Douglas Todd: A moral question of how to die

 functionally -ill Kay Carter made the controversial decision to end her life by assisted suicide

BY DOUGLAS TODD, VANCOUVER SUN  JANUARY 30, 2010

On the big day, Kathleen (Kay) Carter chose to wear the blue floral scarf that was given to her by her sister.

It was two weeks ago -- Friday, Jan. 15 -- when the world first began reeling with news of the catastrophic earthquake in Haiti.

Kay, an 89-year-old resident of a North Vancouver nursing home, had travelled with family to Zurich, Switzerland, to a clinic called Dignitas. The mother of seven children was in a wheelchair, suffering from a terminal condition called spinal tenosis, which meant her body, as she said, was "totally collapsing."

On Thursday, Jan. 14, Kay dictated a note to family and friends telling them: "I have chosen to die with dignity, tomorrow."
At their mother's request, two of Kay's daughters, Lee and Marie, went through Kay's address book, bought a stack of Swiss stamps and mailed 120 copies of the letter to Canada.

For reasons involving Canadian law and the fear of a police investigation, the letter would mark the first time most loved ones had heard about Kay's decision to have a voluntary death in Switzerland.

Kay's letter, signed with a shaky hand, said: "I and I alone made the choice to pursue this path. My journey to Zurich ... was filled with laughter and fond reminiscing."

On Jan. 15, Kay became the 10th Canadian to die of assisted suicide at the Dignitas clinic.

However, Kay's is the first Canadian death at Dignitas to be openly revealed to the public.

In Switzerland, assisted suicide is legal as long as a strict medical protocol is followed and no one can be shown to be assisting it for "selfish" reasons. Similar laws are in effect in the Netherlands and Belgium, plus the American states of Oregon and Washington.

However, assisted suicide is a criminal offence in Canada, and most countries. That is why neither Kay nor her daughters and son told anyone in Canada that she had been planning her death for six months. They did not want their mother's last wish to be interrupted by police. Prosecutors might have investigated whether, under Section 241 of the Canadian Criminal Code, they had "aided" or "abetted" or "counselling" their mother's suicide.

In this country, such assistance is considered a form of murder.

'A remarkable lady'

Kay's family will forever associate their mother's death with the taste of creamy Swiss Sprungli chocolate. Lying on her Dignitas death bed, with a painting of mountains and a lake above her, Kay swallowed the chocolate before taking the fatal dose of sodium pentobarbital supplied by Dignitas's small staff.

Kay ate the rich chocolate in part because it would override the bitter taste of the barbiturate. In the plain but pleasant room, daughters Kay and Marie, plus her son-in-law, Hollis Johnson, enjoyed the same chocolate.

Then Kay quietly fell asleep and into a coma. Soon after, Dignitas staff members declared Kay was dead.

Following Swiss law, Dignitas staff phoned Zurich police. A medical examiner and two officers arrived, respectfully shaking the hands of all family members, asked a few questions, and left.

Kay's body was picked up by a hearse. The Carter family went for a meal in downtown Zurich. Then they flew home to Canada, where last Sunday they had a memorial service in North Vancouver, at which they gave away Sprungli chocolate to friends and loved ones.
The story of Kay's "peaceful" death, plus the events leading up to it, were recounted to me by Kay's oldest daughter, Lee Carter, 63, who considers her much-loved, strong-willed mother "a remarkable lady."

Lee, a retired flight attendant, lives on a small hobby farm near Fort Langley with her semi-retired husband, Hollis Johnson, a Kwantlen University College criminology instructor. Lee had been a close companion to her mother on her journey ever since July 2009, when Kay, who was residing at Lynn Valley Care Centre, decided she wanted to choose her form of departure from this existence.

Kay was one of more than 1,000 people who have now had assisted suicides at the nonprofit Dignitas clinic, which has been operating since 1998.

Foreigners have been allowed at Dignitas in the past decade, causing critics to worry that Zurich was gaining a reputation for "death tourism."

So far, 564 Dignitas clients have come from the large neighbouring country of Germany, 134 have been from Britain, 111 from Switzerland, 93 from France, 22 from Austria and 15 from Italy. Outside of Europe, 13 Dignitas clients have arrived from the United States, 13 from Israel and 10 from Canada, with smaller numbers from other nations.

In total, the Dignitas death cost the Carter family $35,000. The expenses included an executive-class ticket for Kay (so she could lie down during the long flight), plus plane seats for family members, two required Swiss medical examinations, Dignitas fees, Swiss paper work, a hearse, the cremation and other expenses.

B.C.-based assisted suicide researcher Russel Ogden said he finds it "odd" that a terminally ill woman who wants a carefully done assisted suicide would have to go to the trouble and expense of travelling to Switzerland. Why not, he asks, allow it here?

"The Swiss approach to assisted suicide is the most accountable model in the world. Every assisted suicide in Switzerland is reported, immediately. In Canada, we keep it underground. We're not ready to be accountable. There are legal risks for Canadians who assist their loved ones to journey to Dignitas. But our government has little interest in prosecuting suicide tourism," said Ogden, who has written a paper on Dignitas, which will soon be published in the Journal of Medical Ethics.

Like Kay's son-in-law, Hollis Johnson, Ogden teaches criminology at Kwantlen Polytechnic University in Surrey. Ogden, however, said he did not know about the Carter family's Dignitas plan until a week ago.

Ogden said Canadian authorities likely won't investigate the Carter family, largely because of the social fallout.

"Prosecutions would bring unwanted attention to the issue, and potentially trigger reform to permit assisted death in this country."
Canada's politically influential Euthanasia Prevention Coalition, however, takes a sharply different point of view on Kay's death, as it continues to lobby successfully to ensure Canada never follows the lead of Switzerland.

Beverly Welsh, a retired Coquitlam nurse, charged this week that Kay's family showed "misplaced sympathy" in supporting their mother's wish for a voluntary death. No Canadian should have the right to ask someone to help them end their lives, Welsh said. She accused the deceased 89-year-old of trying to force "everyone" to choose assisted suicide.

A former palliative care nurse, Welsh believes what Kay and many other ailing people most fear is a "painful" death. But medical science, she said, can help terminally ill people avoid that.

Even though polls consistently show a strong majority of Canadians support regulated assisted suicide, Welsh said the Euthanasia Prevention Coalition is working tirelessly with politicians to oppose a private member's bill by Bloc Quebecois MP Francine Lalonde, which would make it legal.

Illness became worse

These are some of the events leading up to Kay's death, according to Lee and letters written by her mother.

Last summer, Kay was living in the Lynn Valley Care Centre, where she had been for more than a year. She had just visited her neurologist, who told her she had spinal tenosis, a progressive deterioration of the nerves.

"The doctor said I would end up flat in a bed, unable even to blow my nose," Kay dictated in an August 2009 letter to Dignitas. "This deterioration has progressed up to my neck and chin and downward to my feet. I cannot eat by myself, cannot move by myself and am incontinent ... Each day it gets worse. Because of this I request the right to die with dignity and that Dignitas prepare an accompanied suicide for me."

Kay was not institutionally religious and did not believe in an afterlife. However, she and the family had attended a Unitarian Church, and she had been a long-standing member of the Right to Die Society.

Kay had briefly taught public school, raised seven kids and travelled extensively with her husband, Don, who had died at age 57. Kay, who described herself as "fiercely independent," didn't have a lot of money, but had become good at taking care of herself, while always enjoying life.

"She just felt very strongly she should have the right to choose her death. She wanted to do it so badly," Lee said. "She wanted to do it in Canada, but couldn't. She didn't want to sit in the care home, like many others around her, with her tongue hanging out of her mouth."

How was Kay's mind when she made the fateful decision?

"Better than mine will ever be," Lee said.
At their mother’s request, six of her seven children showed up in North Vancouver for a family meeting, with the seventh taking part via telephone from Ontario. The children told their mother they’d support her. Given Canadian law, Lee said she and her siblings had to "live in a bubble" of silence from that day on. "No one could know what we were doing. Somebody might have stopped us."

When the time came to fly to Europe, Kay and her family -- Lee, her husband Hollis and sister Marie -- first stopped in Toronto, to see their mother's sister. Kay's sister told her she was "courageous," and that she was grateful for the opportunity to say goodbye. Kay and family then arrived in Zurich on Monday, Jan. 11. They took rooms in a hotel, where Kay watched one of her favourite TV programs, The Charlie Rose Show.

The family arranged for Kay to have two visits with a doctor, which are required under Swiss law. They largely involved Kay assuring the doctor she was ready to die. On Friday, Kay and her children drove to Dignitas, on the outskirts of Zurich. The hosts, Erika and Horst, "came out and hugged all of us," said Lee.

Erika, an elderly nurse, knelt down in front of Kay in her wheelchair and asked, "Are you ready?"

Kay answered, "I sure am." After filling out more paperwork in the room where Kay was going to die, the family hugged and talked and reminisced. They took a photo of themselves on the deathbed, with Kay smiling, squeezed in the middle of her beloved family. "No one was in a hurry for anything," Lee recalled.

She said Erika "lovingly" asked Kay what she would like to do, whether she would like to talk more.

"Mom said, 'No. Let's go. I'm ready.'"

After Kay swallowed the barbiturate, Erika put her hands on her knee and said: "Have a good journey, Kay. I'll see you on the other side."

Kay fell asleep, and began to snore. When Horst said Kay could probably hear what they were saying, they began reminiscing about things their mother and father had done together.

Twenty minutes later, Horst said Kay had "left us."

Erika then opened the door of the room, saying she was "letting Kay's spirit leave."

The family sat for five minutes or more. Horst asked if anyone would like cognac.

"I'd love one," Lee answered.

"We weren't sad. Just tired. We all just thought, 'Oh my God, that was the most powerful experience we could ever imagine.'"

Warm memorial service
Katherine (Kay) Carter's obituary ran in The Vancouver Sun last week. About 150 people showed up at her Sunday memorial service, which took place at Mount Seymour United Church in North Vancouver. The minister did not lead it.

At the service, friends and family, some grieving, some beyond tears, told warm stories about Kay's rich, dynamic life and voluntary death. Then, as Lee said, "We gave out Swiss chocolate to everyone."

In Britain, which has anti-assisted suicide laws similar to Canada, researcher Ogden said prosecutors have consistently chosen to practise "judicial discretion" and not charge any of the loved ones who might have supported the 134 citizens who ended their days at Dignitas, including those whose cases hit the news. Ogden believes Canadian prosecutors would likely follow the same course of inaction in regards to Kay.

For her part, Lee said her mother hoped that Canadians would learn the story of her death. "She wants people in Canada to talk about it. She believes it's a choice Canadians should have."

Kay Carter put it this way in the letter she dictated the day before she ingested the barbiturate:

"It is important to me to share with you that I have chosen to die with dignity ... Do not mourn my passing, but rejoice, as I have, in our shared memories."

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