

NATIONAL

Alta judge dismisses bulk of lawsuit against Watch Tower Society over girl's death

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By: Bill Graveland, THE CANADIAN PRESS

CALGARY - Provisions of a wrongful death lawsuit filed by the grieving father of a Jehovah's Witness girl were largely dismissed Friday.

Lawrence Hughes alleged that the Watch Tower Society, its lawyers, religious leaders and doctors deliberately misled Bethany about her medical treatment in 2002, and counselled her to refuse transfusions necessary to treat her leukemia. She died six years ago.

"It is my belief that the claims are bound to fail," said Justice Alan Macleod of the Alberta Court of Queen's Bench.

Macleod urged Hughes to get a lawyer and to carefully consider his options if he is to continue with the only part of the lawsuit - against two doctors at the Cross Cancer Institute in Edmonton where his daughter received an experimental treatment she died. Macleod said he couldn't throw out the case against the doctors because they didn't request a summary dismissal.

Jehovah's Witnesses believe it's wrong to accept transfusions because of certain passages of the Bible forbidding the ingestion of blood.

Bethany Hughes did receive blood treatment in 2002 against her will after an Alberta court ruled she was pressured by her religious beliefs to not have a free, informed opinion.

The Alberta government won temporary custody of her and she was given 38 transfusions, although she tried to pull the needles from her arms while she was bedridden at Alberta Children's Hospital in Calgary. She died in September of that year.

Hughes was shunned from the church after he rejected its teachings about blood transfusions and agreed that Bethany should have received transfusions along with chemotherapy. He and his wife Arliss are now divorced.

He commenced his wrongful death suit in 2004 after a court approved him as administrator of the estate.

"It is a sad day for justice, it is a sad day for Jehovah's Witness children, it is a sad day for mankind," Hughes told reporters in Calgary after the ruling.

"This is a classic example of a judge protecting doctors and protecting lawyers."

Hughes said he intends to appeal the ruling but admitted he may not be able to afford a lawyer.

"To get a law firm to represent me is going to cost a suitcase full of money, so I'm hoping there is a lawyer in town that would help me out."

Lawyer David Gnam, who represents the Watch Tower Society and was named in the lawsuit, seemed relieved the case is over and Hughes should let the matter rest.

"Justice Macleod very reasonably was telling Mr. Hughes to get a lawyer, think about what the repercussions of continuing this lawsuit particularly in terms of costs and court time - and what you are really aiming at," said Gnam.

"Mr. Hughes has been on national television and in front of Osgoode Hall Law Society saying I murdered his daughter. I do not support those comments because they are obviously untrue."

The Watch Tower Society will seek to have Hughes pay its court costs, he said.

Bethany's mother released a statement following Friday's ruling.

"Throughout my daughter's six-month battle with leukemia in 2002, I supported her own medical treatment choices as an intelligent 16-year-old," said Arliss Hughes.

"Justice Macleod's ruling dismissing Lawrence Hughes's hurtful allegations is most appreciated.

"I deeply miss Bethany's smile, sense of humour and joy in life. She is sadly missed by me, her sisters and all who knew her.'