

HB 29 HD 1

**Measure
Title:**

RELATING TO DEAD HUMAN BODIES.

**Report
Title:**

Dead Bodies; Commercial Display

Description:

**Prohibits the commercial display of
dead human bodies without a permit
from the department of health.
(HB29 HD1)**



STATE OF HAWAII
DEPARTMENT OF HEALTH
P.O. Box 3378
HONOLULU, HAWAII 96801-3378

In reply, please refer to:
File:

Senate Committee on Health

HB0029, HD 1, RELATING TO DEAD HUMAN BODIES

**Testimony of Chiyome Leinaala Fukino, M.D.
Director of Health**

**March 23, 2009
3:30 PM**

1 **Department's Position:** The Department of Health (DOH) cannot support this measure as written.

2 **Fiscal Implications:** Absorbing a new function into existing staff resources.

3 **Purpose and Justification:** This measure asks the Department of Health to issue permits for
4 exhibitions involving the commercial display of dead human bodies, to promulgate administrative rules
5 governing the permit process, and creates a human remains exhibit permit fund to hold permit fees
6 collected in order to fund the administration of this new duty. The Department respectfully suggests that
7 instead of creating a new permitting process with administrative rules and a special fund, perhaps the
8 legislature would consider banning outright such for profit commercial displays of human bodies.
9 Exceptions to this ban would need to be thoughtfully crafted, e.g., for museum displays of historical
10 value, but such a ban would be a straightforward approach.

11 The DOH has also been in conversation with the University of Hawaii John A. Burns School of
12 Medicine (JABSOM) regarding the ethical procurement and use of donated bodies for medical research
13 and teaching. We will continue this conversation.

14 Thank you for the opportunity to provide testimony on this measure.

Testimony In Support of HB28 and HB29

Professor Hong Jiang, University of Hawaii at Manoa

February 9, 2009

I, Hong Jiang, from University of Hawaii at Manoa, fully support HB28 and HB29 that place strict requirements on selling and displaying dead human bodies in Hawaii.

My main concern is related to the Bodies exhibit that has come and gone – the bodies may have come from prisoners in China whose rights were violated and bodies stolen or sold against their will. From what I have learned, those bodies have come from China and the owner of the Bodies Exhibit, Premier Exhibitions, cannot independently verify the sources of the bodies other than the document provided by the Chinese government.

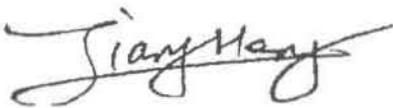
Here is a government controlled by the Communist Party that has been depriving people's rights and violating their bodies – relying on their documents is an act of irresponsibility for human life. The Chinese communist government is notorious for denying rights of Chinese citizens, and its glaring violation of rights of prisoners (including prisoners of conscience) has been well known and well established. One particular violation that is closely related to the illegal acquisition of human bodies and body parts is illegal organ harvesting.

It is well known that the Chinese government has harvested organs from death row prisoners since the 1980s; a less known atrocity is the harvesting of organs from live prisoners of conscience, Falun Gong adherents. Evidence and reports have emerged since 2006 that the Chinese government kept concentration camps and each incarcerated thousands of Falun Gong adherents. The organs of these prisoners were harvested against their will and sold for huge profit to organ transplantation facilities. An independent investigation on this was conducted by the Canadian human rights lawyer David Matas and former Canadian Secretary of State David Kilgour:

<http://OrganHarvestInvestigation.net>

Their report, "Bloody Harvest", confirms the illegal organ harvesting of organs from Falun Gong adherents. They call the crime a form of evil that is "new to this planet."

What is the connection between China's violation of prisoners' rights and persecution of Falun Gong with the Bodies Exhibition we view in Hawaii? Until we can be sure that there is no connection – until we are certain about the source and proper consent of the bodies, we cannot support any bodies display and sale. The value and dignity of human life trump any other claims, be it educational or scientific benefits.



March 21, 2009

Testimony: Senate Health Committee
HB #29, HD1
RELATING TO DEAD HUMAN BODIES
John M. Corboy, M.D.

Dear Senate Health Committee:

My name is Dr. John Corboy. I am a physician and retired Associate Clinical Professor of Surgery at the John A. Burns School of Medicine. I live on Molokai, and regret that I am unable to address you in person today.

I spent four months recently as an unpaid volunteer at Bodies...The Exhibition in the Ala Moana Center. Along with other retired University faculty and fellow physicians and nurses, I taught thousands of Hawaii's people the beauty and complexity of human anatomy and physiology in this marvelous setting.

We teachers donated our valuable time because of the profound impact this exhibition had upon a fascinated public! We taught art students, dental students, and nursing students. We enjoyed the questions of school teachers, elementary and middle school students, and high schoolers. We taught human anatomy to plumbers and mechanics as well as to medical students and nutrition students.

The dissections were far better than those available in most medical and dental schools. The cadavers were certified by a pathologist to be unclaimed persons who displayed no evidence of trauma. The presentations were tasteful and respectful. Students and visitors usually remained in awed silence.

In short, this presentation had a valuable and powerful impact on tens of thousands of Hawaii's people, many of whom were motivated to take better care of themselves. Many of the youngsters were inspired to pursue further education and even health careers!

To restrict, limit or require "approval" of such a display by the Department of Health is an unnecessary and meddlesome intrusion into a harmless and valuable educational opportunity not otherwise available to non-professionals. There is no public health or safety issue involved, and without clear criteria for approval this represents capricious and arbitrary limitation of commerce. The Health Department already struggles to manage its necessary activities, and has stated clearly this is not a "health" issue.

To require permission for display by the decedent is impossible. Cadavers for dissection at most professional schools are usually unclaimed bodies: street people who die from alcoholism, drug addiction, trauma, malnutrition and other diseases. They have no prior anticipation of their death, so can hardly give prior permission for display.

To require the family to grant permission for display is impossible: if these bodies had families, they'd not be "unclaimed." This requirement is not placed on most professional schools, because it is simply unworkable. (If we can't require this of people dying on Fort Street, how can we require this of people dying far from our shores?)

There has been an unsubstantiated rumor circulated, that these bodies---leased from a laboratory in China---are not all those of unclaimed street people. It is asserted that some bodies may be those of Chinese political prisoners. It is my understanding that, after eight years, no proof has ever been presented, though the rumor persists.

Frankly, this is an educational exhibit similar to those in the Bishop Museum. Persons who wish to pay admission may do so, and those who have no interest, or object to the exhibits, need not attend. It's that simple: if you don't like it, stay home.

Who is being harmed? There is absolutely no reason to unfairly restrict such displays to a museum, and no reason to intrude into a person's opportunity to be educated in an appropriate manner.

On a personal level, I find this Bill a very meddlesome intrusion into a marvelous educational opportunity, for no clear public health or safety reasons. It unfairly affects one type of commercial exhibitor, and negatively impacts tens of thousands of Hawaii's interested citizens.

Unless a legislator has actually attended this or similar educational exhibits, he or she has no knowledge upon which to base a decision and he/she should abstain from voting. If you don't understand the value, please don't condemn it

There is no health, safety, or finance issue involved. Please leave education alone! Do not support the poorly-written, unjustified, meddlesome HB #29, HD1. Our legislature has more important things to do.

Thank you!

John M. Corboy, MD,
President
Hawaiian Eye Foundation
www.hawaiianeyefoundation.org

Senator David Y. Ige, Chairman
Senator Josh Green, M.D., Vice Chairman
Committee on Health
415 South Beretania St.
Honolulu, Hawaii 96813

Aloha,

Thank you for the introduction of HB 28 & 29 at the Legislative Session.

My background and travel in Asia and esp. China and my work on International committees with the YMCA has given me a keen sense of the cultural and social attributes of the Chinese people.

I found it offense when the “Bodies” exhibit first opened in Honolulu and especially offended that folks did not take a stand against an exhibit that does nothing but treat humans as a product. Chinese have a strict belief that the desecration of the body may prevent ascension into the next life.

The fact that these products coming from China also have no “Tracking” or origin in most cases is cause for concern.

Respect for life and for the families of the dead are at a very low point and even lower if we allow things like this to be on exhibit.

Respect for life and the mourning of the dead is something we as Americans hold near and dear in our society.

I look at the situation in terms of having a display in China of bodies from America that have no tracking and using criminals from our prisons as display bodies; How would Americans react to that? It makes the point stronger if we look at it from this perspective.

I support both HB 28 and 29 as presented and urge the Committee on Health to pass both bills as presented.

Sincerely,

Glennon T. Gingo

Holualoa (Big Island), Hawaii

cc. State Representative Marcus Oshiro

**Testimony of Harry Wu
Executive Director, Laogai Research Foundation**

**Hawaii State Senate
Hearing of the Committee on Health
3:30pm, Monday, March 23, 2009**

Comments in Support of HB 28 and HB 29

The Laogai Research Foundation (LRF) remains highly concerned about the provenance of human remains which are on display in several popular exhibits appearing throughout the U.S. and the world, including “Bodies... the Exhibition,” which was previously hosted by the Ala Moana Center in Hawaii and is owned by Atlanta-based Premier Exhibitions Inc. (“Premier”). It has become clear over the past few years, and Premier has acknowledged, that the company has not identified the decedents whose remains appear in its exhibits and that no consent was given by the decedents or their next of kin for their remains to be used in this manner. Moreover, our analysis of Premier’s business practices leads us to believe that there is a distinct possibility that some of the remains on display in its exhibits could be those of executed Chinese prisoners.

Our assessment is informed by our extensive knowledge of China’s penal system. Since founding the Laogai Research Foundation in 1992, I have been investigating human rights abuses in China and, in particular, abuses relating to the Laogai—China’s extensive network of forced-labor prison camps. Having been incarcerated in twelve different Laogai camps as a political prisoner from 1960 to 1979, I also have first-hand insight into the way these camps operate. Prisoners in China are exploited by the State in every possible way, primarily for their labor, which generates tremendous profits for the repressive Chinese regime. Even after death, though, the exploitation of prisoners does not stop. In order to comprehend how the bodies of executed Chinese prisoners could essentially be sold to private corporations, it helps to first understand another atrocious practice that is widespread throughout Chinese prison camps and more firmly established—the harvesting of organs from executed prisoners.

Chinese medical practices developed significantly during the 1980’s, and with the introduction of the drug cyclosporine-A in 1985, medical expertise was sufficient enough to allow for regular organ transplantations. However, the supply of donated organs in China is very limited. There simply is no culture of organ donation in China, and the practice remains very uncommon. Public campaigns to foster such a culture are frustrated by a traditional preference among Chinese to have their bodies buried intact. With demand for the procedure growing, however, Chinese hospitals and government agencies decided to look elsewhere for a supply of healthy organs, which they found in the Laogai.

In China, there are currently 68 capital offenses, including non-violent crimes and political crimes. With throngs of poor economic migrants traveling from the Chinese countryside to its cities each year, and China’s public security agencies responding to the resulting increases in crime with so-called “strike hard” (*yanda*) campaigns, the number of prisoners on China’s death row has been immense. While the exact number of executions carried out each year is closely guarded as a State secret, several human rights groups estimate the annual figures to be in

the thousands, more than all the other nations in the world combined. In recent years, China has switched from executing prisoners with a bullet in the back of the head to using lethal injection, a method that facilitates the extraction of organs by medical personnel after death.

My investigations, dating back to the early 1990's, have shown that Chinese hospitals regularly broker deals to supply privileged Chinese and foreign citizens with needed organs harvested from executed Chinese prisoners. Just last month, reports emerged of 17 Japanese citizens traveling to China to illegally undergo organ transplants.¹ It is completely ordinary in China for an ambulance to be standing by at the site of an execution, with medical personnel ready to quickly remove needed organs and hurry them off to the waiting hospital. In 1994 I assisted the BBC in producing a major report on the subject, which showed the practice to be a matter of national policy. In 2001 my Foundation released an in-depth report, entitled *Communist Charity*, detailing the irrefutable evidence on the practice. Still, the Chinese continued to deny these allegations until confirmation finally came in 2006, when China's Vice-Minister of Health, Mr. Huang Jiefu, publicly admitted that more than 95% of the organs used in medical transplants in the country come from executed prisoners. Such an assertion is astounding, considering that China is now second only to the U.S. in the number of transplants performed each year.

Given how willing the Chinese government is to sell the organs of its executed prisoners to ill patients, it is not too difficult to believe that the trafficking of human organs in China has now expanded to include entire human bodies, some of which appear in the popular anatomical exhibits that are on tour right here in the U.S. Employing a technique known as *plastination*, wherein human tissue is preserved by removing it of liquids and fats and then injecting it with a plastic polymer, exhibits such as "Bodies... The Exhibition" display neatly dissected cadavers and individual organs to the public for a price of \$20-\$30 per person. Premier's exhibits are supplied plastinated specimens by the Dalian Hoffen Bio Technique Company Lmt. ("DHBTC") in Dalian, China, which is owned by Dr. Sui Hongjin. The contract between Premier and DHBTC is reported to be worth \$25 million.

At first, Premier was very vague in describing the provenance of its specimens, claiming that they were "acquired by legal means with the highest of ethical standards." Later, Premier revealed that it was using "unclaimed" bodies, which it said were obtained from Dalian Medical University, though it offered no official explanation of what exactly that term meant or how said bodies came to be "unclaimed." It may indeed be the case that those bodies were unclaimed, but I know that in China, this is a category which can include the bodies of executed prisoners. Typically, the families of executed prisoners are not even notified that the execution has taken place until after the fact, and while they may receive cremated remains of the executed prisoner, they cannot claim the bodies, which are essentially the property of the prison.

Last year, new evidence surfaced that reaffirmed my suspicions about the specimens in Premier's exhibits. An ABC News "20/20" investigation which aired in February provided evidence of this illicit body trade when they tracked down a broker who claimed to have bought more than 100 bodies from the police in China and sold them to the DHBTC. He even provided

¹ See "China probes illegal transplants for 17 Japanese." *Reuters*. 16 Feb. 2009. <http://www.reuters.com/article/latestCrisis/idUSPEK114582>.

pictures of some of the blood stained corpses, hands still bound, which he saw during his first such transaction. This story prompted New York State Attorney General Andrew Cuomo to launch a probe of Premier's exhibits. Mr. Cuomo's investigation found that the bodies displayed by Premier in New York were "originally received by the Chinese Bureau of Police." Moreover, the investigation found that Premier's prior assertions that it could independently confirm that the body parts in its exhibits did not belong to executed Chinese prisoners were false. Subsequently, Premier agreed to disclose these findings on its website and in the lobbies of its New York exhibits.

Premier continues to deny that the bodies it displays could be those of executed Chinese prisoners. The evidence to the contrary, though, is very convincing. That Premier has relied so readily on the assurances of its Chinese partners is, in my opinion, grossly negligent. Corruption and exploitation are pervasive in China, and had Premier exercised a proper degree of due diligence, it would know that China has gone to great lengths to cover up the scale of its human rights violations, including its forced labor practices, mass executions, and organ harvesting. Any human rights expert could have told Premier about the many obvious causes for concern in obtaining cadavers from China.

In any case, it is now undisputed that Premier is displaying the bodies and body parts of individuals who did not consent for them to be used in that way and profiting from it greatly. Such a form of corporate exploitation is far from ethical, and it should also be illegal. But I do strongly believe that some of the bodies for which Premier holds a "lease," could be those of executed Chinese prisoners. For a group of people who have suffered so much during life to be subject to such an indignity after life is reprehensible to say the least. I hope that the State of Hawaii will enact House Bills 28 and 29, which I believe will place adequate and ethical restrictions on the buying, selling, and commercial display of human bodies, so that in the future Premier and companies like it will not find a partner complicit in these opprobrious practices in Hawaii.