

DEATH WITH DIGNITY LITIGATION
Presiding Judge Stephen K. Bushong
May 12, 2020

I. The Oregon litigation—round 1

Lee v. Oregon, 869 F Supp 1491 (D Or 1994) (granting preliminary injunction to block Measure 16 from taking effect).

Lee v. Oregon, 891 F Supp 1421 (D Or 1995) (plaintiffs have standing; Measure 16 violates Equal Protection Clause).

Lee v. Oregon, 107 F3d 1392 (9th Cir 1997) (vacating district court injunction; plaintiffs lack standing, so no Article III jurisdiction).

See also T. Balmer and S. Bushong, *Breathing Life into the Right to Die: Oregon's Death With Dignity Act*, 11 Issues in Law & Medicine 269 (1995).

II. The Washington litigation

Compassion in Dying v. Washington, 79 F3d 790 (9th Cir 1996). “We hold that insofar as the Washington statute prohibits physicians from prescribing life-ending medication for use by terminally-ill, competent adults who wish to hasten their own death, it violates the Due Process Clause of the Fourteenth Amendment.” 79 F3d at 793.

Washington v. Glucksburg, 521 US 702 (1997) (reversing 9th Circuit; prohibiting assisted suicide does not violate the Due Process Clause); *Vacco v. Quill*, 521 US 793 (1997).

III. The Oregon litigation—round 2

Oregon v. Ashcroft, 192 F Supp 2d 1077 (2002) (holding that Attorney General's interpretive rule prohibiting doctors from prescribing lethal medication in compliance with Oregon's Death With Dignity Act exceeded his authority under federal Controlled Substances Act).

Oregon v. Ashcroft, 368 F 3d 1119 (9th Cir 2004) (affirming District Court).

Gonzales v. Oregon, 546 US 243, 274-75 (2006) (“we conclude that the CSA's prescription requirement does not authorize the Attorney General to bar dispensing controlled substances for assisted suicide in the face of a state medical regime permitting such conduct.”).