

# Mich. 'death doctor' charged with murder

by Linda Everett

On Dec. 3, six months after Michigan pathologist Jack Kevorkian used a device he invented to administer a lethal injection of potassium chloride to a 56-year-old Portland, Oregon woman, he was arrested and charged with first degree murder. Oakland County, Michigan prosecutor Richard Thompson said Kevorkian was the "primary and legal cause" of the June 4 death of Janet Adkins, who had Alzheimer's disease. Kevorkian had constructed and used his "suicide machine" for the sole purpose of causing the death of Adkins, Thompson charged.

According to Thompson, the main case in Michigan law on perpetrating murder by means of poison is a 1920 Michigan Supreme Court decision, *People v. Roberts*, which held that a man who provided a poison for his wife so she could commit suicide was guilty of first degree murder. The defendant in that case argued that, since suicide is not a crime in Michigan, if the wife committed no offense as a principal, then the defendant committed none as an accessory. Kevorkian used the same rationale last year when he promoted his services through the national media. However, the court ruled in *Roberts* that the defendant was charged with murder under the state statute which holds that all murder perpetrated by means of poison is first degree murder. The criminal act charged was not suicide but administering poison, "irrespective of the wishes or the condition of the party to whom the poison was administered." Thompson adds: "Consent is no defense to a charge of murder." The statute under which Roberts was convicted remains in effect today.

Another Michigan law cited by Thompson provides that "a licensed practitioner shall not dispense, prescribe, or administer a controlled substance for other than a legitimate and professionally recognized therapeutic or scientific purpose." Thompson states that Kevorkian saw Adkins, used his physician's license to obtain drugs, and attached the suicide machine, all for the sole purpose of causing her death. He instructed Adkins on how to hit the switch that administered the poison, he removed the safety cap from the switch, and he attached the electrocardiograph for the sole purpose of assuring she was dead.

Thompson told reporters he has a constitutional duty to enforce the state's laws. If he did not, he said, his county would become the suicide mecca of the nation. However, on Dec. 13 a judge dismissed the charges, and prosecutors have not decided whether to appeal.

Michigan has seen several cases of "assisted" or at-

tempted killings spurred by the media coverage of Kevorkian's crime. On Aug. 24, Virginia Harper traveled from California to Michigan with her husband B. Robert Harper, and her daughter, believing that assisting a suicide was not a crime there, since Kevorkian had not yet been arrested for his role in Adkins's death. Sometime after the family checked into a motel near Detroit, Mrs. Harper ingested drugs and had her husband help put a plastic bag over her head. Her husband, a member of the Hemlock Society, was charged with murder and is now free on bond through assistance and funds provided by the Hemlock Society, a group intent on making suicide and euthanasia legal.

Harper has cited Hemlock material which suggested that assisting a suicide in Michigan was legal, referring to a 1983 Michigan Appeals Court ruling which acquitted a man for giving a gun to a friend who repeatedly stated, prior to and during an evening of drinking together, that he intended to kill himself—which he did, using the gun. Kevorkian's *pro bono* attorney Geoffrey Fieger intends to use this case in Kevorkian's defense. The Hemlock Society praised Kevorkian for doing a "great, great service," and is expected to join Kevorkian and his attorney in using the murder trial to push the legalized-murder campaign. A Hemlock Society-initiated referendum for legalizing physician-killing will be on the Washington State ballot in 1991.

## Kevorkian known for Nazi plans

Kevorkian is known for several other Nazi utilitarian plans. A 1988 report from the Health Investigations Division of the Michigan Department of Licensing and Regulation states in a complaint against the pathologist, that Kevorkian has proposed doing experiments and harvesting organs from live prisoners on death row and others facing death from "irremedial illness or trauma . . . or suicide mandated by inflexible religious or philosophical principles or by irrevocable choice. Other potential subjects include the comatose, brain-dead, or otherwise totally incapacitated individuals as well as live fetuses in or out of the womb." A new specialty, obitriary, would help the medical profession deal with "experimentation in the planned death of the condemned, those who commit suicide or opt for euthanasia and those who consent to feticide."

The Michigan Board of Licensing and Regulations has not yet decided to suspend Kevorkian's medical license, or even if he is a danger to other members of society. The Michigan State Medical Society's response has been to placidly debate which of the four ways doctors can kill patients, starting with discontinuing life support to giving lethal overdoses, the death machine falls into. Their president, Susan Adelman, asked if doctors have the right to withhold help or information on painless suicide from their patients. The American Medical Society asks, "Should patients with devastating and eventually fatal disease be offered suicide as an option?"