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SO CALL

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RT. REV. MSGR. ROBERT E. McCORMICK, J.C.D.

(Presiding Judge of the New York Archdiocesan Ecclesiastical Tribunal)

EUTHANASIA . . .

Real Motives
and
Legal Consequences

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MURDER WILL OUT!*

By

RT. REV. MSGR. ROBERT E. McCORMICK, J.C.D.

(Presiding Judge of the New York Archdiocesan
Ecclesiastical Tribunal)

Those who saw the play "Arsenic and Old Lace" will be interested in the following item which appeared in the Nov. 18 issue of the magazine "Time":

Said a doctor at a recent doctors' meeting: "Anyone in the room who has never helped a suffering patient to die, please raise his hand." No one did. The Euthanasia Society of America, which vouches for the story, cites it as an indication that many doctors favor "Mercy Killing" in extreme cases.

*Address delivered at the annual Communion-Breakfast of the Notre Dame University Alumni at the Park Lane Hotel, Manhattan, Sunday, Dec. 8, on the legal aspects and consequences of the proposed New York State bill to legalize voluntary euthanasia.

The play, "Arsenic and Old Lace," gave the spectators many a laugh because they realized that the nightmare they were witnessing was being portrayed in a make-believe world behind the footlights, and that it would be all over when the curtain closed. However, these same spectators, looking at the present propaganda for the "mercy killing" bill, can get no such amusement out of it since the actors in the present euthanasia cast are "deadly" in earnest and are playing for keeps.

Mercy-Killing Is Murder

The penal law of the State of New York, which teaches the common doctrine on this matter, defines first degree murder as the killing of a human being from a deliberate and premeditated design to effect the death of the person killed (N.Y. State Penal Law, Sec. 1044). This crime is punishable by death. Therefore any person who administers euthanasia at the request

of the patient is liable to a charge of murder.

In view of this fact, it is easy to understand why the aforementioned story is couched in such shrewd language. The question proposed, namely, whether anyone present had "never helped a suffering patient to die" is ambiguous and open to many interpretations. Although it does not necessarily imply the administration of mercy killing, nevertheless, the Euthanasia Society infers from the silence of these doctors that all those present had practiced "mercy killing" or, in other words, that under the present civil law they had committed murder.

This story, therefore, really becomes a boomerang for those who vouched for it, because it is an altogether foolhardy thing to offer this indirect admission of the practice of medical murder to the public and legislators of this State as the reason why this proposed bill to legalize voluntary eu-

thanasia should be passed, since it is a recognized principle of all law that a person should not profit by his own fraud or have his past crimes sanctioned by new legislation.

Secret Mercy-Killings Revealed

The farther back we go into the history of euthanasia in America and our own particular State, the less veiled are the utterances of its protagonists. One illustration will suffice for our purpose. Take for instance the case of Charles Francis Potter, a Doctor of Literature, mind you, and not a Doctor of Medicine, who was the first president of the National Society for the Legalization of Euthanasia, the parent organization of the present Euthanasia Society of America.

Since Dr. Potter is now a director of the latter society his words in 1938 are of great importance because they show the real intent of the "mercy killing" practitioners and the tech-

nique they use. The New York "Journal-American," in the issue of Jan. 18, 1938, reports Dr. Potter as revealing that many physicians were then practicing euthanasia surreptitiously since they were laying themselves open to murder charges.

Dr. Potter's exact words, in regard to a bill which he hoped to have introduced in the various State legislatures and in Congress (New York "Times," Jan. 17, 1938), are quoted as follows by the "Journal-American":

The passage of a euthanasia bill will permit many physicians to do openly and honestly the thing that many of them are already doing — breaking the law by mercifully ending lives which hold nothing but suffering.

Not satisfied with this barbaric admission of multiple medical murder, the director of the present Euthanasia Society immediately set out to prove his case by quoting the following ex-

cerpt from a signed letter he then had in his desk, sent to him by a doctor who had been practicing for forty years. This doctor says,

If you make this legal, you will make it proper for us to do openly what I have had to do many times.

One might think that this doctor was rather singular in murdering people by euthanasia, but Dr. Potter hastens to remove any such false impression on the part of the public by stating: "Others tell me the same, confidentially."

Medical Technique Is Less Gory

The practitioners of euthanasia have of course a more delicate approach to the problem of committing murder than had Bluebeard, whose technique was rather crude and gory. The euthanasians do the job cleanly and painlessly. These seem to be only practical advantages of medical murder. *The net result however is just the*

same, for when the affair is over the patient is decidedly dead.

There are various methods of medical murder. Dr. Robert L. Dickinson, president of the Euthanasia Society of America, in his letter of Sept. 28 to other physicians soliciting their membership, mentions the hypodermic technique, i.e., an overdose of morphine.

Another easy method is described by Dr. Potter, who, I wish to emphasize again, is not a doctor of medicine. Listen to the following explanation he gives in the "Journal-American," in the article already mentioned:

The technique is simple. If, for instance, a baby is born a hopeless idiot, the doctor may go to the parents and say there is a delicate operation from which the baby has "a chance in a thousand" of emerging. The father understands what he means, the nurses understand,

the doctor understands. There is *no* (italics mine) one chance in a thousand.

Thus we see that Dr. Potter had no hesitancy in saying, in 1938, that involuntary euthanasia was being practiced on new-born infants who, as is evident, are not mentally or legally capable of asking for their own killing. Of course the euthanasians get around that difficulty by shifting the responsibility to the father who understands that his child will not survive the operation. First of all the doctor, whose judgment must be accepted as absolutely certain and infallible that the child will always be an idiot, suggests the fatal operation and gets the tacit consent of the father. This doctor then issues the sentence of death upon the innocent child. Finally he proceeds to the execution, more interested no doubt in his medical proficiency than in the fact that his act is proscribed by law as murder.

Killing an infant evidently does not require much courage on the part of an euthanasian practitioner, for that virtue is mentioned by Dr. Potter only in relation to the "mercy killing" of adults, who are also to offer their lives on an altar dedicated to the infallibility of this doctor's diagnosis that their disease is incurable. Dr. Potter says:

The same technique is employed at times on adults by courageous physicians . . . under the same hypocritical set of circumstances. That is, the chance in a thousand of surviving it. He doesn't want to survive, and he doesn't.

Murderers Dislike Hypocrisy

The hypocrisy, as the doctor explains, lies in the fact that the physician performs an operation with the assertion that the patient has at least "a chance in a thousand" to live when, at the same time, he intends to kill

that person. That the patient wants to be killed does not change the nature of the crime of murder.

Although the doctors who practice euthanasia have no qualms about committing murder, nevertheless, they are much concerned about being hypocritical. To most people the answer would be to stop committing murder. Since this does not appeal to practitioners of euthanasia they have struck upon the happy solution of having the State of New York legalize "mercy killing."

Death Records Falsified

Unfortunately Dr. Potter could not tell the "Journal - American" how widespread secret euthanasia was in 1938 for the simple reason, as he said, "There are no figures available, of course. The record shows only that the patient died on the operating table after *he or the parents*, (italics mine) consented to the operation." Here

again an utter disregard of the civil law is manifested for the doctor admits that in 1938 the practitioners of euthanasia, in order to escape the penalty for their crime of murder, were committing *another* offense against the civil law of falsifying the record in withholding therefrom the true cause of death.

Bill Would Save Murderers

Thus I have tried to sum up the strangest, and what they evidently consider their strongest, argument for the passage of the New York State bill, namely, that murder has been committed and probably is now being committed, and hence that it should be legalized to save these medical murderers from paying the penalty of the present law, if caught.

Time does not permit me to go on with this litany of the violations of civil law, much less of the law of God, by such euthanasians, but it seems

inevitable that the voice of the decent-minded people, which so aptly has been likened to the voice of God, will soon be raised in such a volume of protest against these professional "mercy killers" that it will arouse the indignation of all good citizens of this State and the entire country.

Death of Undesirables, Final Aim

What can we expect if this bill should be passed by the New York State Legislature? We do not have far to look for the answer to that question inasmuch as they discuss it in their own literature. In one of their pamphlets, which is drawn up in catechetical style, they ask themselves the following question which makes public their ultimate purpose:

Why not legalize euthanasia for all who are a burden to themselves and the community (including mental defectives and others incapable of consent) rather than merely

for sufferers who themselves ask for euthanasia?

They then proceed to give the following answer:

The American and English Euthanasia Societies, after careful consideration, have decided that more will be accomplished by devoting their present efforts to the measure which will probably encounter the least opposition, namely, *voluntary euthanasia*. The public is readier to recognize the right to *die* than the right to *kill*, even though the latter be in mercy. To take someone's life without his consent is a very different thing from granting him release from unnecessary suffering at his own express desire. The freedom of the individual is highly prized in democracies ("Merciful Release" published by the Euthanasia Society of America, Inc., p. 12, n. 11.)

It is evident from the above quotation that the ultimate purpose of the

euthanasians is to get rid of all undesirables both young and old, the incurably sick, mental defectives, the insane, and even habitual criminals, as one supporter of euthanasia advocates. As the last sentence of their answer indicates, the only thing that restrains them from proceeding to the limit with the suggested program in America is that this country is a democracy. They do not deny, however, that the full program is their real intent and desire.

This is the direct opposite of what the world needs today if our civilization is to be restored. Only a dignified rehabilitation of the human being through God and the observance of His law will accomplish this restoration, and certainly not the prevalent mania for domination of man over man, of which euthanasia is an example. It is evident that euthanasia is the basest of tyrannies because it strikes

at man's first God-given and natural right, the right to live.

Legal Consequences If Enacted

If we allow the state to *legalize voluntary "mercy killing,"* we will permit the government to usurp a divine prerogative and abrogate a divine law which prohibits the killing of the innocent. *The passage of this bill will indicate that our Legislature has adopted the principle that man-made law takes precedence over the natural law. There will no longer be any inalienable rights of human beings or any immutable standards in basic ethics. A thing will be right or wrong only because the civil law says that it is right or wrong. This of course will mean utilitarianism in law.* What seems opportune to the majority of the Legislature at the time will be made the law regardless of its basic morality, and this will also become the mode of interpretation for the courts.

If the Legislature can disregard the commandment "Thou shalt not kill," sanctioned by Jewish and Christian civilization since the time of Moses, it can also set aside the commandments "Thou shalt not steal" and "Thou shalt not bear false witness." In that event personal and property rights will be invaded without hope of redress, and courts will find it difficult to render justice because legal oaths will be meaningless.

If the law should fall to this low estate, then indeed the evenly balanced scales in the hand of blindfolded justice must be replaced by a weather-vane, for justice will have become a "will-o'-the-wisp," a farce and a mockery.

What about the fate of minority groups in this country if the complete program should be legalized? One need but look to Germany for the answer.

The Nazi doctors who carried out Hitler's euthanasia program have recently been brought to trial on the charge of murder by the United States Army courts in the very courtroom in which the Nazi leaders themselves were condemned to death.

The passage of voluntary euthanasia will tend to justify, in the minds of some legislators, the further and final step of legalizing involuntary "mercy killing" — the very crime for which these Nazi doctors are now on trial. Hence to pass the proposed New York State bill will be a move toward totalitarianism and will constitute state tyranny.

Faith in Medical Profession Lost

If, as Dr. Potter clearly shows, some physicians have no qualms of conscience about violating their Hippocratic Oath, the civil law, and the law of God, by secretly practicing euthanasia upon infants and adults who re-

quest it, what guarantee have we that such a doctor does not practice euthanasia even now without the consent of the infant's parents or the adult patient?

It is but natural that people these days would wonder which doctors favor "mercy killing" and which doctors do not. The Euthanasia Society would have us believe that many, if not most, doctors do approve of "mercy killing." Therefore these are days in which many people will be very careful not to consult a doctor who is not well known to them for his solid ethical principles.

As a matter of fact, one lady, who has become apprehensive over the present situation, wrote to me recently asking whether she should submit to an operation! Are we returning to the days of the "black bottle" which led many people to dread entering some hospitals as patients for fear that they would not come out alive!

It seems that the time has come for the medical profession, which has justly merited the gratitude of humanity for its care of the sick and its progressively successful efforts to relieve suffering and extend the span of human life, to take a definite public stand in regard to euthanasia. It is inconceivable that the vast majority of doctors are false to their Hippocratic Oath, are murderers rather than healers, and are hypocrites as well.

In defense of the ethics of their profession, the doctors should now make clear to the public how they stand concerning the present attempts of the Euthanasia Society to legalize murder. It is time, too, in the interests of both decent doctors and of the public, that the sheep of the medical profession be separated from the goats.

Public Listing of Membership

The following suggestion seems feasible: The public could demand of

every state government in this country that it compel every physician, who has become a member of the Euthanasia Society, to place on his shingle and in his hospital and telephone listings the title, "Member of the Euthanasia Society of America."

Since they have voluntarily joined this society, and are listed on its literature and letters as members of the Doctor's Committee, they can have no reasonable objection to this suggestion. This will protect ethically minded doctors and enable the public to distinguish between doctors who are true to their professional ideals and others who have advocated medical murder.

To say the least it is surprising that, so far as I know, other religious denominations have not risen in public to defend the commandment of God, the Creator, "Thou shalt not kill." At the present time the only voice raised in protest is that of the Catho-

lic Church. We sincerely hope that the warning of the Catholic Church will not fall upon deaf ears in America, and especially in our own State of New York, lest this fiery apocalyptic steed of "mercy killing," unfettered by civil law, start its devastating charge through our fair country, leaving in its path the corpses of vast numbers of our citizens.

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