

Cruzan v. Missouri

I. Facts: Following an automobile accident Nancy Cruzan was placed on life support in a "persistent vegetative state." After seven years, family members, upon learning that there was no chance of Nancy recovering her mental capabilities, sued for the removal of feeding and hydration tubes to allow her to die. Missouri, however, has a law which requires "clear and convincing evidence" that a person who is incompetent (unable of voicing his or her desires and failed to make his or her wishes known through a living will) would have wished to remove medical assistance if they were capable of making such a decision.

II. Issues: Does Missouri's law requiring the presentation of "clear and convincing evidence" of an incompetent person's desire to remove medical aids necessary for remaining biologically alive violate a person's fundamental right under the Due Process Clause to retain control over his or her body (more specifically to refuse unwanted medical treatment)?

III. Holding: No.

IV. Reasoning: The Court held (with Rehnquist issuing the opinion) that, although the court has found a "constitutionally protected liberty interest in refusing unwanted medical treatment" in previous cases and assumed in this case that "the United States Constitution would grant a competent person a constitutionally protected right to refuse lifesaving hydration and nutrition," Missouri's requirement of "clear and convincing evidence" does not deny either right. According to the Court, Missouri has a proper interest in preserving human life and may "legitimately seek to safeguard the personal element [of the choice between life and death] through the imposition of heightened evidentiary requirements." Even when surrogates are available (such as in this case), the Court argues, there remains a potential for abuse and the state of Missouri is entitled to guard against this possibility. In addition to the possibility of abuse, the Court realized that the views of family members are possibly not in following those the individual in question and, therefore, cannot be relied on in cases such as this one. The Court also believed that Missouri can legitimately "assert an unqualified interest in the preservation of human life to be weighed against the constitutionally protected interests of the individual" without making judgments concerning the "quality of life" of that individual. Accordingly, the Court argues that the "clear and convincing" requirement is a constitutional means of protecting these interests of the state.

V. Concurring and Dissenting Opinions:

(a) O'Connor, concurring, argues that the Court rightly relies on a basis of state violation of the body in determining this case. She further argues that, although "forced treatment may burden [an] individual's liberty interests as much as any state coercion," the state's requirement of "clear and convincing evidence" does not violate this right, as it only serves to make clear the wishes of the individual in question. She goes on to suggest some safeguards to the preferences of individuals, suggesting the use of appointed surrogates.

(b) Scalia, concurring, upholds the Court's ruling but believes that the Court should make it clear that the federal courts have no "business" in this field. He believes that, as the Constitution fails to deal specifically with this issue, it should be left to the legislatures to determine such issues. He believes that the Court has no better of an understanding of life and death than anyone else and, therefore, should not be looked to to determine issues involving this. Additionally, Scalia denies that substantive due right is at issue, as he believes that "there is no significant support for the claim that a right to suicide is so rooted in our tradition that it may be deemed 'fundamental' or 'implicit in the concept of ordered liberty'" and goes on to argue that Nancy Cruzan's case should not be considered separate from "ordinary suicide" which is no doubt liable to state regulation.

(c) Brennan (with Marshall and Blackmun), dissenting, suggests that such cases as this one (since a fundamental right is at issue) requires "sufficiently important state interests" and actions of the state that are "closely tailored to effectuate only those interests." He argues further "The only state interest asserted here is a general interest in the preservation of life. But the State has no legitimate general interest in someone's life, completely abstracted from the interest of the person living that life, that could outweigh the person's choice to avoid medical treatment." Accordingly, the State's interest must be superseded by Nancy Cruzan's personal interest in self-determination concerning medical treatment. Further, since Missouri's requirement in this case requires not a fair determination of whether Nancy would choose life or death but rather requires a "markedly asymmetrical evidentiary burden" in that "no proof is required to support a finding that the incompetent person would wish to continue treatment" but only proof aimed at ending such treatment is required. The State's interest in preserving human life cannot, he argues, be considered in this aspect as the State's only interest is an interest in 'safeguarding the accuracy of [the] determination" of Nancy's wishes until Nancy's wishes were determined to be for treatment, at which point the State's interest in preserving life comes into play (note: he argues that the State's interest in preserving life would not come into play at all if Nancy's wishes would suggest the choice of death rather than life). Further, he suggests that the state should make use of a "guardian ad litem" to ensure the accuracy of the determination.

(d) Stevens, dissenting, argues that the Court effectively guarantees the right to be free from unwanted medical treatment to those who "had the foresight to make an unambiguous statement of their wishes while competent" and, thereby, denies this right to many groups. Stevens further argues that the way in which Nancy dies will affect the way in which she is remembered and, therefore, the trial court's decision allowing the family to decide how she would die would have allowed them to determine how she would be remembered. By overturning that decision, Missouri "subordinates Nancy's body, her family, and the lasting significance of her life to the State's own interests." He further argues, that the state has sought to define life through the measure in question and that there is "no reasonable ground for believing that Nancy Beth Cruzan has any personal interest in the perpetuation of what the State has decided is her life." In light of this he argues, "it is not within the province of a secular government to circumscribe the liberties of the people by regulations designed wholly for the purpose of establishing a sectarian definition of life..." The State, he argues, essentially denies her personhood by subordinating her interests to its own. VI. Significance: The Court upheld the

right of State's to enforce their interest in preserving human life through requiring "heightened evidentiary standards" while also acknowledging the right to refuse medical treatment.