



News Release

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DEATH WITH DIGNITY - FIRST MAJOR CASE FOR CHIEF JUSTICE ROBERTS ***Oregon's Right to Regulate Legitimate Medical Practice at Question***

WASHINGTON, Wednesday, October 5, 2005 - Oregon's landmark Death with Dignity Law takes center stage at the Supreme Court today as attention moves from Chief Justice Roberts' first days and President Bush's new nominee Harriet Miers - to the actual business of the Supreme Court. In *Gonzales v. Oregon*, the Court will ask questions about federal power and a state's ability to regulate legitimate medical practice in accordance with the U.S. Constitution.

In 1994 Oregonians voted to pass the Death with Dignity Law and defeated efforts to repeal it in 1997. In 2001, however, then-Attorney General John Ashcroft ordered Federal Drug Enforcement Agents to prosecute physicians and pharmacists for lawfully practicing medicine under Oregon's Death with Dignity law. Two lower courts already have sided with Oregon.

"This case is simple. Beginning with John Ashcroft, the Justice Department has sought to end Oregon's 11-year old Death with Dignity Law and to assert powers that properly belong to states such as Oregon," said Eli Stutsman, attorney for physician and pharmacist respondents in *Gonzales v. Oregon*, co-author of the Death with Dignity Act and a Director for the Death with Dignity National Center (DDNC). "This law has been overwhelmingly supported by Oregon voters, sustained by two federal lawsuits, and given broad support from two-thirds of the American people."

Oregon's Death with Dignity law was the logical outgrowth of an earlier era of court attention on end-of-life care (*Quinlan, Cruzan*) and has been the catalyst for major efforts to improve pain management and palliative care that have emerged in the medial community during the past decade. Legislatures and courts around the country are increasingly asked to wrestle with end-of-life issues as was witnessed earlier this year with the plight of Terry Schiavo in Florida.

"It is not just Oregon's Death with Dignity Law, but all advances to pain management, palliative care and patient's rights that are threatened if the Court allows DEA Agents to prosecute law abiding physicians," said Peg Sandeen, Executive Director of the Death with Dignity National Center (DDNC), the organization responsible for drafting, passing, defending and promoting Oregon's law since 1993. "Medical decisions are best made by patients and physicians, not lawyers and legislators."

"Oregon's law proves that a well-regulated, widely understood law with safeguards offers safer and more compassionate options for patients, their families and practitioners to honor a patient's wishes at the end of life," concluded Sandeen.

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Death with Dignity National Center (DDNC) is an education and advocacy organization that is responsible for drafting, passing, defending and promoting Oregon's law. The organization is directed by many national leaders who have through medical, legal, political and cultural professions shaped the issue from the outset.

Visit www.deathwithdignity.org for useful materials, including the Oregon Death with Dignity law's history and safeguards, the legal and political battles, legal briefs and other resources.