



Rust v. Sullivan, 500 U.S. 173, 213-214 (1991)(Blackmun, J., dissenting)

In two consolidation actions, petitioners, grantees under Title X of the Public Health Service Act, challenged the validity of the Department of Health and Human Services regulations which limited the ability of Title X fund recipients to engage in abortion-related activities. The United States Supreme Court held that the regulations were a permissible construction of the underlying legislation and did not violate either the First Amendment or the Fifth Amendment. It said that the Constitution did not require the government to distort the scope of its program in order to provide information about abortion to indigent women where the statute does not encroach on a doctor's ability to provide or a woman's right to receive information concerning abortion-related services outside the Title X project.

In Formulating Its Counterargument, the Dissent Reviewed the AMA Opinions on Ethical and Judicial Affairs

Indeed, the legitimate expectations of the patient and the ethical responsibilities of the medical profession demand no less. "The patient's right of self-decision can be effectively exercised only if the patient possesses enough information to enable an intelligent choice. . . . The physician has an ethical obligation to help the patient make choices from among the therapeutic alternatives consistent with good medical practice." Current Opinions of Council on Ethical and Judicial Affairs of American Medical Association P8.08 (1989).