

# NEWSLETTER

## IMPOSED DEATH

Newsletter #52  
March 2005

### Marcel Tremblay, Svend Robinson & Irwin Cotler

On January 28, 2005, 78 year old **Marcel Tremblay** of Kanata committed suicide to gain national attention to his cause to change the current law concerning assisted suicide. Tremblay wanted media attention to emphasize that his act would be illegal if he needed assistance to carry it out.



The media falsely asserted that Tremblay was terminally ill. Tremblay was not terminally ill, he had a chronic lung condition.

**Dr. Harvey Chochinov**, a psychiatrist at the University of Manitoba, and a leading expert on end-of-life issues, stated that: "This man needed looking after. This man needed care. Tremblay was one of the growing number of Canadians who may not be battling a terminal illness but whose untreated symptoms leave them feeling hopeless, abandoned and suicidal," stated Chochinov to the CanWest News Service.

The Canadian reaction to Tremblay's suicide was mixed. A CFRA radio (Ottawa station) online poll taken on January 28<sup>th</sup> resulted in 63% of the respondents voting that Tremblay should not be allowed to commit suicide. Online polls are not scientific but approximately 2000 voters were recorded in this poll.

Media across Canada used the Tremblay episode to open up debate concerning assisted suicide and to promote their pro-death bias. The media compared Tremblay's act to other highly publicized assisted suicide cases.

The Euthanasia Prevention Coalition considers the media to be partly responsible for the actions of Tremblay. The media promoted the ordeal, publicizing every aspect of the tragic situation and giving Tremblay the attention he sought.

#### *In the News...*

On the Roy Green radio show (Jan 31, 2005) **Alex Schadenberg** stated that strict guidelines to control assisted suicide would lead to unrestricted access to assisted suicide due to court decisions based on the Equality provision in the Charter of Rights and Freedoms. **Ruth von Fuchs**, a leader of the Right to Die Society of Canada responded to Schadenberg by stating that: "this was exactly what their movement wanted."

On the CBC radio program *Sounds Like Canada* a debate was held on Feb 9, 2005 between **Svend Robinson**, (former Member of Parliament and euthanasia campaigner) and **Catherine Frazee**, (the former Chair of the Ontario Human Rights Commission and disability activist) Robinson stated that he is currently writing a book about euthanasia and assisted suicide.

In the *Sounds Like Canada* debate, Robinson used a debating tactic whereby he makes statements followed by stories of horrific deaths that he asserts are proof that assisted suicide should be legal.

There is further concern that Justice Minister **Irwin Cotler** is setting up a committee to re-examine the issue of assisted suicide. On TVOntario's *More to Life* (Feb 17, 2005) **Dr. Robert Buckman**, oncologist and President of the Humanist Association of Canada debated **Alex Schadenberg**, of the Euthanasia Prevention Coalition. Buckman stated that he had recently received a call from the government concerning the creation of a committee.

**The Euthanasia Prevention Coalition believes that the government is preparing to open the debate on legalizing assisted suicide. We are currently circulating a petition demanding that the laws not be changed. More information about the petition is on the back page of the newsletter.**

## **Accused Dad Seeks Speedy Murder Trial**

*(by Jane Sims, London Free Press, February 23, 2005)*

A Toronto father accused of killing his son at a London hotel chose yesterday to have his case heard as quickly as possible. **David Carmichael**, 46, agreed to waive his preliminary hearing in the Ontario Court of Justice. Trial date will be set next month.

Carmichael is charged with first-degree murder in connection with the death of his son, Ian, 11, last July 31 at the Holiday Inn on Exeter Road in London Ontario.

David Carmichael was arrested after he called 911 from his sixth-floor hotel room.

After the death, Carmichael was described by friends and neighbours as a gentle, patient and loving father.

He is the former director of national projects at Particip-Action and director of research and development at the Ontario Physical and Health Education Association.

His son had a passion for BMX biking and may have had a medical condition that caused seizures.

Only Carmichael's voice was heard in the courtroom yesterday when his preliminary hearing was supposed to begin.

Carmichael spoke by phone from the St. Lawrence Valley

Correction and Treatment Centre near Brockville, where he has been since he began a court-ordered psychiatric assessment.

Justice Ted McGrath asked Carmichael about the state of his health.

"I am feeling well today, yes," Carmichael replied.

Carmichael said he was prepared to proceed to trial.

His lawyer, Philip Campbell, who was in the courtroom, indicated to McGrath an early trial date was being sought.

A date is scheduled to be set March 8 in the Superior Court of Justice.

Campbell said he has a lengthy trial from March to the end of June and told the judge he is canvassing for a September trial date.

He requested Carmichael continue to be held at the Brockville facility.

Both Campbell and assistant Crown attorney Geoff Beasley said Carmichael is fit to stand trial.

Psychiatric reports have been filed indicating Carmichael's fitness, Beasley said.

## **Premature baby 'left to die'**

*(Brussels Belgium, February 21, 2005, expatica.com)*

Two doctors and a maternity nurse have been arrested over the death of a premature baby boy on the weekend.

The baby, who was six weeks premature and weighing only 1.25 kg, was born in a Namur hospital at 4am on Friday but died between 8 and 9am.

His parents had refused medical efforts to keep him alive, fearing that the child would be handicapped.

The three medical staff arrested now face charges of "infanticide" and the "voluntary and premeditated homicide of a new-born child."

They include the 40-year-old midwife, here 28 year old assistant and a 64-year-old gynaecologist.

Experts say the infant, who was breathing, could have survived with medical intervention and an inquiry has already been opened.

It is believed the mother, who works with handicapped children, was particularly sensitive to the difficulties these children face.

She may also face charges.

The clinic's management alerted the judicial authorities when it learned of the incident.

In a statement issued at the weekend, the judiciary said "the medical personnel reacted badly to an abominable request by the parents."

## High Court to Review Assisted Suicide Law (Gonzales v. Oregon)

*(by Hope Yen, Associated Press Writer, February 22, 2005)*

The Supreme Court said Tuesday it will hear a challenge to the nation's only assisted suicide law, taking up the Bush administration's appeal to stop doctors from helping terminally ill patients die more quickly.

Justices will review a lower court ruling that said the U.S. government cannot sanction or hold doctors criminally liable for prescribing overdoses under Oregon's voter-approved Death with Dignity Act. Since 1998, more than 170 people - most with cancer - have used the law to end their lives.

Arguments will be heard in the court's next term, beginning in October.

Oregon officials immediately decried the Supreme Court's move as trampling on state's rights.

"I am disappointed," said Oregon Gov. Ted Kulongoski. "The people of Oregon have approved Oregon's Death with Dignity Act not once, but twice and the lower courts have upheld Oregon's law not once, but twice."

But **Physicians for Compassionate Care**, a group that opposes assisted suicide, said the appeal is necessary to prevent the unwarranted killing of vulnerable patients.

"We don't believe that any state should be permitted to unilaterally exempt itself from federal law forbidding the misuse of federally controlled substances to overdose vulnerable patients," said **Dr. Kenneth Stevens**, spokesperson for the group.

Former Attorney General John Ashcroft filed the appeal last November, on the day his resignation was announced by the White House. He argued that physician-assisted suicide is not a "legitimate medical purpose" and that doctors take an oath to heal patients, not help them die.

Oregon lawyers counter that regulation of doctors generally has been the sole responsibility of states. The U.S. attorney general has no authority under the federal Controlled Substances Act to punish doctors because Congress intended the law only to prevent illegal drug trafficking, they say.

A panel of the San Francisco-based 9th U.S. Circuit Court of Appeals sided with Oregon last May.

"The attorney general's unilateral attempt to regulate general medical practices historically entrusted to state lawmakers interferes with the democratic debate about physician-assisted suicide," wrote Judge Richard Tallman in the 2-1 opinion.

By agreeing to hear the Bush administration appeal, the Supreme Court again wades into the murky area of assisted suicide.

In 1997, the same justices now on the court unanimously ruled that individuals had no constitutional right to die, upholding state bans on physician-assisted suicide. However, in an opinion by Chief Justice William H. Rehnquist, the court suggested individual states could decide whether to permit or ban the practice.

The issue now before the high court is whether Congress could step in to prohibit assisted suicide if a state chose to allow it, and, if so, whether the federal Controlled Substances Act authorizes the Justice Department to punish the doctors.

Oregon voters approved the law in 1994 and overwhelmingly affirmed it three years later when it was returned to the ballot following a failed legal challenge that stalled its implementation.

The law allows terminally ill patients with less than six months to live to request a lethal dose of drugs. Two doctors must confirm the diagnosis and determine the patient to be mentally competent to make the request.

The Oregon challenge is the second right-to-die case to come before the Supreme Court this year. Last month, justices rejected a legal challenge to Florida's "Terri's Law," a measure to keep **Terri Schiavo**, who is severely brain-damaged, on life support over the objections of her husband.

Schiavo, whose legal fight is continuing, was scheduled to be taken off life support as early as Tuesday.

In 1990, the Supreme Court ruled that terminally ill people may refuse treatment that would otherwise keep them alive, but declined in the 1997 case to extend that constitutional right to obtaining medication that would put them to death.

## Euthanasia Prevention Coalition — Vice President, writes to Irwin Cotler

February 16, 2005

Dear Justice Minister Cotler:

After reading the overview of your background, it is with humility that I ask you to listen to my urgent concerns. However, with MacLean's magazine once describing you as "Counsel for the Oppressed," I believe you will understand and empathize.

First, as a nursing consultant in palliative care for more than 26 years, I have been honoured to assist hundreds of Ontario patients and their families in the alleviation of physical, emotional and spiritual pain accompanying what is often the chaos and crisis of dying and death.

Second, concerning end-of-life care, only 10 to 12% of Canadians can obtain Hospice Palliative Care in an appropriate and timely way. Until this newer health care reform is adequate and accessible for all Canadians, it seems unthinkable...even unconscionable, to raise the issue of assisted suicide, despite the "high profile assisted suicides in Quebec and British Columbia."

Third, we must recognize that requests for assisted death are often not associated with terminal illness but are mental health/psychiatric issues such as depression that can be successfully treated. These requests are infrequently heard from those persons who are well managed for pain, concomitant anxiety, and other burdensome symptoms that occur during late stage and terminal disease. These are the goals of hospice palliative care programs and teams in all health care settings.

Fourth, I fear that changing the current law regarding assisted suicide will pressure those I consider "oppressed"... the frail elderly, persons with physical and mental disabilities, infants with birth anomalies. These Canadians will be most vulnerable to subtle societal suggestions for assisted death/suicide. This is especially true when financial efficiency and expediency continue to be primary health care goals. Advanced Directives are now quite suggestive to older individuals that perhaps they should go quietly into death.

Finally, changing the law on assisted suicide opens the door for the proponents of euthanasia. How will this be managed as an equality issue under the Charter?

Further, according to the Netherlands experience as outlined in the Rummelink Reports:

- There are no guidelines that will prevent abuse.
- There are no guidelines to protect the defenseless.
- Doctors and nurses who participate will no longer be trusted.

Justice Minister Cotler, I thank you sincerely for your attention to my concerns.

Yours truly,

D. Jean Echlin, Reg.N., BScN, MScN

Nursing Consultant, Palliative Care and Gerontology

### Petition and Letter Writing Campaign

Please circulate the enclosed petition to let our government representatives know that you are opposed to any change in our laws concerning assisted suicide.

We have received a tremendous response from the petitions we sent out in our last months mailing and we encourage you to circulate the petition this month.

Hundreds of letters or emails have been sent to Justice Minister Irwin Cotler, Justice Critic Vic Toews and Members of Parliament. Please continue to let them know how you feel about this issue.

**Justice Minister Irwin Cotler:** [Cotler.I@parl.gc.ca](mailto:Cotler.I@parl.gc.ca)

**Justice Critic Vic Toews:** [Toews.V@parl.gc.ca](mailto:Toews.V@parl.gc.ca)

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Letters are sent to Members of Parliament without postage by mailing to

Name of MP

House of Commons

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