

# Pros

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PROS CONS The United States 9th Circuit Court of Appeals stated in its 1996 Opinion from *Compassion in Dying v. Washington* : " While some people refer to the liberty interest implicated in right-to-die cases as a liberty interest in committing suicide, we do not describe it that way. We use the broader and more accurate terms, 'the right to die,' 'determining the time and manner of one's death,' and 'hastening one's death' for an important reason. The liberty interest we examine encompasses a whole range of acts that are generally not considered to constitute 'suicide.' Included within the liberty interest we examine, is for example, the act of refusing or terminating unwanted medical treatment... Casey and Cruzan provide persuasive evidence that the Constitution encompasses a due process liberty interest in controlling the time and manner of one's death -- that there is, in short, a constitutionally recognized 'right to die.'" The American Civil Liberties Union, in its 1996 amicus brief from *Vacco v. Quill*, stated: " The right of a competent, terminally ill person to avoid excruciating pain and embrace a timely and dignified death bears the sanction of history and is implicit in the concept of ordered liberty. The exercise of this right is as central to personal autonomy and bodily integrity as rights safeguarded by this Court's decisions relating to marriage, family relationships, procreation, contraception, child rearing and the refusal or termination of life-saving medical treatment. In particular, this Court's recent decisions concerning the right to refuse medical treatment and the right to abortion instruct that a mentally competent, terminally ill person has a protected liberty interest in choosing to end intolerable suffering by bringing about his or her own death. -----

The Supreme Court of the United States, in its 1997 Opinion from *Vacco v.*

Quill, stated: "... Even as the States move to protect and promote patients' dignity at the end of life, they remain opposed to physician assisted suicide. New York is a case in point. The State enacted its current assisted suicide statutes in 1965. Since then, New York has acted several times to protect patients' common law right to refuse treatment... In so doing, however, the State has neither endorsed a general right to 'hasten death' nor approved physician assisted suicide. Quite the opposite: The State has reaffirmed the line between 'killing' and 'letting die'... This Court has also recognized, at least implicitly, the distinction between letting a patient die and making that patient die. In *Cruzan v. Director, Mo. Dept. of Health* (1990), we concluded that '[t]he principle that a competent person has a constitutionally protected liberty interest in refusing unwanted medical treatment may be inferred from our prior decisions,' and we assumed the existence of such a right for purposes of that case. But our assumption of a right to refuse treatment was grounded not, as the Court of Appeals supposed, on the proposition that patients have a general and abstract 'right to hasten death,' but on well established, traditional rights to bodily integrity and freedom from unwanted touching. In fact, we observed that 'the majority of States in this country have laws imposing criminal penalties on one who assists another to commit suicide.' "