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The Constitutionality of Assisted Suicide

In the *Anderson v. St. Francis-St. George Hospital* case, Edward Winter wrote a living will stating that he would not like to be resuscitated if his heart were to stop beating (Landay 21). One day, as he was lying in his hospital bed, he experienced a heart attack and the cardiac monitor went flat. In panic, the doctor and nurses shocked him back to life (Landay 21). Unhappy, Winter laid back in his uncomfortable hospital bed. The next week, he suffered a stroke and his heart stopped beating (Landay 21). Again, the doctors ignored his living will and resuscitated him (Landay 21). Awake and alive against his will, Winter took his case to court and won his right to die (Landay 21). Terminally ill patients like Edward Winter should have the right to end their own life in facilitated care by stopping the use of mechanical ventilators, cardiac resuscitators, and feeding tubes, as the government does not have the power to dictate the private matters of individuals.

There are many kinds of terminal illnesses such as cancer, chronic heart failures, chronic respiratory failure or infection, Leukemia, and Alzheimer's. Unfortunately, they do not pass quickly and painlessly. When diagnosed with terminal illnesses, most people undergo a stage of resentment after being informed of their fate (Landay 12). Following the emotional trauma, the patient will slowly begin to notice the failures of their body. For example, in the early stages of Leukemia, the patient might experience fevers, night sweats, and fatigue (Leukemia). After initial symptoms, the patient begins to feel the extreme physical pain that comes with the disease including uncontrollable bleeding, dramatic weight loss, bone pain, and bacterial infections (Leukemia). The symptoms differ according to the disease but the pattern of discomfort and pain remains relatively the same.

For many, the concept of suicide may be impossible to grasp, but because of the hardships of these terminal illnesses, many terminally ill patients may come to question their desire to live. In support of those patients who no longer wish to suffer another day knowing the end is near, the

Declaration of Independence, created in the name of the United States citizens, states that all Americans have the right to "...the pursuit of happiness" (Declaration of Independence). Without question of how the individual's "happiness" is defined, all American citizens have the right to pursue that route, no matter where it leads, even if it includes death.

Every day there are new and improved treatments that will help a patient live a longer life. As these new and more effective treatments are introduced into the medical field, the cost of the treatment increases tremendously. For example, the newest treatment for those afflicted with cancer can average up to \$170,000 a year (Ershler). Though the price increases, most of these drugs only lengthen the patient's lifespan while the disease or illness remains incurable.

Not only will the patient be given treatment at the hospital, but after being hospitalized and determining that death is imminent, they will usually get moved to a hospice where they receive care 24-hours a day, 7 days a week (Hospice). The services include feeding, assisted bathing, and relaxing sleeping quarters to allow the patient to live the last few days of their life in complete comfort (Hospice). The average time a terminally ill patient will use the services of the hospice before they die is 21 days and the average cost of 24-hour health care in a hospice exceeds \$600 a day, in total, costing about \$12,600 (Jones).

Any care that the patient receives will eventually be paid by the patient, relatives of the patient, insurance or a combination of the above (Gay). The Fourth Amendment of the United States Constitution would give the patient the right to decide what they want to invest their money in. The legal document does not allow, "any State [to] deprive any person of...liberty, or property..." (Constitution Amendment 4) so a person would be given the right to stop any treatment supplied to them by simply stopping the money flow to the appropriate faction.

Many would oppose the legalization of assisted suicide because they believe that knowingly allowing someone to kill themselves is morally wrong (Landay 17). When stating

