

University of Pittsburgh

SCHOOL OF MEDICINE
Transplantation Office

February 3, 1982

C. Everett Koop, M.D.
Surgeon General of
Public Health Service
Two Hundred Independence Avenue, S.W.
Washington, D. C. 20201

Dear Dr. Koop:

You may recall that I accompanied Dr. Thomas E. Starzl at a meeting in your office convened during December, 1981, for the purpose of discussing possible federal funding for liver transplantation. I am presuming upon our introduction and brief meeting together at that time to write to you concerning another matter about which I am interested in your thoughts. I refer to the Uniform Determination of Death Act, which has been or will shortly be introduced into the legislatures of the twenty-three states which thus far have not passed statutes recognizing brain death as synonymous with death of the person.

The Uniform Determination of Death Act, as you probably know, is the result of collaboration between the American Medical Association, the American Bar Association and the Commissioners for Uniform State Laws. This model law has recently been given support by the President's Commission for the Study of Ethical Problems in Medicine. Support for this Act is derived from the desire to bring the laws of the various states into conformance with current medical practice through statutory recognition of complete and irreversible cessation of brain function as diagnostic of human death. A copy of the Act is enclosed.

My reasons for writing to you derive from your leadership role as the Surgeon General of the United States, your position as a pre-eminent physician and surgeon, your close identification with Pennsylvania medicine and your active role in the Pro-Life Movement.

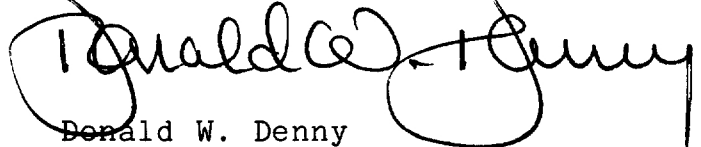
The Uniform Determination of Death Act has recently been embodied in a Senate Bill which is now under consideration by the Pennsylvania Senate (SB 1092). Other state legislatures are also considering passage of a similar bill. In Pennsylvania and in other states (e.g., Ohio) the primary opposition to passage of this model law has been mounted by some Pro Life organizations, the members of which groups are understandably but, I believe, mistakenly fearful that this Act will contribute toward a lessening of respect for human life and euthanasia. On the other hand, many respected Pro-Life organizations

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favor passage of this Bill in Pennsylvania and similar bills in other states because they believe that passage would be a safeguard against euthansia. Enclosed are copies of formal positions pro and con taken by representative organizations: The Pennsylvania Catholic Conference favoring enactment and The Illinois Federation for Right-To-Life opposing enactment.

I hesitate to intrude upon you with a request such as this when I realize the many important demands upon your time and energy, but I believe that the importance of such legislation warrants my request for your opinion of this model law and your thoughts regarding its passage. I would hope that your opinion would be favorable, but will welcome learning your thoughts even if they are unfavorable.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Donald W. Denny". The signature is written in a cursive style with a large, looping initial "D".

Donald W. Denny
Director of Organ Procurement

DWD:PNK

Enclosures