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Wisconsin Right To Life

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New Mexico Court Ruling on Assisted Suicide Endangers the Vulnerable

WASHINGTON – Last night, Judge Nan G. Nash of the Second District Court in Albuquerque struck the decades-old New Mexico law which protected that state's citizens from assisted suicide, claiming that killing a terminally ill patient with that person's consent is a fundamental right under the state constitution.

"Although the Second District Court decision striking New Mexico's protective law against assisting suicide states the ruling applies to competent terminally ill individuals, its reasoning contains no logical basis for restricting its application only to them," said Jennifer Popik, J.D., legislative counsel for National Right to Life's Powell Center for Medical Ethics. "If upheld by the New Mexico Supreme Court, it is likely to be only a matter of time before the State of New Mexico is required to allow the killing, by surrogates, of people incapable of making decisions for themselves who have never asked to die."

While the U.S. Supreme Court has already ruled that there is no federal constitutional right to assisted suicide, there has been an aggressive campaign underway by Compassion and Choices to have state courts "redefine" assisting suicide as somehow being medical treatment. In the opinion, Judge Nash did just that, asserting that prescribing lethal drugs to a patient, or as she defines it, "aid in dying", is merely another type of medical treatment.

At present only Oregon, Washington State, and Vermont have legalized doctor-prescribed death. A Montana Supreme Court ruling in 2010 left the

status of assisting suicide in that state ambiguous. Other efforts to legalize the practice, which would put countless patients at risk, have been defeated in dozens of state legislatures.

“We call on the New Mexico Attorney General Gary King to appeal yesterday’s ruling and reinstate the decades-old legal protections against doctor-prescribed death and other forms of assisting suicide,” added Popik. “Failure to take swift action could result in the deaths of vulnerable countless older people and those with disabilities.”

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