I am writing to outline my grave concerns regarding the End of Life Assistance (Scotland) Bill. Having rigorously examined the content of this Bill, it is clear that it would introduce euthanasia into our country. I urge the members of the Committee considering the Bill to reject it completely.

A society can be measured by the way in which it treats the weak and the vulnerable. The proper approach for a civilised society to respond is to support high quality palliative care for the terminally ill and comprehensive geriatric services for the elderly. The legalisation of euthanasia will send out a clear message to the sick, elderly and the vulnerable that their lives are somehow less valuable than those who are in good health and can live independent lives. It is clear that laws influence public opinion and over time, were euthanasia to be legal, it would be seen as an acceptable way in which to deal with those who require care from either their family members or the state. We need only look to Holland and see the large amounts of people that are euthanased involuntarily to be aware of the dangers of such a law.

It would a shambles were this Bill to be passed and enter into the unique tradition and history that Scots Law enjoys. It is a direct attack on the right to life of Scottish citizens. Also, on a more academic note, the Bill contains phrases so subjective, (‘finds life intolerable’), that it would simply be impossible for a court of law to objectively verify what criteria must be met before such conditions are fulfilled. Criteria which are so ill-defined and subjective will all too easily lead to the extension of what is permitted by law as the supporters of the proposed legislation push at the boundaries.

As you are no doubt aware, the state has a positive obligation to protect the lives of its citizens, founded in Article 2 of the European Convention on Human Rights. Were the Scottish Parliament to enact a law that positively facilitates the deaths of its citizens, the state would grossly fail in its principal task. The ethical principle, “Thou shalt not kill” is both very clear and very ancient. When the principle is breached, where can the line between what is permitted and what is prohibited be drawn?

My first “slippery slope” argument is based on the Abortion Act, 1967. The limited circumstances in which abortion was to be permitted have been extended in a way that the proposers stated would not be the case. (Please refer to Appendix 1)

The second case to which I would refer was the support for the principle of euthanasia in certain circumstances in Weimar Germany. Hitler subscribed to this and started with the mentally handicapped. The policy was then extended to other groups before it was eventually seen as the “Final Solution” for the Jewish question when forced relocation to the east was not achieving...
the results Hitler wanted. The similarity between the arguments put forward in the 1920s and those advanced now is quite frightening. (see Appendix 2)
Appendix 1

The Abortion Act, 1967

The Bill’s Passage through Parliament

In the Second Reading Debate on 22 July 1966, David Steel, the proposer of the Bill, stated:

“The difficulty in drafting a Bill of this kind is to decide how and where to draw the line. We want to stamp out the back-street abortions, but it is not the intention of the Promoters of the Bill to leave a wide open door for abortion on request.” (Hansard 1074)

In a Debate on Clause 1 on 13 July 1967, he re-affirmed this:

“The hon. Member made a short speech, and I am very grateful to him for that, but he was muddle-headed in saying that the whole Bill was for abortion on demand.” (Hansard 1164)

Subsequent Events

In 2008, the latest year for which there are published data, there were 13,817 abortions performed in Scotland. In the same year, statistics published by the General Register Office (Scotland) show that deaths from the “Big Three” killers were:

- Cancer: 15,269
- Coronary Heart Disease: 8,841
- Stroke: 5,367

The deaths of unborn babies from abortion are well in excess of deaths from either heart disease or strokes, which makes Abortion Scotland’s Second Biggest Killer.

In 2008, the vast majority (13,276; 96.0%) of terminations were undertaken under Statutory Ground C, which has to all intents and purposes, become an abortion on request ground.

There were 230.1 abortions per 1,000 live births in Scotland. In the NHS Grampian area, the rate was 240.9 per 1,000 live births. This is just less than 1 abortion for every 4 live births.

In 2008 there were 13,817 abortions whilst in 1969, the first full year after the Abortion Act came into force, there were 3,556 abortions in Scotland. The 2008 figure is nearly 4 times as large, and the trend is rising.

1 NHS Scotland Data - http://www.isdscotland.org/isd/1918.html#Tables
2 GRO(S) Data, categories C 00-97, malignant neoplasms
3 GRO(S) Data, categories I 20-25, Ischaemic Heart Diseases
4 GRO(S) Data, categories I 60-69, Cerebrovascular Diseases
In 2008, the rate for women aged 15-44 was 13.1 for every 1000 women compared to 11.1 for every 1000 women in 2000. In 1969, the rate was 3.5 per 1,000 women.
Appendix 2

Hitler's Forgotten Victims: The Holocaust and the Disabled
Suzanne E Evans
ISBN 978 0 7524 4175 7

Selected Extracts

(page 11)
Unfortunately society has long segregated and marginalised people with disabilities, defining it them as inherently non-productive, or "useless eaters" in Nazi parlance. The labelling of people with disabilities as burdensome non contributing members of society then often becomes a self-fulfilling prophecy.

(page 12)
Holocaust scholars estimate that total death roll from the Nazi disability killings to number in the hundreds of thousands of men, women, and children.

(page 12/13)
The notion of "imperfect" human beings, and the unproductivity and unworthiness of people with disabilities, which played such an integral role in the Nazi programs, also lies at the root of current policy issues. They form the basis of ongoing debates involving such highly charged topics as gene testing, assisted suicide, and the rationing of health care. They creep quietly into policy debates and judicial decisions concerning access to insurance and reasonable accommodation in the workplace.

(page 15)
Between 1935 and 1945 the Nazi regime systematically murdered hundreds of thousands of children and adults with disabilities as part of its so-called "euthanasia" programs. These programs were designed to eliminate all persons with disabilities who, according to Nazi racialist ideology, threatened the health and purity of the German race. The first category of people the Nazis began exterminating as part of their quest to build a master "Aryan" race was the so-called Ausschusskinder or "garbage children" or "committee children" who had been born with certain supposedly hereditary disabilities.

(page 16)
Scholars disagree on how many children with disabilities were exterminated by it the Nazi regime, but most agree that the number falls somewhere between 5000 and 25,000.

With the extermination of Germany's disabled children under way, Hitler was asked by Dr Karl Brandt and Philipp Bouhler, that two men in charge of the children's killing programme, to sign a decree that would expand the authority of German physicians to provide a "mercy death" to all German adults suffering from "incurable" diseases and disabilities.

(page 23/24)
While some historians argue that the Nazi regime’s euthanasia programs developed on an informal, ad hoc basis, this view conflicts with existing testimony and evidence. For example, Karl Brandt testified at Nuremberg that in 1935 Hitler told Gerhard Wagner, a prominent German physician, that ‘if war should break out, he would take up the euthanasia question and implement it ...because the Führer was of the opinion that such a problem would be easier and smoother to carry out in wartime’.

Other sources also argue against the ad hoc development of the euthanasia programs. In the summer of 1939, Hitler’s physician, Theo Morel, reviewed everything that had been written since the nineteenth century on the subject of euthanasia. Morel then used those materials to write a lengthy memorandum about the need for a law authorizing the “Destruction of Life Unworthy of Life”. Among other measures, Morel proposed killing people who suffered from congenital mental or physical ‘malformations’ because such “creatures” required costly long-term care, aroused “horror” in other people, and represented “the lowest animal level”. Morel also stressed the economic savings that would result from such a law:

5,000 idiots Costing 2,000 RM (Reichsmarks) each per annum = 100 million a year. With interest at 5% that corresponds to a capital reserve of RM 200MThat should even mean something to those whose concept of figures has gone awry since the period of inflation. In addition one must separately take into account the release of domestic foodstuffs and the lessening of demand for certain imports.

As Morel was preparing his memorandum, a Ministry of Justice Commission on the reform of the criminal code drafted a similar law sanctioning the “mercy killing” of people suffering from incurable diseases. The law read, in part:

Clause 1. whoever is suffering from an incurable or terminal illness which is a major burden to him or others, can request mercy killing by a doctor, provided that it is his express wish and has the approval of a specially empowered doctor.

Clause 2. The life of a person who because of incurable mental illness requires permanent institutionalisation and is not able to sustain an independent existence, may be prematurely terminated by a medical measures in a painless and covert manner.

Although Nazi officials insisted that the parents of the murdered children had consented to their transfers, informed parental consent was in fact rarely obtained. When parents received official letters informing them of their children’s death, many of them accused the hospitals of deliberately causing their child’s death. The death notices were form letters, which typically read:

As you have certainly already been informed your daughter, — was transferred to our establishment by ministerial order. It is our painful
duty to inform you that your daughter died here on —— of influenza with an abscess on the lung. Unfortunately all efforts made by the medical staff to keep the patient alive proved in vain. We wish to express our sincere condolences at your loss. You will find consolation in the thought that the death of your daughter relieved her from her terrible and incurable suffering.

According to instructions from the police, we were obliged to proceed immediately with the cremation of the body. This measure is intended to protect the country from the spread of infectious disease, which in time of war pose a considerable danger. The regulations must therefore be strictly adhered to.

Should you wish the urn to be sent to you - at no charge- kindly inform us and send us the written consent of the cemetery authorities. If we do not receive a reply from you within a fortnight, we shall make arrangements for the burial of the urn. Please find enclosed copies of the death certificate to be presented to the authorities.

Heil Hitler

These letters were signed by Nazi physicians who used pseudonyms to prevent identification or future contact with grieving parents.

(page 30)
Everyone involved in the programme, from nurses and midwives to chemists and physicians, was required to sign a loyalty oath and vow never to speak to anyone about the killings. Those who did speak about the programme were reported to the Gestapo and published with imprisonment or death.

(page 34)
After the children were transferred to the awards, a Reich Committee official either ordered the attending physicians to kill the children as soon as they arrived, or requested that the physicians observe a particular child for several days and then issue a status report. If a negative status report was issued, the Reich Committee ordered the physicians to kill the child. This killing order was covertly referred to as an "authorisation" to "treat" the child.

(page 37)
As one scholar recently explained. “Eliminating deformed children and mental patients was not so much a phobic reaction to their presence, but the result of a culture of belief that genetic deformities were a burden on the nation”.

(pages 39 & 40)
Encouraged by the success of the children’s killing it programme, Hitler ordered these men [Leonardo Conti, the Reich health leader; Martin Bormann, head of the party chancellery; and Hans Heinrich Lammers, head of the Reich chancellery] to establish a "euthanasia" programme to exterminate all adults with disabilities in Germany. Lammers later testified at trial that Hitler had said that he "regarded it as a right that the worthless lives of seriously ill mental..."
patients should be got rid of". According to Lammers, Hitler "said that he thought it right that the worthless lives of such creatures should be ended, and that this would result in certain savings in terms of hospitals, doctors and nursing staff."

Never officially mandated by law or published in any legal gazette, this secret authorisation [by Hitler on October 1939, but dated 1 September] served as the basis for the Nazi regime's T4 euthanasia programme in which at least 275,000 German adults with disabilities were brutally and systematically killed.

Attached to these forms was an instruction sheet directing that the following types of disabilities be reported:

- Patients institutionalised for five years or more
- Patients with the following it conditions if they were also unable to do work in the institution or if they could do only routine labour:
  - Schizophrenia
  - Epilepsy
  - Senile disease
  - Therapy resistant paralysis and other forms of syphilis
  - Encephalitis
  - Huntington's disease and other terminal neurological diseases
  - Every type of feeble mindedness
- Patients committed as criminally insane
- Patients without German citizenship
- Patients not of Germanic or related blood.

Based upon the information provided on these forms, a panel of junior T4 medical "experts" made recommendations as to which patients should live or die.

By July 1940 the killing at centre at Grafeneck had aroused such concern in it near by Württemberg that Bishop Wurm, head of the Lutheran Church in the province, sent a letter to Minister of the interior Wilhelm Frick:

For some months past, insane, feeble minded, and epileptic patients have been transferred on the orders of the Reich Defence Council. Their relatives are informed a few weeks later that the patient concerned has died of an illness, and that, owing to the danger of infection, the body had to be cremated. Several hundred patients from institutions in Württemberg alone must have met their deaths in this way, among them war wounded of the Great War. The manner of action, particularly of the deceptions that occur, is already sharply criticised. Everybody is convinced that the causes of deaths which are officially published are selected at random. When, to crown everything, regret is expressed in the obituary notice that all endeavours to
preserve the patient's life were in vain, this is felt to be a mockery. The air of mystery gives rise to the thought that something is happening that is contrary to justice and cannot therefore be defended by the government. It also appears very little care was taken in the selection of the patients destined for annihilation. The selections were not limited to insane persons, but included also patients capable of work, especially epileptics.

"What conclusions," Wurm continued, "will the younger generation draw when it realises that human life is no longer sacred to the state? There can be no stopping once one starts down this decline. God does not permit people to mock Him. Either the National Socialist state must recognise the limits which God has laid down, or it will favour a moral decline and carried the state down with it."

(Pages 57 and 58)
But it was not until August 1941, when Bishop Clemens August Graf von Galen condemned the killings, that any adult dared to speak publicly about what was happening at Hadamar.

"Citizens of Munster," the Bishop addressed his parishioners:

If you establish and apply the principle that you can kill "unproductive" human beings, then woe betide us all when we become old and frail! If one is allowed to kill unproductive people, then woe betide the invalids who have used up, sacrificed and lost their health and strength in the productive process. If one is allowed to remove one's unproductive fellow human beings, then woe betide loyal soldiers who return to the homeland seriously disabled, as cripples, as invalids... Woe to mankind, woe to our German nation, if God's holy commandment "thou shalt not kill!" which God proclaimed in Mount Sinai amidst thunder and lightning, which God our creator inscribed in the conscience of mankind from the very beginning, is not only broken, but if this transgression is actually tolerated, and permitted to go unpunished.

Ten days after von Galen delivered this sermon, the Bishop of Limburg sent a letter to the Reich Minister of Justice:

I consider it my duty to present the following as at concrete illustration of destruction of so-called "useless life". About eight kilometres from Limburg in the little town of Hadamar, on and hill overlooking the town, there is an institution which had formerly served various purposes and of late had been used as a nursing home. This institution was renovated and furnished as a place in which, by consensus of opinion, the above mentioned euthanasia has been systematically practised for months - approximately since February 1941. This fact is, of course, known beyond the administrative district of Wiesbaden ... Several times a week buses arrive in Hadamar with a considerable number of such victims. School children of the vicinity know this vehicle and say
"here comes the murder box again." after the arrival of the vehicle, the citizens of Hadamar watch the smoke rise out of the chimney... All God fearing it men consider this destruction of helpless beings a crass injustice... Officials of the State Police, it is said, are trying to suppress discussions of the Hadamar occurrences by means of severe threats... I beg you most humbly, Herr Reich Minister, in this sense of that report of the episcopate of 16 July of this year, to prevent further transgressions of the Fifth Commandment of God.

(Pages 76 and 77)

In retrospect, it is clearer that the Nazi regime, German industry and various Swiss entities profited substantially from the persecution and exploitation of people with disabilities. According to Hugh Gallagher, the economics of euthanasia for the chronically disabled were widely recognised and discussed. "It was wartime, budgets were sky-high, deficits were extraordinary, [and] health resources were limited," Gallagher wrote. "It was argued that expenditures for long term care of patients, who might never again be economically productive citizens, made little economic sense in cost/benefit terms as compared with similar expenditures on improved public health programmes to keep the able bodied healthy." In short, scarce health care resources had to be rationed

(page 78)

Eradicating these "useless eaters" and "social burdens" ultimately saved the government and that the German war machine millions of Reichsmarks. Overall the Nazis expected to save 885, 439, 800 Reichsmarks by a 1st September, 1951. For example, government officials calculated that each murdered patients would have consumed 700 grams of marmalade a month, with each kilo of marmalade costing 120 Reichsmarks. From this they concluded that the extermination programme saved 5,902,920 kilos of marmalade, which translated into a saving of 7,083,504 Reichsmarks over 10 years. Savings were similarly tallied from expenditures for cheese, bread, meat, and other essentials.

Even school textbooks asked German students to calculate such costs as a mathematical exercise. One such "problem" presented it in a textbook read as follows:

If the construction of a lunatic asylum costs 6 million Reichsmarks, how many houses at 15,000 Reichsmarks each could be built for that amount?

(page 83)

According to Friedlander, "that decision to kill the handicapped Jewish patients formed an important link between euthanasia and that final solution because it reveals the accelerated efforts to draw more targeted groups into the killing enterprise."

(page 87)

"The volkish state must see to it that only the healthy beget children... Here the state must act as the guardian of the millennial future... It must put the most modern medical means in the service of this
knowledge. It must declare unfit for propagation all who are in any way visibly sick or who have inherited a disease and can therefore pass it on."

Adolf Hitler

But perhaps the most important contribution to that German debate on euthanasia was a book published in 1920 by Karl Binding, a Professor of Law at the University of Leipzig, and Alfred Hoche, a prominent professor of psychiatry at the University of Freiburg. In Permission for the Destruction of Life Unworthy of Life, Binding and Hoche argued that the mentally ill should be exterminated for racially hygienic purposes. Binding began his argument by invoking the notion of personal sovereignty. Every individual, Binding declared, possessed inalienable "sovereign powers" to dispose of his or her own life as he or she thought fit.

Binding then delineated three groups of persons that he believed could - and should - be exterminated by it the State for there "good" of the state. The first group included terminally ill and severely wounded individuals who expressed the desire to "accelerate the dying process". The second group included all "incurable idiots". The life of "an incurable idiot is absolutely pointless," Binding declared "they are a terrible, heavy burden upon their relatives and society as a whole and their deaths would not create even the smallest gap - except perhaps in the feelings of their mothers or loyal nurses." They are, Binding continued, "a travesty of real human beings, occasioning disgust in anyone who encounters them." The third and final group Binding believed should be exterminated were "mentally healthy people, who having it been rendered unconscious by accident, would be appalled to see their own disabled condition if they regained consciousness."

Unlike Binding, Hoche began his argument by citing the dearth of scholarly work on medical ethics. Because there existed no consensus regarding what was medically "ethical", Hoche maintained that instruction in medical ethics must be, by logical necessity, conducted on an informal and ad hoc basis. Everything in medicine was relative, Hoche maintained, including the codes of ethics, which "were not to be regarded as something which remains the same for eternity."

Like many of his contemporaries, Hoche cited economics as a justification for exterminating the disabled.

One month later, on 14th July, 1933,... The German Government enacted the Law for the Prevention of Offspring with Hereditary Diseases... This law sanctioned the compulsorily sterilisation of persons suffering from a wide variety of supposedly hereditary illnesses...
But Germany was not alone in this movement. In September 1928 the Swiss Canton of Vaud passed a law under which the "mentally ill" and "feebleminded" could be forcibly sterilised.

In 1929, Denmark became the second European nation to legalise compulsory sterilisation. Five years later Norway passed its own sterilisation law, followed by similar laws in Sweden, Finland, Estonia, Iceland, Cuba, Czechoslovakia, Yugoslavia, Latvia, Hungary, and Turkey.

It was in the United States, however, that compulsory sterilisation of persons with disabilities was first legalised. In 1907, Indiana passed the first American law allowing sterilisation of the mentally ill and criminally insane. By the late 1920s, 28 American states had followed suit.

And, "in fact, there is no reason to believe that the attitudes of the Germans in the 1930s towards the disabled and chronically ill were different in any essential way from the prevailing attitudes elsewhere." (Gallagher)