

Constitutional Law Exam 1

Fact Pattern:

You walk into to your law office and waiting to greet you is a terminally ill patient who believes that he will not be able to obtain medical treatment to relieve his physical suffering during his last days. He appears competent, but in serious pain. His name is Walter.

Walter tells you he wishes to have a physician known as Dr. Death assist him in committing suicide.

You explain to Walter that a recently enacted law of the State of Confusion provides that:

“A person is guilty of manslaughter in the second degree when he intentionally aids, or attempts to aid another person in committing suicide.”

Walter stares at you. “That sounds unconstitutional!” he says.

Questions:

Discuss the constitutionality of this law under the United States Constitution and applicable principles of Federal Constitutional law.

Example Answer:

Equal Protection

Does the statute violate the Equal Protection Clause?

The Equal Protection Clause commands that no State shall “deny to any person within its jurisdiction the equal protection of the laws.” This provision creates no substantive rights. Instead, it embodies a general rule that States must treat like cases alike.

If a legislative classification or distinction neither burdens a fundamental right nor targets a suspect class, it will be upheld so long as it bears a rational relation to some legitimate end.

Fundamental Right

Is a fundamental right being impaired?

There is no currently recognized right to assisted suicide. It is possible that the high court would be willing to extend the fundamental rights of all people to commit suicide. It could be argued that the plaintiffs right to privacy includes a right to end their own life. If they have such a right, a third parties' assistance to effectuate this right would not be criminal.

While Walter could certainly make this argument, under current law, such a fundamental right does not exist.

Suspect class

Does the statute create a suspect class of individuals?

The assisted-suicide ban does not treat anyone differently from anyone else or draw any distinctions between persons. No one, regardless of circumstances, is permitted to assist a suicide. Generally, laws that apply evenhandedly to all unquestionably comply with equal protection.

Rational Basis

Does the statute have a rational basis to some legitimate end?

When fundamental rights are at issue or a suspect class is being targeted, the court applies a strict scrutiny test: the state must have a compelling interest which is being protected by the statute, and the statute must be narrowly tailored

to protect that interest. The instant statute would not be subjected to this usually fatal review because no fundamental right is at issue.

Here these appears to be a rational basis to some legitimate ends. The State of Confusion has a legitimate interest in protecting the lives of its citizens. The State of Confusion can show that the statute protects this interest by creating a barrier to a person assisting in the ending of another's life.

The State of Confusion also has many legitimate interests in banning assisted suicide including:

1. Protecting the lives of its citizens.
2. Prohibiting intentional killing and preserving life;
3. Preventing suicide;
4. Maintaining physicians' role as their patients' healers; and
5. Protecting vulnerable people from indifference, prejudice, and psychological and financial pressure to end their lives.

These interests are valid and important public interests that are accomplished by banning assisted suicide and easily satisfy the constitutional requirement that a legislative classification bear a rational relation to some legitimate end.

Conclusion

Here, the State of Confusion statute outlawing assisted suicide neither burdens a fundamental right nor involve suspect classifications and is therefore entitled to a strong presumption of validity. The statute also has a rational basis to a legitimate government interest. The State of Confusion's prohibition on assisting suicide therefore does not violate the Equal Protection Clause.