

The Province It starts here.

B.C. woman with ALS joins fight for right to die

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A lawsuit challenging B.C.'s assisted-suicide laws is expected to be fast-tracked and heard as early as November, now that a woman suffering from Lou Gehrig's disease has joined as a plaintiff.

The B.C. Civil Liberties Association in April filed a lawsuit to try to force B.C. to allow doctors to legally help terminally ill people commit suicide on behalf of the surviving relatives of Kay Carter, 90, who suffered from spinal stenosis and in January travelled to Switzerland, where assisted suicide is legal, to die.

The lawsuit was updated Tuesday to include a B.C. grandmother, Gloria Taylor, of Westbank, who suffers from ALS, a progressive, fatal illness that robs sufferers of control over their bodily functions.

Taylor, who said she can't afford to travel to Switzerland, would like to be able to choose when and where she will die and have a doctor assist her.

"It is my life, my body and it should be my choice," Taylor, 63, told a news conference arranged by the BCCLA, which she contacted to request to join the lawsuit.

It is the first challenge of Canada's laws since a similar lawsuit almost 20 years ago filed by Sue Rodriguez, a B.C. mom who also suffered from ALS and who despite losing her legal bid to change the law, committed suicide in the presence of then NDP MP Svend Robinson and an unnamed doctor.

No one was ever charged in her death.

The B.C. Supreme Court in 1992 upheld Criminal Code's Section 241, which prohibits anyone from assisting with a suicide.

The court ruled the law is "designed to protect those who may at a moment of weakness, or when they are unable to respond or unable to make competent value judgments, may find themselves at risk at the hand of others who may, with the best or worst of motives, aid and abet in the termination of life."

It “protects the young, the innocent, the mentally incompetent, the depressed, and all those other individuals in our society who at a particular moment in time decide that termination of their life is a course that they should follow.”

The decision was upheld by the Supreme Court of Canada, by a narrow 5-4 margin, the following year.

But BCCLA lawyer Joseph Arvay said much has changed in the past 20 years, including the passing of assisted-suicide laws in the Netherlands, Switzerland and in Oregon and it’s time for the courts to hear new evidence.

Polls in Canada have shown a majority support such laws.

He said Taylor’s inclusion lends urgency to the challenge.

“We would hope that (Taylor) would enjoy the fruits of this initiative,” he said.

Arvay said he didn’t fear abuses of an assisted-suicide law leading to the elderly or the sick being coerced or shamed into ending their lives and said that hasn’t been the experience in countries where the law exists.

And he said it wouldn’t lead to the right for people who are “tired of living” to end their lives, a proposal under consideration in the Netherlands for people 70 or over.

Dr. Will Johnston of Vancouver said there are examples of abuses in countries with similar laws and called the law “a recipe for elder abuse when heirs of estates can act as witnesses and perpetrators of assisted suicide.”

And he said proponents of assisted suicide are usually strong, independent, outspoken people, and not the average person, vulnerable to “badgering or coercion” to end their lives.

Dave Quist of Focus on the Family said there is a fear decisions under such laws are based “not on health issues but for fiscal reasons.”

Hollis Johnson, Carter’s son-in-law, said he didn’t think assisted suicide would lead to people who are sick or dying feeling obligated to end their lives to spare families or society costs to keep them alive.

“Is this a slippery slope? I don’t think so,” he said. “But it’s certainly an issue.”