

IN BC SUPREME COURT

Carter et al. v. Attorney General of Canada and Attorney General of British Columbia

Expectations are high for Justice Smith's ruling in the *Carter* case. Onlookers might feel that the wheels of justice are turning slowly, but compared to most constitutional challenges the *Carter* case has proceeded at lightning speed.

The BC Civil Liberties Association filed its constitutional case on April 26, 2011, along with plaintiffs Lee Carter,



Gloria Taylor

Hollis Johnson, and Dr. Shoichet. Gloria Taylor, from Westbank, was added as a plaintiff a few months later. Oral proceedings wrapped up on December 16, 2011 and the parties exchanged further written submissions through to January 25, 2012, mostly to argue technical matters about the admissibility of evidence.

Gloria Taylor is diagnosed with Amyotrophic Lateral Sclerosis, which is the same disease that afflicted Sue Rodriguez. In granting Ms Taylor's inclusion in the case, Madam Justice Smith agreed to fast-track the proceedings.

The plaintiffs seek a declaration that the law against counselling, aiding, or abetting suicide is unconstitutional and invalid. The Federal Parliament would then have six months to craft a new law that would be constitutional, or Canada could have no law on assisted death at all. For Gloria Taylor, the plaintiffs seek an exception for Ms Taylor and her physician so that Ms Taylor can receive assistance to end her life at a time of her choosing, subject to any safeguards the Court wishes to impose.

CBC television's *Fifth Estate* has prepared a documentary on Gloria Taylor. It is expected to be broadcast shortly after the BC Supreme Court decision.

QUEBEC



Ginette Leblanc with lawyer René Duval

Ginette Leblanc Launches Constitutional Challenge

Ginette Leblanc is a 47 year old woman diagnosed in March 2011 with ALS (Lou Gehrig's disease). In October her lawyer René Duval filed a request in the Cour Supérieure for a declaration that s.241(b) of the Criminal Code is unconstitutional because it contravenes sections 7 and 15 of the Charter. On January 27, 2012 Mr. Justice Richard granted intervener applications to the Association Québécoise Pour le Droit de Mourir dans la Dignité (AQDMD), the Christian Legal Fellowship, and an alliance of the Euthanasia Prevention Coalition/Vivre dans la Dignité. The interveners will be permitted to introduce their own experts in this case. All parties are required to submit a list of expert witnesses and deliver written submissions to the Court by June, with a trial to be expected in the Fall of 2012.

Final Exit Network Exonerated

On February 6, 2012, the Georgia Supreme Court struck down the state's assisted-suicide law on grounds that it violates free speech clauses of the Georgia and U.S. Constitutions.

another person in the commission of suicide and commits any overt act to further that purpose."

The Georgia Court said "The State has failed to provide any explanation or evidence as to why a public

"This is a bittersweet victory, because I'm saddened by what we've been put through. ... I'm also sad for all the people who would have benefited from our compassionate presence at their life's bitter end over the last three years."

“This is a bittersweet victory, because I’m saddened by what we’ve been put through.

Ted Goodwin, former president of Final Exit Network

The Court's decision arose from arrests in 2009 of four members of the Final Exit Network – Ted Goodwin, Dr. Larry Egbert, Nicholas Sheridan and Claire Blehr. They were indicted for aiding the suicide of a Final Exit Network member. The Network is a volunteer-run organization with over 3,000 members.

The four accused faced up to five years in prison under a Georgia law that prohibited anyone "who publicly advertises, offers or holds himself or herself out as offering that he or she will intentionally and actively assist

advertisement or offer to assist in an otherwise legal activity is sufficiently problematic to justify an intrusion on protected speech rights. Absent a more particularized State interest and more narrowly tailored statute, we hold the State may not, consistent with the United States and Georgia Constitutions, make the public advertisement or offer to assist in a suicide a criminal offense."

Ted Goodwin, former president of the Final Exit Network was quoted in the Atlanta Journal Constitution paper saying he was relieved by the ruling.

One Law Down, Another Pops Up

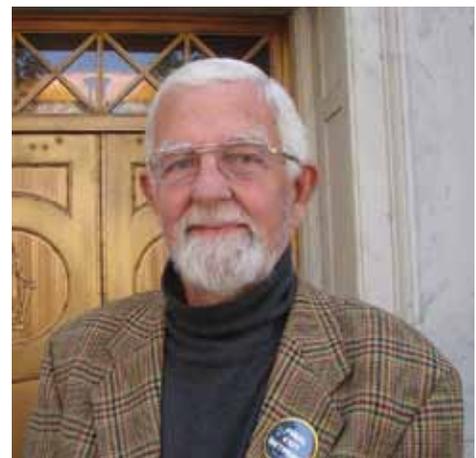
Just two weeks after the Supreme Court ruling, Georgia lawmakers introduced House Bill 1114 which would make it a felony to "knowingly and willfully" assist another person to suicide. If it is passed, the new law will punish offenders with up to 10 years in prison. Health care providers convicted under the law would also forfeit their license to practice.



Nicholas Sheridan



Claire Blehr & Ted Goodwin



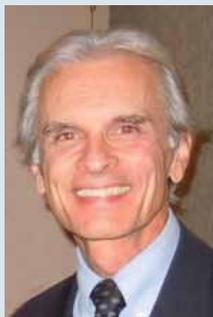
Dr. Larry Egbert

photo credit: Julia Hanway Rivas

Letter

Dear Members of the Farewell Foundation,

I was born in 1944 in Heidelberg, Germany. My birth certificate bears the swastika, which is why I despise the abuse



Detlef (Ted) Lender

of power by governments, courts and religious organizations. I am atheist since age 14.

The reasons I am fighting for the right to die with dignity are because my father vegetated for 3½ years after a series of strokes. Doctors inserted a tube through his nose into his stomach to feed his "precious" life. My mother gasped for air for "only" four days due to congestive heart failure. My brother was locked away for 4 years due to dementia. He finally refused to eat and starved himself to death.

I have no interest in dying in such terrible ways. If you are of like mind, take the time to write a letter to your newspaper, to your MP, and the Attorney General. Try to get on a local television program. Do something to put pressure on the current autocratic government and religious organizations.

I live in Québec, where more than 80% of the population supports the legalisation of assisted suicide. The momentum for change has arrived. Please do what you can to keep it going! I beg you!

Detlef (Ted) Lender

SWITZERLAND

2011 Numbers for Assisted Dying

The number of self-chosen deaths assisted by Swiss non-profit organizations increased in 2011. According to figures published in SwissInfo.ch, EXIT helped 305 people to end their lives in the German speaking part of the country last year, up from 257 in 2010. In the French speaking regions, EXIT helped 111 members, up from 91 the previous year.

EXIT only provides services to Swiss residents. Its membership has surged in recent times and now exceeds 75,000 members.

Dignitas is a much smaller organization but well known internationally because it provides services to foreigners. In 2011 Dignitas reported on its website a membership of nearly 6,300. It helped 160 people to end their lives in 2011, compared to 97 in 2010. In 2011, there were 72 German residents who died at Dignitas, and 22 from Great Britain. Since the creation of Dignitas in 1998, 15 Canadian residents have died with its services, five in 2010 and one in 2011.

Swiss citizens strongly support the freedom of self-chosen death with assistance by a non-profit organization. In a referendum last year, the people of the canton of Zurich voted overwhelmingly to retain the existing practice.

In June 2011 the Swiss Federal Government formally stated that the organized approach of right to die groups was working well and that it struck "a sensible balance between the State's responsibility to protect the individual and to respect personal freedom." The Minister of Justice said then that the existing law was sufficient to address any abuses.

The Swiss Federal Court has ruled that individuals have the right to end their lives as long as they are of sound mind. Assistance can be provided as long as it is not selfishly motivated. Farewell Foundation's *Procedural Safeguards for Self-Chosen Death* are based on the Swiss approach and they are published on our website.

Forum Research Survey: December, 2011

A survey conducted by Forum Research across Canada found that the strong majority support legal physician-assisted dying for the terminally ill (67% are in favour, 21% are opposed, and 12% no opinion). Support was strongest among residents living in Quebec (81%), followed by British Columbia (65%), Ontario (60%), and the Prairies (60%).

The survey question was: "Are you in favour or opposed to making physician-assisted suicide legal in Canada for the terminally ill?" The telephone poll was conducted on December 13, 2011. The sample was 1,160 Canadians aged 18 or older and the results are considered accurate +/- 2.9% 19 times out of 20.

When political party preference was

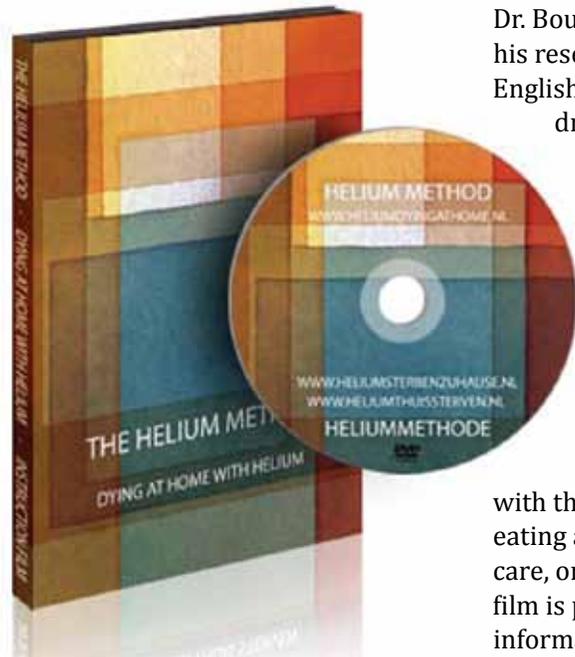
taken into account, it was found that respondents who voted for the Bloc and New Democratic parties in the 2011 federal election were most likely to support the choice (82% Bloc; 78% NDP; 63% Liberal, 60% Conservative; 50% Green).

Forum Research president Dr. Lorne Bozinoff said "Though there is currently a great deal of public debate over physician-assisted suicide for the terminally ill, the data illustrates that the majority of Canadians support an increase in patient autonomy. The results of this study indicate that Canadian public opinion is largely beginning to shift towards legalizing physician-assisted and the models put in place in countries such as Switzerland."

Dutch-Produced Demonstration

In the Netherlands, there is growing interest in self-chosen death without the help of a doctor. Dutch physicians can provide euthanasia only if the suffering of the patient has a medical basis. Last year, the Royal Dutch Medical Association accepted that some patients will want to end their lives, but they lack a medical reason.

In such cases, the medical association advised doctors must not abandon their patients. They can refer patients to information about how to humanely end their own lives. A physician can inform a patient that death is possible by stopping eating and drinking. The physician has a duty to supervise patients who stop eating and drinking and they are expected to arrange appropriate palliative care.



Alternatively, the Royal Dutch Medical Association says physicians can refer patients to reliable information sources about self-chosen dying using stockpiled medications. Dutch physicians are not permitted to prescribe

medications for this purpose, but their professional association says there is a professional duty to engage in a discussion with the patients who

“Most societies accept that suicide is part of the right to determine one’s own life, including one’s own death. Nobody should be forced by ignorance to use a degrading and lonesome method.

*Dr. Boudewijn Chabot, producer of
The Helium Method: Dying at Home with Helium*

want to collect lethal medications. The critical distinction is between the permissive roles of the physician in informing a patient about self-chosen death versus encouraging it.

Helium: A Non-Medical Method

Dr. Boudewijn Chabot has published his research in Dutch, German, and English about how to end life with drug methods and by stopping eating and drinking. He has now produced a 16 minute demonstration film called *The Helium Method: Dying at Home with Helium*. The film opens with the statement “If your doctor refuses to give you physician-assisted dying, you can take control ... with the right medication, by stopping eating and drinking with palliative care, or by using helium gas ... this film is purely intended to provide information, not to recommend using helium.”

Helium is a non-toxic inert gas. Helium displaces oxygen, which is essential to human life. A person breathing pure helium will lose consciousness after only a few breaths and death will come in minutes. Oxygen deprivation is the mechanism

of death. In the USA, Final Exit Network has supported hundreds of its members who have chosen to end their lives by the helium method (see

Final Exit Network: Georgia Supreme Court Victory, page 3).

The Helium Method is controversial in Europe, not least because it provides an option just as effective, quick, and painless as physician-assisted dying. The method is more familiar to North Americans, as it was originally developed by the Canada-USA allied NuTech group. In the USA, Derek Humphry produced in 2000 *Final Exit on Video*, later released on DVD. Humphry’s 46 minute video discusses various methods for self-chosen death including a step-by-step demonstration about helium with a plastic hood. In Canada, Last Rights Publications produced a separate video, *New Technology for Self-Deliverance*, also in 2000.



Film on Helium Method

The Canadian video is no longer available, but *Final Exit on DVD* can be purchased at Amazon.com and FinalExit.org.

Dr. Chabot's *The Helium Method* is unique because it is produced in English, Dutch, and German. Actor Lou Landré introduces viewers to the systematic steps of making a hood, and assembly of the equipment which can be purchased in retail shops, and he demonstrates the essential steps to follow for a humane death. Further information is available at heliumdyingathome.nl.

Interview with Dr. Boudewijn Chabot, MD, PHD

In February 2012, Farewell Foundation interviewed Dr. Chabot about his demonstration film on the helium method.

FAREWELL FOUNDATION

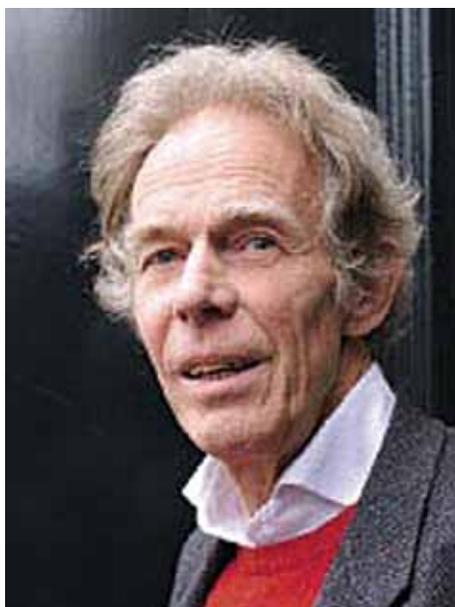
Dutch doctors can provide legal euthanasia. Why have you produced a demonstration film on the helium method?

DR. CHABOT Dutch doctors turn down nearly all requests from very old and frail people who feel their lives are completed, people in early dementia, and chronic psychiatric patients. It is for these groups I have published three methods for a humane self-chosen death. Relatives or friends can be present without legal risks or personal danger. I call this 'auto-euthanasia,' from the Greek *eu-thanatos* ('good death').

The best-known method of auto-euthanasia is the Medicine Method. It consists of taking the correct dose of a specific medicine together with the correct sleeping pills. A small Dutch right-to-die group called *De Einder* helps people to access these

recommended drugs from Internet pharmacies.

A second method involves stopping eating and drinking. The aim is to hasten dying, with palliative supervision. This method is often chosen by people who have serious illness or very old age. Many Dutch doctors are willing to provide palliative care where a patient chooses to stop eating and drinking.



Boudewijn Chabot

A third option is to use helium. A death by the helium method can be achieved by anyone who is of clear mind, has access to the appropriate equipment, and has physical capacity to turn the tap on the tank and draw the hood down over the face that together cause death. The helium method was researched in North America in 1999 by a group called NuTech. According to doctors and others who have attended these deaths, there has never been a single sign of pain or distress before the loss of consciousness. Helium does not pose any kind of risk to the loved ones who are in the room at the time.

FAREWELL FOUNDATION What reactions are you getting to your demonstration film?

DR. CHABOT Two prominent critics (a psychiatrist and an ethicist) raised objections when my film was presented on Dutch television. They said I have lowered the threshold for impulsive suicide. They also said that the film illustrates a trend in Dutch society that the lives of elderly or psychiatric patients are not worth improving through better care and treatment.

FAREWELL FOUNDATION What do you say to these critics?

DR. CHABOT About 40% of all suicides in this country are by hanging. No one raises their voice against the free purchase of a rope, which is a far easier and a quicker method than by collecting and assembling materials for the helium method.

I have worked many years as a psychiatrist for the elderly, but I have never provided physician-assisted death to elderly people. I know from experience how intensely some elderly people long for a gentle death when no improvement of their desperate situation is in sight and all therapies have failed. It is unfair to play the card of shortages in adequate services or psychiatric treatment against the option of a humane way out of life.

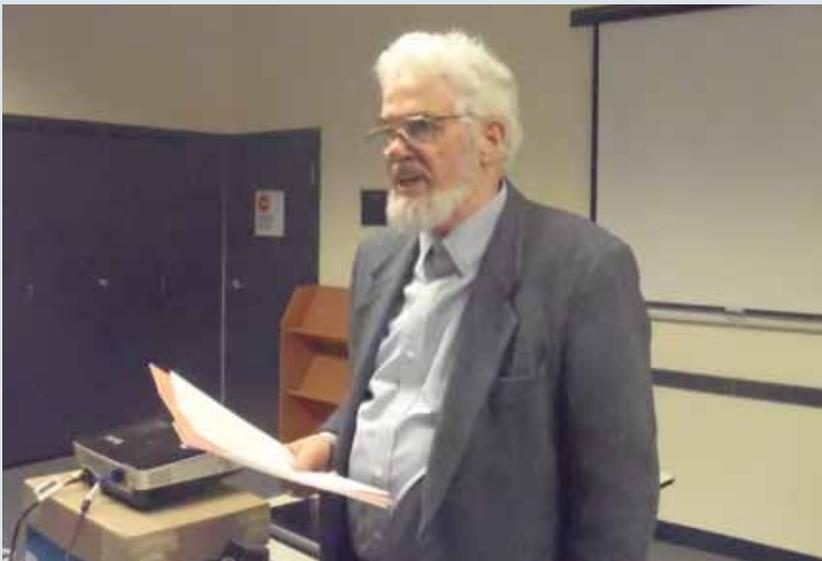
Most societies accept that suicide is part of the right to determine one's own life, including one's own death. Nobody should be forced by ignorance to use a degrading and lonesome method. The helium film lifts the ignorance surrounding a fully legal and humane method for a gentle death that can be achieved in the presence of one's loved ones.

Film Event & Poetry Reading



Reaching the Blue House

In December Farewell Foundation hosted two screenings of the acclaimed BBC documentary *Choosing to Die*. At the event held at Vancouver Champlain Heights branch of the Vancouver Public Library, Christopher Levenson read “Reaching the Blue House,” which was inspired by Dignitas’s house. Prior to his retirement in 1999, Christopher taught English and Creative Writing at Carleton University, Ottawa. In 2007, with his wife Oonagh, he moved to Vancouver. As well as publishing ten books of poetry, most recently *Local Time* (Ottawa, 2006), Christopher has published in the BC anthologies *Rocksalt* and *A verse map of Vancouver* and he recently helped revive the Dead Poets Reading Series.



Christopher Levenson reading “Reaching the Blue House”

Reaching the Blue House

*It was a long flight eastwards
into the sun, but now, touching down
in the hard air of Switzerland,
it is all settled. Absolved
from the pain of indecision,
my mind has grown bright with relief.*

*An unlikely place it seems
to end my days, among
warehouses, office blocks,
but the blue house, set apart,
may grant some peace at last.*

*Family and friends
have made me feel at home
with music, bright furnishings,
strong hands, a steady arm
and eyes that will hold back tears
till after that last farewell,
when they that are left,
enfolded in memories,
can gaze into a blue
beyond our earthly orbit,
an ocean that yields no wake,
only that chosen calm.*

Christopher Levenson

Coming in 2013: Whose Life is it Anyway?

Whose Life is it Anyway? was first broadcast on television in 1972, and was later a hit play in London's West-End and on Broadway. Brian Clark's *Whose Life is it Anyway?* is the story of a sculptor who, having become quadriplegic, faces a future dependent on a life-support machine. He resolves to end his life.

The lead character is Ken Harrison, originally performed on-stage by Tom Conti. Mary Tyler Moore and Kim Cattrall have performed the female lead in rewritten versions.

In spring 2013, Vancouver's Realwheels theatre company will produce a Canadianized version of Brian Clark's *Whose Life is it Anyway?* Starring quadriplegic actor James Sanders, this production will add a layer of challenging questions about the value of a life with severe disability and the right to end it.

For more information, check out www.realwheels.ca



James Saunders

photo courtesy of Realwheels



FAREWELL HOUSE UPDATE

A peaceful self-chosen death at home is not a possibility for everyone. Farewell House will be a solution for members who need a comfortable and safe place to end their lives at the time and manner of their choosing. The house will be available to meet the needs of members who want to end their lives in accordance with their values, by drug or non-drug methods, or palliative care combined with stopping eating or drinking.

QUOTABLE

“Every man must do two things alone; he must do his own believing and his own dying.”
Martin Luther (1483–1546)



REPORT FOR 2011, OUR FIRST YEAR

Farewell Foundation's first year was a success! We thank you, our members, donors, and supporters.

We started in February, 2011, with an application to incorporate and a "notice of constitutional question" to challenge s.241 of Canada's criminal prohibition against assisted suicide. The BC Registry refused to incorporate us on grounds that our purposes are contrary to law, and the BC Supreme Court declined our constitutional challenge because we insisted on protecting the privacy of our five plaintiffs who wanted the option of assistance with dying.

Two of the five plaintiffs have since died. One died after independently researching methods for self-chosen death. To ensure accountability, Farewell Foundation reported this case to the police. The other deceased member had been accepted by Dignitas for assistance, but health complications made travel impossible and she died in hospital.

Farewell Foundation intervened in the constitutional challenge initiated by the BC Civil Liberties Association. Of the five intervening parties, Farewell Foundation was the only right to die organization to intervene

and we provided regular email and blog updates on the trial. At the conclusion of the oral proceedings, Justice Smith thanked all counsel at the trial, specifically noting that of the five interveners, Farewell Foundation was the only party to have counsel present every day of the trial.

Farewell Foundation was privileged to have Jason Gratl and Marius Adomnica as legal counsel. The majority of their services were *pro bono*. Expertise within Farewell Foundation's leadership also helped to minimize expenses.

Farewell Foundation enjoyed a good media presence in 2011. We participated in numerous print, radio, and television interviews for local, national, and international media sources.

Unaudited Financials for 2011

Our volunteer operation ran on a shoestring and our finances are in the black! Farewell Foundation is optimistic that your continuing support will make 2012 even more successful.

BALANCE SHEET

as of December 31, 2011

ASSETS

Cash & Bank Accounts

Royal Bank Chequing	24,808.77
Undeposited Cheques	1,100.00

TOTAL Cash & Bank Accounts 25,908.77

Other Assets

Receivables	370.00
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TOTAL Other Assets 370.00

TOTAL ASSETS 26,278.77

LIABILITIES & EQUITY

LIABILITIES

Other Liabilities

Start Up Loan	00.00
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TOTAL Other Liabilities 00.00

TOTAL LIABILITIES 00.00

EQUITY 26,278.77

TOTAL LIABILITIES & EQUITY 26,278.77

PROFIT & LOSS STATEMENT

January 1, 2011 to December 31, 2011

INCOME

Revenue

Donations & Memberships	46,570.00
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TOTAL INCOME 46,570.00

EXPENSES

Bank Charges	102.13
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Communications & Education	2,023.91
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Computer & Internet Expenses	3,902.66
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Conference (WFRTD 2012)	4,081.71
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Fees & Memberships	271.68
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Meals

Business Meals	316.54
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Court Meals	745.04
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TOTAL Meals 1,061.58

Meeting Expenses	218.48
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Office Supplies	642.14
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Postage & Delivery	629.78
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Printing & Reproduction	1,347.08
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Professional & Legal Fees	3,993.92
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Telephone	1,170.84
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Travel Expenses

BC Transit	250.00
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Fares & Accommodation	303.80
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Fuel	171.02
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Parking	120.50
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TOTAL Travel Expenses 845.32

TOTAL EXPENSES 20,291.23

OVERALL TOTAL 26,278.77

The Farewell Foundation believes that its members have the right to make choices about their own bodies, their physical and psychological integrity, and their basic human dignity.

The Foundation believes its members should have the right to receive assistance to end their lives.

The Foundation's primary objectives are law reform and implementation of free services once that is achieved.

For more information or to become a member, please contact the Farewell Foundation at:
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