

1975 WL 29588 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

March 13, 1975

*1 Mr. William D. Leeke
Director
South Carolina Department of Corrections
P. O. Box 766
4444 Broad River Road
Columbia, South Carolina 29202

Dear Mr. Leeke:

The Attorney General has referred your letter of February 20, 1975, to me for reply. You have asked whether the Department of Corrections should make available to the inmate population, copies of a letter which asked for a kidney donor.

The specific problem appears to be in getting freely given informed consent by prison donors. This problem was discussed in an article on 'Organ Transplantation' in Volume 31, Ohio State Law Journal, at pages 80 through 86. In a series of procedures performed in the 1960's in Denver, Colorado, penal donors were used for kidney transplants. This study was in cooperation with the University of Colorado. The prison made every attempt at eliminating coercion for the experiments. However, the Denver experiment was 'subsequently discontinued when the transplantation committee decided 'that the use of penal volunteers, however handled in a local situation, would inevitably lead to abuse if accepted as reasonable precedent and applied broadly.'" (Ohio State Law Journal, supra., at page 36).

Therefore, it is the opinion of this office that, in view of the constant threat of abuse, the Department of Corrections should not solicit potential donors for organ transplants.

Very truly yours,

Stephen T. Savitz
Assistant Attorney General

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