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## Justices side with Oregon on assisted- suicide law

**By Stephen Henderson**

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WASHINGTON — The Supreme Court on Tuesday dealt a blow to the Bush administration's efforts to curb assisted suicide, saying a federal drug law can't be used to punish doctors who, under the state law of Oregon, help terminally ill patients end their lives.

The ruling clears a legal morass surrounding the long-embattled Oregon law and paves the way for other states to consider assisted-suicide measures that involve physicians.

It also makes clear that a court majority believes executive power cannot be expanded by a president beyond limits set by Congress in some cases — a point that could carry added significance in an era of increasingly bold assertions of executive power by the Bush administration.

"It's a reminder to the executive branch that they will be bound by a tight, lawyerly reading of a statute," said Marc Spindelman, who teaches law at the Moritz College of Law at Ohio State University. "It may say something about how other claims of authority will be handled."

The ruling might also inspire Congress, under pressure from groups opposed to assisted suicide, to pass a law that gives the Justice Department more specific permission to combat assisted suicide.

The court, by a 6-3 vote, said Congress clearly didn't intend to do that with the Controlled Substances Act of 1970.

Then-Attorney General John Ashcroft had declared in 2001 that the law implicitly permitted him to decide that assisted suicide wasn't a "legitimate medical purpose" and to prevent doctors from acting under the Oregon law.

But Justice Anthony Kennedy, writing for the court, said that declaration assumed "an authority that goes well beyond the attorney general's statutory power." He noted that Ashcroft's interpretation "delegates to a single executive officer the power to effect a radical shift of authority from the states to the federal government."

Federal drug laws didn't "have this far-reaching intent to alter the federal-state balance," Kennedy said.

Justices John Paul Stevens, Sandra Day O'Connor, David Souter, Ruth Bader Ginsburg and Stephen Breyer agreed.

The ruling drew pointed dissents from Justices Antonin Scalia and Clarence Thomas, with Chief Justice John Roberts Jr. joining Scalia's opposition without

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I Rejected an appeal from an anti-war protester convicted of violating the boundaries of a "restricted area" established during President Bush's visit to South Carolina in 2002.

I Declined to block lawsuits brought on behalf of thousands of Gypsies, Jews, Serbs and others who contend that the Vatican Bank received valuables stolen by Nazi sympathizers during World War II.

I Heard a challenge to a provision of the McCain-Feingold campaign finance law that bans the use of corporate or union money for ads identifying federal candidates two months before a general election. Wisconsin Right to Life sued after it was barred from broadcasting ads that mentioned Sen. Russ Feingold, D-Wis., during his 2004 re-election campaign.

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explanation.

Scalia said Ashcroft's reading of the law was reasonable and that the court's past decisions required deference to the executive branch to interpret Congress' intent in a particular statute. Thomas said the ruling didn't square with a 2004 high court ruling that permitted use of drug laws to regulate medical marijuana.

Roberts' silent opposition to the ruling left no clues to his take on issues such as the scope of executive authority under federal drug laws and the balance between federal and state power. The case was the first high-profile one he'd heard, and it was argued just days after he was confirmed as chief justice.

Roberts left unexplained how this case differs in his view from a 1997 court ruling that said states should be free to decide how to handle end-of-life issues. Roberts praised that ruling at the time, saying it was important "not to have too narrow a view of protecting personal rights."

The Oregon law has been a subject of dispute since the day it was passed in 1994. It allows a team of doctors to determine when terminally ill patients can be given lethal doses of prescribed drugs. About 200 people have ended their lives under the law.

The Clinton administration concluded in the late 1990s that it had no role in deciding the law's validity, and Congress was unable to muster the votes to attack it directly through legislation.

When the Bush administration took over in 2001, though, the federal policy changed. Ashcroft announced that he read the Controlled Substances Act differently from Clinton officials and that he would try to revoke the licenses of doctors who took part in the Oregon program.

The state challenged Ashcroft's action, saying he had overstepped the bounds of the federal drug law and intruded into matters of medical practice standards, which are historically reserved to the states. Two lower courts sided with the state, and the Bush administration appealed to the Supreme Court.

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