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Justices Uphold Assisted Suicide in Oregon

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The U.S. Supreme Court upheld Oregon's controversial assisted suicide law yesterday, turning back a challenge from the Bush administration. The 6-3 decision followed a familiar pattern, with justices Antonin Scalia and Clarence Thomas dissenting, along with Chief Justice John Roberts, who was in the voting minority for the first time.

The decision ended the Justice Department's effort to use the Controlled Substances Act of 1970 to forbid doctors to use drugs to kill patients. The Act requires that any drug prescription must "be issued for a legitimate medical purpose." Former Attorney General John Ashcroft had argued that assisted suicide is "not a legitimate medical purpose."

The majority opinion, written by Justice Anthony Kennedy, rejected that argument, asserting that Congress had no intention to block assisted suicide when it passed the legislation. In one sense, the Court relied on familiar arguments rooted in federalism. The Court did not state that Congress *could not* adopt a law that would require the states to end assisted suicide, but it left the question open.

Once again, Justice Scalia had the best line: "if the term 'legitimate medical purpose' has any meaning, it surely excludes the prescription of drugs to produce death." In his dissent, Justice Thomas expressed his perplexity at the fact that the same Court ruled otherwise on the medical use of marijuana just months ago.

DOCUMENT THE DECISION: [The Majority Opinion and Dissenting Opinions](#), [Oral Arguments](#)

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