

President's Letter

Dear Members and Friends,

When I began to write this letter, life was good in Florida. Since then, we have experienced one of the worst tropical storms in recent history and Gustav approaching but with some uncertainty of its destination. I certainly hope that you have all survived Fay's and Gustav's wrath in relatively good shape. By the time you receive this newsletter Hanna, Ike and Josephine will have added their punches to the East Coast. My hope is that there will be no future storms or hurricanes this season. Aside from these missteps of living in paradise, I do hope you have had a pleasant summer and are looking forward to the cooler weather of fall. I know that some of you are snowbirds and I would like you to send us your summer and winter addresses with

the dates you reside at each, so that you will receive the Beacon no matter where you are. You can send these via e-mail to HemlockFL@aol.com or use the enclosed envelope. Just be sure to include your name along with your addresses.

Reminding you, once again, about your payments to the Hemlock Society and Hemlock Foundation of Florida. IF you wish to make a tax-deductible donation, you MUST make your check payable to the Hemlock Foundation of Florida, Inc. When paying dues, you MUST make your check payable to the Hemlock Society of Florida, Inc. Dues are NOT tax deductible, no matter how the check is made out. Many of you have been paying dues to the Foundation which only makes additional work for the treasurer since these funds must be transferred to the Society account.

Good news! Hopefully, by the time you receive this Beacon we will have a web site up and running. As I write this letter the page is being designed. It is an exciting opportunity for Florida. We will be posting the Beacon on the web page, which will save the Foundation the large expense

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Hemlock Society of Florida, Inc.

Beacon Newsletter

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I have received a number of queries about Florida attempting to get a Death with Dignity Bill, similar to the Oregon law, passed. Robert Rivas, attorney-advisor to Hemlock Florida, has written an article on this issue (see Page 2 below).

In the Spring Summer 2008 Beacon I mentioned that the Board of Directors approved the addition of a clerical assistant. I am pleased to tell you that Wynona Johnson, an acquaintance who lives near me, has agreed to fill this position. She works on an as-needed basis and has proven to be a huge help in wading through the paperwork.

Since you will not receive the next issue of the Beacon until spring, I hope you have a wonderful holiday season with friends and family.

Sincerely,

Donna

Changing the Law in Florida – What are the Options?

By Robert Rivas

As the volunteer legal advisor to the Hemlock Society of Florida, I am occasionally asked about the likelihood of

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legal change in Florida with regard to right-to-die issues. My short answer is: Not much.

The question is usually directed to whether Florida law might ever provide for physician assistance in dying, as the law of Oregon now provides. There are three points of entry for supporters of legal change to focus their efforts: a petition drive in support of a constitutional amendment, action in the courts, and action by the Legislature. The Hemlock Society of Florida would love to hear from you if you wish to join in this battle.

Petition Drive

Bypassing the Legislature, the people of Florida can put a constitutional amendment on the general election ballot by a petition drive. To do this, the supporters of an amendment must gather a number of voters' signatures equal to eight percent of the number of Florida voters who voted in the last presidential election. In addition, a certain minimum number of the petition signatures must be spread across each of at least half of the state's congressional districts.

At this time, the number of petition signatures required is more than 600,000. It takes a massive, expensive campaign to gather so many petition signatures, particularly in light of the distribution requirement. At this time, there is no sign of any organization or financing source that might succeed in a petition drive in favor of physician assistance in dying.

Legal Action

As counsel to the Hemlock Society and the ACLU of Florida, I brought a legal action in 1997 seeking to establish a right to physician assistance in dying via litigation, based on the individual's constitutional right to privacy. We were successful in the trial court on behalf of Dr. Cecil McIver and his patient, Charles Hall. However, the Supreme Court of Florida reversed the trial court's decision. This happened within days of an identical decision by the Supreme Court of the United States. The decisions of these two supreme courts set a precedent under which it will be impossible to sue to vindicate the constitutional privacy right to physician assistance in dying for many years.

The Florida Legislature

For some reason I do not understand, the Legislature of Florida in my lifetime has always been more conservative than the people of Florida, as I know them (and I am an eighth-generation Floridian). I would say that for the foreseeable future, there is no hope for the Legislature to pass an Oregon-style law providing for physician assistance in dying. Though the Legislature, by a two-thirds vote, can place a proposed constitutional amendment on the election ballot, I do not see any prospect for that, either.

Remember, this is the same Legislature that, at the urging of two Bush brothers, passed a special law solely to interfere in the Schiavo family's tragic decision to discontinue artificial life support to Terri Schiavo after she

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had been in a persistent vegetative state for more than a decade. So outrageous was this temporary usurpation of the Schiavo family's constitutional right to privacy that a number of members of the Legislature, including the "leadership," later conceded that they had been stampeded by the fundamentalist right wing of the Republican party into a dumb decision—one they regretted.

Today, the law on advance directives is still the same as it was throughout the Schiavo litigation. The law will move forward, toward securing the right to die with dignity; or it will move backward, toward further restricting the enforcement of an individual's advance living will.

The extreme right is still trying, every year, to abolish the right of individuals to secure their own right to die with dignity by executing advance directives or by expressing their desires to their loved ones before they lapse into incompetence, as Terri Schiavo so tragically did. The right wing of the Florida Legislature actually prefers for everyone to have to suffer every possible life-preserving indignity that medical science can impose to keep their bodies artificially functioning for as long as humanly possible, even against the individual's expressed right to refuse medical treatment when the time comes to die with dignity.

At this time, when it comes to the Florida Legislature, supporters of the right to die with dignity will have to be satisfied with the existing Florida law on advance directives. The legislative battle now is to keep the

Florida Legislature from eliminating the right to die with dignity by executing advance directives. The Hemlock Society and other like-minded groups and individuals must be satisfied to keep the law from moving backward, which is a tough enough task without trying to move it forward.

WORLD CONFERENCE

The World Federation of Right-to-Die Societies will hold its bi-annual meeting in Paris, October 30 through November 2. The Federation consists of 38 organizations from 23 countries. The Hemlock Society of Florida is a long-standing member of this federation. Conference details are still sketchy but if you are interested in attending you can check out the Federation web page at www.worldrtd.net. At the 2006 conference in Toronto, Hemlock Foundation of Florida sponsored two speakers—George Felos, who was the attorney for Michael Schiavo, and Robert Rivas, who is the attorney-advisor to the Hemlock Society of Florida. It is always an exciting gathering since attendees are from all around the globe.

AROUND THE WORLD

AUSTRALIA - The trial of Shirley Justins and Caren Jennings has ended with a guilty verdict for aiding in the death of Justins' longtime companion, Graeme Wylie. Wylie was a commercial pilot who had traveled the world. He had been diagnosed with Alzheimer's disease and once attempted to end his life by

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slashing his wrists. He insisted he wanted to end his life before he lost control of his faculties. Jennings, a longtime friend of Wylie and Justins, traveled to Mexico where she bought Nembutal and illegally took it back to Australia. She eventually offered the drug to Wylie telling him it would relieve his pain and he would die.

Wylie's physician, who had not seen him since he had stitched Wylie's wrists after his earlier suicide attempt, refused to sign a death certificate. Since no other doctor could be found to sign a death certificate, an autopsy was performed. It revealed that Wylie had died from the illegal drug Nembutal.

During the trial, it also came to light that Wylie had changed his will a week prior to his death, leaving Justins to inherit his \$2.4 million estate. The children from his first marriage questioned their father's ability to make a valid will. That case is still pending.

The sentencing phase for Justins and Jennings will begin in early October.

FRANCE - Rémy Salvat requested the right to die from President Sarkozy. Just ten days after receiving the president's denial, Mr. Salvat committed suicide. Salvat, 23, had suffered from a rare disease since the age of six and wrote Sarkozy that he "did not want to be trapped in a body kept alive like a prisoner." In 1999 his mother, Regine, was charged with attempted murder of her son but the charges were later dropped. She stated that her son had left a recording asking her "to make sure there was a real public debate about euthanasia

and assisted suicide so that others would not have to live like him."

ITALY - Beppino Englaro has won a 16-year battle to end his daughter's life. Englaro's daughter, Eluana, has been in a vegetative state since she was in an auto accident in 1992, at the age of 19. The case is very similar to the Florida case of Terri Schiavo, although there is no family conflict regarding the removal of Eluana's feeding tube. There has been front-page coverage on the legal, religious and moral controversy. As expected, the Vatican has opposed the removal of the feeding tube. Mr. Englaro has campaigned through the courts since 1999 to suspend his daughter's treatment and has been denied six times. The present ruling allows for the feeding tube to be removed immediately, but the family will most likely wait for the end of the 60-day waiting period while the case is subject to appeal. In the judge's decision he stated, "the extraordinary duration of Eluana's persistent vegetative state, as well as her sense of freedom and vision of life" as reasons for his decision. He also stated, "Her conception of life was incompatible with her total loss of physical capacity, she was biological only in body."

Note: Italy does not have any right-to-die or living will laws.

NEW ZEALAND - Susan Wilson, an American, is being investigated for allegedly assisting Audrey Wallis to commit suicide. Wilson flew to New Zealand last August to help Wallis die using Nembutal which is a

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veterinary euthanasia drug. There are claims that Wallis paid \$12,000 to Wilson to help her die. Wilson openly admitted in a British documentary that, for a fee, she helped people to die. Wilson could be charged with murder, which carries a penalty of life imprisonment, or assisting a suicide, with a maximum penalty of 14 years imprisonment. It was also revealed in the documentary that Wilson is a colleague of euthanasia advocate George Exoo.

If Wilson is charged, the New Zealand police will seek her extradition from the United States. If Wilson is proven guilty it will be the first known case of paid assisted suicide in New Zealand. This case has shocked the entire right-to-die community, those for and those against.

SPAIN - The province of Andalucia is working on a bill allowing terminal sedation which will be presented to the governing council in October and would become effective in the summer of 2009. Maria Jesis Montero, the Regional Councillor for Health, said a number of experts were debating the ethics of such a law, which would give patients the right to receive or refuse treatment and to end their suffering.

UNITED KINGDOM - It seems that the living will law is causing distress among the Brits. The law became effective last autumn and gives legal force to the living will. The law also covers the appointment of Lasting Powers of Attorney which is similar to Florida's Surrogate for Health Care. Unfortunately, the new Lasting Powers of

Attorney covers complex safeguards which require a 23-page form and registration with the Office of the Public Guardian. It is a very distressing situation for many families while waiting, in some cases for six months, for paperwork to be finalized. Families have had to spend their own money on caring for a loved one until the Lasting Powers of Attorney are registered.

* * * * *

The case of Debbie Purdy will be reviewed by the Royal Courts of Justice on October 3. Debbie suffers from multiple sclerosis and has asked the court to clarify the position on prosecution of a person accompanying an individual who travels to Dignitas in Switzerland to end his/her life. Debbie would like her husband to travel to Switzerland with her but fears when he returns to England he may be prosecuted for assisting a suicide, which is punishable by up to 14 years in prison. Debbie's case is being supported by Dignity in Dying. The case highlights the dilemma that faces some terminally ill people. Nearly 100 British citizens have used the Dignitas clinic since 1992.

UNITED STATES - A recent survey by Kelton Research, sponsored by Disaboom, a website for people with disabilities, noted that 52% of 1,000 adults chose death over losing ability to live independently. The survey reported that more than 54 million Americans have some form of disability. The survey found that in the 35 to 44 age group, 63% chose death over disability compared with half of the 55 to 64 age group and 56% of

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those 65 and older. The survey also found that those with a higher income were more likely to choose death over severe disability. Geographically, 45% of those living in the South chose death compared with 61% of those living in the West. College graduates were more likely to choose death compared with those with less than high school education.

* * * * *

Another study revealed that only one-third of doctors discuss end-of-life care with their patients. The study reported that few of the patients who had these discussions with their doctors became depressed but also noted that fewer of these patients spent their final days in a hospital or in intensive care. It seems that most patients want to know what the prognosis and end-of-life options are and then go on to spend the final days with less stress and enjoy each day to the best of their ability. One patient said, "I like being told what my health condition is. I don't like beating around the bush. We all have to die. I've had a very good life. Death is not something that was fearful for me."

* * * * *

In the Los Angeles Times, August 23, Richard P. Sloan, Professor of Behavioral Medicine at Columbia University Medical Center, sharply criticized contemporary religious influences which enable healthcare practitioners in most states to deny patients certain legally available products or procedures, regardless of the

patient's religious or cultural orientation. "Prohibited" interventions would include substances that might cause abortion or those which could assist a terminally ill person exercising his legal (in Oregon) right to hasten death if he so chooses. Sloan supports freedom of religion but also our "right to be free of religious domination by others."

California - The Terminal Patients' Right to Know End-of-Life Options Act was passed by the state senate and now goes to the assembly for approval of minor changes before heading to the Governor for signature. It requires doctors to inform patients, with prognosis of less than a year of life, about hospice and palliative care. Doctors must also discuss palliative sedation and refusing food and water in order to speed the dying process. This bill allows the well-informed patient to make his/her own decision on his/her end-of-life care. If a doctor does not wish to comply with the patient's choices, he/she must refer the patient elsewhere and provide the patient with information on how to transfer to another doctor.

The Catholic Church, pro-life and disability rights groups strongly opposed this legislation and say it is "setting the table for future assisted-suicide legislation."

* * * * *

Hemlock Society of San Diego, has sent out a Matching Fund challenge to their members.

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The chapter will match all donations up to \$25,000 for the Washington Death with Dignity campaign.

Vice President Faye Girsh said the Washington initiative “is the most important focus of the right-to-die movement in more than a decade.”

We certainly wish them well in their support of this worthy cause. (For more information on this initiative see “Washington”.)

Florida - Karen Weber, 57, of Palm Beach County had a feeding tube inserted following a stroke. Weber’s husband, Raymond, requested that the feeding tube be removed since she is in a permanent vegetative state. Weber’s mother, Martha Tatro, does not agree and therein lies a conflict. The husband and the mother have remained cordial during the hearings in which a judge issued an injunction prohibiting the removal of the feeding tube. A committee has been assigned to determine Weber’s competence. Unfortunately, Weber does not have a living will and cannot talk.

As with the Schiavo case, the husband sees no response from his wife and the mother and family say Karen responds and is alert. The court-appointed attorney has visited Mrs. Weber and said she was unresponsive. Mrs. Tatro has acknowledged that her daughter will never fully recover. Mr. Weber was recently appointed legal guardian for his wife.

Oregon - The state-run Oregon Health Plan made a decision that appalled 64-year-old Barbara Wagner. She has lung cancer, which

had been in remission, but has returned. A \$4,000 a month drug was prescribed in hopes of prolonging her life. The shock of her life came from an unsigned letter from the insurance plan that stated it would not pay for this drug BUT would pay the \$50 for drugs to end her life under the Death with Dignity Act. This letter has many up in arms about the decision saying that everyone seems concerned about the “bottom line” instead of compassion.

The reasoning of the Oregon Health Plan was what they call the “5-year, 5 percent rule” which means a five percent survival rate after five years. Wagner did not fit that criteria, therefore she can only receive palliative care—no matter what the cost!

Jim Sellers, a spokesperson for the health plan, said the letter was insensitive and, from now on, the plan would most likely have a representative pick up the phone and have a conversation with the patient.

In a follow-up article, The Oregonian newspaper addressed Ms. Wagner’s misinterpretation of Oregon’s Death With Dignity Law. The article states, “Nothing could be further from the truth...The Oregon Health Plan covers nearly all chemotherapy for cancer patients, including the multiple rounds of chemotherapy that (this) woman...received. The request for second-line treatment was denied because of the drug’s limited benefit and very high cost.

“The money Oregon can spend on health care is limited...(many) Oregonians have no health

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insurance coverage whatsoever. The reality is that if we pay for marginally effective, expensive second-line treatments for one person, we would be denying access to well-established, first-line treatments for others.

“The principles that have guided the Oregon Health Plan ...don’t make sensational headlines, but for nearly 15 years they’ve provided health care in an equitable, effective manner to more than 1.5 million Oregonians.”

For those of you with internet access there is a very interesting article on end-of-life care titled “Why Some Hospitals Are Allowing Unnecessary Suffering” at the AlterNet site. You can read the article at www.alternet.org/story/85637

Washington - Volunteers submitted 320,000 signatures in favor of an initiative to be placed on the November ballot for an Oregon-type Death With Dignity Act. The volunteers outdid themselves since only 225,000 signatures were needed for the July 1 submission deadline. Thus far, over a million dollars has been raised but additional funds will be needed to counter the expected late-date push by their opponents.

Death with Dignity sponsors say the Catholic Church hopes to raise \$700,000 to defeat the Oregon-style ballot measure. Washington advocates stated that the Church should use the money to care for the victims of abuse by clerics. Anne Martens of the DWD campaign states that “the bulk of opposition money is coming from out-of-state dioceses. They put

their money where their mouth is and clearly it’s more important to them to impose their religious belief on the people of Washington than it is to take care of the victims of abuse in their own states.”

Anyone interested in contributing to the Washington initiative can make a non-deductible donation to:

YES! On I-1000
P. O. Box 21984
Seattle, WA 98111

Or you can go to their website, www.yeson1000.org and click on the “Contribute Now” to make your online contribution.

There is an interesting “blog” regarding the Catholic dioceses nationwide fund to fight the Washington initiative. Go to: www.huffingtonpost.com/david-goldstein/alms-for-the-media-consul_b_119016.html

Source of information for World and United States articles is from ERGO news: right-to-die@lists.opn.org

HELPFUL WEBSITES

www.finalexit.org/ergo-store
to purchase ERGO books/DVDs/downloads

www.finalexit.org

www.assistedsuicide.org

www.finalexitnetwork.org

www.worldrtd.net

Meetings

October 18 – Sarasota Unitarian-Universalist Church
3975 Fruitville Road
Board Meeting of Hemlock Society & Foundation of FL
10:00 a.m. – Noon (Members welcome-must present membership card)

Surrogate Training – Free but registration required
1:00 p.m. – 3:00 p.m.
Contact:
Nan Billings: 941-366-2031

***November** –
Hemlock Society of Southwest Florida
For meeting date, time & place
Contact:
Marguerite Rinaldi:
239-495-9863

***January** – The Villages
Public Library
325 Belvedere Blvd. (just off 466 by Southern Trace)
Board Meeting of Hemlock Society & Foundation of FL
10:00 a.m. – Noon (Members welcome- must present membership card)

Open/Public Meeting
1:00 p.m. – 3:00 p.m.
Info or Directions:
Carol: 352-750-9091

***January** – Hemlock Society of Jacksonville
Willowbranch Library
2875 Park Street
Info or Directions:
Lamar: 904-388-7860

*The dates for these meetings have not been confirmed. Please phone the listed contact for information.

DONORS

We would like to recognize individuals and organizations that have donated to the Hemlock Society of Florida and the Hemlock Foundation of Florida. Your financial support is critical to the operation of these organizations and is greatly appreciated. REMINDER: If you want your donation to be deductible from your income tax, your check must be made payable to the Hemlock Foundation of Florida, Inc. Your dues and donations to the Hemlock Society of Florida, Inc. are not tax deductible.

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Community Contacts

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HemlockFL@aol.com

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TALLAHASSEE AREA

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RobRivas@aol.com

THE VILLAGES

Carol Olson 352-750-9091
CarolOlson3472@embarqmail.com

Hemlock Society of Florida, Inc.

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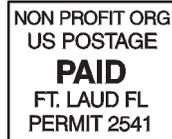
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Fall - Winter 2008

Mission Statement

Dedicated to improving the quality of dying through education and advocacy, thereby empowering all citizens to make and carry out their own end-of-life decisions. We affirm the individual's dignity and free will throughout life, including the freedom to hasten death under certain circumstances.

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