



MONTANA CONSTITUTIONAL CONVENTION

STATE CAPITOL

HELENA, MONTANA 59601

TELEPHONE 406/449-3750

BILL OF RIGHTS COMMITTEE

Place of Hearing: Senate Chambers

Date of Hearing: 2/3/72

Hour of Hearing: 11:00 AM

Committee Chairman: Wade J. Dahood

MINUTES OF THE NINTH HEARING OF THE BILL OF RIGHTS COMMITTEE

Subject of Hearing: 18 year old vote, Proposal # 13
Right to Die

Roll Call:

Wade J. Dahood, Ch.
Chet Blaylock, V. Ch.
Bob Campbell
Dorothy Eck
Donald R. Foster
R. S. Hanson
George H. James
Rachell K. Mansfield
Lyle R. Monroe
Marshall Murray
Veronica Sullivan

present
present
present
present
present
present
present
present
present
excused
present

INTERESTED PERSONS TESTIFYING:

Carl Rostad
Joyce Franks
William Koerner
Ed Smith
Kurt Krueger
Mike Barrett
James Tomlinson
Jerry Cate
Kenneth Henry
Stephen M. Sherick
Will Roscoe
Steve Coldiron
Duane Welker
Larry Juelfs

Individual
Individual
Individual
Individual
Individual
Hellgate High School
Hellgate High School
Delegate
Individual
MSU
Sentinel High School
Low Income Organization
Individual
Individual

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Jim Raniere	Welfare Rights Org.
Malyn Oleson	"
Doris Flesch	"
Minnie McReynolds	"
Shirley Maluck	"
Irene Houle	"
Sister Providencia	The Church and Academic Communities
Professor Larry Elison	Individual

DISCUSSION:

Bob Campbell presented his proposal, #13, on the 18 year old vote. He compared the arguments to the 1889 Convention over women's suffrage.

Mr. Jerome Cate also testified in support of this proposal. He stated that anyone who could vote should be able to hold any office.

Several others supported this proposal also. Mr. William Koerner spoke against the proposal.

Mr. Champoux spoke in favor of his proposal #61.

Mrs. Joyce Franks presented the theory to the Committee that all persons should be able to choose his own death with dignity.

Professor Larry Elison spoke on the concept of the right of privacy. He feels this is the most important of all freedoms.

At 4:00 P.M. the Committee went into a joint session with the Public Health Committee to hear Proposal # 45.

Mr. Lyle Monroe presented proposal # 45.

First to testify in favor of this proposal was Sister Providencia. She was especially interested in that section having to do with adequate nourishment.

Several others testified in favor of this proposal.

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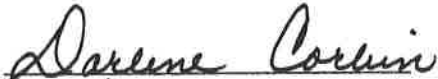
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Duane Welker testified against the proposal.

Those who did not have time to testify were invited to return tomorrow afternoon to testify.

The meeting was adjourned at 6:00 P.M.


Wade J. Dahood, Chairman


Secretary

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Kenneth Henry
1231 University
Helena 443 -3573

2-3-72

Euthanasia

I wish to support the
idea

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Molly Kruckenberg
Archivist

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MONTANA CONSTITUTIONAL CONVENTION

1971-1972

CITIZEN SUGGESTION

SUGGESTED BY:

NAME:

Mrs. Stella Filipowicz

ADDRESS:

1517- 9th Ave. So.

Great Falls, Mont. 59405

PHONE:

453-1553

DATE:

Feb. 2, 1972

SECTIONS OF CONSTITUTION TO BE AMENDED OR REPEALED: _____

SUBSTANCE OF PROPOSAL. Attach a preliminary draft or describe the content and purpose of suggestion as completely as possible so that the committee will know the goal desired. This Citizen Suggestion will be referred to the appropriate convention committee for consideration.

Please, let's put Montana on record as preserving life, not condoning it. I am very much in disfavor of "abortion on demand." This could lead to euthanasia, or doing away with the old, unwanted & unfit. We all have the right to live, not just those who think they have the right to say who is to live or die

RETURN TO:

Montana Constitutional Convention
State Capitol
Helena, Montana 59601

Thank you.

Stella R. Filipowicz

at conven. 100% with your thinking & am referring this to the Bd. of Regs. committee for favorable consideration. Wm H. Arty

*Mr. & Mrs. P. Filipowicz
Chairman*

Mary Kuckenberg
Archivist
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NAME: Joyce M. Dranks DATE: Feb. 3, 1972ADDRESS: Box 173 Alberton, Mt.PHONE: 722-3384

REPRESENTING WHOM? _____

APPEARING ON WHICH PROPOSAL: _____

DO YOU: SUPPORT? _____ AMEND? _____ OPPOSE? _____

COMMENTS: I am proposing the Constitution give us,
in the Bill of Rights, the right to determine
the manner in which we die.idea whose time has not yet arrived.
Defense in homicideincompetent to give consent -
who gives it. -"Right to Decline Death"

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

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BILL OF RIGHTS SPEECH

INTRODUCTION

I am advocating that the right to death be included in the revision of the Montana Constitution.

Before I go any farther, I would like to touch on semantics.

When I wrote the open letter to the newspapers, and when I wrote the personal letters to you Constitution Convention Delegates, I used the expression, "the right to death". Since then I have been questioned about euthanasia and mercy killing, and because of this, I have had to clarify my thinking. Because, even to me, the expression "mercy killing" connotes something done to a person whether he wants it or not. Euthanasia does too, to a lesser degree. And even the word "death" connotes less of a voluntary act than what I am advocating the right for. For death comes to soldiers in the prime of life, to youngsters, middle-ages, and even senior citizens apparently in vital health. These deaths are not welcome to anyone.

Actually, I am advocating two rights be given us. The second one is contingent upon one's use of the ~~xxx~~ first.

What I am working for is that every person shall have the right to determine, barring accident, the manner of his dying. And then, I am advocating the twin right to make it legal, if he desires this type of death, for a person to receive a quick and easy medicated death somehow.

I shall try to remember to speak of this from now on as the "right to DIE". And you shall keep in mind that when I speak of the right to die, I mean that all persons shall have the right to choose whether or not they desire to opt for a quick and easy medicated death when their time comes to die, and if they do so choose, they shall be given, legally, that death in peace, and with dignity.

So much for the semantics.

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WORDING THE RIGHT

I am not nearly as clever as I would like to be, but if great and concentrated thought and effort give one any qualifications, I should be qualified to make a suggestion as to the proper wording to use in the Bill of Rights of the Constitution to grant this "right to die" for which I am fighting.

I suggest that it be stated that, "Every citizen^{shall} be allowed to choose the manner in which he dies." Period. That should be enough.

Common sense would dictate exceptions. And I pray that we have not reached such a civilized stage that we no longer possess nor use, common sense. ~~There are such things as~~
~~the right to life, the right to liberty, the right to property, the right to~~
~~the right to the pursuit of happiness, the right to the right to die, the right to~~
~~the right to the right to die, the right to the right to die, the right to~~

People who believe death should be the ugly, degrading, tortuous procedure I have^{always} seen it to be could be protected under this wording of the right. They would "choose" a natural death.

Common sense would seem to indicate that, if we had this right given us by this wording, that people like my father and me could then at least find some doctor who would TELL us which of our medicines, and how much we could take in order to die easily, with dignity, and with our loved ones around us.

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ALL WHO LIVE, ALSO DIE

I maintain that this right to die should be a Constitutional right, for it pertains to all of us. All of us who live will also die.

This group for whom I seek the right to die is the largest of all possible groups, including farmers, lawyers, teachers, laborers, clerks, students, the rich, the poor -- everyone.

So, if constitutional rights are acquired because they relate universally to all citizens, and because they make all lives safer and happier, as I understand the purpose of a constitution of state or nation to be, then this right to die certainly qualifies for inclusion in the Bill of Rights of the revised Montana Constitution.

Also, I believe that basically, due to protection given us by our Constitutions and by legislative statutes, all of us have the right to choose what part of the country we will live in, what religion we will espouse, what type of life's work we will adopt, where we will do our purchasing, etc. Circumstances ~~did~~ dictate many of our choices, of course, but, basically, due to our Constitutions and laws, we have the right to choose in these, and in many other areas of our lives.

But, we do not have the right to choose the manner of our dying. And yet every one of us will die! In this final part of life that comes to all of us, we have no protection. I maintain that we should be protected. Many others feel as I do. And we are crying out to you for the Constitutional right to this protection.

Whether the group who will then opt to use the right is a majority or a minority group, we deserve the Constitutional protection to do so. The right to life is protected by both state and national constitutions. We feel we have the natural-born right to make the decision ourselves as to the manner of our dying. We need the Constitutional protection for the right to die.

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CHANGING CONDITIONS

One of the reasons advanced for the need to revise the Montana Constitution is the great change in conditions surrounding us since the Constitution was drafted and adopted so many years ago.

I believe that all will agree that the field of medicine has changed greatly in the last 80 years; will agree that a much larger percentage of the population is living into great age and INFIRMITY than did 80 years ago; will agree that many people have lived many good years because of man's interference by medical procedures; that the ages of people filling our cemeteries now have increased greatly over the ages of those who died and filled the cemeteries 80 years ago.

At the time the Montana State Constitution was drafted, how many people existed in rest homes, completely dependent on others for their every, single need, big or little?

I don't have the answer, but when I was young, which was not quite that far back even, I do not remember any rest homes.

It is my contention that in those earlier times, far, far fewer people reached the AGE OF SECOND DEPENDENCE. That far, far fewer people then lived long enough to reach the condition where just one more illness or injury was something they could not endure with any hope of ever regaining viability.

I affirm that the circumstances of our living have changed so much that many, many people desire the right to choose an easy death. That their numbers will increase. That they will need assistance in ending their lives when they wish to die and are no longer able to jump off a bridge or shoot themselves. And that it is the natural-born right of all people to have the Constitutional right to die in peace and dignity if they so desire.

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EXAMPLES

to

I maintain that to give people facing certain death, before they could ever regain health, the right to die quickly, easily, and in peace when they want to do so, is being compassionate, intelligent, and humane. And I affirm that it is an act that God, who gave us all life, would approve of.

May I tell you of my father.

Here was a man in his 86th year; a good, proud, clean, decent, kindly and compassionate man. He had been living a hair away from death for the last three years. His sight, hearing and speech had failed to the point, that instead of it being a joy to see his friends, it was almost beyond his endurance. The frustration of wanting to communicate; the difficulty of trying; and sometimes, the total impossibility of doing so, were almost more than anyone could bear. He walked with much difficulty, and not over a few halting steps at a time, for the last six years. And, had not man interfered in God's apparent plan for him, he would have died 30 years before. But, thanks to man's intelligence and ability in medical procedures, Dad had 30 ^{more} years of life, for which he and his loved ones were extremely grateful.

Now, after perhaps the 100th or ~~even 200th~~ ~~year~~, something went badly wrong, and his hip was broken. When the x-rays showed the break, and the doctor explained the operative procedure to correct it, Dad asked me if the doctor would please give him something to put him to sleep right then. I did not ask the doctor, of course, for even if he had the compassion, the law would have branded him a murderer had he consented. Later, with Dad's general health deteriorating, and when he asked me again for pills to put him to sleep, I asked the doctor which of my medicines, and how much, I could allow Dad to take with a reasonable ~~certainty~~ certainty that it would kill him. The doctor wouldn't tell me.

My father had been a farmer, and he had given merciful death to animals who had been pets and companions. He could not stand to see them suffer prolonged and agonizing death when they were severely mutilated, or dying of illness. He was compassionate and merciful. He asked for the same mercy for himself.

Instead, because we have no Constitutional right to die, he was condemned to misery worse -- thousands of times worse -- than the death and oblivion he has now found. For 8 weeks he died, little by little, minute by minute, day by day. For NO ONE, by denying him death when he desired it, GAVE HIM LIFE. I repeat. NO ONE, BY DENYING HIM DEATH, GAVE HIM LIFE. He was just denied a release from the suffering and torture which he knew, and we knew, and the doctor knew he faced.

He, who had been a man, was reduced to less than a baby! He, who had always been so neat, clean, and meticulous, wound up diapered all those weeks because he could not ask for help, and was messing and wetting himself and his bedding. He, who had been independent for all these years, was reduced to being tended like a baby, only without the baby's ability to let his tenders know that he needed help.

I would like to know how many of you have spent at least 7 hours tending a loved one in the final 24 hours of his "natural death". Have YOU wiped the eyes that will not close, and that look as though they had NEVER closed in over 85 years since they opened on the world? Have you struggled with your own breathing, trying unconsciously to help his labored gasps which came nearly as fast as your own pulse beats? Have you wiped the thick, choking mucous out of the mouth that filled again nearly as fast as you cleansed it? Have you tried to keep the dry, dry lips moistened and cleaned of the sticky mucous? Have you watched the frail hands for signs of distress, when that was the only move the dying person could even attempt? Have you lifted and turned him, then, time after time, and known that for a few moments you had eased his dying? And have you, then, rebelled at a system where this barbaric suffering was called necessary, because unfeeling and unimaginative men declare that God willed it?

If you HAVE gone through this experience, or if you have the empathy to identify with those who have, can you deny that a person who was in the shape that my father was in when he first asked for a merciful, quick and easy death with his family in attendance, should be allowed to have it?

Have you ever spent even 8 hours in a rest home, as I asked you to do in my letter, and then tried to put yourself or a loved one in the situation of those poor old people who cannot read, or even exchange ideas and visit, but only exist every second of the 24 hours of every interminable day, day after day, aching and paining and despairing and wishing to God they were dead!

People have said to me, "Oh, you can always shoot yourself, jump off a bridge, or drive off a cliff." But this is far, far from true, and only shows that they have never really considered the problem. One would have to shorten his life by many, many years to ENSURE being able to do this. And most of us want to drain every second we can from life until it becomes absolutely unbearable -- and then it is too late, as our ~~filled~~ numerous, filled-up rest homes testify. So, any of you who think one can always commit suicide if he wishes, without any help, ~~had~~ *should* ~~better~~ realize this just isn't so.

It had been 6 years since my Dad drove, or had a car to drive in. So he couldn't possibly drive off a cliff, or drive to a bridge to fall off of. It had been 4 years since he could struggle up the stairs to where the guns were kept. And he could not see to find a key, nor had he the agility to use it, if he should chance upon it. He could not turn on the gas. There was none. And he, and his family, had the reasonably credible hope that he would go to sleep in his bed, in comfort and peace, and just not wake up. It was not to be. And it is often not to be with our people.

Also, I would ask of people who suggest these methods of suicide, "How many of you have experienced this tragedy in your family?" A doctor in Billings wrote, that if we had this right, I should be executioner and go around the state with SHOTGUN or 30.06 and shoot the poor dying souls who had the ~~audacity~~ audacity to ask for a quick and easy dignified death. For him, and all others who suggest that those of us who wish for the legal right to an easy death, should shoot ourselves, I wish they had been the ones to walk in on my cousin, Johnny, while the blood still gushed and gurgled from his almost headless body, instead of it being his horrified wife who did!

NAME: Kenneth Henry DATE: 2/3/72

ADDRESS: 1231 University Helena

PHONE: 443-3573

REPRESENTING WHOM? Individual

APPEARING ON WHICH PROPOSAL: Bill of Rights Euthanasia

DO YOU: SUPPORT? ✓ AMEND? OPPOSE?

COMMENTS: Please be advised that as a
private citizen I wish to lend my support to
the proposal that persons suffering from
an incurable - terminal disease, should be
given allowed to retain the right to a
dignified death. Death, being as natural
a process in human existence as birth,
should be recognized as an inherent right.
Well meaning individuals should have no
right to prolong suffering or life after
it has ceased to have meaning or hope.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

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