

PRESS RELEASE - May 26, 2004

PHYSICIANS FOR COMPASSIONATE CARE REACTS TO THE NINTH CIRCUIT COURT OF APPEALS DECISION

Dr. N. Gregory Hamilton says, "It's amazing that a Federal Court would allow any state to nullify federal regulatory authority and federal law. I'm hopeful that the United States Supreme Court will see it differently."

"This is a political decision that is bigger than assisted suicide. If Oregon is allowed to exempt itself from federal law about the misuse of controlled substances for the purposes of overdosing patients, what is to stop any state from exempting itself from other important federal regulations and laws?"

"The Ninth Circuit Court got the state's rights issue exactly backwards. This is not a case of the federal government intervening in state regulatory authority. This is a case of a single state imposing its will on the federal government and, in fact, requiring the federal government to rewrite its laws."

"The Ninth Circuit Court misinterpreted the Controlled Substances Act when it claimed that federal authority over controlled substances was limited to drug abuse. Actually, the Controlled Substances Act clearly required the Department of Justice to disallow any non-medical use of federally controlled substances-and that includes overdosing patients with these drugs. There have been cases over the more than thirty years the Controlled Substances Act has been in place where doctors were sanctioned for overdosing patients with these drugs. Now the Ninth Circuit Court has decided that the most vulnerable citizens of Oregon won't have these protections."

"The abuses of assisted suicide in Oregon, including giving depressed patients, and mentally ill patients with questionable competence, lethal overdoses, as happened in the case of Michael Freeland, make it clear that the federal government was right to protect patients by declaring that assisted suicide is a violation of the Controlled Substances Act."