

## CORPSE ABUSE AND THE BODY-PARTS MARKET

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### ABSTRACT

*Although the overwhelming mass of the dead are accorded at least a modicum of respect and many are treated grandly, some corpses are abused, sold, or even cannibalized for parts. The scale and scope of corpse abuse is exacerbated by advancing medical technology that permits replacement of a growing number and variety of body parts with healthier, younger, or undamaged skin, bones, ligaments, limbs, and organs harvested from the living and the dead. "Corpse Abuse and the Body-Parts Market" is an examination of the growing link between corpse abuse and the financial attraction of the body-parts market.*

While death and taxes are certainties of life, taxes can be changed, avoided, and even evaded, albeit at a risk, but death is inevitable, and in the early years of the twenty-first century, a death occurs about 150,000 times a day around the globe. Despite the vast numbers of new dead every day, under normal circumstances bodies are routinely treated to cultural rituals that vary from place to place as nearly all are buried in the ground or cremated. Extreme circumstances are a different matter. A 1999 earthquake overwhelmed Turkey's capacity to manage its dead. "The ceaseless cascade of corpses [estimated at 40,000] . . . forced authorities to improvise in some not very pleasant ways." Where there were no refrigerated facilities unidentified corpses were buried to avert disease. Bodies were laid out in morgues, meat lockers, and cold storage warehouses, and on the ice in a skating rink. Soldiers photographed bodies before putting them in plastic bags and dusting them with chlorine powder.<sup>1</sup>

During the first two weeks of August 2003, a heat wave killed an estimated 19,000 Europeans over and above the number that would normally have died in that time. In Paris temperatures surpassed any recorded since climatic data collection began in 1873. As outside temperatures reached 104° F, Parisians, especially the elderly among them, stifled in tiny unairconditioned apartments. Bodies piled up as deaths overwhelmed the capacity of mortuaries. Many who might have been kept alive had no one to help them because family, friends, and professionals usually available were away during the traditional early August holiday. The challenge of managing thousands of unexpected corpses forced the

French government to recall grave diggers from national holiday and appropriate as a makeshift morgue the 43,000 square-foot refrigerator at the Rungis wholesale market. Bodies were laid out on cots until identified and claimed by relatives. Morticians warned that two weeks or more might pass before bodies could be properly buried or cremated. In early September authorities interred all corpses not claimed. In Paris alone, fifty-seven unclaimed corpses were buried at government expense in fields usually reserved for the destitute and homeless.<sup>2</sup>

As shocking as the number of dead from earthquake and extreme weather are, these numbers pale in comparison with the thousands of dead and dying in Africa as the HIV/AIDS pandemic rages unchecked. AIDS is blamed for a third or more of the deaths in sub-Saharan Africa. There is pressing need for burial space in South Africa where 16,000 deaths a day are expected by 2005. Unlicensed dealers in body preparation and burial have created an underground mortuary industry. Anxious to turn the burial of relatives over to professionals, families pay the first person to ask, relinquish the corpse, and hope for the best. The best is often a mass grave or an abandoned pile of corpses in a mortuary. Many bodies go unclaimed. Desperate conditions do not respond to the usual Western solution of cremation because African tradition requires burial of the body to guarantee admittance to the spirit world. The government of South Africa refuses even to acknowledge the problem.<sup>3</sup>

Death-care facilities already strained by the HIV/AIDS pandemic cannot adequately respond when other disasters strike. A bomb explosion in Nigeria in January 2002 killed hundreds and forced Lagos mortuaries to stop accepting corpses. Rapidly decomposing bodies and overwhelmed mortuary facilities became a tragedy within a tragedy. In April authorities in Ghana asked the public for help in identifying and caring for corpses left in the 37 Military Hospital mortuary for over a year; those not claimed were placed in mass graves to alleviate the congestion of corpses. And in Zimbabwe the Mpilo Central Hospital mortuary, designed to handle 30 bodies but often holding more than 250, announced that it was no longer accepting corpses. The expense of keeping a body during the traditional African four-day funeral is reduced for families if the state holds the bodies until time for burial—rituals cost from \$1,200 to \$3,000. To continue the tradition without the support of a state mortuary, families will have to keep their departed at home.<sup>4</sup>

Maintaining cadavers at levels suitable to contemporary social mores is hindered by extraordinary circumstances like earthquakes and explosions or even human tragedies like HIV/AIDS. Sometimes expansion of the near-death cohort

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is enough, in combination with society's reluctance to make costly infrastructure changes that translate into higher taxes, to overwhelm death-care facilities and precipitate body abuse. In 2001 citizens in England were aroused by reports and photographs of bodies stored in the Bedford Hospital chapel to relieve crowding in the hospital morgue. In response to public outrage, the chief executive of Bedford Hospital resigned. The press took the National Health Service (NHS) to task: politicians claimed that mismanagement, not inadequate funding, was the problem; the medical community confirmed that Bedford was not an isolated case but an example of poorly funded pathology programs throughout the NHS. One writer insisted that the problem extended to Australia.<sup>5</sup>

More than a year after the Bedford debacle, British subjects received another shock. Workers at Heartlands Hospital in Birmingham loaded corpses into a lorry and hauled them to the nearby mortuary. The administrator who oversaw the operation apparently hoped the public would never know that the vehicle used was a cleaned-up trash lorry. The public did learn of this disgrace to cadavers and cries of indignation resounded far beyond the British Isles.<sup>6</sup>

The following year, 2003, yet another body-abuse scandal emphasized diminishing concern for corpses. A Muslim woman's body was discovered in a London mortuary besmirched with strips of bacon. Because Muslims are forbidden to touch pork, the mistreatment of the body was a desecration.<sup>7</sup>

Despite neither a national health service scapegoat nor an overwhelming pandemic, the prosperous United States nonetheless suffers body abuse. Corpses chewed by rats in a Los Angeles facility stir less indignation than bodies laid out in chapels in England. Righteous anger flared in Columbus, Ohio, where James Harber was fined \$150 for leaving the body of an 88-year-old man in his van instead of completing the transport from nursing home to funeral home. Harber had abandoned the body while visiting the Candy Store, a strip club.<sup>8</sup>

Southern California is home to Michael Francis Brown, owner of three death-care companies. In 2002 Brown was charged with 156 counts of unlawful mutilation of human remains and embezzlement. In 2003 Brown pleaded guilty to 66 counts of embezzlement and mutilating grave remains and was sentenced to twenty years in prison. Over 200 other counts were dropped. Consumer-rights groups claim that similar cadaver abuse goes undetected nationwide, and many abuses have been detected: operators of Menorah Gardens and Funeral Chapels in West Palm Beach, Florida, are accused of digging up bodies and throwing the bones in the woods to make grave space available for resale. A professor of neurology at the University of Florida was arrested after police discovered

heads, brains, arms, and other body parts stored in his home. In Miami, Florida, Joseph Damiano, known as the “Body Baron of Broward County” was arrested for illegally taking bodies for cremation, mixing and losing ashes of cremated remains, and selling bodies to a mortuary school without authorization. Damiano had provided bodies to Florida’s Lynn University, whose mortuary program has been closed pending investigation into illegal acquisition of cadavers.<sup>9</sup>

Spectacular among recent revelations of body abuse in the United States is the case of Ray Brent Marsh of LaFayette, Georgia. Marsh was jailed for illegally holding 339 bodies—the number was later reduced to 334—he had been paid to cremate. Police found cadavers stacked and buried in pits around Marsh’s property. Marsh was originally charged with 398 felony counts, including theft by deception and body abuse. After authorities had completed their survey of the Marsh property in May of 2003, they were left with 108 unidentified corpses. These were later buried in the Tennessee-Georgia Memorial Park in Rossville, Georgia, at the expense of park owners, who were probably anxious to end a scandal that had besmirched the entire death-care industry. In late August 2003 Marsh was indicted on 787 counts of burial fraud; 122 counts of burial service fraud, 47 counts of making false statements, 179 counts of abuse of a dead body, and 439 counts of theft by taking. Marsh was released after seven months in jail. Until he is brought to trial, Marsh must wear an electronic monitor and remain at his mother’s home. More than 1,600 families have brought suit against the Tri-State Crematory at Noble, Georgia, and the mortuaries that had used the crematory. Parties to the civil damages suit have claims based on bodies sent for cremation as long ago as 1988. U.S. District Judge Harold Murphy must approve a tentative \$40 million settlement.<sup>10</sup>

In late June 2003 while the Marsh case awaited action by the Walker County, Georgia, Grand Jury, authorities in Toledo, Ohio, revealed another example of corpse abuse at a mortuary. Henry Harden, owner of Sherrill-Harden Funeral Home, was charged with neglecting cadavers when six bodies he had accepted for burial or cremation were found stacked in a back room; another two were later discovered in a garage. Smaller numbers facilitated swift legal action: Harden pleaded no contest and was convicted of corpse abuse on September 12; two weeks later his and his wife’s mortician’s licenses were revoked. At sentencing on October 10, Harden was ordered jailed for sixty days and put on probation for three years.<sup>11</sup>

Society determines the proper treatment of corpses. Primitive man probably left the dead where they fell or dragged them out of sight and let nature take

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its course; but as people gathered to share life in hamlets, villages, towns, and cities, rituals for disposing of the dead evolved. The spiritual meaning of death continues to intrigue societies and has generated diverse explanations for what becomes of the life force that so mysteriously disappears, leaving behind a decaying corpse. Treatment of the corpse reflects social conclusions about the future of the spirit. Ancient Egyptians, driven by their belief that the dead would be recalled to action at some undesignated time and place, excelled at preserving the remains, and many of their mummies continue to attract attention thousands of years after they separated from their spiritual owners.

Despite varying beliefs regarding the disposition of the spirit and essential maintenance of the corpse, societies, with few exceptions, choose to put the remains out of sight. [Jeremy Bentham (1748–1832) is an exception to the out-of-sight rule. Though dead for nearly two centuries, his remains reside in public view at University College, London.] Societies that demand removal of corpses may restrict disposition of bodies to family members, but societies free of such restrictions set the stage for corpse-management markets replete with profits that can be enhanced at the expense of survivors distracted by grief and distanced from body treatment rituals. Citizens put the bodies of deceased family members with professional morticians and trust that the money they pay will provide the promised care.

In the twenty-first century, the word dignity has been adopted by the death-care industry in the West to mean delivery of the goods and services for the dead as contracted and paid for by the living. Dignity may or may not be delivered. Did it seem obvious to Ray Marsh and Henry Harden that once paid for burial and the survivors comforted, they could pocket the money and neglect the bodies? Who's to tell? Had either Marsh or Harden secreted the corpses, could they have escaped exposure for the thieves they are? How many other morticians have performed as dishonorably and not been prosecuted because they were smarter in hiding their crimes?

Corpse abuse is socially defined. Leaving cadavers as food for scavengers is abuse in twenty-first century America but was the rule of nature a few hundred years ago. The growth of world population, the rural to urban movement, industrialization, and globalization have contributed to declining care for the dead. If citizens monitored the activities of local morticians as closely as they watch local politicians, school teachers, and football coaches, villains like Marsh and Harden would be less likely to get away with multiple abuses of cadavers. But neglect of corpses may be mild abuse in a world where increasing numbers of

affluent citizens are demanding replacement body parts. The body-parts market, a late twentieth century and early twenty-first century phenomenon, is fueled at least in part by the same lack of respect for corpses that has given rise to cadaver abuse around the globe.<sup>12</sup>

Mass burials of unidentified dead, corpses laid out in chapels, rat-gnawed cadavers, and bodies stacked in heaps are shocking, but the worst of the contemporary body-abuse scandals is rooted in an expanding global market economy that stamps a price on everything. In Ibadan, Nigeria, two attendants were caught removing a foetus from a corpse in the Oyo State Hospital mortuary. They were allegedly paid by the family of the deceased to steal the tiny corpse. In Lodz, Poland, the central government contributes as much as \$1,000 to subsidize funerals. Polish workers who earn half that amount in a month compete for bodies to sell at a profit to licensed and unlicensed funeral homes. Stealing foetuses and competing for corpses to bury are base abuses, but the United States, the world's largest economy, is building a body-parts market that threatens to become the world's biggest corpse and body-abuse scandal.<sup>13</sup>

The need for cadavers in medical research and teaching has long motivated a tiny portion of the population to will their remains to medical schools. In 1999 Oklahoma reported the need for 130 cadavers for use in eleven schools around the state.<sup>14</sup> Not all donated bodies are treated according to the wishes of their donors. The University of California, Irvine (UCI), fired Christopher S. Brown, director of the Willed Body Program, after accusing him of selling body parts. His responsibility, embalming and repairing donated cadavers for research and disposing of them when no longer needed, gave him opportunities to sell spines, conduct unauthorized anatomy courses, and misplace cremated remains that had been promised to relatives of those who had willed their bodies to UCI. Purportedly Brown sold six spines for \$5,000 and provided cadavers for a class. Bodies, in the United States at least, have become commodities worth from \$80,000 to \$222,000.<sup>15</sup>

Five years later, in 2004, the University of California, Los Angeles Willed Body Program director, Henry Reid, has been charged with illegally selling body parts. In lawsuits families of donors claim that UCLA officials were aware of the sales. Two UCLA employees have been placed on leave and Associate Vice Chancellor of the Medical School J. Thomas Rosenthal has announced "that former Governor George Deukmejian had agreed to oversee a reform of the willed body program, which receives about 175 bodies each year for research and education."<sup>16</sup>

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Spreading news of corpse abuse spurred Dr. Peter Kohler, president of Oregon Health & Science University (OHSU), to launch a preemptive attack on BioGift Anatomical when that not-for-profit organization located in his state and began soliciting cadaver donations. Walter Mitchell, director and sole employee of BioGift, operates out of a facility equipped with “a stainless steel table, surgical instruments, a covered biohazard container, and a painted concrete floor.” The first contribution to BioGift came in return for no-cost cremation.

Kohler expressed his concerns that BioGift might undermine years of trust-building. Oregon Health & Science University “and other donation programs in Oregon have spent close to 30 years gaining the community’s trust. Donors now know when they donate a body to OHSU it will be treated with the utmost respect and used for the purposes intended. Misuse of the public’s trust by any organization that is not regulated by federal or state agencies will ruin the trust all tissue, organ and body donation programs have worked so hard to build. In turn, this loss of trust could reduce the number of donations all programs receive.”<sup>17</sup>

Bodies and body parts cannot be legally sold in the United States but processing and distribution fees are allowable, a crack in the law through which illegal dealers supply an overwhelming demand. A law effective enough to plug the black market in body parts would probably stifle legal uses of body parts for treatment and research. Even the agencies responsible for preventing the expansion of illegal body-parts marketing are attracted by the money available in that remunerative and vigorous business. In Boston “the cash-strapped Medical Examiner’s Office has a secret contract with a company that harvests body parts from donors without telling their next-of-kin the remains are often used for lucrative cosmetic surgery . . . The contract with New England Eye & Tissue Transplant Bank, has since 1996 guaranteed equipment, staff and cash to the notoriously undermanned M.E.’s office . . . in exchange, NEETTB has immediate access to the names of deceased who are prime candidates for tissue donations.”<sup>18</sup>

The widespread prosperity, open culture, and expansive freedoms of the United States attract immigrants, visitors, and body parts. “An international transplant Mafia based in the former Soviet Union is capitalizing on America’s organ-shortage crisis by smuggling live donors into the country to sell their lungs and kidneys . . . About 86,000 Americans are currently waiting for a transplant; 6,124 (about 17 a day) died last year [2001] for want of an organ.”<sup>19</sup>

Sometimes the donors die, too. “The last time Makhbuba Aripova, a young woman from the central Asian republic of Uzbekistan, saw her husband Farkhod he was about to set off for a new life in Canada . . . Later his remains were found in plastic bags [along with] the mutilated bodies of his sister and brother-in-law and their three children, who were to emigrate with him . . . Investigators believe they are among dozens of victims of a ruthless gang of traders in human organs who lure people to their deaths with promises of jobs abroad . . . When police raided [a suspect’s] house last December [2000] they reportedly found bags containing human body parts from which organs had been removed. There were also 60 passports belonging to people who had vanished, together with £6,000—a huge sum in a country where the average monthly salary is £10. Police say this may have been the proceeds of organ sales.”<sup>20</sup>

Even in the United States where live organ donors now outnumber dead ones, “under the worse circumstances, there can be serious infections, long work absences, the loss of health benefits and even death.” About one in three liver donors contracts complicating infections and one in a hundred dies. Ten percent of kidney donors suffer complications.<sup>21</sup>

China, a new member of the World Trade Organization and rising world economic power, has a repugnant role in the remunerative international body-parts market. In the United States and other industrialized nations, ready money awaits a heart<sup>22</sup> or kidney, lungs, and skin and other scarce human tissue—all scarce not in potential supply but in effective supply, for restrictive laws have stifled the market and driven prices to attractive levels for those willing to violate the law. China stands accused of harvesting organs from executed convicts, men and women who may have been executed primarily because they had the organ match sellers were looking for. American buyers can have the organ transplanted in China or a neighboring country then return home where long-term care may be financed by Medicaid and Medicare. Although China’s use of organs from prisoners is reprehensible, is the “thriving black market in organs sold by live, willing donors in poorer nations with medical know-how, like India” any less distressing?<sup>23</sup>

Decades of failing to stifle the flow of illegal drugs presage another futile effort, this one to interfere in the body-parts traffic. Nevertheless, lawmakers may get help from Mother Nature. When 23-year-old Brian Lykins died after receiving diseased cartilage in a hospital surgical procedure, the public was introduced to the dark side of the body-parts market. Lykins had received tissue



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from CryoLife. Although a duly licensed firm, CryoLife had violated its own and federal guidelines for handling tissue. The family is calling for reforms and threatening to sue for \$50 million, a figure based on CryoLife's annual sales.<sup>24</sup>

In August of 2002 the University of Texas Medical Branch at Galveston recalled body parts sent to as many as 60 research programs around the United States. Although taken from cadavers donated to the center through the University's Willed Body Program, the parts may not have been adequately tested for HIV/AIDS, hepatitis, or other infectious diseases before being distributed. In September 2002 medical authorities confirmed that, like contamination from improper processing, the West Nile virus, HIV/AIDS, and hepatitis can be transmitted to recipients of parts and tissue from cadavers. The threat of death associated with receipt of body parts, whether obtained legally or illegally, may constrain market demand for body parts and tissue, but veterans of the War on Drugs know how small an impact known dangers have on the market for drugs.<sup>25</sup>

Abuses of cadavers will continue unabated while natural catastrophes and terrorist acts flood death-care facilities, and national health systems are insufficiently funded to accommodate the rising number of deaths as the post-World War II generation dies off. But so long as the threat of disease makes a great many cadavers too dangerous for recycling, the worst imaginable body abuse will be inhibited if not stifled: the use of corpses of the poor as inventories of body parts for the well-to-do.

Underlying market-fueled international corpse abuse is the flagging concern for the dead as illustrated by Professor Gunther von Hagens in London and Richard Leutheuser of St. Louis, Missouri. Hagens performs public autopsies in an art gallery in London's East End: 500 voyeurs paid \$19 each in late 2002 to watch the professor dismember a corpse. "Public autopsies became popular across Europe from the 16th century, after the Roman Catholic Church gave permission for surgeons to dissect bodies to help understand the miracle of creation. They were banned in Britain in 1832."<sup>26</sup>

Richard Leutheuser, a designer and builder of swimming pools, dabbles in body parts out of his home in Kirkwood, Missouri, a suburb of St. Louis. On November 4, 2003, a dripping package addressed to Leutheuser's home attracted the attention of FedEx personnel, who inspected and discovered human body parts: an arm and two legs. Leutheuser uses freezers in his basement to store body parts until he needs them. He treats the human remains like any other marketable product. Leutheuser is guilty of no crime beyond operating

a business out of his home without a license. Permission to operate the pool company does not extend to the sale of body-parts since the city will not license home businesses that require inventory storage. Not charged with any crime, Leutheuser is looking for a business park where he can store body parts.<sup>27</sup>

As regard for the dead declines, the cost of body disposal rises, and the profits to be had in the body-parts marketplace soar, body abuse is likely to become less a bizarre anomaly and more a fact of life. Although putting body parts to use after the original owners no longer need them may be economically rational, final accounting should allow for the social cost of lost humanity that often accompanies the advance of rational behavior.

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