

State of Maryland Senate Judicial Proceedings Committee

Senator Zirkin, Senator Gladden, Members of the Committee:

My name is Rabbi Donald R Berlin and I regret that I am unable to be present in person to provide this testimony. My connection to you, Mr Chairman, goes back a long time to my days as the Senior Rabbi of Temple Oheb Shalom where I am still the Rabbi Emeritus since my retirement. I now reside in St Michaels where I live an active life.

I am writing you as a 78 year old who is deeply committed to the legislation before you on SB0676, *"Richard E. Israel and Roger "Pip" Moyer Death with Dignity Act.*

Thankfully, I am blessed with good health and an active intellect. Still, after my years comforting the ill and visiting the elderly, I worry daily about my future – not that I will become ill, debilitated or die. Rather, I am concerned about being mentally alert while in the process of dying, as determined by a team of competent physicians, suffering needlessly because society has trapped me in my own body. I am apprehensive that whatever autonomy I have acquired in life will be removed from me and that others, for their need, for their belief, for their personal requirement will take full priority over my existence and my deep faith claiming that I am alive when it is now documented and affirmed that I am well on the path to death without the possibility of recovery. To add insult to injury, they will claim that this is being done in the name of God's will. I cry out – "not my God's will." And if one indicates that there is always the possibility of hope, remediation and recovery, I hope that someone will remind me of that and encourage me to carry on. But I do not want to surrender my right to make that decision of sound mind accompanied by the best medical advice available.

Grant me a choice! Allow a physician to prescribe a drug to aid me which I would administer personally in potentially

dying peacefully and whole. Only God knows whether I would actually make that choice but choice will be the final blessing of my individuality I will ever have. My tradition does not teach that my soul will suffer or that I will insult God by this act. Every good effort will be made to explain why I, a Rabbi, would do this, why anyone would do this.

As a devotee of Judaism, I have studied the strong affirmation my tradition has held since ancient times about life's sanctity and the sacred role of the Almighty in my life. I am also aware that the Rabbinical Sages were very alert long ago to the concept of mercy in the dying process. That is why they accepted new boundaries of life and death from time to time. They taught that God fulfills His commitment to justice and to mercy. When these two are somehow in conflict, God always allows His attribute of justice to become tempered by His attribute of mercy. People of faith have such varied understandings about these boundaries. Indeed, within every faith including mine, there are disputes about exactly where to determine the line of demarcation between life and death. I am addressing only that which the best medical counsel has established as the onset of death.

And that is what I am asking you today. Allow your compassion to reign over what you may perceive as God's rule. You will not be the first people to do this. New circumstances have been introduced time and again to address specific situations - especially with the sensitive nature of the line between life and death - in assessing what was deemed to be God's Will as addressed in the Bible and interpreted by the wisdom of ancient sacred texts. Here we need exhibit the deepest humility. We are taught about the special nature of every individual creation and every individual's autonomy. Free good people to live wisely and well until they die sooner or later by the special gift you have granted them - a personal decision, informed by medical judgment and based on a personal faith commitment. Thank You and may God bless your efforts!

*Rabbi Donald R Berlin was formerly the Senior Rabbi of Temple Oheb Shalom in Baltimore (1976-1999) and continues as Rabbi Emeritus. He resides in St Michaels and is a member of Temple B'nai Israel in Easton. Currently, he is the President of the National Association of Retired Reform Rabbis. Previously, he headed the Baltimore Board of Rabbis and was President of the Central Conference of American Rabbis Mid-Atlantic Region. Rabbi Berlin taught for many years at Goucher College and at St Mary's University and Seminary Ecumenical Institute. He was a Past President of the Baltimore Jewish Council and a founding Board Member of the Institute of Christian and Jewish Studies.*