

2004

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Recommended Citation

Michelle Lammers, *Organ Transplants are Becoming a Possibility for HIV Patients*, 9 Pub. Interest L. Rptr. 23 (2004).
Available at: <http://lawcommons.luc.edu/pilr/vol9/iss2/11>

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Organ Transplants are Becoming a Possibility for HIV Patients

Michelle Lammers

On March 12, 2004, the Illinois House approved a bill 95-22 called HB 3857 that allows HIV positive residents to donate their organs to other residents living with HIV.¹ If the bill is passed by the state Senate, it would make Illinois the first state to allow organ transplants between HIV-positive people. Illinois would still have to work with the United Network for Organ Sharing to change rules that prohibit such procedures.² Experts say such a law could spark a movement in other states to allow the use of HIV-infected organs.

Rep. Larry McKeon, D-Chicago, developed the bill after talking with his doctor during a routine medical check-up. McKeon, who is HIV positive, was frustrated that people with HIV could not donate organs and would have considered donating a kidney or a portion of his liver.³ He stated that lives could be saved and prolonged if this legislation passes.⁴

"The original law was actually put in place for a very good reason," said Dr. Robert Murphy, a professor of infectious disease at Northwestern University, in the Chattanooga Free Press. "But nobody thought through the fact that an HIV person might actually benefit from the infected organ."⁵

Some opponents of the legislation, however, worry there aren't enough controls to prevent an HIV-positive organ from accidentally being given to someone who doesn't have the virus.⁶ The Illinois State

Medical Society wants language in the law preventing doctors from being held liable if the virus is accidentally transmitted during surgeries.⁷ But proponents of the legislation such as the AIDS Foundation of Chicago argue that people who direct organ donations already have experience overseeing infected organs and so mistakes are no more likely to occur than they already do.⁸

The passage of this bill in the house comes just weeks after the

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National Institute of Allergy and Infectious Diseases began a five-year study to examine the outcomes of organ transplants in HIV-positive patients. The study will be conducted at 17 transplant centers and involves 275 HIV-positive people who need kidney and liver transplants.⁹

John Fung, a transplant surgeon who has performed more than 30 transplant operations in HIV-positive patients stated in the Boston Globe, "It's such backward thinking for people to argue that HIV patients shouldn't be transplanted." A study

conducted several months ago found 87% of 24 HIV-positive patients who underwent liver transplants were still alive one year after their surgery.¹⁰ This is a survival rate almost identical to the results for HIV-negative liver transplant patients.

Thanks to advances in medicine, HIV patients are living so long that the greatest threat to their lives comes from failing organs, rather than early infections caused by the disease which used to be the most lethal consequence of HIV. Often, their organ failure results from hepatitis, diabetes, or other illnesses, rather than the HIV itself.¹¹ As select surgeons are now performing organ transplants on HIV-positive patients, and insurers are more willing to pay, AIDS advocates say this shows that the disease has been transformed from a death sentence into more of a chronic disease.

1. Policy & Politics, HIV/AIDS Newsroom, available at http://www.thebody.com/kaiser/2004/mar15_04/organ_donation.html (last visited March 21, 2004).

2. The Associated Press, Bill would allow HIV patients to donate organs to others with HIV, Chattanooga Free Press, March 14, 2004 at A12.

3. Ginny Skalski, Bill Would Allow People With HIV to Give Organs to Others With Virus, St. Louis Today, March 13, 2004, available at <http://www.stltoday.com/stltoday/news/stories.nsf/News/Metro+East> (last visited March 21, 2004).

4. Id.

5. The Associated Press, Bill would allow HIV patients to donate organs to others with HIV, Chattanooga Free Press, March 14, 2004 at A12.

6. Ginny Skalski, Bill Would Allow People With HIV to Give Organs to Others With Virus, St. Louis Today, March 13, 2004, available at <http://www.stltoday.com/stltoday/news/stories.nsf/News/Metro+East> (last visited March 21, 2004).

7. The Associated Press, Bill would allow HIV patients to donate organs to others with HIV, Chattanooga Free Press, March 14, 2004 at A12.

8. Ginny Skalski, Bill Would Allow People With HIV to Give Organs to Others With Virus, St. Louis Today, March 13, 2004, available at <http://www.stltoday.com/stltoday/news/stories.nsf/News/Me>

tro+East (last visited March 21, 2004).

9. Medical News, HIV/AIDS Newsroom, available at http://www.thebody.com/kaiser/2004/mar11_04/organ_transplant_hiv.html (last visited March 21, 2004).

10. Steven Smith, More AIDS Patients Get Organ Transplants, Boston Globe, Feb. 28, 2004, at A1.

11. Id.

The Electoral College is Likely Here to Stay

Katherine Licup

The mantras are beginning to fill the airwaves. National security. Health care. Social security. Tax cuts. Jobs. The promises and finger-pointing can only mean one thing: It's time to vote for President.

Like in 2000, this year's race will probably be a tight one. In the last election, for only the fourth time in American history, a candidate who lost the popular vote ascended to the presidency. George W. Bush received 357,852 fewer popular votes than Al Gore, but edged him in the electoral vote, 271 to 267. This seeming injustice has renewed calls for abolishment of the Electoral College.

"The Electoral College is the most profound example of bad rules leading to bad results," said Dan Johnson-Weinberger, director of the Midwest Democracy Center, whose organization wants to do away with Electoral College.

The College was devised by the Framers in Article II of the Constitution, and later refined in the 12th Amendment, as a concession to delegates from small states who were concerned that more populous states would have increased influence if the President were directly elected. The Framers also were of the opinion that

average citizens did not have enough information about the candidates to cast an informed vote.

Each state is granted a number of electors equal to the sum of its Congressional representation. Illinois, for example, has 21 electoral votes based on its two senators and 19 U.S. representatives. The 538 total electoral votes reflect 100 Senators, 435 Congressmen, and 3 Electors from the District of Columbia. To win the presidency, a candidate must win 270

"The electoral college is an 18th-century invention that never should have survived to the 21st century"

electoral votes. In 48 states, the winner of the popular election earns all the state's votes. Electors cast votes in December for both President and Vice President, and Congress opens the ballots in January and then declares the official winner of the election.

"The electoral college is an 18th-century invention that never should have survived to the 21st century," said Sen. Dick Durbin (D-IL),

who introduced a resolution calling for a Constitutional amendment to abolish the Electoral College before the 2000 presidential election. Like many bills before it, the proposal never got off the ground, although many groups such as the ACLU, League of Women Voters, and NAACP support a direct popular vote.

"It's very difficult to get rid of the Electoral College, because there are many who think they benefit from it," said George Anastaplo, a Constitutional Law professor at Loyola University Chicago School of Law.

Candidates must take into account issues in small states who hold valuable electoral votes. They are concerned about how many states they win, not the margin by which they win, so they balance their campaigning between urban and rural areas. In 2000, Bush won 30 states compared to Gore's 20 states. Additionally, Anastaplo said, the system enables us to quickly know who will be the next President without waiting for individual votes to be counted.

Those in favor of a direct-vote system, however, contend that the Electoral College gives undue