

Justice Talking Listening Guide
THE CHALLENGE TO ASSISTED SUICIDE IN OREGON
10/10/2005

SHOW SUMMARY

Whether you call it assisted suicide, hastened dying, or physician-assisted dying, it is illegal for a doctor to willingly help someone die by prescribing them a lethal dose of drugs—except in Oregon. But now the U.S. Attorney General has threatened to prosecute Oregon doctors under federal laws if the doctor prescribes drugs allowed by that state's Death with Dignity Act. The case was argued before the Supreme Court on October 5. How will our nation grapple with the societal, political and social implications?



Art Caplan

- Part 1: **Art Caplan**, the director of the Center for Bioethics at the University of Pennsylvania, talks with Margot Adler about life, death and the rights of patients and doctors.



Wesley Smith

- Part 2: **Colin Fogerty**, a reporter with Oregon Public Broadcasting, presents a report on the recent oral arguments heard by the Supreme Court on the state's physician-assisted suicide law.



Kathryn Tucker

- Part 3: **Wesley Smith**, an attorney for the International Task Force on Euthanasia, debates **Kathryn Tucker**, the director of legal affairs for Compassion and Choices, an organization dedicated to protecting the rights of the terminally ill, on the conflict between the federal Controlled Substances Act and the state's Death with Dignity Act.



Lonnie Shavelson

- Part 4: **Lonnie Shavelson**, a physician and journalist, shares his personal story of facing the death of his father.



To view a timeline of events associated with the right to die, from the 1994 Death with Dignity Act to the current Supreme Court case of *Gonzales v. Oregon*, visit the Death with Dignity National Center website at <http://www.deathwithdignity.org/historyfacts/timeline.asp>.



Host Margot Adler

Margot Adler is a National Public Radio correspondent based in NPR's New York Bureau. Adler's thirty years of experience as a radio host and reporter enable her to explore today's issues in an entertaining and insightful manner. She is the author of several books and lives in New York City with her husband and son.

DEFINITION OF TERMS

Euthanasia – The practice of ending a person’s life in a minimally painful way, for merciful reasons, usually to end their suffering. The practice is legal in the Netherlands and Belgium, but in no other countries. In a broad sense, euthanasia includes assisting sufferers to commit suicide, in particular physician-assisted suicide. Allowing death by withdrawing or not providing life support or vital medication is not considered euthanasia if it is the patient’s wish.

Living will – A document which lets a person decide, while he or she is still competent, whether or not to be kept on artificial life support in the event of a serious accident or illness. These documents also appoint someone to make important health care decisions on your behalf in case you are unable to do so. A living will is written to clarify for a doctor, hospital or judge how an individual wants to die.

Bioethics – The study of questions of right and wrong that arise in the relationships between biology, medicine, politics, law, philosophy, and theology. Some bioethicists focus on the morality of medical treatments and technological innovations. Other bioethicists focus on the morality of all actions that might help or harm organisms capable of feeling fear and pain.

The Tenth Amendment – This amendment was included in the Bill of Rights to further define the balance of power between the federal government and the states. The amendment says that the federal government has only those powers specifically granted by the Constitution, including the power to declare war, to collect taxes, to regulate interstate business activities and others that are listed in the articles. Any power not listed is left to the states or the people. Although the amendment does not specify what these “powers” may be, the Supreme Court has ruled that laws affecting family relations (such as marriage, divorce, and adoption), commerce that occurs within a state’s own borders, and local law enforcement activities, are among those specifically reserved to the states or the people.

The Fourteenth Amendment – This 1868 amendment, which was intended to protect former slaves from state laws that restricted their rights, contained three new limits on state power: a state shall not violate a citizen’s privileges or immunities; shall not deprive any person of life, liberty, or property without due process of law; and must guarantee all persons equal protection of the laws. Prior to the Fourteenth Amendment, the Bill of Rights limited only the action of the federal government. The Supreme Court, in what is called “the doctrine of incorporation” has interpreted this amendment to apply to most provisions in the Bill of Rights against state and local governments.

DISCUSSION QUESTIONS

1. Do you think legalizing physician-assisted suicide would unfairly disadvantage the disabled and other members of society? Why?
2. Who should have had the right to decide the case of Terry Schaivo? Why do you think this case got so much attention in the media?
3. What role should the federal government play in deciding a person’s right to die?