

A No-Progress Report on Assisted Suicide Prosecutions

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Police struggle to convict Final Exit Network volunteers
Insufficient evidence and legal ambiguities slow cases
By Derek Humphry

It has been known for some two years that the FBI and law enforcement in Georgia and Arizona are hunting for cases of felonious assisted suicide so that they can bring additional evidence to back up the ones now awaiting trial in those two states. The whole right-to-die movement in America is under surveillance.

The evidence in those two cases is thin (to say the least) and the wordings of the criminal laws being depended upon are ambiguous. The Final Exit Network has skilled lawyers in position and the cases will be thoroughly defended.

Two of the four defendants in the Arizona case have pleaded guilty partly because they were caught unawares and said unwise and unnecessary things to the investigators. Also, the two who pled guilty are both very sick, elderly women and dreaded imprisonment. The other accused said nothing and are pleading not guilty. So the District Attorneys find themselves short of evidence.

Illustrating their tactics, evidence in the Georgia case includes a sting by a detective who claimed he had pancreatic cancer — backed up by a false medical document — and entrapped the Final Exit Network volunteers.

Significantly, at a pretrial hearing in Phoenix on July 19, the DA asked for the trial, which had been fixed to commence on August 26, be postponed indefinitely while they searched the already known record of assisted suicides to bolster their case. Law authorities in Arizona and Georgia, also the FBI, are sharing information in their hunt.

As a starting point for their new inquiries, they are re-visiting data which last year was seized from volunteers in surprise visits to their homes. Personal computers and printed files of everything the nonprofit Final Exit Network has done since its formation in 2003 were confiscated. Thus the Georgia Bureau of Investigation (GBI) and FBI know everything that has taken place; some 200 deaths are involved.

On the other hand, the Network is confident that nothing illegal happened. Additionally, a civil law suit over the freedom of speech under the 1st Amendment to the US Constitution is being considered by the Network.

In the GBI headquarters in Atlanta, there is a special room stacked from floor to ceiling with thousands of documents pertaining to this investigation. A notice on the door reads: “Final Exit Room”. (The office joke to entrants is “watch out for the trap door!”) It is

likely that a couple of hundred thousand dollars have already been spent by GBI on this vast nationwide investigation.

POSTPONEMENTS

The Georgia case (arrests in February 2009) is postponed until 2012 because of lack of funds by the prosecution, the DA is reported as saying. The Arizona case, started in 2007, is postponed indefinitely. So much for the legal axiom: justice delayed is justice denied!

Tipped off by the GBI, there have already been dozens of investigations in other parts of America where the local law enforcement (sometimes with a search warrant) arrived unannounced at the home of a Network member who had died. Or even had not died! Or had died naturally. Despite the vast investigation, no prosecutions ensued because no evidence of crime was found.

When the sting was conducted, and arrests made in Georgia, police also secured a RICO seizure order overnight of the Final Exit Network's funds. All accounts nationally were frozen. Thus the Network had no money with which to bail out those in prison or pay lawyers who always require cash up front. This RICO tactic is frequently used as it means incarcerated defendants are stranded. Police then suggest they plead guilty, get their money back and leave prison. Many have no choice but to do so.

But in this case an emergency defence fund was started, shocked supporters contributed heavily, allowing the bail money to be paid and lawyers engaged. Moreover, seven months later a judge ruled that a case had not been made for the seizure, ordering Georgia to give all \$330,000 back to the Network immediately.

CAUTIONS

In the unlikely event that you are approached by police, sheriff or FBI, I suggest that you act thus, within your constitutional rights:

1. Acknowledge your full name and that this is your home.
2. If there is a search warrant, read it carefully for its scope and limits, ensuring that it is obeyed. Keep a copy.
3. Say absolutely nothing to the law visitors. Remember, a law officer can say anything to you, even tell lies, but you imperil yourself by whatever you say. Miranda rights count for little these days, except on TV crime shows.
4. Do not invite the visitor in for coffee, and at all costs avoid light conversation on the doorstep which can lead to entrapment. A detective may try to disarm you by claiming he believes in the right-to-die. In the majority of all types of cases, detectives rely on damaging admissions, however small, to secure a conviction.
5. On the doorstep, if the law visitor insists on an interview with you, take his/her business card, and say that you will be happy to arrange an interview in the presence of your lawyer. Be absolutely firm on this – it is your constitutional right.

I am convinced — from many pieces of evidence which have emerged — that the entire right-to-die movement is being methodically scrutinized by the FBI and GBI — via emails read, listservs watched, blogs studied, web sites monitored. Some of my emails have obviously been come-ons for me to act indiscreetly.

Because our movement is at last successful in passing laws on physician-assisted suicide in Oregon, Washington and Montana, our political and ethical opponents (within and without law enforcement) are conducting a witch-hunt to find evidence to try to halt our law-reforming progress.

They will not succeed.

— Derek Humphry, journalist and author. 29 July 2010.
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