

Moniz-Carroll, Rhonda

From: Duane Lueders <dlueders@duanelueders.com>
Sent: Monday, March 16, 2015 7:37 PM
To: JudTestimony
Subject: Submission of Testimony on Bill 7015

My name is Duane Lueders. I am from West Simsbury and I support Aid in Dying.

The Supreme Court of Canada recently decided the case of Carter vs. Canada in which the plaintiff claimed that Canada's complete ban on assisted suicide violated that portion of the Canadian Constitution which states "Everyone has the right to life liberty and security of the person..." The plaintiff brought the case seeking to establish the right to obtain a prescription for a lethal dose of medication in order to end her life.

Like Canada, Connecticut has such a ban in place.

I bring the case to your attention because I believe that it can serve as an excellent primer on sorting out the issues which you will now be called upon to sort out. Specifically, the trial court, which issued a decision in excess of 300 pages, carried out a function similar to the one you will be called upon to undertake, namely, to examine the evidence for and against Aid in Dying.

I want to read four separate and brief paragraphs from the decision which, by the way, was unanimous, nine to zero.

The first two paragraphs address the two primary objections raised by our opponents:

- 1.) Slippery slope;
- 2.) Potential abuse of the elderly and disabled and whether there are adequate safeguards in place to protect them.

The third and fourth paragraphs address the amount of weight to be given to the evidence put forth by our opponents.

(All emphasis was added by this writer.)

SLIPPERY SLOPE:

"It is argued that without an absolute prohibition on assisted dying, Canada will descend the **slippery slope** into euthanasia and condoned murder. Anecdotal examples of controversial cases abroad were cited in support of this argument, only to be countered by anecdotal examples of systems that work well. The resolution of the issue before us falls to be resolved not by competing anecdotes, but by the **evidence**. **The trial judge, after an exhaustive review of the evidence, rejected** the argument that adoption of a regulatory regime would initiate a descent down a **slippery slope** into homicide."

PPOTENTIAL ABUSE/ ADEQUATE SAFEGUARDS

"The trial judge then turned to the **evidence** from the regimes that permit physician-assisted dying. She reviewed the **safeguards** in place in **each jurisdiction** and considered the effectiveness of **each regulatory regime**. In each system, she found general compliance with regulations, although she noted some room for improvement. **The evidence** from Oregon and the Netherlands showed that a system can be designed to protect the socially vulnerable. **Expert evidence established that the "predicted abuse and disproportionate impact on vulnerable populations has not materialized" in Belgium, the Netherlands and Oregon (para. 684).**"

WEIGHT GIVEN TO EVIDENCE/BURDEN OF PROOF

(In this paragraph the parties are noted as the "claimant" and the "government" which in our case would be analogous to the "proponents" and "opponents" of the bill, respectively):

"The **evidence**, she concluded, did not support the contention that a blanket prohibition was necessary in order to substantially meet the government's objectives. We agree. **A theoretical or speculative fear cannot justify an absolute prohibition.** As Deschamps J. stated in *Chaoulli*, at para. 68, the claimant "d[oes] not have the burden of disproving every fear or every threat", nor can the government meet its burden simply by asserting an adverse impact on the public. **Justification under s. 1 is a process of demonstration, not intuition or automatic deference to the government's assertion of risk."**

In other words, simply speculating about potential adverse outcomes does not pass muster when it is not supported by (and is fact contradicted by) the evidence.

WEIGHT GIVEN TO EVIDENCE/ EXTENT OF REVIEW/ CONCLUSION

"The trial judge's findings were based on an **exhaustive** review of the **extensive** record before her. The **evidence** supports her conclusion that the violation of the right to life, liberty and security of the person guaranteed by section 7 of the charter is severe. **It also supports her finding that a properly administered regulatory scheme is capable of protecting the vulnerable from abuse or error."**

Duane Lueders
12 North Main Street
Suite 112
West Hartford, CT 06107
Phone: (860) 232-6609
Cell: (860) 280-7173
Fax: (860) 838-9003
email: dlueders@duanelueders.com