

FOLLOW-UP ON “LEGALIZATION OF PHYSICIAN AID IN DYING”
Resolution of Witness Approved by GS26 (2007)
Working Group Report to the Committee of Reference
Compiled by David McCurdy
March 30, 2009

This resolution called on multiple UCC constituencies to “study” the proposed legalization of “physician aid in dying” and “report their views” via JWM to GS27. A subsequent working group has been asked to submit its report to JWM by 4/1/09.

The working group is an outgrowth of a larger group of about 20 persons convened by JWM for a teleconference call on 11/17/08. The working group was to continue the dialogue and possibly draft a study guide addressing the resolution’s recommendation and broader end-of-life concerns. That group met three times in two-hour teleconferences on February 2, 2009; February 23, 2009; and March 16, 2009. (See pp. 4-6 for lists of participants in the initial teleconference and the working group.)

The working group, supported by Barbara Baylor and JWM staff, was privileged to receive and consider a wealth of information and materials in addition to the resolution itself. (See pp. 7-8 for a selected list of these resources.) A 1997 booklet jointly published by the United Church of Christ Chaplains in Health Care (now the United Church of Christ Professional Chaplains and Counselors) and the Council for Health and Human Service Ministries, *Making End-of-Life Decisions: United Church of Christ Perspectives*, and a 2002 California State Assembly report, *Improving Care at Life’s End*, seemed particularly useful.

Both the November teleconference and the working group discussions indicated that those involved were unlikely to reach agreement on whether to support or oppose the resolution’s proposal to legalize physician aid in dying. Several members felt that the requisite study and broad consideration needed to discern the mind of the church on this matter had yet to take place. There was a desire that congregations (especially) and associations/conferences receive and use appropriate resources to study the issues in an intentional way.

Both strong proponents and strong opponents of the resolution were in the group. Their vigorous discussions surfaced several prominent themes. Among them:

- (1) A strategic line of argument was that a bold statement by the next General Synod regarding end-of-life decisions could help to galvanize the church to discussion and action, as had occurred with the Open and Affirming initiative over 20 years ago. On the other hand, the perceived gravity and public impact of such a statement by a mainline denomination could favor a measured approach.
- (2) Some in the group felt strongly that legalization would provide a broader range of choice for those facing life-threatening illness, pain, and/or suffering. Others were very concerned with the impact of the resolution psychologically,

physically, and as a matter of policy on the disability community and other vulnerable populations within and beyond the UCC. It was observed that, as Harold Wilke (UCC minister and disability advocate) put it, we are all “temporarily able-bodied” (TAB).

(3) There was some feeling that the intended distinction between “physician aid in dying” and “physician-assisted suicide” or “euthanasia” deserved further clarification, along with the phrase “receive medication from a willing physician.”

Working Group Recommendations to the Committee of Reference

1. Continue and extend the original Resolution’s mandate to study the proposal until a final report is submitted prior to GS28 in 2011.
 - a. Premise #1: Dialogue and education are critical to informed consideration of this significant, even momentous resolution.
 - b. Premise #2: Faith communities, including the UCC, are not immune to our culture’s death-denying tendency, which results in a common failure to address a wide range of end-of-life issues. This resolution presents the UCC with another opportunity to engage the still neglected, often avoided subjects of how persons live their lives, and what choices and supports they have (or don’t), in the face of life-threatening illness, suffering, disability, and anxiety.

2. Authorize the current working group to develop a study process, design a study guide/sourcebook, and create/distribute additional resource materials for use throughout the church.
 - a. Study guide/sourcebook would be developed for distribution in fall 2009 UCC mailing. (Time constraints do not permit the working group to develop a study guide prior to April 1 or before GS27. The group proposes to continue working on it until completion.)
 - b. Study guide would, among other things, include sections with well crafted arguments for and against legalization of physician aid in dying. It could be offered as a Lenten discussion resource.
 - c. An online post-Easter survey of all UCC congregations (addressed to clergy or lay leaders), and of key leaders and/or constituencies in associations and conferences, would gather and evaluate responses to issues raised in the Resolution and study guide. (Provision for churches without connectivity would need to be made.)

- d. Subsequently developed resource materials (taking survey results into account) would likely include a significant revision of 1997 edition of *Making End-of-Life Decisions: United Church of Christ Perspectives*.
3. Provide for dissemination (electronic and/or by postal mail) of study materials—study guide/sourcebook, survey, and additional resources—to associations, conferences, and every congregation.
4. Engage broad participation by other constituencies in the dialogue: UCC Disabilities Ministries, CHHSM, UCC Professional Chaplains and Counselors, UCC Faith Community Nurses and Physicians, UCC seminaries and colleges, the UCC theological journal *Prism*, Historically Under-represented Groups, UCC Science and Technology Task Force, and perhaps others.
5. In its proposed capacity as a continuing Study Committee, the working group could incorporate the pending Central Atlantic Conference resolution or other actions on physician aid in dying by GS27/the Executive Council into the study process as requested.

PARTICIPANT LIST
Initial Conference Call—11/17/08

Barbara Baylor – Minister for Health Care Justice, Justice & Witness Ministries. Convener and neutral party to report on progress on resolution.

Dr. James C. Allen – First Congregational Church in Madison, WI. Member of Ethics Committee of WI Medical Society; member of Compassion and Choices.

Rebecca Anton – Co-Chair UCC Faith Community Nurses. From N. CA Nevada Conf.

John Brooke – Retired UCC Minister in Northern CA; primary author of orig. resolution passed by Cong. Church of Belmont in 2006. Resolution sent to N. CA Nevada Conf., passed; submitted to Synod. Has worked with these issues for over 15 years.

Sheryl Cross – St. Louis, MO; Co-Chair UCC Faith Community Nurses. Ordained clergy; 15 years as a Parish Nurse.

Bob Dell – Mental Illness Network; Pathways to Promise.

Gerald Hanna – 1st Cong UCC in Manhattan, KS. Retired Professor of Education; member of the Hemlock Society and its successor, Compassion and Choices.

Jo Clair Hartsig – UCC Disabilities Ministries Board Chair; MN Conf. JWM team.

Martha Jacobs – D.Min., Board Certified Chaplain; current President of UCC Professional Chaplains and Counselors. Chaplain for 14 years. Specialization in end of life issues. Worked in the NY UCC Conference on clergy issues in death and dying. Author of *A Clergy Guide to End of Life Care*, to be published by Pilgrim Press.

David McCurdy – Board Certified Chaplain; Senior Ethics Consultant & Dir. of Organizational Ethics for Advocate Health Care. PT faculty of Elmhurst College; teaches course on ethics and health care in Religious Studies Dept. Representing the Council on Health and Human Service Ministries (CHHSM).

Norma Mengel – UCC Mental Illness Network, UCC Disabilities Ministries Board, Member of Science & Tech Task Force. Former nurse, director of hospice, pastor, and program associate with CHHSM.

Matthew Nelson – Member of Christ Congregational Church–UCC, Silver Springs, MD. Recently Central Atlantic Conf. passed resolution supporting Aid in Dying. Serves on National Board of Compassion and Choices in Denver, CO, and Portland, OR.

Larry Schulz – Formerly Executive Dir. of Council for Christian Social Action of UCC; First Executive Director of Office of Church in Society. Co-author of pronouncement presented to GS in 1973 titled “The Right to Die”; adopted by Synod. An advocate for choice for individuals, and is personally affected by this issue due to decreasing quality of life.

Dorothy Shelly – Board Certified Chaplain in Penn. SE Conf. Works in long term care with focus on dementia and Alzheimer’s. Background as RN and VP of Chaplains & as a Counselor.

Larry Smith – Chair, UCC Physicians Network. 21 years’ active practice of family medicine. Serving as pastor Mt. Zion UCC in Penn Central Conf.

Lloyd Steffen – Penn NE Conf.; Professor of Religious Studies. Specializes in Ethics. University Chaplain & Dir. of Lehigh Center for Dialogue & Spirituality.

Deborah Streeter – Assoc. Conf. Minister in Northern CA Nevada Conf. Chair of the working group on Science & Technology, which is part of Parish Life and Leadership; was formerly in Worship and Education areas of Local Church Ministries.

Carolyn Thompson – UCC Disabilities Ministries and WCM Boards; World Council of Churches Disability Advisory Group. A person with a disability, and has worked in the disability field since the 1980s.

Lisa Torres – Lay Leader at First Congregational Church of Chicago, IL; President of the Caucus of Hispanic Ministries in Chicago. Chaired the General Synod 26 Committee on this Resolution.

PARTICIPANT LIST
Working Group—2009

Barbara Baylor – Minister for Health Care Justice, Justice & Witness Ministries. Convener and neutral party to report on progress on resolution.

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Denise Karuth – Current Moderator of the Hampshire Assn., MA Conf.; past Chair of MA Coalition of Citizens with Disabilities; former Exec. Dir. of Boston Self Help Center. A person with multiple severe disabilities, and has worked in the disability community for 35 years.

David McCurdy – Board Certified Chaplain; Senior Ethics Consultant & Dir. of Organizational Ethics for Advocate Health Care. PT faculty of Elmhurst College; teaches course on ethics and health care in Religious Studies Dept. Representing CHHSM.

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SELECTED LIST OF RESOURCES CONSULTED

General Synod Resolutions

GS resolutions referenced in “Legalization of Physician Aid in Dying”:

GS 9 (1973). “The Rights and Responsibilities of Christians Regarding Human Death.”

GS 19 (1991). “The Rights and Responsibilities of Christians Regarding Human Death.”

Other GS resolutions*:

GS 12 (1979). “Legal Recognition of Living Wills.”

GS 14 (1983). “Resolution on Hospice Care.”

*The working group was aware of the proposed resolution, “In Support of Physician Assistance in Dying,” submitted by the Central Atlantic Conference for consideration at GS 27. The group did not consider that proposal in its own deliberations at this time.

Other Resources

“Assisted Suicide Measure Passes.” *Seattle Times*. Posted November 4, 2008.
http://seattletimes.nwsourc.com/html/localnews/2008352033_1000prop05m.html;
 accessed March 29, 2009.

California Mediated Public Policy Dialogue on Physician-Assisted Suicide and End-of-Life Issues. *Improving Care at Life’s End*. RESOLVE and The Adams Group, 2002.

Callahan, Daniel. “Physicians without Borders: Washington State’s New Physician-Assisted Suicide Law.” *Commonweal*, January 30, 2009, pp. 10-11.

Coleman, Diane. “Testimony before the United States Senate Judiciary Subcommittee on the Constitution, Civil Rights, and Property Rights.” May 25, 2006.

Cunningham, Nance. “Authority, Conflict, Pain, and Addiction: The Case of the FAQ Pain Education Document, Pain Activist Counterpublics, and the Drug Enforcement Agency.” Unpublished paper, 2008.

_____. “Meaning of Subjectivity, and Public Education about Fibromyalgia.” Paper presented at SOPHE, San Antonio, Texas, 2008.

Epperly, Bruce, and John Mills. *A Word to the Church on End of Life Care: Theological, Spiritual, and Ethical Reflections*. United Church of Christ Science and Technology Task Force, n.d.

“Fact Sheet on General Synod XXVI Resolution ‘Legalization of Physician Aid in Dying.’”

General Synod 26. Minutes, June 26, 2007, pp. 34-35.

Harley, Julie Ruth. *Making End-of-Life Decisions: United Church of Christ Perspectives*. Updated by David B. McCurdy. Cleveland: Council for Health and Human Service Ministries and United Church of Christ Chaplains in Health Care, 1997.

Northern California Nevada Conference of the United Church of Christ. “Proposed Resolution of Witness: ‘Legalization of Physician Aid in Dying.’” Adopted at Conference Annual Meeting May 2006; submitted to Office of the General Minister December 29, 2006.

Smith, Larry. “A Response to the Resolution: ‘Legalization of Physician Aid in Dying,’” 2007.

”Voices in the Wilderness: Disability Rights Groups’ Opposition to ‘Physician Aid in Dying,’” 2007.

“Washington Voters Approve Assisted Suicide Initiative.” Posted November 5, 2008. http://www.kgw.com/politics/stories/kgw_110508_election_assisted_suicide.182b35152.htm; accessed March 29, 2009.