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TO THE CHAIR AND MEMBERS OF THE HEALTH AND GOVERNMENT
OPERATIONS COMMITTEES OF THE MARYLAND HOUSE OF DELEGATES

Dear Ladies and Gentlemen:

Thank you for allowing me to submit this letter stating my views in connection with your hearing on H.B. 1021., a bill to decriminalize under certain conditions the assisting a terminally ill person to end his or her life.

My views on the matter spring from the two professions that I have pursued over a blessedly long and healthy life: law and the rabbinate. And those views reflect my study of the history of this great nation and my training in philosophy in the two colleges I have been privileged to attend, Harvard and The Reconstructionist Rabbinical College.

This country has from its earliest days sought to maximize the liberty of the people individually to live as they choose, with minimal government interference, within the confines of a society of ordered liberty and so long as a person does not infringe on the liberty of others. Aphorisms do not a jurisprudence make, but surely we salute the Jeffersonian maxim “that government is best that governs least.”

However, I am aware that as of this moment very few states will allow a caregiver to assist the patient to end his or her life, even under the most careful safeguards to make certain of the validity of the dying person’s consent, of the caregiver’s fidelity to the patient and the absence of a conflict of interest. Perhaps this reflects the law’s typical and often commendable reluctance to adapt too quickly to radically changed circumstances in which the law is now operating

My view as a lawyer is that the law ought *now* adapt, and that for it to do so is consistent with deeply cherished values that underlie our constitutional form of government.

Since I am also a rabbi, I recognize that the question has been dealt with for a very long time in all our religious traditions. Rabbis do not all agree on this issue. We all agree that historically Jewish teaching was clear that our bodies, and life itself, are gifts from God that we may not mutilate or end arbitrarily. Hence active suicide is impermissible. At the same time our tradition rejects the view that the excruciating pain that often accompanies the dying process is salutary, that it atones for our sins. Rather, it is clear that *death* itself atones for our sins. The dying have no obligation to endure that pain and physicians have a duty to alleviate it.

Rabbis are in a more complicated position than legislators, however. Whatever a single rabbi or an association of rabbis may conclude about aid in the dying for the terminally ill may depend upon their collective or individual theological views. We rabbis may disagree upon what is meant by our bodies being a gift from God and the consequences that flow from that view.

But the questions for legislators are not the same as the questions for rabbis. Our Constitutions forbid establishing a religion or interfering with the free exercise of religion, and it has long seemed to me that it is therefore quite suspect for legislators to choose one religious perspective over another in enacting or maintaining laws that are grounded in theological doctrines or principles. This is especially clear to me as a clergyman of a minority religion. The state should be neutral on such matters.

That view leads me to support the modification of the current set of rules that impose criminal penalties upon compassionate care givers who agree to follow the express wishes of a terminally ill, dying person by, for example providing the patient with medication enabling him to end his life. It is not incidental that such a regimen may prolong the lives of the terminally ill because they need not rush into suicide but may remain in this world longer and more at ease, knowing that they retain the power to end his life when they can no longer endure it. As the Torah teaches, "choose life!"

I hope these views are helpful to you.

Very truly yours,

/s/ Rabbi George B. Driesen