

## Alaska Supreme Court Decision: No Right to Assisted Suicide

The Alaska Supreme Court unanimously ruled that there is no right to doctor-assisted suicide. The September 21st decision is the most recent in a series of setbacks for right-to-die activists.

Alaska's high court rejected claims brought by the Compassion in Dying Federation and others that privacy provisions of Alaska law trump protections for the vulnerable and disabled. Justice Alex Bryner, who wrote the decision for the Court, said "the terminally ill are a class of persons who need protection from family, social, and economic pressures, and who are often particularly vulnerable to such pressures because of chronic pain, depression, and the effects of medication." The decision cited concerns of medical groups that allowing doctor-assisted suicide would prove too dangerous to the vulnerable. Physicians for Compassionate Care (PCC) was one of two such groups filing an amicus brief in the Alaska case.

In its brief to the Court, PCC said, "Experience with doctor-assisted suicide in the state of Oregon, as in the Netherlands, reveals that assisted suicide allowed in the medical setting is not a private act. Doctor-assisted suicide takes place in a complex medical, social, and economic system, making the individual patient vulnerable to adverse influence. It creates conditions allowing family members and others to pressure the patient to commit assisted suicide, as has already happened in Oregon."

James Bopp of the National Legal Center for the Medically Dependent and Disabled said, "This decision drives a stake close to the heart of the movement to legalize euthanasia through the courts." He noted that assisted-suicide activists had a strategy of bringing cases in both federal and state courts. "They've now lost every case they've brought in both arenas. It looks like they've gone down two dead-end streets."

Since Oregon became the only state, by the narrowest of margins, to legalize assisted suicide, numerous state and federal courts, including the U.S. Supreme Court, have found that there is no general right to assisted suicide. And, in the past several years, Iowa, Kansas, Kentucky, Louisiana, Maryland, Rhode Island, South Carolina, South Dakota, Tennessee, Virginia, Georgia, Michigan, Illinois, and Oklahoma -- all have strengthened laws against the threat of assisted suicide. Voter initiatives promoting assisted suicide have been defeated in Maine and Michigan, as well as California and Washington.

Even Oregon's assisted-suicide practice may soon be halted. U.S. Attorney General Ashcroft is expected to rule that existing federal law forbids the use of federally regulated drugs for assisted suicide. According to Doctor Gregory Hamilton, such a ruling would be welcome. "Oregon doctors, like doctors in other states, need to begin

protecting the rights, indeed, the very lives of the seriously ill and vulnerable," he said. "Oregon doctors need to turn their attention to treating depression, anxiety and pain in the seriously ill and away from assisted suicide."

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