

# Assisted-suicide law gets key victory: Court sidesteps constitutionality question

by [Religion News Service staff](#) in the [February 7, 2006](#) issue

A recent Supreme Court decision that upholds Oregon's landmark law permitting doctor-assisted suicides does not end the nationwide ethical and legal debate on such suicides.

The Court did not deal with the constitutionality of the state law. But in a 6-3 decision announced January 17, the justices sided with the state and against the authority of the U.S. attorney general, who had sought to prevent doctors from prescribing life-ending drugs for terminally ill patients.

The attorney general "is not authorized to make a rule declaring illegitimate a medical standard for care and treatment of patients that is specifically authorized under state law," wrote Justice Anthony M. Kennedy for the majority in the case.

Compassion & Choices, a Denver-based group that works on end-of-life choices, hailed the "watershed" decision. "It reaffirms the liberty, dignity and privacy Americans cherish at the end of life," said Barbara Coombs Lee, the group's president.

Among those decrying the opinion was the Union of Orthodox Jewish Congregations of America. "The Bible instructs us to 'surely heal' the ill, not to speed their departure from this Earth," said the Washington-based umbrella organization.

The public is evenly divided on the issue, according to a poll released January 5 by the Pew Research Center for the People and the Press. The survey found that 46 percent support the right to assisted suicide while 45 percent oppose the practice.

The Oregon Death with Dignity Act, which Oregon voters passed in 1994 and reaffirmed in 1997, is the nation's first and only law allowing physician-assisted suicide.

The case represents the first contentious social issue to come before the Court since Chief Justice John Roberts took its helm October 3. Roberts joined the Court's two most conservative members—Antonin Scalia and Clarence Thomas—in the minority.

The Court upheld a lower court ruling that former U.S. attorney general John Ashcroft could not hold Oregon physicians criminally liable for prescribing drugs under the state's Death with Dignity Act. Ashcroft, citing the Controlled Substances Act, had ruled that using controlled substances for assisted suicide is not a legitimate medical practice.

Richard Doerflinger, deputy director of pro-life activities for the U.S. Conference of Catholic Bishops, said his organization will ask Congress to clarify federal drug laws so assisted suicide can be forbidden. "The Court's decision doesn't answer any of the legal or moral issues but only changes the forum" and moves the issue back into Congress's hands, he said.

The Oregon law allows doctors to prescribe oral medications to hasten death for terminally ill patients who are mentally competent and meet other strict criteria. According to court documents, approximately 200 patients have used the law to end their lives.

Groups on both sides of the moral debate said the ruling is likely to influence similar legislation elsewhere.

"This is a disappointing decision that is likely to result in a troubling movement by states to pass their own assisted-suicide laws," said Jay Sekulow, chief counsel of the Washington-based American Center for Law and Justice.

Advocates for the Oregon law hope that's exactly what will happen. "Every individual should have the right to live with dignity, and that includes a death with dignity," said Roy Speckhardt, executive director of the Washington-based American Humanist Association. "The AHA will work to broaden today's victory for the citizens of Oregon to preserve the dignity of all Americans." -*Religion News Service, American Baptist Press*