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Assembly California Legislature

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February 10, 2009

The Honorable Marcus Oshiro
Chair, House Finance Committee
Hawaii House of Representatives
State Capitol, Room 306
Honolulu, HI 96813

SUBJECT: SUPPORT OF HB 28
Prohibiting the Display of Human Remains

Dear Representative Oshiro:

As the author of the nation's first bill to prohibit the display of human remains, I strongly support your bill, HB 28 (Oshiro).

I first became involved with this issue when the human remains exhibit, "The Universe Within," came to San Francisco where I was a Supervisor. The bodies on display were porous, leaked bodily fluids, and immediately raised health concerns. After overwhelming public caution, I authored an ordinance which led to public awareness surrounding the issue and prevented the exhibit from coming back. After I was elected to the State Assembly, another traveling exhibit appeared in Sacramento, where I then authored Assembly Bill 1519, which would regulate the display of human remains statewide.

While I support the medical and science community to develop a stronger understanding of the human body, knowledge and public awareness cannot come at the expense of human rights. We must ensure that we help end the unscrupulous practice of profiting from the dead. I know HB 28 will help get us there.

Should you have any questions, please contact my Office at 916-319-2012.

In Peace and Friendship,

Fiona Ma
Majority Whip
12th Assembly District
California State Assembly

CC: House Judiciary Committee



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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.

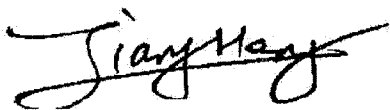
Here is a government controlled by the Communist Party that has been depriving people's rights and violating their bodies – relying on their documents is an act of irresponsibility for human life. The Chinese communist government is notorious for denying rights of Chinese citizens, and its glaring violation 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.



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

**State of Hawaii, House of Representatives
Hearing of the Committee on Judiciary
2:00 pm, Tuesday, February 10, 2009**

Comments on 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 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. 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 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 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 dead bodies 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.

February 10, 2009

Representative Jon Riki Karamatsu:

I am writing in strong support of House Bills 28 and 29 designed to prevent commercial use of human bodies. I served as the Director of the Willed Body Program of the John A. Burns School of Medicine for 25 years. This program is essential to the training of physicians as well as other allied health professionals and any misuse of human remains seriously jeopardizes its success. In order for potential donors to feel secure in their decision to donate their bodies for medical education purposes, they need to know that the bodies will be treated with respect. Permitting commercial use of human bodies undermines any respect and thereby damages the possibility of donations.

We have recently had an example of the commercial use of human remains at Ala Moana. That company, Premier Exhibitions, has been forced out of several states because they could not identify the bodies and it now appears that they were purchasing bodies of executed Chinese prisoners. Such commercial use of the human body offends our conscience as anatomists and medical professionals. In our Willed Body Program, we have held to the principle that donations would only be accepted if they were the donor's expressed wishes. These are the same principles espoused by the American Assoc. of Clinical Anatomists which has denounced the misuse of human remains by Premier Exhibitions and others hoping to profit from the commercial display of cadaveric specimens.

I understand there has been a recent advertisement soliciting body donations for a fee for use both here in Hawaii and abroad by an unnamed group. This is another example of how essential it is to prevent the improper acquisition and commercial use of human remains by enacting legislation now. I urge you to support both House Bills 28 and 29.

Marita L. Nelson, Ph.D.
Emerita Professor of Clinical Anatomy
Dept. of Pathology
John A. Burns School of Medicine
Phone: (808)395-3552

Chair Rep. Jon Riki Karamatsu
Committee on Judiciary
And Committee Members
Conference Room 325
State Capitol
415 South Beretania Street
Honolulu, HI 96813

This kind of display is in humane and should not be allowed. It is against all human principles to put these bodies on display let alone say it is for teaching if its for teaching then use it in a class room not public display for profit. And even at this they could do the same thing using wax as to real human bodies.

To the best of my knowledge it has never been clear where the bodies have originated and to get clean correct paper work on them is another problem that would need to be considered. My under standing is most Chinese people would not permit their bodies to be put on display like this as they believe in retaining all their body parts and would prefer to be cremated.

China has not been one to care much for human right and is believed to be us illegally detain prisoner for human organ sales and for these body displays. There have been many investigations as to proving this and the Chinese Communist Party has not been willing to allow a full investigation into this.

So if they will not allow an investigation how is it that we could believe these documents to be true. I for one support both of these bills HB 28 and HB29.

Sincerely

John White
1420 Victoria St
#1702
Honolulu, HI 96822