



Assisted suicide Death with dignity

The Supreme Court agrees to review a challenge to assisted suicide

Feb 24th 2005 [From the print edition](#) OREGON'S law permitting doctor-assisted suicide is the only one of its kind in any American state. Since the "Death with Dignity Act" came into force seven years ago, close to 200 terminally ill patients are known to have chosen to end their lives with a cocktail of drugs. Conservatives, many of whom regard the issue with as much passion as they do abortion, have long sought to overturn the law. This week, the Supreme Court agreed to hear a challenge by the Bush administration.

In the United States, patients have the right to refuse medical treatment, including life-support systems. But there is no "right to die". State courts and the Supreme Court have always distinguished between "the withdrawal and withholding" of treatment based on a patient's wishes and doctor-assisted suicide. In 1997, the Supreme Court upheld a ban on assisted suicide in the state of Washington, but left decisions on the issue to the individual states.

These are still extremely controversial. In Florida this week, a judge extended for at least two days an order to keep a feeding tube in place for Terri Schiavo, a woman who became severely brain-damaged 15 years ago; he said he needed more time to consider her parents' objections (her husband wants the tube to be removed).

Under Oregon's voter-approved law, doctors can prescribe controlled drugs to mentally competent, terminally ill patients who are diagnosed to be within six months of death. Euthanasia, where a third party intentionally terminates life, is banned throughout America. In Oregon the patient must take the drugs by himself, without the doctor even being present.

Assisted suicide represents less than 0.1% of the total deaths in Oregon. Most of those who sought a doctor's help to end their lives were less concerned with pain than with a loss of dignity and a desire to control the circumstances of their death. Most were cancer patients; most were also in hospice programmes.

In November 2001, John Ashcroft, then the attorney-general, challenged Oregon's law. He said that allowing doctors to prescribe drugs that were not for a "legitimate medical purpose" violated the Controlled Substances Act. He further argued that taking drugs to commit suicide was an illegal "drug abuse".

Since then, *Ashcroft v Oregon* has been working its way up through the federal courts. Last year, the 9th Circuit Court of Appeals ruled that the attorney-general had exceeded his authority. The Supreme Court justices have said they will hear arguments on the case, now known as *Gonzales v Oregon* following Alberto Gonzales's appointment as the new attorney-general, in October.

California and Vermont are now considering adopting laws that are similar to Oregon's. Eli Stutsman, an Oregon lawyer who argued the case before the 9th Circuit Court last year, says the Supreme Court has tended to support state authority over federal authority. He expects it will do so again. "The legal issues just aren't that tough in this case," he says. Messrs Ashcroft and Gonzales no doubt disagree.

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