

Washington v. Glucksberg
Outline by Megan McGinnis

Rehnquist's opinion successfully addresses all the issues in the plaintiff's claim that:
The **14th amendment** protects a **liberty interest** that includes the right of a **terminally-ill, mentally competent** person to commit **physician-assisted suicide**.

14th amendment: ban doesn't violate any part of substantive due process
liberty interest: right to commit suicide does not prove to be a liberty interest
terminally-ill: government places equal value on all life no matter condition;
tradition and history show no such exception
mentally competent: once again, tradition and history show no such exception
physician-assisted: negative impact on integrity of medical profession,
Hippocratic Oath, physician's role
suicide: history, legal traditions and practices all disapprove

Criticism of argument against making an exception for terminally-ill

States makes own value judgment of life
Equal value of life
State interest in preserving life?
Justice Stevens and discussion of capital punishment
Death penalty in Washington, obviously some lives not worth preserving

Rehnquist opinion and judicial restraint

Judicial restraint v. judicial activism
Plaintiffs were hoping court would use judicial activism
Rehnquist opinion shows judicial restraint
a) points out how cases that involve expanding what is included as a liberty interest must be considered carefully so that judges' policy opinions do not affect decision
b) relies on legal traditions and history
c) discusses framer's intent
By using judicial restraint, justices believe issue of assisted-suicide can be decided through democratic process
Voters in Oregon