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Meeting Ethical Challenges

The U.S. Supreme Court will soon rule on whether physician-assisted suicide (PAS) is a right guaranteed by the Constitution. Analysts generally agree that the Court will find no such constitutional right, but PAS, which has been the subject of numerous conferences and articles, will continue to be debated into the foreseeable future. At one such conference, sponsored by St. Louis University's Center for Health Care Ethics in April, law professor Sandra Johnson said that, despite the Supreme Court's expected decision, state courts will be called on to determine whether state constitutions contain this right.

Rev. Richard McCormick of Notre Dame University pointed out other questions that court rulings have not settled. He said that the papal encyclical *Evangelium Vitae*, issued in March 1995, upholds the Catholic tradition that there is no moral obligation to use medical procedures that offer no hope of benefit to the patient. But some recent court decisions that struck down statutes criminalizing PAS have failed to discern the ethical difference between PAS and withholding or withdrawing futile treatment. Ironically, those courts' attempts to protect patient autonomy by treating PAS and the forgoing of treatment as morally equal acts could set back hard-won gains in withholding and withdrawing treatment. Those decisions would likely be subject to the same rigorous restrictions and regulations as PAS.

Card. Joseph Bernardin also pointed out the courts' fallacious reasoning in a letter he wrote to the U.S. Supreme Court before his death last fall. The Catholic Health Association attached the cardinal's letter to an amicus curiae brief that it submitted to the Court (see pp. 36ff). In their accompanying article on p. 44, CHA's attorneys, Charles Gilham and Peter Leibold, place the cardinal's eloquent letter in the context of the brief's legal arguments.

It is unusual for *Health Progress* to publish an amicus brief in its entirety. But in this case we believe it important for the journal to make all the brief's compelling arguments available to readers to help them influence the continuing debate.

ORGANIZATIONAL ETHICS

This issue also supports CHA's efforts to help members discern appropriate actions as they handle ethical issues raised by managed care, downsizing, and various types of affiliations (see special section beginning on p. 19). *Health Progress* will cover organizational ethics on a continuing basis. Please contact me with your ideas for articles that describe Catholic healthcare organizations' approaches to ethical dilemmas.

