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Description

A federal court judge in Seattle has struck down Washington state's ban on assisted suicide, ruling that a "competent, terminally ill adult has a constitutionally guaranteed right under the 14th Amendment to commit physician-assisted suicide." If the decision stands up on appeal, it will then fall to legislatures across the country to draft laws to regulate the practice of assisted suicide.

Keywords

Right to Die, Assisted Suicide, 14th Amendment, Fourteenth Amendment, Due Process, Equal Protection, Civil Rights, Washington, Federal Court, District Court, Ruling, Constitution, Constitutional Amendment, Albert Johnson, Tom Preston, Barbara Rothstein, Ralph Miro, Kathryn Tucker, William Williams

Citation
TOM BROKAW, anchor:
Dr. Jack Kevorkian's recent court battles in Michigan have focused national attention to the emotional debate over assisted suicide—final choices for those who are terminally ill. Over the next three nights on this program, we'll look at various aspects of this debate. Tonight, what happened when one state's law banning assisted suicide was overturned. Here's NBC's Larry Carroll.
LARRY CARROLL reporting:
Ralph Mero is getting a lot of mail these days.
Mr. RALPH MERO: And here's a lady from Rocky River, Ohio, and a person from Rock Hill, South Carolina. There's one after another of these heart-breaking stories.
CARROLL: Mero runs an organization based in the state of Washington known as Compassion in Dying. Ever since a Federal court judge in Seattle struck down Washington's ban on assisted suicide, Compassion in Dying has been swamped with letters from terminally ill patients across the country.
Mr. MERO: But if pain becomes too much, I want an option to leave this world earlier.
CARROLL: That option is what Compassion in Dying sought when it filed a lawsuit on behalf of three of its terminally ill patients. In siding with the group, Federal Judge Barbara Rothstein said, 'A competent, terminally ill adult has a Constitutionally guaranteed right under the 14th Amendment to commit physician-assisted suicide.' Attorney Kathryn Tucker successfully argued the case. Ironically, Tucker based her argument on another emotional, controversial issue—abortion.
Ms. KATHRYN TUCKER: The underlying principle that this is a uniquely personal decision that should not be usurped maintains here, as well.
Mr. WILLIAM WILLIAMS (Washington Assistant Attorney General): It's the first time that a Federal
court has addressed the issue of assisted suicide, and it's the first time that the Federal court, even though it is a district court, has found a Constitutional right or liberty interest in terminating one's life.

CARROLL: If Judge Rothstein's decision stands up on appeal, it will then fall to legislatures across the country to draft laws to regulate the practice of assisted suicide. Some of those political battles have already begun.

In six states, the legality of assisted suicide is unclear. But in 44 states plus the District of Columbia, the practice is banned. If the Seattle decision is upheld, all those laws could be struck down. Just days after the Washington ruling, Oregon voters launched an effort to get a physician-assisted suicide measure on the ballot. Experts say the ruling represents a shift in social values that will be as difficult for voters and legislators as it is for doctors. Medical ethics Professor Albert Jonsen.

Dr. ALBERT JONSEN: The judge, I think, very optimistically says at one point in this decision, `I have no doubt that the legislature will be able to craft appropriate guidelines.' I think that's pretty optimistic--overly optimistic.

CARROLL: Jonsen helped write the federal guidelines for withdrawing life support. He wonders about the next step in physician-assisted suicide.

Dr. JONSEN: The step beyond that is a situation in which the physician directly involves himself or herself in causing the patient's death.

CARROLL: The next step is clear for Compassion in Dying. The ruling gives doctors in the state of Washington even more flexibility.

Dr. TOM PRESTON (Cardiologist): They're going to look more favorably upon doing this, perhaps not totally openly. They're not going to come to you to advertise it, but they're going to--to start doing it more.

CARROLL: If the Washington ruling is appealed to the U.S. Supreme Court, supporters say it could become the Roe vs. Wade of assisted suicide and change the law of the land. For AMERICA CLOSEUP, Larry Carroll, NBC News, Seattle.