults should be permitted to seek medical assistance, prescription drugs, to induce a humane suicide."

Plaintiffs include several doctors and three terminally ill patients. George Kingsley, one of the patient-plaintiffs, has AIDS. "Death is as much a part of life as birth," says Kingsley. "I'm going to fight to my death if I have to." He may have to. Since the suit was filed, the other two patient-plaintiffs, a woman with thyroid cancer and another man with AIDS, have died.

Compassion in Dying has received widespread support, ranging from groups that advocate reservation of rights to choose medical treatment through living wills, such as the group Choice in Dying, to groups such as the National Organization for Women and Lambda Legal Defense and Education Fund. Kerr is optimistic that the case will be successful because New York provides broader rights to determine medical treatment than Washington.

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