

# Rulings spur pro-life activities

Pro-life legislators today were back at work drafting a new law to ban assisted suicide after a state Court of Appeals panel Tuesday dealt blows to both sides of the issue.

"My thought is to reinstitute the ban," said Sen. Fred Dillingham, R-Fowlerville, author of the 1992 law making assisted suicide a four-year felony.

"Once people look at the Court of Appeals decision on felony murder (allowing Dr. Jack Kevorkian to be tried for murder), they'll prefer that we deal with it as a ban on assisted suicide," said Dillingham. "My position is the moderate one."

Howard Simon, executive director of the American Civil Liberties Union, which challenged the law's constitutionality, wants lawmakers "to regulate but not prohibit it. Unfortunately, our Legislature buries its head in the sand and simply tries to ban it."

The same Court of Appeals

panel ruled 2-1 in two cases. The majority opinions were written by retired Supreme Court Justice John Fitzgerald. The rulings:

- Oakland Circuit Judge David Breck was wrong to dismiss two counts of murder against Kevorkian. Breck held that physician-assisted suicide is not a crime in Michigan. The appeals majority, however, said, "We have found no basis in either the statutes or common law for an exception for physicians who aid and abet suicide." It said Kevorkian's act fell within the common law definition of murder.
- That ruling came in the deaths on Oct. 23, 1991, of Marjorie Wanta and Sherry Miller in a cabin in the Bald Mountain Recreation Area of northern Oakland County.
- Wayne Circuit Judges Cynthia Stephens and Richard Kaufman were correct in holding the assisted suicide ban was unconstitu-

tionally passed. House Bill 5401 started as a study commission bill but was amended in the Senate to regulate assisted suicide — hence it had two objects and violated the Michigan Constitution. Today there is no ban on assisted suicide.

■ Stephens and Kaufman erred in finding a constitutional right to commit suicide. "Nor is the right to commit suicide deeply rooted

in this nation's traditions," said the majority. "At common law, a suicide incurred criminal liability and harsh penalties. Although the penalties were abolished, they were abolished to spare the innocent family and not to legitimize the act."

The last two rulings came in a constitutional challenge filed by cancer patient Teresa Hobbins aided by the ACLU.



Dr. Jack Kevorkian

■ 'Once people look at the Court of Appeals decision on felony murder (allowing Dr. Jack Kevorkian to be tried for murder), they'll prefer that we deal with it as a ban on assisted suicide. My position is the moderate one.'

Sen. Fred Dillingham  
R-Fowlerville

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**CITY OF FARMINGTON HILLS  
SUMMARY OF PUBLICATION  
CITY COUNCIL REGULAR MEETING  
MAY 9, 1994**

The meeting was called to order by Mayor Lichtman at 7:30 p.m. Members Present: Bates, Grant, Lichtman, Oliverio, Sever, Smith and Vagnotzi. Members Absent: None. Others Present: City Manager Costick, City Clerk Dorman, Assistant City Managers Brock and Call, Directors Bissell and Roach, Police Chief Dwyer, and Attorney Donohue.

**COUNCIL PROCLAIMED:**

- May 8-14, 1994, as Safe Kids Week.
- May 14, 1994, as Legacy Tour '94, a soccer celebration.

**COUNCIL:**

- Recognized Caren Collins, newly appointed Executive Director of Southwest Oakland Cable Commission.
- Received Police Department's annual report.
- Reviewed ballot language for ice arena bonding proposal and considered early Parks and Recreation mileage renewal.
- Set public hearing date of June 13, 1994, to consider proposed ballot language to provide for direct election of Mayor.
- Acknowledged transmittal of budget for 1994/95 and set date of June 13, 1994, for public hearing; set special meeting dates of May 19 and 25, 1994, to review budget.
- Received monthly City Attorney's report for May, 1994.

**APPROVED:**

- Resolution regarding State Revenue Sharing.
- Rescinding the property purchased from the Sisters of Mercy (Senior Center) to the Farmington Hills Activities Center.
- Transfer of Class C Liquor License to Sandra Klaus Enterprises, Inc. located at Clancy's Bar & Grill.
- Final preliminary plat of Pinacreek Subdivision, Ten Mile and Middlebelt Roads.
- Public hearing date of May 23, 1994, for cost bearing for sanitary sewer improvements for Mayfield and Whitlock Streets.
- Increase to fee schedule for Building Division.
- City Council minutes for April 11, 18, and 25, 1994.

**AWARDED BIDS FOR:**

- Sidewalk repairs on Nine Mile and Halsted Roads and Eleven Mile and Halsted Roads to James P. Contracting in the amount of \$21,637.
- In-car cameras for Police Department to Research Technology in the amount of \$4,390; Camera Industries in the amount of \$4,900; to Thayer Electronics Labs in the amount of \$4,042.50; and to Producers Tape Service in the amount of \$3,440.

**APPROVED SPECIAL EVENT LICENSE FOR:**

- Farmington Area YMCA annual "Invest in Youth Fun" on May 14, 1994.
- St. Paul's Lutheran Church annual Fund Raising Carnival May 18-22, 1994.
- City's Recreation Department's five mile bike tour on May 14, 1994.
- St. Vincent and Sarah Fisher Center's annual fund raiser on June 5, 1994.

LAWRENCE LICHTMAN, Mayor  
KATHRYN A. DORVAN, City Clerk

Published May 12, 1994

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