



Written by [Selwyn Duke](#) on April 30, 2010

New York Law Would Enroll All Residents as Organ Donors

Living in New York has long cost an arm and a leg. Now dying there may cost a kidney and a heart. Under a proposed law, all state residents would automatically be enrolled as organ donors — without their consent.

Proposed by Democrat Assemblyman Richard Brodsky, the law would presume consent and allow for the harvesting of a deceased resident's body parts unless the person had taken the step of opting out of the program. Reporting on the story, the *Daily News* [presents an e-mail](#) from Brodsky on the subject, which in part reads:



Today was one of my proudest days as a legislator in the State Assembly. I had the opportunity today to stand with medical specialists, members of the New York Organ Donor Network, and my daughter Willie as I introduced a landmark piece of legislation called the "Presumed Consent Bill." This bill means more to me than nearly any legislation I have ever fought for because it truly "hits home."

In this age of Tea Parties and fear of government intrusion, Brodsky's proposal will certainly "hit home" with the citizenry, too. But what the Assemblyman refers to is a personal stake he has in the matter. Kirsten Cole at WCBSTV.com [explains](#):

New York State Assemblyman Richard Brodsky nearly lost his daughter, Willie, at 4 years old when she needed a kidney transplant, and again 10 years later when her second kidney failed.

"We have 10,000 New Yorkers on the list today waiting for organs. We import half the organs we transplant. It is an unacceptable failed system," Brodsky said.

Looking at the comments under Cole's article, it's obvious that what state residents find unacceptable is Brodsky's proposal. And, while many of the respondents seem to be oblivious to the opt-out provision, their reaction is nevertheless warranted.

For one thing, will New Yorkers be notified about their presence on the donor list? Whether they will or not, it's logical to assume that, ultimately, most people will be unaware of it. What this boils down to is that the government will be using people's organs without their consent. And it's obvious that many thus exploited would not actually choose to be used in that manner were they asked.

To place this in perspective, would we give a charity the right to automatically raid a citizen's bank account upon his death unless he "opted out" of the program? Is a person's body to be taken less lightly than his wallet? And it really does smack of something quite dark when a system's default mode exploits the fact that dead men not only tell no tales, they refuse no proposals.

More significantly, however, when you use someone's body without his consent you are truly "using" him, and it is morally wrong to "use" people. Sure, it's not as heinous as turning concentration camp victims into soap and lampshades, but, however noble the end, we are still using people's bodies for our



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own benefit. It moves us just a bit further down that slippery slope whose terminus is a processing plant for Soylent Green, a place in which human corpses are reduced to animal carcasses.

I should also mention that this is the same reason why many oppose the use of fetal stem cells for research (which, we should note, is even worse, as it involves the destruction of embryos). And given the importance of the stem-cell issue I will digress for a moment and address it.

When debating this matter, some will say, "Come on, we're just talking about microscopic cells." But does the diminutiveness of the body part lead to the diminution of the principle?

Of course, people do quite naturally fall victim to the idea that size necessarily influences significance, and when something eludes the naked eye it's often "Out of sight, out of mind." But the fact is that microscopic things can cure or kill, and the most promising new area of technology is that of the unseen realm, nanotechnology.

As for using people, where do you draw the line? How many cells must a body part comprise before it's afforded dignity? Two? 200? 2,000? Whatever the number, we're left with a quite irrational proposition: If the body part has that number of cells, it's viewed as an arm or a leg would be. If it contains *one less*, however, then either A, the person from whom it was taken is not to be considered human, or B, the human remains are not to be considered worthy of dignified treatment. Translation: 5,241 cells and it gets a coffin, 5,240 cells and it's a product.

Returning to Assemblyman Brodsky, while I don't doubt his sincerity and good intentions, I have a problem with what he represents: the Personal-vested-interest Politician. This is an individual who has been scarred, traumatized, or moved by some serious event in his life to such a degree that he simply cannot view the matter objectively. And there are many such people. For instance, another New York politician, Congressman Carolyn McCarthy, is such an individual. After her husband was [tragically murdered](#) in the Long Island Railroad Massacre in 1993, she ran for Congress on a strong gun-control platform and captured the seat with the help of the sympathy vote. Since then, restricting Second Amendment rights has been her passion.

Now, the main point here doesn't concern the validity of a given agenda; in fact, when a person's passions happen to accord with reality, he can do a lot of good, even if he is driven by the heart more than the head. Nevertheless, Thomas Jefferson said "Passion governs, and she never governs wisely" for a reason: People blinded by emotion won't yield to reason, even when their emotions are thoroughly unreasonable. This isn't to say passion is bad, as it has an all-important role: to give us the impetus to act once our intellect has determined what the action should be. But a problem arises when people allow emotion to not just fuel their actions, but to guide them.

Then, there is another point I must make, even though it may be unpopular. While we may ascribe the noblest intentions to Personal-vested-interest Politicians, their motivations are invariably self-centered. Think about it: Congressman McCarthy's all-consuming passion isn't facilitating organ donation, is it? Assemblyman Brodsky hasn't made gun-control his life's work, has he? And neither of them seems singularly driven to address abortion or many other social ills.

The truth here may be a hard one, but it's a truth nonetheless: The Personal-vested-interest Politician's cause may be virtuous, vacuous, or venal, but whatever its nature, he only pours his heart into it because it affected *him* personally.

Unfortunately, Personal-vested-interest Politicians create law that affects all of us personally. And while this phenomenon is entirely human and understandable, it's also the stuff of which tyranny is made.



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