

Judge William C Whitbeck - January 27, 2015

Jack Kevorkian and 9/11: A Day of History at the Michigan Court of Appeals

Most of us know where we were on September 11, 2001. But I—and my two colleagues on the Michigan Court of Appeals, Joel Hoekstra and Henry Saad—have a special reason to remember the exact circumstances of that bright fall day. The three of us made up the panel that was to hear oral arguments in connection with Jack Kevorkian's appeal from his second degree murder conviction. A jury had earlier found that Kevorkian had caused the death of Thomas Youk, a 52 year old man suffering from Lou Gehrig's disease, by injecting him with a lethal chemical. The three of us were in Detroit to hear and decide that case, along with a number of others on our September case call.

My wife Stephanie had accompanied me to Detroit and we arrived at the old downtown courtroom of the Court of Appeals at about 9:00 AM. We were immediately informed that a plane had crashed into the World Trade Center in New York, but the details were fragmentary at best. When Judges Hoekstra and Saad and I took the bench, we were not yet aware that a second plane has also struck the Twin Towers.

The scene inside the courtroom was extraordinary. The Kevorkian case had attracted national attention and reporters had come from all over the country to hear the arguments. The demand for televised footage was so high that, in order to cut down on the confusion, we had arranged for one camera to provide a feed for the television media, but even so every seat was taken and numerous reporters and onlookers were standing at the sides of the courtroom and in the rear.

Judge Hoekstra was presiding and he called the Kevorkian case, which was first on that day's schedule. As the lawyers began to make their arguments, there was a stir in the courtroom and—inexplicitly from our point of view—many of the reporters began talking quietly to each other and then rising to leave the courtroom. We later found out that their newsrooms were directing them to get to New York . . . which proved to be next to impossible as all of the nation's airports were quickly shut down. By the time the lawyers had concluded, the courtroom was virtually empty and we three judges were completely baffled.

Our confusion did not last long. Our court officer handed Judge Hoekstra a note about the second plane and he quickly made a command decision: amid fears that Detroit and most particularly the Ambassador Bridge might be a target, we adjourned for the day and cleared the building. Like many other Americans on that day, my wife and I glued ourselves to the television set far into evening.

Ultimately, our panel upheld Kevorkian's conviction and he spent much of the rest of his life in prison. He is gone now and at best he is a footnote in legal history. But 9/11 remains much with us, the sound and the fury of that fateful morning forever etched in our minds. Kevorkian is only a memory; 9/11 is a constant presence.