

Attorney General of Canada to Appeal BC Supreme Court Decision

In an historic 395 page decision, the BC Supreme Court ruled on June 15th that Canada's 119 year ban on assisted suicide was unconstitutional because it violates sections of the *Charter of Rights* that protect the rights to equality, life, liberty, and security of the person. Madam Justice Lynn Smith ruled that Canada's parliament must amend the *Criminal Code* provisions against counselling or aiding suicide, and she allowed it 12 months to do so. In the interim, Justice Smith outlined a very restrictive procedure



Rob Nicholson, Minister of Justice.

to allow constitutional exemptions for terminally ill people who are near death to end their lives with a doctor's prescription.

The day before Madam Justice Smith ruled that Canada's absolute

prohibition against assistance with suicide was unconstitutional, the Minister of Justice, Rob Nicholson, wrote to Farewell Foundation that "the Government of Canada is vigorously defending the laws in this matter." Farewell Foundation was an intervenor in *Carter v. Canada*, and we argued for a demedicalized model of self-chosen death.

Canada's Response

As expected, the federal government says it will appeal the ruling. On July 13th the Minister of Justice issued a statement that the government believes the law prohibiting counselling or assisting in suicide is constitutionally valid and it will take the case to the BC Court of Appeal. The government added that it objects to the granting of any constitutional exemption and that the lower court's decision resembles a "regulatory framework for assisted suicide."

Gloria Taylor Dismayed

Plaintiff Gloria Taylor, who is suffering from terminal illness (Lou Gehrig's disease), told *The Globe and Mail* newspaper that she was dismayed by the government's decision to appeal. Taylor now requires tube feeding to maintain her weight. She told *The Globe* that she is not yet ready to seek court approval for the constitutional exemption

"Carter v Canada" continued on page 3

QUEBEC UPDATE



Ginette Leblanc.

Ginette Leblanc v. Attorney General of Canada

By Robert Senet,
member of AQDMD

Ms Ginette Leblanc introduced in November 2011 in the Superior Court of Quebec a petition to declare article 241(b) of the *Criminal Code* unconstitutional. Similar to the *Carter* case in BC, Leblanc seeks medical help to end her life. She was diagnosed with ALS in March 2011.

The Attorney General of Canada opposes Ms Leblanc's petition and the Association québécoise pour le droit de mourir dans la dignité (AQDMD) has intervened to support her case. AQDMD was authorized to introduce evidence and in May it submitted four expert affidavits: Dr. Pierre Duquette, neurologist and specialist of ALS; Dr. Marcel Boisvert, specialist in palliative care; Prof. Daniel Weinstock, co-author of the recent report of the Royal Society of Canada

"Quebec Update" continued on page 6

Remembering Margaret Joan Lunam

Margaret Lunam was born in Toronto, Ontario and concluded her life of learning in Kaslo, BC, on April 26, 2012.

Margaret told her friends and family members that “the decision to end my life while I am still able to do so is purely mine.” On a crisp spring afternoon she ended her life in her home, with yellow daffodils and the fragrance of Balm of Gilead buds in the air. Two Farewell Foundation members accompanied Margaret. In compliance with the Foundation’s procedures and BC law, the coroner and police were notified.

Margaret lived a full and active life. During WWII, she was a fresh graduate of physiotherapy school and served in Sussex and Normandy. She returned to Canada married to



Margaret Joan Lunam
November 22, 1921–April 26, 2012

cheered the maiden voyage of the Greenpeace to Amchitka, Alaska. In 1977 Margaret was among a group that scaled the perimeter fence of the Trident submarine complex in Bangor;

from teaching *Iyengar* yoga at 85.

In 2010, Margaret moved to Kaslo to be near her daughter Ann and her family. After 90 years of full and active living, Margaret said she had a sense of completion in her life. Her life of learning, supplemented by CBC radio, her “university of the air,” was no longer the kind of life that she wanted to live. Physical disability and lack of energy meant that hiking, swimming, skiing and gardening were no longer sources of enjoyment. Nevertheless, Margaret was ever cheerful and said she looked forward to the end.

Margaret was most appreciative of support and help from her family and friends, but she said, “I did not want to lose my independence and the ability to choose the time and means for my death. Ghandi said, ‘Be the change you want to see in the world.’ I owned my life.” Margaret was never afraid to break new ground, and she spared nobody in her desire to advance change.

Margaret knew she could have travelled to Switzerland where she would have had the right to careful and humane assistance to end her life, but she had no wish to make such

continued on page 3

“A more humane society would have allowed me compassionate assistance.

Margaret Joan Lunam

Dr. James Bell and together they had three children, Doug, John, and Ann.

Concerns for the environment and humanity were inseparable from Margaret. With friends at the Comox wharf in 1971, she protested nuclear bomb testing and



“Life was simpler then.”

Washington. They were arrested and spent the night in jail.

Living full time in BC since 1947, Margaret spent more than 20 years in Kelowna where she worked with her friends to establish Kelowna Yoga House. A self-proclaimed aspiring Buddhist, Margaret was a respected yoga teacher with a reputation for being demanding and inspiring. She retired



Hard times in the army.

Farewell Foundation Consultation to Improve Procedures for Attending a Self-Chosen Death

a journey. Margaret supported the Farewell Foundation's view that the Swiss approach offers an accountable and transparent model that would work well in Canada. She concluded her life on her terms, respecting the restrictions of Canadian law. "A more humane society," she said, "would have allowed me compassionate assistance."

An environmentalist to the end, Margaret maintained her connections to the earth by arranging a natural burial, to return her body to the soil with the least ecological impact. Through the poetry of Mary Oliver and Walt Whitman, Margaret reflected on her life and evolution.

*I bequeath myself to the dirt to grow
from the grass I love,
If you want me again look for me
under your boot-soles.*

**Excerpt from *Song of Myself*,
Walt Whitman, 1855**

*I thought the earth remembered me,
she took me back so tenderly,
arranging her dark skirts,
her pockets full of lichens and seeds.*

*I slept as never before,
a stone on the riverbed,
nothing between me and
the white fire of the stars
but my thoughts, and they floated
light as moths among the branches
of the perfect trees.*

*All night I heard the small kingdoms
breathing around me, the insects,
and the birds who do their work
in the darkness.*

*All night I rose and fell, as if in water,
grappling with a luminous doom.
By morning I had vanished at least
a dozen times into something better.*

***Sleeping in the Forest*,
Mary Oliver, 1978**

Earlier this year Farewell Foundation's directors approved the Foundation's *Procedures for Attending a Self-Chosen Death*. The procedures guide our practices to support members who determine the time and manner of their deaths. The Foundation believes the decision to end one's life should be made carefully, without undue influence, and when one has the capacity to make such a decision.

Farewell Foundation is engaging a broad consultation to ensure that our practices can be improved wherever possible. The Foundation's procedures set out guidelines for the accompaniment of individuals who decide to end their lives and have the ability to do so without assistance. Out of all the world's many jurisdictions that ban assistance with suicide, we are the first organization publicly committed to statutory reporting of attended self-chosen deaths to the coroner and to law enforcement. Our procedures are similar to those that exist in Switzerland, but the major difference is that Swiss law allows assistance for individuals who choose to end their

lives. Farewell Foundation does not counsel, aid, or abet suicide, because such acts are contrary to Canadian law.

While Farewell Foundation is attending at self-chosen deaths, the Foundation is also strongly committed to strengthening protections for vulnerable individuals while safeguarding the right to self-determination. We want to facilitate appropriate coroner and police investigation, while respecting the privacy and dignity of the deceased, family, and loved ones.

Copies of our procedures and a consultation letter have been mailed to each provincial and territorial Chief Coroner, Attorney General, and Minister of Health. Copies were also sent to all federal MPs, all British Columbia MLA's, all BC police chiefs, and each RCMP divisional head. Suicide prevention groups such as the Canadian Association for Suicide Prevention, Euthanasia Prevention Coalition, and Christian Legal Fellowship were also mailed copies.

The Foundation is compiling the input as it is received and will prepare a summary report later in the year.

"Carter v Canada" continued from page 1

outlined by Justice Smith: "I'm not there yet, so I don't know. It's kind of a personal thing and I'm just thinking on it, still."

Lindsay Lyster, President of the BC Civil Liberties Association, said it was "absurd" for "government to waste limited public resources to prevent Gloria Taylor and other seriously and incurably ill Canadians from accessing a physician's help in dying."

The Farewell Foundation intends to apply to intervene in the appeal and will support the BC Civil Liberties Association in advancing options for self-chosen death.



Gloria Taylor.

News from Zurich

The World Federation of Right to Die Societies represents 46 organizations from 25 countries. It meets every two years to exchange ideas, elect officers, and carry out business. This year's Congress was held in Zurich from June 14-16, hosted by Exit, Switzerland's largest right to die organisation.

Delegates at the June Congress voted to grant Farewell Foundation membership in the World Federation. Also instated were Society for Old Age Rational Suicide (UK), Lifecircle (Switzerland), and Association Ultime Liberté (France).



◀ 'A Long Way to Euthanasia in Japan' – Yukio Matsuo of Japan spoke of the tragic death of his wife (above).

Panel Discussion on 'Clandestine Assisted Suicide Around the Globe' with (left to right) Russel Ogden (Canada), Jacqueline Jencquel (France), Erich Gysling (moderator), Ted Goodwin (USA), and Philip Nitschke (Australia).



▶ Neil Francis (Melbourne, Australia) is the newly elected President of the World Federation.



World Federation of Right to Die Societies 2012 Congress



▲ Left to right: John Todd (Queensland), Neal Nicol (Michigan), Eike Smoock (Netherlands), Faye Girsh (California), Richard MacDonald (California), with Jim Preece, Farewell Foundation, (Canada).



▲ Ludwig Minelli welcomes delegates touring Dignitas's house.



▲ 'How The State Should Handle Assisted Suicide' – Andreas Brunner, Chief Prosecutor for the Canton of Zurich, Switzerland.



▲ Larry Egbert, Final Exit Network and Faye Girsh, vp World Federation.



▲ Philip Nitschke chatting with Russel Ogden.



▲ Dick Côté, Author of 'In Search of Gentle Death' presented a history of NuTech movement.

Sir Terry Pratchett chatting with Russel Ogden.

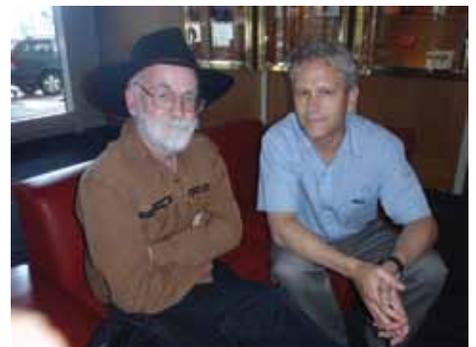


photo: Dick Core

Farewell Foundation Invited to Glasgow and Edinburgh

In June, Farewell Foundation director Russel Ogden spoke to about 50 members of Friends At The End (FATE), in Glasgow. FATE is particularly interested in Farewell's *Procedures for Attending at Self Chosen Death* and is exploring the extent to which Scottish law might allow similar service. Ian Smith, FATE member and retired policeman summed up the issue as he sees it: "We call ourselves Friends At The End, but in fact we do not know how friendly we can be at the end."

Russel explained how members of the Foundation take personal responsibility for educating themselves about techniques for ending their

is accountable to the law, reporting the fact of its presence at members' deaths and providing detailed documentation to the coroner and police.

“ We call ourselves Friends At The End, but in fact we do not know how friendly we can be at the end.
Ian Smith, member of Friends At The End

lives without assistance, and how Farewell Foundation was providing compassionate support at the end of life. He described how Farewell Foundation

Russel Ogden was invited to the Scottish Parliament in Edinburgh to meet with MP Margo MacDonald and discuss her proposal to introduce a Bill that would enable competent, terminally ill adults to receive



Scotland meeting with FATE: (left to right) Ian Smith, Russel Ogden, Hugh Wynne, Jessie Reid, Amanda Scanlon, Libby Wilson, and Margaret Smith.



Russel Ogden meets with Scottish MP Margo MacDonald.

assistance to end their lives. After a stimulating meeting that lasted nearly two hours Margo invited Russel to give her a written response to a public consultation put out earlier in the year on her proposed law.

"Quebec Update" continued from page 1 on end of life decisions; and Prof. Jan Bernheim, oncologist and researcher at Vrije Universiteit Brussels. Dr. Bernheim also participated in the *Carter* case, giving evidence about palliative care and euthanasia practices in Belgium.

Three other organizations are intervening to oppose Ms Leblanc, namely The Christian Legal

Fellowship, Vivre dans la dignité/ Euthanasia Prevention Coalition and Mrs. Margaret Dore.

On June 19th, a case conference was held and the court granted a delay until September 7th to the Attorney General to file Canada's affidavits. The court took under advisement petitions from the parties who oppose Ms Leblanc to intervene and file evidence.

It is expected that the testimony of the experts and lay witnesses will be presented before a stenographer and that only the pleadings will take place before the judge. On September 11th a hearing will take place to agree on an agenda for the examination of the various witnesses. The evidence and pleadings should be completed by the end of 2012.



Erika Preisig.

Erika Preisig Launches New Organizations in Switzerland

From 2007 to 2012 Dr. Erika Preisig was a consulting physician with Dignitas. She has recently created two new organizations, Lifecircle Association and the SPIRIT Foundation. Both organizations have the common objective of promoting self-determination throughout a person's life, and to advocate legalization of assisted voluntary death.

Lifecircle's main objective is to affirm life and it is dedicated to providing advice about suicide prevention, palliative care, and home care. It also promotes a living will that conforms to Swiss law. SPIRIT Foundation extends the services of Lifecircle by offering the option of assisted death. Its procedures and related expenses will be very similar to those of Dignitas in Zurich. More information is available at www.lifecircle.ch/en/.

Final Exit Network Volunteers Back in Court

Only a few months after being acquitted of charges in Georgia, members of Final Exit Network face a new prosecution, this time in Minnesota.

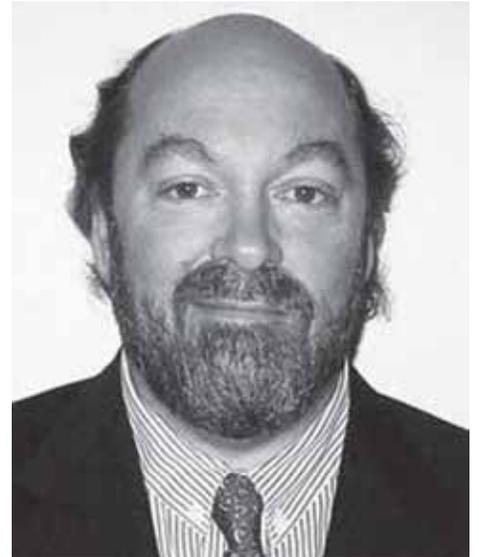
Felony charges have been laid against Dr. Larry Egbert, Ted Goodwin, Roberta Massey, and Jerry Dincin for their roles in showing compassion to a Network member. The non-profit Final Exit Network is also indicted.

In 2007 Doreen Dunn, age 57, ended her life using the technique of oxygen deprivation with helium. She elected to keep her decision private from family members and was assumed to have died from natural causes.

In July, all of the Network members appeared before Judge Karen Asphaug, except for Jerry Dincin who was excused for medical reasons. The defendants were released on their own recognizance and did not have to post bail. Prosecutors requested a pre-trial release condition that the Final Exit Network be prohibited from "assisting in any suicides in the State of Minnesota."

On grounds that the Network does not illegally assist in suicide anywhere, attorney Robert Rivas rejected the prosecutors' proposal. As a compromise, Judge Asphaug imposed the condition that the Network be law abiding and comply with the law. Rivas assured the court that this was agreeable.

Final Exit Network gives information, education, and emotional support to its members. In 2009 a massive sting operation by the Georgia Bureau of Investigation led to the execution of numerous search warrants across the USA. Searches of airline, telephone, and car rental records allowed Apple Valley Police to conclude that Dincin and Egbert were



Rob Rivas, General Counsel for Final Exit Network.

present at Doreen Dunn's home at the time of her death and that Goodwin and Massey were aware of her end of life plan.

The Final Exit Network says it has not violated Minnesota law, which bans advising, assisting or encouraging a suicide. Lawyer Robert Rivas says the Network argues that Minnesota law violates the First Amendment rights of Final Exit Network and volunteer Exit Guides by prohibiting the exercise of free speech.

Final Exit Network is required to file its motion to dismiss the indictment by August 13, 2012, after which the State is required to file a response by August 27. The Network can submit a reply brief and all parties are due to appear before Judge Asphaug on October 15 to argue their motions.

Death with Dignity Initiative in Massachusetts

The Massachusetts Elections Division has certified that the Death with Dignity initiative petition will be on the November ballot.



Similar to the citizen-driven initiatives previously passed in Oregon and in Washington, Massachusetts voters

will vote on allowing terminally ill patients the right to end their lives with a medical prescription.

To get the Death with Dignity on the state's November ballot, more than 100,000 certified petition signatures were collected. Opponents of the proposed law have promised a vigorous fight in the months leading to the vote.

Farewell Foundation Director Receives Marilynne Seguin Award



Award winners (left to right): Franco Cavali, Ludwig Minelli and Russel Ogden.

The biennial meeting of the World Federation of Right to Die Societies gives three honours.

The **Marilynne Seguin Award** went to Farewell Foundation director Russel Ogden for “his significant contributions to the right-to-die movement” which include academic research and activism. The Seguin Award remembers Toronto’s Marilynne Seguin who founded *Dying with Dignity* in 1981.

As a university researcher, Russel has published many studies and case reports about self-chosen death in journals focussing on law, forensics, ethics, and policy. His work during the past two decades has been controversial: three times he has successfully resisted subpoenas seeking confidential research information. Previous winners of the Seguin Award are Beatrice Gomez (Columbia), Evelyn Martens (Canada), Marty Putz (Luxembourg), and Debbie Purdy (England).

The other two awards went to Swiss citizens. Dignitas founder Ludwig Minelli received the **Tenrei Ohta Award** for being a major influence benefitting the global right to die movement. Mr. Minelli has given refuge to many hundreds of people who could not otherwise receive assistance with dying in their home countries.

The **Health Professional Award** went to Dr. Franco Cavalli for his role

in setting a helpful precedent in the right to die movement. Dr. Cavalli is one of Switzerland’s top cancer specialists and treated former Beatle, George Harrison. Dr. Cavalli has campaigned for voluntary euthanasia for those who are unable to end their own lives.

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.

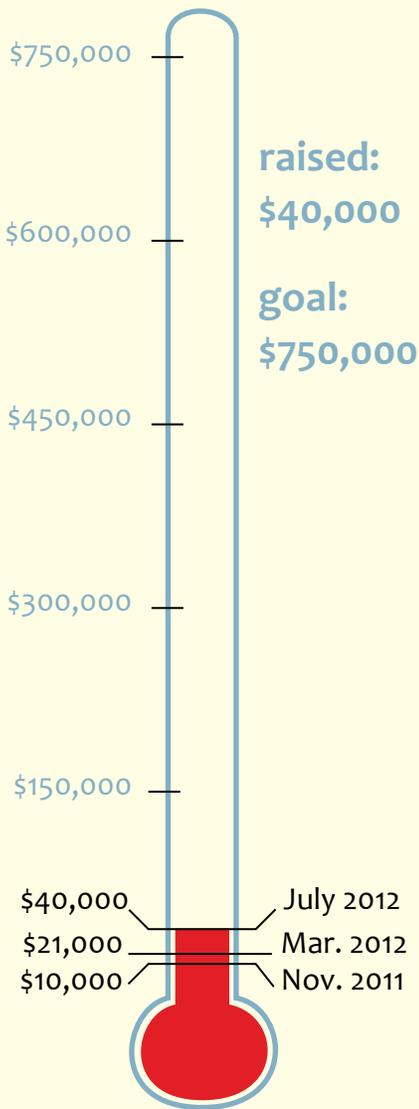
The Foundation believes its members should have the right to receive assistance to end their lives.

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:
322-720 6th Street,
New Westminster, BC, V3L 3C5
604.521.1110
info@farewellfoundation.ca
www.farewellfoundation.ca
www.facebook.com/FarewellFoundation

DIRECTORS
Russel Ogden
Laurence Elisabeth Cattoire
Erling Christensen
John Lowman
Paul Zollmann

GRAPHIC DESIGNER
Laura R. Copes



FAREWELL HOUSE UPDATE

Not everyone will be able to die at home and Farewell House will be an important resource for members who need a safe and comfortable place to end their lives. A Farewell member recently encountered resistance from care home staff who opposed the member’s legal right to stop eating and drinking. We could not offer Farewell House to this member, but with your generous contributions one day we will be able to offer a supportive and non-judgemental environment for our members.