

SUPREME COURT GRANTS EPC LEAVE TO APPEAL RASOULI CASE

On May 31, the Supreme Court of Canada granted the EPC leave to appeal in the *Rasouli* case. This case will determine whether or not doctors in Canada have the unilateral right to withdraw life-sustaining treatment without the consent of the patient or the substitute decision-maker.

The medical definition of “life-sustaining treatment” is not limited to ventilators, but also includes fluids, food, antibiotics, etc. We note that the euthanasia lobby is also trying to re-define euthanasia and assisted suicide as forms of “medical treatment.”

The story began at Sunnybrook Hospital in October 2010 when Dr’s Cuthbertson and Rubinfeld performed a surgery to remove a benign brain tumor from Hassan Rasouli. After the surgery, Mr Rasouli contracted an infection that resulted in significant brain damage. The two physicians deemed Mr. Rasouli to be in a “persistent vegetative state” (PVS) and concluded that Mr. Rasouli’s



ventilator was “futile care.” They informed the Rasouli family that they were planning to withdraw the ventilator and change his “treatment plan” by placing him on palliative care.

Mr. Rasouli’s wife, Parichehr Salasel, had been a physician in Iran before the family moved to Canada. She stated that her husband was not in a PVS. Therefore, as Sunni Muslims, they

See Rasouli page 4....

BC CARTER CASE DECISION EXPECTED VERY SOON

A decision in the *Carter* case in BC is expected very soon. The BC Civil Liberties Association, representing the Carter family and Gloria Taylor in the *Carter* case, seeks to legalize euthanasia and assisted suicide by amending the criminal code and redefining euthanasia or assisted suicide as forms of medical treatment.

The EPC intervened in the *Carter* case in November – December, 2011 before Justice Lynn Smith in Vancouver. We had been expecting a decision earlier in the year, but Justice Smith asked for input from the parties involved to offer guidance concerning the constitutional limits of the case.

Whatever Justice Smith decides, either the BC Civil Liberties Association or EPC will appeal to the BC Court of Appeal. After they make their judgement, we will pursue the next appeal to the Supreme Court of Canada.

EPC is very thankful to the many people who have donated

towards our involvement in the *Carter* case. We will require continued financial support to see this case through to the Supreme Court.

LEBLANC CASE TO BE HEARD IN DECEMBER 2012.

The Crown counsel and the lawyers for Ginette Leblanc have agreed on a time-frame for hearing the case, probably in December 2012. Nearly identical to the *Rodriguez* case that was decided by the Supreme Court of Canada in 1993, Leblanc seeks to legalize assisted suicide in Canada.

EPC National and Vivre dans la Dignité in Quebec have requested co-intention standing in the *Leblanc* case. We have requested full intervention standing, including the right to cross-examine witnesses. We hope to learn whether or not we have been given intervention standing on June 15.

The cost to intervene in the *Leblanc* case will be very high, but absolutely necessary.

Reserve Saturday November 10 for EPC National Conference. More Details Page 4.

MINNESOTA GRAND JURY INDICTS FINAL EXIT

The Final Exit Network (FEN) and four of its members have been indicted in Minnesota and are facing 17 charges in the assisted suicide death of Doreen Dunn who died May 30, 2007. FEN is a group in the US that claims to aid and counsel suicide. They provide information and they help a person complete their suicide death. Wendell Stephenson, the president of Final Exit Network, stated in the *Associated Press* article on May 14 that “Minnesota’s law is unconstitutional because it violates freedom of speech by preventing it from educating people on how to commit suicide.”

This is the third time that FEN has been indicted in a state on charges related to assisting a suicide. Charges have previously been laid in the death of John Celmer in Georgia and Jana Van Voorhis in Arizona. Mr. Celmer was in remission from cancer but who was experiencing a deep depression; Ms. VanVoorhis was physically healthy but lived with a serious mental illness.

The 17-count indictment charges the medical director of Final Exit Network, Lawrence Egbert of Baltimore, and three other officials with felony counts of assisting suicide. The indictment states that the four likely dumped the equipment which was used to kill Ms. Dunn in a trash bin on their way back to the airport. This charge alone is significant, as it suggests that FEN tampered with a crime scene in order to protect themselves. The grand jury also charged the New Jersey-based group in its corporate capacity.

“This investigation and prosecution is not a politically motivated attack on the right-to-die movement,” Dakota County prosecutor James Backstrom said at a news conference. “Rather, it is an effort to bring to justice a corporation and several of its officers and volunteers who we are alleging advised, encouraged or assisted Doreen Dunn in the taking of her own life on May 30, 2007, in violation of Minnesota law.”

The FEN website claims that its volunteers may attend deaths to provide emotional support, but do not provide the means or physical assistance for members to kill themselves. However, the *Washington Post* (Jan 19 2011) quotes the former medical director of FEN, Lawrence Egbert, as stating that he had provided used Exit Bags (plastic suicide bags) upon request. This would indicate that FEN not only provides information for suicide, but they also, at times, provide the means for suicide.

At the blog “Not Dead Yet,” Stephen Drake writes:

The fact that Egbert was allegedly one of the ‘exit guides’ may bring some new heat and light in this (now) criminal case. As I mentioned last week, Larry Egbert was the subject of an extensive (if not terribly probing) interview published in the Washington Post last January. In the interview, he shared the fact that he ‘re-used’ so-called ‘exit bags,’ providing them to ‘clients’ so they wouldn’t have to purchase them. He showed the reporter a large number of them stashed in a closet in his home.

It’s essential, IMO, that the prosecutor bring this up at trial. If contrary to claims repeated even now in the current story that FEN ‘doesn’t provide’ the means to commit suicide, Egbert provided the ‘Exit Bag,’ that is actual material assistance. Further, it could implicate Dincin, since it would be hard to hide the fact that Dunn was using a used ‘exit bag’ that Egbert brought, rather than one she purchased herself. That would also mean that the organization has been knowingly misrepresenting itself and its practices.

Is that shocking? Not really. When you have a bunch of vigilantes whose primary mission is to facilitate the suicides of total strangers, there really can’t be any breach of integrity that’s really surprising. --Stephen Drake

NEWS FROM AROUND THE GLOBE

BRITAIN: ROYAL COLLEGE PRESIDENT OPPOSES ASSISTED SUICIDE



Dr Iona Heath, the President of the Royal College of General Practitioners, has published a powerful article in the *British Medical Journal* (May 29 2012). Titled “What’s Wrong With Assisted Dying,” the article is being widely promoted by the *Care Not Killing Alliance – UK*. Dr Heath argues that “as so few individuals act in the best interests of others, the legalization of assisted suicide would further marginalize the most vulnerable.”

Among Dr Heath’s concerns is “the impossibility of drafting an assisted suicide law that would sufficiently protect the vulnerable. The influence that one person can have makes legislation very risky. It is not certain to guarantee that a voluntary request for assisted suicide is not in some way coerced. It is likely that many sick and disabled people would have a tendency to feel that they were being a burden to others, and that assisted suicide may create a strong obligation in some circumstances.”

Dr Heath argues that assisted suicide offers “a technical solution to an

existential problem.” Grief and death are both inevitable parts of human existence. A more person-centred care would avoid the pitfalls of too little or too much medical intervention.

Dr Heath considers today’s eagerness for assisted suicide surprising given recent events such as the activity of Harold Shipman and the involvement of doctors in state-sponsored killings. She has considerable doubt that a clearly regulated law change would alleviate more suffering than it would cause.

GERMAN DOCTORS OPPOSE EUTHANASIA, ASSISTED SUICIDE.

At the recent German Medical Association – 115th Convention, the German Medical Association re-affirmed their opposition to euthanasia and asked the German government to oppose euthanasia organizations and to prohibit the promotion of suicide.

The German Medical Association also apologized for the crimes against humanity, including the euthanasia of approximately 200,000 people with disabilities, committed by German doctors during World War II.

German doctors appear to want to reduce the promotion of suicide by the Dignitas suicide clinic in Switzerland. Dignitas is primarily oriented to promoting suicide tourism.

MASSACHUSETTS DISABILITY RIGHTS GROUP CHALLENGES BALLOT

Second Thoughts, a disability rights group that opposes assisted suicide in Massachusetts, filed a legal challenge to the assisted suicide ballot title.

“The ballot language is clearly misleading,” said Second Thoughts director John Kelly of Boston. “We want the voters of Massachusetts to know exactly what they are voting on this November.”



Mr John Kelly stated: “The way ‘terminally-ill’ is used in the description is clearly misleading. People will be encouraged to assume that being ‘terminally ill’ is a biological fact, rather than a human guess.”

“People with disabilities are very familiar with so-called terminal diagnoses,” said Second Thoughts member John Norton. “Everyone knows someone who has outlived their terminal diagnosis -- I was diagnosed with Lou Gehrig’s Disease as a teenager; I’m alive and well fifty years later. The ballot language misleads by implying that a ‘terminally-ill’ diagnosis actually leads to death within six months.”

“And what about choice?” asked Second Thoughts member Paul Spooner. “There are no safeguards to protect patients from having the poison given to them by an heir or abusive caretaker. No witnesses are required under the law, so if someone else were to administer the drugs, who would know?”

Michael A. Menear, Lawyer
Menear, Worrad and Associates
100 Fullarton Street
London, Ontario • 519-672-7370

Harry Lamb
Sales Representative
Sutton Group Preferred Realty
London ON • 519-471-8888

NEWS FROM AROUND THE GLOBE

NEW ZEALAND MEDICAL ASSOCIATION: EUTHANASIA UNETHICAL

In response to the recent push to legalize euthanasia in New Zealand, Paul Ockelford, the chair of the New Zealand Medical Association, recently stated: *“Even if the law changed, euthanasia is unethical and cannot be condoned by the NZMA as a professional body.”*

He then stated: *“We would be absolutely opposed as a professional body, even if the law changed.”*

GEORGIA GOVERNOR SIGNS BILL

Governor Nathan Deal signed a bill into law to protect Georgia citizens from assisted suicide. The bill became necessary after the Georgia Supreme Court struck down a law that prohib-

ited advertising for assisted suicide.

The hearings on the bill featured Susan Celmer, the widow of John Celmer, who died after his suicide was assisted by the Final Exit Network. Celmer was living with chronic depression and he was recovering from cancer.

LOUISIANA STRENGTHENS LAW AGAINST ASSISTED SUICIDE

The law prohibiting assisted suicide was strengthened. The bill that passed unanimously in the house states that: someone authorized to approve medical procedures for another person, (e.g. surgical or medical treatment for the developmentally disabled or nursing home residents who may be unable to make their own medical decisions) may not approve any procedure that would be considered assisted suicide.

VERMONT REJECTS ASSISTED SUICIDE

In March, the Senate Judiciary Committee rejected a bill to legalize assisted suicide. The identical bill was then attached to a tanning bed regulations bill in April. On April 12, the Vermont Senate debated the assisted suicide bill and then defeated the bill 18 to 11.

True Dignity Vermont and the Alliance for Ethical Health Care have defeated several assisted suicide bills.

An assisted suicide Initiative will be on the ballot in the Commonwealth of Massachusetts this November. We hope that Massachusetts citizens will follow the lead of Georgia, Vermont and Louisiana.

Second Thoughts, a disability rights group in Massachusetts, has been educating supporters to effectively oppose the assisted suicide Initiative.

Coming Up

EPC co-sponsors First European Symposium on Euthanasia and Assisted Suicide

September 7-8, 2012 at the Edinburgh Conference Centre on the beautiful grounds of the Heriot-Watt University in Edinburgh Scotland.

Registration: £150 for full conference.

Symposium: £50 per night Thurs, Fri, and Sat nights.

Speakers include: Alex Schadenberg, Canada; Dr. Bert Vanderhaegen, Belgium; Margaret Dore, USA; Paul Russell, Australia; Dr. Peter Saunders, UK; and more.

For more information: www.carenotkilling.org.uk

Coming Up

EPC national conference November 10, 2012 London Ontario

Save the date – On Saturday, November 10, 2012 EPC is holding the Canadian national conference at the Ramada Hotel in London Ontario.

The conference will feature a full-day of inter-active presentations, excellent speakers and discussion

We plan to end with a special dinner celebration.

4

BOX 25033 LONDON ON N6C 6A8

BOX 611309 PORT HURON MI 48061-1309

TEL 519-439-3348

FREE 877-439-3348

FAX 519-439-7053

info@epcc.ca

www.epcc.ca