



Euthanasia Prevention Coalition

NEWSLETTER

Number 118

May 2011

BC Court Case Threatens to Legalize Euthanasia

Euthanasia Prevention Coalition will apply to intervene in a new BC court case that threatens to legalize euthanasia and assisted suicide in Canada.

The BC Civil Liberties Association (BCCLA) has launched a court challenge (the Carter case) to overturn Canada's prohibition of assisted suicide and euthanasia. The Euthanasia Prevention Coal-

ition (EPC) will intervene, when appropriate, in the case. EPC believes that the case should not be given standing by the court; however, if the case proceeds we will seek to become intervenors.

The case concerns Kay Carter, age 89, who was diagnosed with spinal stenosis in 2008. Kay had been a member of the euthanasia lobby for many years, and was

brought to Switzerland in January 2010, by her daughter Lee Carter and her son-in-law Hollis Johnson. She died by assisted suicide at the Dignitas suicide clinic in Zurich. Lee & Hollis claim that they technically broke the law. They are, in effect, daring the court to convict them.

The BCCLA is attempting to

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Celebrating our successes Preparing for new challenges

The Third-International Symposium on Euthanasia and Assisted Suicide will launch June 3, 9 AM at the Vancouver Airport Marriott Hotel. The conference ends June 4 at 5 AM.

The Third International Symposium will explain how groups and individuals are defeating the euthanasia lobby world-wide and how we need to prepare for the new challenges we will face in the future.

Learn from international speakers, from Canada, the United States, Australia, England, the Netherlands, and Scotland.

Registration is: \$199 regular and \$149 for a student or a person with a disability. The cost for the rooms are \$139 for a regular room, \$159 for a suite. Reserve your room at: 1-877-323-8888 and state that you are attending the Euthanasia Symposium.

The Friday night banquet fee is \$50 (not included with regular registration). The speaker for the Friday night banquet is Australian Senator Helen Polley, the federal representative from Tasmania.

For more information, or to register, go to:

www.euthanasiaprevention.on.ca/symposium.pdf

Washington State Provides No Information About Consent

By Margaret K. Dore, Esq.
edited by Jim Ross

Washington's assisted suicide act was enacted via a ballot initiative in 2008. During the election, proponents claimed that the act's passage would assure individuals

control over their deaths. The act, however, has significant gaps so that such control is not assured. For example, the act allows a person's heir to assist in signing the person up for the lethal dose.

The law requires no disinterested

witnesses at the death. This creates the opportunity for someone else to administer the lethal dose to the person without his consent. Even if he struggled, who would know?

On March 10, 2011, Washington

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overturn the Criminal code provisions prohibiting euthanasia and assisted suicide by asserting that they are unconstitutional. They hope to bring the case to Supreme Court, expecting that the Court will reverse the Rodriguez decision (1993) and strike down the assisted suicide act. They also want to strike down the provisions in the Criminal Code that prohibit euthanasia.

EPC challenges BCCLA's assertion that the Assisted Suicide Act is unconstitutional. The very basis of their case is incorrect, for three reasons. (1) The Criminal Code is not an infringement on individual autonomy but rather a protection of vulnerable persons. (2) Canada has an interest in protecting its citizens from having death or harm imposed on them. (3) The government must protect elders and people with disabilities from abuse and undue influence.

The BCCLA asserts that the Criminal Code prevents people from having control over personal choices. In fact the Criminal Code does not prevent personal choice, but rather it prevents another person from actually causing the death or being involved with causing the

death of another person. The Criminal Code prohibits a person from aiding, encouraging or counselling a person to commit suicide and it prohibits a person from directly and intentionally causing the death of another person.

The BCCLA also falsely asserts that *withdrawing medical treatment or care that may result in the death of the person* is the same as *actively causing the death of a person*. The courts have correctly recognized that there is a difference between *causing* a person's death and *permitting* a person to die.

EPC holds that the Criminal Code, when effectively applied, is designed to protect vulnerable people from another person influencing, encouraging, counselling or physically assisting the suicide of a person or causing that person's death. The Criminal Code protects people with disabilities from those who may consider their lives not worth living. In addition, the Code protects seniors from the ultimate form of elder abuse: an intended death at the hands of others.

From Alberta, disability activist Mark Pickup stated to EPC:

"the newspaper described Kay Carter as a Right-to-Die proponent.

She developed spinal stenosis in 2008 which caused "pain, lack of coordination, numbness, loss of bladder and bowel control and paralysis." That was enough reason to overturn laws against assisted suicide? I disagree. I've had those very same symptoms (and many others) throughout my 27 year journey with multiple sclerosis. I want our laws prohibiting assisted suicide to stay in effect and enforced, in case I despair and happen to meet someone like Kay's daughter and son-in-law who agrees with killing me."

Based on negative social attitudes toward people with disabilities and the growing awareness of the social scourge of elder abuse, society must not remove the protections in law that exist to prevent assisted suicide or euthanasia. Society must uphold and maintain these laws while enhancing the care and protection that is provided for people with disabilities, people with chronic conditions, the frail elderly and those who are nearing death.

For more detailed information on the case, visit the EPC blog at triple-w alexschadenberg.blogspot.com/

Yet Another BC Court Challenge

The Farewell Foundation in British Columbia is mounting yet another challenge to Canada's assisted suicide law through the court.

The Farewell Foundation applied to become a non-profit corporation with the purpose of assisting the suicides of their members, similar to the Swiss suicide group Dignitas. The Registrar of Companies rejected the application because the Farewell Foundation would exist to break the law.

The Farewell Foundation asserts that Canada's assisted suicide law infringes upon Section 7 & 15 of the constitution. If the court agrees, Canada's assisted suicide law will be considered unconstitutional and therefore unenforceable.

The Euthanasia Prevention Coalition believes that the current law is designed to protect vulnerable people from acts to cause their deaths. It prevents taking advantage of a person who is depressed and suicidal, and prevents a terrible form of elder abuse.

In a media release, the Farewell Foundation announced the launch of their case on April 20, 2011. A director, Russell Ogden, who claims to be a criminology researcher, says "times have changed" and he expects that they will successfully challenge section 241 (b) of the criminal code that prohibits aiding, abetting and counseling suicide.

The EPC is following the case and will apply for intervenor status at the appropriate time.

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State issued a formal report about its physician-assisted suicide act for the year 2010. Key points include the following.

1. The report emphasizes statistical information. For example, it states that lethal doses were dispensed to 87 people; 51 are listed as having died after ingesting the lethal dose.

2. The report relies upon hearsay. According to the report, some of the data for these statistics was obtained from an “After Death Reporting Form” completed by the prescribing physician after each death.

According to the same report, however, the prescribing physician is rarely present at the death. He or she is relying on other persons for the data. In other words, this information is hearsay.

3. Patient “concerns” are check-box responses on a pre-printed form. The report purports

to document the “concerns” of the people who died that led to their requesting the lethal dose. The data for these concerns comes from a “check-box” question on the “After Death Reporting Form” that gives the prescribing doctor seven choices. These choices do not include the possibility of abuse by an heir.

4. No information regarding consent at the time of death. The Washington report provides no information as to whether the people who died consented at the time the lethal dose was administered. In other words, there is no information regarding the voluntariness of the deaths.

Conclusion Washington’s act has significant gaps, which render it a recipe for abuse. Washington’s report, which does not even address whether administration of the lethal dose was voluntary, does nothing to alleviate this concern. The information provided is inherently unreliable.

To see Ms. Dore’s original article, with detailed references to the Washington report, go to:

www.margaretdore.blogspot.com



Margaret Dore is an elder law attorney in Seattle. She will be a speaker in the *Third International Symposium on Euthanasia and Assisted Suicide*, Vancouver, June 3 - 4 2011.

EPC Granted Intervenor Status in the Rasouli Case

The Euthanasia Prevention Coalition (EPC) has been granted intervenor status in the Rasouli case which will be heard before the Ontario Superior Court on May 18. The Rasouli case is a precedent-setting case of national importance. The doctors are challenging the decision of Justice Himmel, which stated that doctors *must obtain consent* before withdrawing life support.

Therefore the Rasouli case will determine whether doctors are required to obtain the consent of the patient, the patient’s guardian, or the Consent and Capacity board before withdrawing life support.

This decision will apply to all life-sustaining interventions, including the withdrawal of hydration and nutrition.

The doctors are arguing that they are not required to obtain consent to withdraw treatment, they are only required to obtain consent to treat the patient.

If the doctors win the appeal, they will not be required to obtain consent before withdrawing life support. The definition of life support includes providing (fluids and food). Therefore, doctors will be able to withdraw fluids and food without consent from a person who

is, for example, diagnosed as “permanent vegetative state,” but who is not otherwise dying. Families of people with cognitive or other disabilities and people experiencing life threatening conditions will be unable to prevent a doctor from withdrawing life-support, if the doctor decides that the life-support is futile (futile care theory).

The cost to intervene in the Rasouli case is estimated at \$20,000. EPC needs many generous donations to pay for the intervention. If we win, the Rasouli decision may be appealed to the Supreme Court of Canada.

UK high schools teaching assisted suicide.

Paul Russell, the founder of HOPE, the successful Australian anti-euthanasia group, and a speaker at the Third International Symposium on Euthanasia and Assisted Suicide in Vancouver BC (June 3 - 4, 2011) recently wrote an article about high schools in the UK using a video by Australian euthanasia campaigner, Philip Nitschke, to explain how to commit suicide. It is one thing to be discussing assisted suicide in a favourable manner, but it is a whole other issue to be explaining to teens “how to” commit suicide.

Russell commented:

The Daily Mail newspaper report suggests that children as young as 14 years of age have seen the video.

None of the media coverage has suggested that Nitschke was aware of the age level of the audience for

the video production. But given his comments to the effect that young people should have access to his suicide methods and other comments advocating that such products should be on the supermarket shelves, complicity would come as no surprise.

When the ‘side effects’ are as devastating as the loss of a young life with known far reaching consequences such as copy cat suicides and a cluster of devastated families in its wake, we can only wonder at whether the Brits really are barmy or whether, there are euthanasia & suicide activists in the education ranks who either don’t care about the consequences or are so blinded by their cause as not to even notice.

In a society where suicide is a growing problem, society must reject the push to legalize euthanasia and oppose the glorification of suicide and suicide assistance.



Paul Russell played a decisive role in defeating assisted suicide initiatives in Australia. He is a featured speaker in the Third International Symposium on Euthanasia and Assisted Suicide, Vancouver, June 3 - 4 2011.

We're Getting a New Look: Get Ready for the June Edition!

The newsletter is getting a fresh new paint job, some landscaping, and a little internal renovation as well. We are excited about the changes you will see in the June edition, number 119.

You will continue to get the news that you need. As situations emerge and evolve, you will be kept up to date each month.

Look for a **new logo**, including a new typeface. The new design will be more readable. It will also link the newsletter to a re-designed web presence, and an update on future email communications.

A new **Letters From Readers** section will be included! We would love to print 2 - 3 letters

each month about articles and questions that have caught your interest. Be the first to send a letter to: james.w.ross.vi@gmail.com

We believe that we are all in this struggle together, and that our readers want to engage the people around them. A new **Positions** section will feature articles by experts in the movement, who will tackle the questions you are most likely to encounter. Margaret Dore kicks off this section in this issue.

Many important events are being hosted around the country by our readers. Let us know what you are doing, and we might print it in the new **Calendar** section. You might inspire imitators. The Culture of Life will be built upon plagiarism!