

PRESS RELEASE - April 16, 2002

ASSISTED-SUICIDE RULING EXPECTED WEDNESDAY

Wednesday morning, April 17, 2002, at 9:00 A.M., U.S. District Court Judge Jones is expected to release his decision on Oregon v. Ashcroft.

Dr. Gregory Hamilton, spokesperson for Physicians for Compassionate Care, said, "I expect Judge Jones to make his decision based on technical, legal grounds rather than on the basis of broad Constitutional issues or social policy." Either way this Court decides, the case is likely to be appealed. Physicians for Compassionate Care has submitted a friend of the court brief, which can be found under the "Justice" section of "Government Issues" at www.pcccf.org, in support of the Justice Department ruling that no state can exempt itself from federal law forbidding the use of federally controlled substances for the non-medical purpose of assisted suicide. Federal authority already exists in this area.

The Justice Department's nuanced and careful ruling adds protections for doctors and patients. It clarifies that aggressive pain management is legitimate medical care even if in rare instances it may increase the likelihood of a patient's death. Both the ruling and letters to doctors clearly state that doctors' prescribing practices will NOT be receiving increased scrutiny. Only the assisted-suicide reporting forms themselves will be needed. Dr. Hamilton is outraged at attempts by assisted-suicide advocates to frighten patients by misrepresenting the Justice Department ruling as creating new investigative authority when the ruling only adds protection to doctors and patients. "These misleading scare tactics by assisted-suicide proponents are irresponsible and unfounded." Since 1992, ten states have strengthened laws against assisted suicide and added reassurances like those in the DOJ ruling. In every case, per capita morphine use increased the following year. The average increase was more than 50%.

The most recent Oregon Health Division report demonstrates that there was not one case of assisted suicide in 2001 where uncontrollable pain was documented as the primary motive. Dr. Hamilton noted, "The reasons for overdoses were all psychological and social concerns, not pain." This is consistent with the Journal of the American Medical Association (12/13/00) finding that, "Among patients who were neither depressed nor hopeless, none had high desire for hastened death" (p.2910). "That's because we can treat pain," Hamilton said. "The problem is depression and feelings of hopelessness, feelings which can be made worse by the assisted-suicide proponents' exaggerated and grotesque portrayals of the normal dying process."

The first publicly reported assisted-suicide case was diagnosed as depressed. In another case, Kate Cheney was given an overdose by Kaiser HMO despite being found ineligible for assisted suicide, because she was demented and under pressure from her family. Other dangers and abuses are documented in the PCC brief and in a newly released book, *The Case Against Assisted Suicide for the Right to End of Life Care*, by Drs. Foley and Hendin, Johns Hopkins Press, 2002.

The Justice Department ruling protects patients against such abuses and protects pain care.

All statements may be quoted as from Dr. Gregory Hamilton, spokesperson for PCC, where he is co-founder and past-president.