

Live and Let Go

An American Death



Discussion Materials



Introduction: This film was co-produced by Sam Niver's children, Jay and Gretchen, along with filmmaker and friend of the family, Jay Spain. The producers have provided us with the following materials which they hope will help viewers in thinking about and discussing *Live and Let Go*. They include Sam Niver's suicide note, along with a compilation of "frequently asked questions" which viewers of the film have brought up when the film has been presented by Jay or Gretchen. There are also a sampling of press clippings about the film.

Film Description: When 76-year-old Sam Niver learned that his prostate cancer was terminal, the last thing he wanted was to die in the hospital, as his wife had recently done. Fiercely independent, he wanted to die as he had lived his life – on his own terms. In constant pain, and tired of a seemingly endless round of drug and radiation treatments, Sam did his research, made his own plans, approved his obituary, and asked his son Jay to document his final days. The resulting film is a moving tribute to a life lived well and ended with dignity.

Sam Niver was a proud World War II veteran; a hometown newspaperman and civic leader; a loving husband, father, and friend. Having decided to take his own life, he was careful to explain the decision not only to his family but also to the world, through the press and through this film. Jay and his sister, Gretchen, supported Sam's decision, and, when he told them he would have a friend sit with him at the end, they insisted on being the ones to share his final moments. Another son chose not to participate.

Issues related to assisted suicide, or the more general questions surrounding an individual's right to choose a death with dignity, are being hotly debated today in our legislatures, by our civic and religious organizations – and at the family dinner table. *Live and Let Go* offers a powerful and provocative context for such discussions. Discussion leaders should be aware that the scene in which Sam takes his life, using sedative drugs in a method advocated by the Hemlock Society, is quite peaceful but may be difficult for some viewers to watch.

"Powerful. An eloquent approach to a hot-button subject, it deserves to be seen and discussed."

— *Winston-Salem Journal*

"We owe it to those in similar situations to witness this powerful, unflinching and above all heartfelt cinematic testimony. Bring a handkerchief and an open mind."

— *LA Weekly*

"Riveting, unsettling, and portrayed with unflinching honesty."

— *Twin Cities Star Tribune*

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Closed-Captioned

56 Minutes,

6/23/98

TO WHOM IT MAY CONCERN:

I, Samuel J. Niver, Jr., Samuel J. Niver, being of sound mind and in full control of my senses, have hereby decided to make a dignified exit from this "Vale of Tears." No one, repeat, no one, is assisting me. I do it all by myself. My children, who are present, agree with and support my decision.

I take this action because I am in the terminal stages of metastasized prostate cancer and my life has lost all pleasure. I have had 60 radiation treatments and there is little left but chemotherapy, which I do not choose to undertake.

I am also taking this action to make a statement in favor of physician-assisted suicide in terminal cases. I think it is unbelievably cruel to force someone to suffer against their wishes when a simple injection could end their misery.

To my children, my sisters, my many friends and relatives, I wish you all long and happy lives such as I have had. Over 76 years I have no regrets and would not change a single thing if I could. I have had 76 years of happiness and am looking forward to at least that many more with my dear wife who waits for me.

I love you all very dearly.

Live and Let Go – An American Death

● Frequently Asked Questions ●

Compiled by Jay Niver

1) Wasn't it hard for you and Gretchen to do this?

No. It was hard for us to lose our father, but we were determined to help him any way we could. Our parents stood behind us for more than 40 years. What kind of kids would we have been had we NOT stood behind Dad? Folks call us "courageous," but that's not a description we deserve – *Dad was courageous.*

2) You seemed pretty calm and collected. How come?

We had weeks to cry and say good-bye in advance of Dad's death. When the time came, we had a job to do, not sob and let our own feelings get in the way. We left on a camping vacation the next day with my kids, and Gretchen and I sat up late around a campfire to decompress. It was many hours and days later that it really sunk in, what had happened: Dad was gone.

3) Sam did not appear to be deathly ill. Could he have lived a lot longer?

Dad's doctor said he probably could have lived five or six months more in a Hospice setting. But he didn't want that. What's more, Dad was a lot sicker than he appeared, because he didn't want to be seen in a helpless state. I had to shower with Dad and bathe him the last time; he was too weak to do it himself. And Gretchen helped Pop get out of bed and get dressed on June 28 – *it took more than two hours.*

4) Weren't you worried about legal ramifications, for assisting a suicide? Have you ever heard from authorities?

As was mentioned in the film, assisting a suicide is LEGAL in North Carolina, one of the states that has no law prohibiting that. In theory, we could have handed Dad a loaded gun, so long as we didn't pull the trigger. In fact, we tore down the cameras that filmed Dad's death before EMS and police arrived, and we also removed the plastic bag. A detective asked Jay Spain, "Did you film the death?" Jay replied, "I prefer not to answer that question." Jay was concerned there may be a roadblock to stop his vehicle as he left, to search for tapes. But it didn't happen. We have never been approached by police or investigators.

5) How could you have avoided an investigation?

If we had a signed death certificate, authorities would have left as soon as we showed it to them. But Dad's doctor lived an hour away, and we didn't want to inconvenience him

on a Sunday. He had been great all along, and we didn't want to ask a favor. He probably would have driven out to sign a certificate.

6) Was an autopsy done? What did it reveal?

The Onslow County M.E. did an autopsy that named the cause of death as a drug overdose and cancer, which had metastasized to the lungs (even more than we knew). The M.E. did NOT mention suffocation.

7) Was that the correct application of the bag on Sam's head?

No. The bag is supposed to be voluminous to allow many minutes of air until the drugs take effect. Dad's bag was sucked against his mouth and nose, although he wore a dust mask. Still, it's hard to say if the drugs or suffocation caused death. Pop was so weak, and the amount of Nembutol so massive, it may have shocked his system in the minutes between the time he drank the dissolved capsules, ate the drug-laced yogurt and fastened the bag with TWO rubber bands.

8) Was that a suicide note pinned to Sam's shirt? Can you tell us what he wrote?

Yes, that was his note. A copy of it is appended to the end of this FAQ sheet.

9) Do people still "self-deliver" this way?

No. Since Dad died, there are more ways that people who desire a hastened death can use technology to go quickly and quietly, especially since it has become harder and harder for people to get the potent narcotics that can cause death. Derek Humphry, the founder of the Hemlock Society (and author of *Final Exit*, the "how-to" book that Dad used as his guide) has an organization (ERGO) dedicated to the cause of hastened death and user-friendly ways to go.

10) Is anything else different about the situation that Sam faced?

Yes. The Hemlock Society has a *Caring Friends* program, which puts trained Hemlock members, who have had experience with hastened deaths, in touch with those who are contemplating a planned exit. Having such a person with insight into what we were about to do would have helped all of us.

11) How did the film come about? Whose idea was it?

I am a journalist, and when I learned what Dad was planning, I knew it could be a compelling story, especially since Dad felt so strongly about doctor-assisted suicide. He wanted to make a statement, but I didn't want to write the story since I was involved. But filmmaker Jay Spain was a close, 20-year family friend with his own production company. I asked him if he was interested in shooting, and he said yes.

12) What was your plan? How big was your budget?

We had nothing planned in advance, and no budget. My sister, Gretchen, and I eventually used our very modest inheritance from Dad to reimburse Jay Spain partially for expenses. He directed and did the shooting, and supplied the editing suite for post-production. No one has been paid for their work. Any money we get from sales goes to folks who worked on spec, like editor David Iversen.

Shooting began a few months before Dad's death and ended with the session with his sisters about nine months after he died. We shot more than 20 hours of interviews, which I transcribed and pieced together into a narrative. We did more than a dozen cuts (versions) of the film before finishing it in spring of 2002.

13) Have you had success getting the film shown?

By the time you read this, I hope you've seen it on cable or PBS, or heard about it on some network news magazine. Frankly, it's been a real tough sell because of the nature of the subject. We premiered in July 2002 at the DancesWithFilms festival in Los Angeles and have had growing success at a number of film festivals.

14) Is it hard for you to watch the film and see your father die?

In editing and since, I've seen Dad die scores, maybe hundreds, of times. It's always difficult, but nothing like the first time I watched it. I put it off for weeks before I got the nerve to watch the raw footage. Ironically, for me, the most wrenching part of the film is not Dad's death, but where my brother says good-bye to Pop for the last time. That always tears me up.

15) Is there anything you regret about how it played out?

Just the overall circumstance of our hypocritical and misguided society, that anyone would have to go through this when they're ready to go. You know what Dad's last words were? Not, "I love you," or, "I'm gonna miss you," or anything like that. His last words were: "Give me another rubber band." That sucks. You shouldn't have to worry about killing yourself in your final moments with your children. You should be able to do it peacefully and legally with dignity.

16) How is your health, Jay?

I'm fine, and a poster boy for early detection. Because Dad had cancer, I had my PSA checked regularly after I turned 40. After it elevated, they did a biopsy, found the cancer and operated. I had no visible symptoms, so the PSA probably saved my life. Now I tell every man I meet: If you're over 40, have your PSA checked.

RiverRun

International Film Festival

North Carolina Premiere
– April 2003 –

**Highest
Review
accorded
any film at
RiverRun**
★★★★¹/₂

■ *Live and Let Go: An American Death*, ★★★¹/₂.
Showing at 2:30 p.m. today in the Gold Theatre at the
N.C. School of the Arts.

Jay Niver and Jay Spain's documentary, which
tackles the hot-button topic of assisted suicide, is one
of the most powerful and thought-provoking films
being shown at the RiverRun festival.

The star of the film is Niver's father, Sam. In 1998,
after a long, courageous, ultimately futile battle with
prostate cancer, Sam made the decision to end his own
life as a way of preserving his dignity.

Niver and Spain lend depth and texture to the film
by recounting Sam's early life and the events leading
up to his final days. The viewer comes to love the
energetic and warm-humored Sam, which makes the
film's unflinching conclusion all the more moving.

Live and Let Go is an eloquent and remarkably
even-handed approach to a heated topic. In one of the



On the Web

For a full
RiverRun sched-
ule or to see re-
views of other
films that will
be shown during the festival,
see the Journal's Web site at
www.journalnow.com

film's bolder strokes,
Sam's sisters are
interviewed and express
their respectful opposi-
tion to his decision.
Live and Let Go is a
film that touches all of
us. It deserves to be
seen and discussed.

RIVERRUN FILM FESTIVAL

LETTING GO: Subject is personal for filmmaker

By Mark Burger
JOURNAL ARTS REPORTER

The documentary *Live and Let Go: An American Death* has more personal resonance for its filmmaker than most nonfiction films, because the topic of the film is assisted suicide and the subject is the filmmaker's father.

In June 1998, Sam Niver sat on the deck of his house in Sneads Ferry near the North Carolina coast and died. Sam had been suffering from prostate cancer, and it was clear to him and his family that his days were numbered. But rather than wait for the inevitable, Sam took matters — and his life — into his own hands.

The event was recorded on film by directors Jay Spain and Jay Niver (Sam's son). But *Live and Let Go* is as much a film about life as it is about death. Although the emphasis of the film was on how Sam chose to die with dignity, it also celebrates his life and his spirit.

"The original idea for the documentary was Dad's," Jay Niver said. "He wanted to make a statement."

The subject of one's own mortality is one that most people don't want to consider. "It affects everybody, but it's

said, "but it doesn't change the fact. People are always trying to define the quality of life for other people. (Dad) was less concerned with dying than he was with the loss of freedom and individuality and autonomy."

Niver said he shares with his late father a strong opinion that people should be allowed to die with dignity. The film reflects this, but "we tried not to hit people over the head with it. (Dad) believed in his right to do it. He did not — and would not — want to impose it on anyone else."

Although Jay Niver and his siblings were in full agreement with Sam's decision, Sam's sisters were not. Niver included their sentiments in the film "in an effort to show all sides of the issue. They respected his decision. We respected their opinions. We just didn't agree."

Niver, an award-winning writer, editor and photographer, had long been interested in making the transition to documentary filmmaker. Remarkably, he wasn't reluctant to document the last months of his father's life, as he recognized the compelling and universal nature of the story.



Sam Niver says good-bye to son Teigh in *Live and Let Go: An American Death*.

such a tough topic," he said. "When you look to the issue of abortion, it directly affects roughly one-half of the population. But every one of us is going to die at one time or another."

"That bothers a lot of people," Niver

Sam did not live to see the finished film, of course. But Jay Niver says he believes that *Live and Let Go* does justice to his father's life and his crusade to die with dignity.

"I wish I were more a believer in the afterlife, but I think he'd have been very proud," Niver said. "I'm very pleased with the film. I had never been involved in this issue until Dad got sick, and people who have seen the film have told us how it moved them."

"I don't know if the film will change anyone's mind about assisted suicide, but I'd like for it to make people think more about it," he said.

"When people walk out of the theater, I hope they have a sense of the desperation that some people have in their desire to die peacefully and with dignity."

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■ **Live and Let Go: An American Death will be shown at 2:30 p.m. today in the Gold Theatre at the N.C. School of the Arts.**