

COMMONWEALTH OF PENNSYLVANIA

HOUSE OF REPRESENTATIVES

JUDICIARY COMMITTEE

PUBLIC HEARING IN RE: HOUSE BILL #2299

COMMERCIAL DISPLAY OF HUMAN REMAINS

* * * * *

BEFORE: THOMAS R. CALTAGIRONE, Majority Chairman
RON MARSICO, Minority Chairman
Kathy Manderino, Member
Sean Ramaley, Member
Thomas Creighton, Member
Bernard O'Neill, Member
John Evans, Member
John Pallone, Member
Carl Mantz, Member
Mark Keller, Member
Harold James, Member
Craig Dally, Member
William Andring, Counsel
Karen Cotes, Counsel

HEARING: Tuesday, August 5, 2008
Commencing at 10:00 a.m.

Reporter: Alicia Brant

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1 LOCATION: Bedford Springs Resort, Eisenhower Room
2 2138 Business Route 220
3 Bedford Springs, Pennsylvania

4 WITNESSES: Mike Fleck, Dr. Dennis Wint, Dr. Harry Wu,
5 Dr. Walter Hoffman, Attorney Brian Wainger,
6 Georgina Gomez

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CHAIRMAN CALTAGIRONE:

I'd like to introduce the members of the panel to the House Judiciary Committee, holding a hearing on House Bill #2299. For the benefit of the stenographer, you would need their cards for the spelling of the names.

COURT REPORTER:

Their things are right in the front, so that works.

CHAIRMAN CALTAGIRONE:

You got everybody? The other side, too?

COURT REPORTER:

Yes.

CHAIRMAN CALTAGIRONE:

If we could introduce ourselves, starting to my right, Kathy?

REPRESENTATIVE MANDERINO:

Good morning, everyone. Kathy Manderino, 194th District, parts of Philadelphia and Montgomery County.

REPRESENTATIVE RAMALEY:

Sean Ramaley, 16th District, Beaver and Allegheny Counties.

1 REPRESENTATIVE CREIGHTON:

2 Tom Creighton, 37th District, Lancaster
3 County.

4 REPRESENTATIVE O'NEILL:

5 Good morning. Bernie O'Neill, 29th
6 Legislative District in Centre and Bucks County.

7 CHAIRMAN MARSICO:

8 Good morning. Ron Marsico, 105th
9 Legislative District in Dauphin County.

10 CHAIRMAN CALTAGIRONE:

11 Tom Caltagirone, City of Reading, Berks
12 County, 127.

13 REPRESENTATIVE EVANS:

14 Good morning. I'm John Evans
15 representing the 5th Legislative District, Erie and
16 Crawford Counties.

17 REPRESENTATIVE PALLONE:

18 Good morning. I'm John Pallone. I
19 represent the 54th Legislative District, which is
20 Northern Westmoreland County and Southern Armstrong
21 County, about 22 to 25 miles from Pittsburgh.

22 REPRESENTATIVE DALLY:

23 I'm Craig Dally from Northampton County,
24 138th District, Lehigh Valley.

25 ATTORNEY KOTES:

1 Karen Kotes, Counsel on House Judiciary
2 Committee.

3 ATTORNEY ANDRING:

4 Bill Andring, Counsel.

5 CHAIRMAN CALTAGIRONE:

6 A couple other members have joined us.

7 REPRESENTATIVE KELLER:

8 Representative Mark Keller of the 86th
9 District of Perry and Franklin County.

10 CHAIRMAN CALTAGIRONE:

11 Thank you, Mark. And coming in to join
12 us is Carl Mantz, Kutztown, Berks County and Lehigh.
13 We can start off with Representative Fleck. If you
14 would introduce yourself for the record and begin your
15 testimony, sir?

16 REPRESENTATIVE FLECK:

17 Thank you, Chairman Caltagirone and
18 Chairman Marsico, members of the Committee. State
19 Representative Mike Fleck of the 81st District, Blair,
20 Huntingdon and Mifflin Counties. Thank you for the
21 opportunity to discuss House Bill 2299. I became
22 aware of the commercial display of human remains this
23 past February after watching an episode of ABC's
24 20/20.

25 I was definitely appalled that this would

1 be taking place in the United States. The real issue
2 for me and the very core of my legislation is the
3 issue of donor's intent, i.e. the use of unclaimed
4 cadavers from foreign countries, namely China. The
5 20/20 report documented the controversy in great
6 detail. They traveled to China undercover and showed
7 how easy it was to obtain an unclaimed body.

8 I'm not going to elaborate on China's
9 record on human rights. I'll leave that to the
10 experts. And I'm glad that we have Mr. Harry Wu here
11 this morning to enlighten us on that important issue.
12 However, what I did know about China is that in the
13 last few years, we've had tainted test food,
14 children's toys coated in lead and the list goes on
15 and on, and on and on.

16 As the 20/20 episode came to a
17 conclusion, I probably would've dropped the issue.
18 But my wife walked into the room and informed me that
19 the bodies exhibit was on display at Carnegie Science
20 Center in Pittsburgh. Up to that point, I thought
21 that this was something that was only happening in New
22 York City or Los Angeles. Nevertheless, I soon read
23 about the controversy surrounding the Science Center
24 Exhibit.

25 The Science Center's a great institution.

1 I'm proud we have it here in Pennsylvania. I think
2 they need to examine in forming an ethics panel to
3 discuss if this was right for them. They reviewed the
4 paperwork that Premier Exhibitions, the owner of the
5 bodies, the exhibition had submitted to them and found
6 it to be in order. They dismissed the 20/20 report as
7 sensationalism. If I were in their shoes, I probably
8 would've done the same thing.

9 However, when Andrew Cuomo, the New York
10 Attorney General, released his findings that under
11 subpoena, he didn't feel that Premier could produce
12 documentation guaranteeing that the bodies on display
13 weren't executed political prisoners or religious
14 workers. I said to myself, how could the ethics panel
15 be privy to documentation that even the New York
16 Attorney General couldn't obtain under subpoena.

17 Nevertheless, the exhibit at the Science
18 Center was gone and it was no longer their problem.
19 However, a new exhibit has opened up at the Whittaker
20 Science Center in Harrisburg, and once again it
21 brought controversy. I soon realized that great
22 institutions all across America were dealing with this
23 controversy. Who were these bodies? Are we aiding
24 foreign government in providing a quick fix in helping
25 dispose of bodies that they don't want to deal with,

1 or bodies that they'd be otherwise stuck with, burial
2 costs, et cetera, et cetera.

3 It saddened me because the reputation of
4 many great museums have been somewhat questioned, if
5 not tarnished, depending on the exhibit they used. So
6 I, like many representatives, have introduced
7 legislation that will verify the validity of
8 documentation and hopefully cut down on the
9 controversy. I have two letters from representations
10 there that I passed out, one from Hawaii, one from
11 Michigan.

12 I'm also in contact with representatives
13 in California, Florida, New York. And ideally,
14 something needs done at the federal level. And
15 Congressman Todd Aiken has introduced similar
16 legislation. However, as we know in our chamber, how
17 slow the process can sometimes be. Until then, this
18 will continue to affect Pennsylvania simply because we
19 are a populous state that has a booming tourism
20 industry, and we're blessed with some of the great
21 museums in the world. The same can be said about the
22 aforementioned states that I've listed, all large
23 states with a booming tourism industry.

24 In America, we have a long history of
25 respect for the dead. Oftentimes during the Civil

1 War, at the end of the day after the battle was
2 fought, both sides would be present on the battlefield
3 to gather up the dead, often unknown and unclaimed.

4 One of the greatest speeches in the world
5 was given at the dedication of the cemetery, the
6 Gettysburg Address. We have no idea if unclaimed
7 cadavers on display in some of these shows were war
8 heroes or religious workers, fighting to make their
9 country a better place, only to end up on display here
10 in America. We've spent millions, and rightfully so,
11 on the tomb of the unknown soldier; once again
12 unclaimed bodies.

13 We have numerous laws regarding the
14 desecration of graves, and yet we have few laws
15 regarding the donation of unclaimed or unknown
16 individuals. We have more laws on taxidermy. I'm a
17 religious man. I do believe the Bible is literal.
18 And you may not believe the same as I do, but you
19 can't dispute the Bible as a great history book. In
20 the Old Testament, we read about the children of
21 Israel and their slavery in Egypt, and more
22 importantly, their deliverance from bondage.

23 Upon leaving Egypt, they went and dug up
24 Joseph, who had been entombed for hundreds of years,
25 because he didn't want to be left in Egypt. I say

1 this not to preach, but to illustrate the view that
2 civilized people have had for thousands and thousands
3 of years on how important is the right of your own
4 body, even in death. In America, you can't sell your
5 body. You can't go on Ebay and auction off a kidney.
6 It's illegal, they'll arrest you. I can't even sell
7 my blood; it has to be donated.

8 And yet, we can go to a foreign country
9 and purchase a body. We can ship it here
10 circumventing customs by waiving a body teaching model
11 or what have you. We can't ship produce or meat or
12 anything else into the country without a fair
13 inspection. Each and every one of us determines our
14 definition of modesty and how we present ourselves,
15 and how we want to be remembered.

16 The portion of Mifflin County that I
17 represent is the second largest Amish community in the
18 state. Just a few miles up the road in State College,
19 you have a man who likes to mow his grass in a Speedo.
20 And occasionally he would take that off, which the
21 neighbors didn't like. Perhaps if he had the body for
22 it, there wouldn't have been a big issue, but they
23 sued.

24 Whatever the case is, you have two very
25 different interpretations of modesty, and how these

1 individuals presented themselves in life and how they
2 would want to be remembered in death. The use of
3 unclaimed bodies for commercial profit is wrong. Even
4 in death, their last wishes should be carried out.
5 Just because we don't know them doesn't give us the
6 right to exploit them.

7 We have no right to infringe on the
8 dignity of the deceased's most sacred of human rights.
9 I look at the exhibits that use unclaimed Chinese
10 cadavers and I'm appalled. Here we have a man void of
11 his skin, basically buck naked, holding a soccer ball
12 like he's David Beckham. And this is what your body
13 looks like if you're a professional soccer player.
14 Educational? Yes.

15 Wouldn't it be more educational if you
16 put that same skinless Chinese cadaver, but instead of
17 a soccer ball have the background of a sweatshop,
18 which is probably more in tune with some of these
19 Chinese cadavers? How their environment affected
20 their genetic make-up. Many people misunderstand my
21 legislation.

22 For one, it doesn't prohibit the display
23 of human remains, but it makes sure that the donor
24 gave their consent to be displayed for commercial
25 enterprise, end of story. If the company wants to

1 pose you with a soccer ball, so be it. At least you
2 know that and you signed on the dotted line. There's
3 no doubt that these exhibits are educational. But
4 we're not talking about the educational factor here.
5 We're talking about big business. These companies
6 have made millions and millions of dollars off of
7 these exhibits.

8 And if they couldn't make any money, they
9 probably would be marketing a different exhibit.
10 Furthermore, because of the high profit margin, only
11 more and more companies will be looking to open new
12 operations. And the argument can be made that we have
13 a lot of unclaimed bodies here in America that we get
14 for research. Just last month, Huntingdon County was
15 faced with an unclaimed body that they respectfully
16 cremated and buried in the county cemetery that no one
17 even really realizes that the county has.

18 I don't think it ever crossed their mind
19 that they could sell it or donate it to a private
20 company who then in turn would put it in an exhibit.
21 I don't mean to stereotype, because we have two very
22 different companies here today, and I look forward to
23 their testimony. We've learned a great deal about the
24 human body largely because willful participants have
25 donated their bodies for science.

1 My legislation doesn't affect the
2 academic community. I'm working on an amendment that
3 places a permit process under the State Department of
4 Health instead of the county. That way, you would
5 have one agency deciding the validity. Museums would
6 still be encouraged to form an ethics panel and decide
7 if it is right for our museums. But the legislation
8 will remove a great deal of the controversy and
9 respect the identity of the donor.

10 That doesn't mean you couldn't exhibit
11 executed prisoners, but they too would have to consent
12 prior to execution. You have before you the written
13 testimony of Dr. Arthur Caplan, Chair of the
14 Department of Medical Ethics at the University of
15 Pennsylvania. He's one of the leading authorities on
16 ethics.

17 On page four he states, consent is the
18 key. Proper informed consent of the donor and the
19 display has to be in manner that its educational goal
20 and purpose is clear. And the marketing is done in a
21 non-exploital fashion. At my press conference in
22 March, Representative Barbara McIlvaine Smith spoke
23 about being a Native American, how important the
24 Indian Reformation Act was and how museums were forced
25 to relinquish any of them, sending them back to their

1 native tribes.

2 Today we meet at Bedford Springs, known
3 for its wonderful history for over 200 years. Ten
4 presidents have visited here. But the grand hotel has
5 seen other guests, including the 200 Japanese
6 diplomats who were captured in Nazi Germany and housed
7 here as prisoners of war. It was during that great
8 war that we saw the evil inflicted upon a race and
9 other people groups simply because the Nazi regime
10 didn't respect their right to even exist. And they
11 did horrific things to them.

12 Inevitably, they lost all rights to their
13 bodies, and in the end they were simply exterminated.
14 To use somebody's body against their will in life or
15 death is exploitation. We've come a long way since
16 then, let's not go backwards. The bodies exhibit has
17 made people think about their own mortality, and that
18 is good. Personally, through this process I've
19 decided to become an organ donor. Body donation may
20 not be for everyone, and that's fine. But ultimately,
21 that should remain the individual's decision to make;
22 not ours. Thank you.

23 CHAIRMAN CALTAGIRONE:

24 Thank you. And for the record, I do want
25 to mention, we do want to submit the written testimony

1 of Dr. Caplan. Two representatives, Michigan and
2 Ohio, and also we received some written testimony here
3 from the County Commissioner's Association of
4 Pennsylvania. We'd like to also submit that for
5 public record. Questions from the members, Kathy?

6 REPRESENTATIVE MANDERINO:

7 Thank you. Thank you, Representative
8 Fleck. I don't mean to put you on the spot, so I'm
9 kind of going to look to counsel, too, in case one of
10 them is carrying a Title 20 with them. But do you
11 know what it takes for a person duly authorized to
12 make an anatomical gift under 20 Pa. Consolidated
13 Statutes, the two sections that your bill references?
14 Even in layman's term. I don't need you to do --- but
15 basically, we're creating a permit process and then
16 we're saying there are two ways that you have to prove
17 that you can get this permit. One, you have the
18 express authorization of the person themselves, or
19 another duly authorized person who is authorized under
20 our state statutes, not some sort of federal or
21 national standard to make this. And I just don't know
22 what that is.

23 REPRESENTATIVE FLECK:

24 And with all due respect, you're an
25 attorney, I'm not. So if you don't know --- I was a

1 history major. And that's going to take some
2 research, because I don't know if that just pertains
3 to Pennsylvania or to ones who donate their bodies
4 versus the bodies that have been donated elsewhere and
5 coming into the state. Then are not necessarily --- I
6 don't know.

7 REPRESENTATIVE MANDERINO:

8 Okay. Thanks. I didn't mean to --- I
9 don't know if Bill or Karen, if either of you know
10 that, only because I think it will help me listen to
11 the rest of the testimony from folks.

12 ATTORNEY ANDRING:

13 One of the issues with the drafting of
14 the bill is that Pennsylvania law essentially limits
15 the donations to nonprofit charitable type of medical
16 institutions. So it's possible with the way the bill
17 was put together that somebody in Pennsylvania could
18 not donate their body to one of these organizations,
19 which I understand are actually for profit. So that's
20 an issue that would have to be addressed by the
21 committee, in terms of whether they want to allow for
22 that type of a donation or not.

23 REPRESENTATIVE MANDERINO:

24 Okay. And then my second --- if I can
25 make a follow-up question to that, do you read --- and

1 again, because if we're going to be talking amendments
2 I want to put all the potential issues on the table.
3 Do you then read this language as it's drafted in the
4 bill to say assuming that that's the only thing that
5 fits our title, then in essence not only could a
6 person from Pennsylvania not be able to donate, but no
7 show would meet the Pennsylvania standard if this was
8 written as part of our Pennsylvania standard?

9 Because you wouldn't --- unless you could
10 show proof that you had actual permission from the
11 decedent themselves, no other body in any kind of show
12 would ever fit a definition that would allow it to be
13 shown in Pennsylvania, regardless of where the body
14 comes from? That's the way I'm reading this.

15 ATTORNEY ANDRING:

16 Yes, that's how I would read it.

17 REPRESENTATIVE MANDERINO:

18 Okay. Thank you.

19 CHAIRMAN CALTAGIRONE:

20 Karen, do you have ---?

21 ATTORNEY KOTES:

22 No, I agree. I think there would need to
23 be a tweak to the anatomical gift statute. I think we
24 talked about that, in the specificity of doing that,
25 because they could not --- that would be for profit

1 --- obviously not accept a donation of a body under
2 the current anatomical gift statute of Pennsylvania.

3 REPRESENTATIVE MANDERINO:

4 Thank you.

5 CHAIRMAN CALTAGIRONE:

6 Chairman Marsico, what is your reaction?

7 CHAIRMAN MARSICO:

8 Yes, thank you, Chairman. The County
9 Commissioner's Association in the present form is
10 opposed to it due to a governing process. You said
11 you're going to offer an amendment that would remove
12 that and put it in the Department of Health?

13 REPRESENTATIVE FLECK:

14 Right. This is a whole new arena to me,
15 or it was back in March when I introduced the
16 legislation. And my bill is almost verbatim with what
17 the democratic majority whip in California, assembly
18 woman Fiona Ma had introduced, as well as all the
19 other states. Now, out there they wanted to keep it
20 at the local level. Obviously, every state's
21 different. We have 67 counties. Each county doesn't
22 have a department of health.

23 The thing is, is just the very nature of
24 these exhibits, that county's going to have to have a
25 large enough venue, like one of our great museums.

1 And if they do have that venue, chances are they're in
2 one of our major counties. So that's less of an
3 issue. But I think by just having one agency taking
4 care of the documenting authority, you cut down on the
5 various interpretations of how each county would do
6 that.

7 And plus, there's only been about one a
8 year here since they started. I think they're now in
9 our third exhibition. So you're not talking about a
10 big onus being put on the Department of Health. And
11 plus, then they can't reject the permit in and of
12 itself. Where the counties I think had that authority
13 where no, this is something we don't want to bring to
14 our town or one of our towns, the Department of Health
15 is simply going to say okay, the paperwork's in order,
16 these are all donor intended bodies.

17 And that's all they're going to be
18 verifying. Because this is a large business, and I
19 know no one wants an unfunded mandate on their agency.
20 We do plan on working into the amendment a fee that
21 would cover the reasonable cost for that, but I think
22 because these are profitable companies in and of
23 themselves would be able to offset.

24 CHAIRMAN MARSICO:

25 And that was going to be my next question

1 actually. We touched on municipal analysis. Would
2 you have any idea what this would cost for ---?

3 REPRESENTATIVE FLECK:

4 No, there again, like I said, we're
5 dealing with one show a year probably on average. And
6 it just depends on what the standards end up being and
7 what the paperwork --- the Department of Health is
8 going to have to hire a whole new group and put them
9 on the fourth floor or something. But you know, to
10 reasonably cover their expenses. And in California,
11 the Senate amended that bill and it is now under the
12 California Attorney General.

13 So each state started out with pretty
14 much the same legislation, but they're trying to tweak
15 it. The Department of Health does have limited
16 oversight to autopsies. It's my understanding
17 autopsy's a criminal matter and that sort of thing.
18 We don't get involved in that.

19 CHAIRMAN CALTAGIRONE:

20 We've also been joined by Representative
21 Harold James, Philadelphia and Representative Petrarca
22 from Westmoreland County. Are there any other
23 questions? Representative Pallone?

24 REPRESENTATIVE PALLONE:

25 Thank you, Mr. Chairman, and thank you

1 Representative for your presentation this morning. I
2 have a couple of questions that I may again have
3 exceeded the knowledge of our own panel today. But
4 I'm curious as to whether or not this proposed
5 legislation will have any impact on the use of
6 cadavers in medical training facilities.

7 The University of Pittsburgh, the
8 University of Pennsylvania in Philadelphia both host
9 major learning and fabulous medical facilities. And
10 cadavers are oftentimes used in their training. Do
11 you know if this will ---?

12 REPRESENTATIVE FLECK:

13 That is definitely not the intent, but if
14 we have to further clarify that in the legislation, we
15 will. And it's strictly for the commercial profit
16 display in a public setting, where someone's buying a
17 ticket and they're making a profit off of that.
18 Whereas a medical student who, I guess in essence is
19 paying tuition per se, but it's two different issues
20 there.

21 REPRESENTATIVE PALLONE:

22 And this wouldn't have any impact on the
23 disposition of remains relative to John Does and Jane
24 Does who may pass in a particular county? The process
25 now is, I believe in most of the counties, a local

1 mortuary school or something like that.

2 REPRESENTATIVE FLECK:

3 It runs the gamut depending on the
4 county. And then to try and track what each state's
5 doing, it's difficult. As I said, Huntingdon County,
6 a small county, 45,000 people, have --- I don't know
7 how many unclaimed bodies they have a year, not many.
8 We don't have homeless people, or at least that are
9 homeless very long. And with this, the body was
10 cremated and interned at the county cemetery.

11 Your larger counties, Allegheny, those
12 you are going to have a higher volume. And a lot of
13 those, too, make it into a medical facility. I would
14 be surprised if any of those are in for profit
15 exhibitions. I could be wrong, but there again, it's
16 hard to track that. That's really not their market,
17 looking for a company that's going to take the body
18 and ---.

19 REPRESENTATIVE PALLONE:

20 And the last question I have, I guess, is
21 again more logistical. Does a 100 year look-back, so
22 to speak, in your proposed legislation that the
23 cadaver or the body is 100 years old that --- given
24 that technology, probably 99 percent of the medical
25 technology and advancement has probably been enjoyed

1 somewhere in the last 50 to 60 years rather than the
2 last 100 years. Do you think it's something we should
3 be looking at differently rather than 100 years old,
4 maybe a shorter time frame?

5 Because obviously, 100 years ago, now two
6 centuries ago, the technology didn't exist to be able
7 to preserve the organs, the fiber in the body and so
8 forth as we have today. Is that something that you
9 think we should be looking at ---?

10 REPRESENTATIVE FLECK:

11 And there again, using a cookie-cutter
12 legislation that you're trying to tweak, the 100 years
13 were so it wouldn't affect like the Egyptian mummies,
14 King Tut. Hair and teeth aren't in this because
15 George Washington's teeth are floating around out
16 there someplace, and the locket of presidents' hair
17 and that sort of thing. But yeah, we can probably
18 address --- I've had a couple requests for taking it
19 down to 75 years because the process in the 1920s with
20 formaldehyde revolutionized and such.

21 REPRESENTATIVE PALLONE:

22 Thank you. Thank you, Mr. Chairman.

23 CHAIRMAN CALTAGIRONE:

24 I had forgotten, and I apologize,
25 Representative Deb Kula from Fayette County also joins

1 us. Other questions from the panel? No other
2 questions? Thank you, Representative.

3 REPRESENTATIVE FLECK:

4 Thank you.

5 CHAIRMAN CALTAGIRONE:

6 Please join us. And we're going to have
7 some other testifiers. We'll next hear from Dennis M.
8 Wint, President and C.E.O. of Franklin Institute.

9 DR. WINT:

10 Good morning, Mr. Chairman and members of
11 the Judiciary Committee. You have my written
12 testimony before you. I do wish to thank you for the
13 opportunity to speak with regard to House Bill #2299.
14 I am Dennis Wint, President and C.E.O. of Franklin
15 Institute.

16 The mission of the Franklin Institute is
17 to create a passion for learning about science and
18 technology. Since our founding in 1824, the Franklin
19 Institute has played a continuing and evolving role in
20 supporting science education in the industry in our
21 society. The Institute continues to pioneer ways to
22 make science and technology accessible to all.

23 Today, the Franklin Institute is the most
24 visited museum in Pennsylvania. In 2007, with more
25 than 1.7 million visitors, the museum was the 19th

1 most visited museum in the United States. The
2 Institute is also the central cultural indication of
3 sorts of Pennsylvania, with more than 300,000 school
4 age children visiting on field trips, all at a
5 discounted rate, and 50,000 of whom come free of
6 charge, with an additional 280,000 students who
7 participate in our Traveling Science Show every year.

8 We provide educational services to every
9 county in the Commonwealth. For example, our staff
10 has provided special development opportunities for
11 public school teachers in 49 of the 67 counties.
12 We're a national leader in the science education
13 program for girls, for families and minorities. And
14 additionally, our website is one of the largest for
15 any science museum in the world, with over 20 million
16 unique electronic visitors on an annual basis.

17 The fundamental vision behind the
18 Institute's education program is to help the public
19 keep pace with scientific advancements that have
20 become more crucial to our contemporary life. The
21 Institute's program for school children, underserved
22 communities and professional educators help cultivate
23 tomorrow's scientific leaders as well the
24 scientifically literate citizenry.

25 In addition to our educational impact on

1 the community, it is also an anchor for economic
2 impact. In 2004, we became the premier designation
3 name for international blockbuster traveling
4 exhibitions, like Titanic, King Tut and Body Worlds.
5 In the case of King Tut, 1.3 million visitors came to
6 Pennsylvania, making it the most popular exhibition in
7 the world in 2007. The audiences of the Franklin
8 Institute have doubled and we have contributed more
9 than \$200 million in economic impact to the
10 Commonwealth in the past five years.

11 For more than 50 years, the Franklin
12 Institute has been a leader in health and wellness
13 education, boasting one of the nation's most popular
14 and well-known permanent exhibitions, the human heart.
15 This extraordinarily successful exhibition is a tool
16 which allows the Institute to educate the public about
17 how to make healthy choices in their everyday lives.
18 That's exactly why several years ago, when the
19 Franklin Institute began to consider Gunther von
20 Hagens' Body Worlds exhibit, we were excited about the
21 extraordinary educational impact this exhibition would
22 have.

23 The Institute does not take lightly the
24 topic of displaying human remains. And it's
25 particularly concerned about the issue of informed

1 consent as well as the respectful exhibition of the
2 human body. As a part of our consideration process,
3 senior executives from the Institute visited the 2004
4 Body Worlds exhibition at the California Science
5 Center to witness first-hand the quality of the
6 exhibition.

7 The California Science Center convened an
8 ethics advisory committee during their consideration
9 process. The committee carefully researched and
10 documented the validity of the Body Worlds informed
11 consent and death certificates and verified that the
12 informed consent include permission for use in public
13 education and exhibition. The Franklin Institute
14 assembled its own ethics advisory committee chaired by
15 Dr. Arthur Caplan, director of the Center for
16 Bioethics at the University of Pennsylvania.

17 The committee included religious leaders,
18 scientists from area universities, bioethics
19 professionals, medical professionals and community
20 representatives. The responsibility of this committee
21 was to review the quality of the Body Worlds
22 exhibition material, the California Science Center's
23 ethics committee report and to determine whether the
24 human remains were respectfully and appropriately
25 displayed for educational purposes.

1 The Franklin Institute's ethics committee
2 reviewed the California Science Center's report on
3 informed consent. And our committee also developed
4 recommendations dealing with sensitivities around the
5 display of human remains, which were properly
6 addressed through respectful display and placement of
7 bodies, and widespread public communication about the
8 content of the exhibition.

9 The public response to the exhibition of
10 Body Worlds was phenomenal. If you did not have the
11 opportunity to see the exhibit, let me share with you
12 just some of the experiences that remain with me
13 today. Seeing children of all walks of life in
14 absolute awe and wonder exploring the circulatory
15 system. Listening to medical students discuss the
16 incredible preservation and presentation of the body
17 remains, and how much better they were than the
18 cadavers that they were using in their classes.

19 Hearing family members discuss the pelvis
20 and hip joints to better understand hip replacement
21 surgery their grandmother just had. Witnessing
22 physical therapists studying the body and examining
23 the muscle tissue and the structure. Hearing children
24 stunned and completely impassioned of how seeing a
25 smoker's lung compared to a healthy lung solidified

1 their choice right there and then to never pick up a
2 cigarette. Or a personal experience for me, seeing
3 the brain of a stroke victim, that had only recently
4 taken my father.

5 The 603,000 visitors to the Body Worlds
6 exhibit at the Franklin Institute had an extraordinary
7 lesson in anatomy, physiology, disease and health and
8 wellness. This exhibit is about celebrating,
9 understanding and appreciating life, the wonderfully
10 complex systems that give us life, the diseases and
11 afflictions that affect life, and the medical,
12 surgical and the simple lifestyle changes that can
13 protect and extend life.

14 Visitors to the Body Worlds set a new
15 attendance record for Philadelphia and the
16 Commonwealth of Pennsylvania that eclipsed the
17 previous record of Cezanne at the Philadelphia Museum
18 of Art. Like Leonardo da Vinci 450 years ago, Dr. von
19 Hagens refers to the experience of the democratization
20 of anatomy. Rather than limiting the exposure of
21 human bodies to professionals in the medical and the
22 science fields, the educational value of Body Worlds
23 for the general public has been profound.

24 For most visitors, this is the first
25 experience that they've had in seeing the inside of

1 the human body. For medical students, it's the first
2 time to see all systems in relationship to one
3 another. Everyone had the opportunity to write
4 comments in books at the end of the exhibition, and
5 nearly everyone left with new attitudes about
6 healthier lifestyles and perhaps an understanding of
7 the afflictions that affect us and our loved ones.

8 The most powerful message this exhibit
9 conveys is beneath the skin we're all the same. The
10 Franklin Institute's decision to host Body Worlds
11 occurred only after an extensive ethical review. The
12 Institute decided it would host the exhibition if it
13 included the following conditions, informed consent
14 for educational and/or exhibition purposes, death
15 certificates in place, exclusion of donor names and
16 review and recommendations of our ethics committee.

17 The Franklin Institute took great care
18 and concern in the way that the bodies were displayed,
19 the placement for sensitive displays as well as the
20 communication to the public about the content of the
21 exhibition. The Franklin Institute supports the
22 requirement of informed consent. However, we are
23 concerned about the county-driven permit process and
24 as an alternative to require legal documentation,
25 which is included in the bill, but to have another

1 organization required to meet that condition.

2 We would be pleased to work with the
3 committee to determine the best solution to this
4 regulation. If this bill does move forward, we have
5 attached to my comments, written testimony for changes
6 and amendments and we would respectfully consider ---
7 wish you to consider. I'd like to thank the committee
8 for inviting the Franklin Institute to speak today.
9 While this is a controversial issue, we believe it is
10 an important one.

11 Providing the public with the opportunity
12 to see the human body is an incredible educational
13 experience. It is our responsibility to ensure that
14 the appropriate ethical standards of informed consent
15 and sensitive presentation are upheld. We look
16 forward to working with you, Mr. Chairman and the
17 Judiciary Committee, towards our shared goal of
18 requiring informed consent for the exhibition of human
19 remains.

20 CHAIRMAN CALTAGIRONE:

21 Questions? Kathy?

22 REPRESENTATIVE MANDERINO:

23 Thank you. Good morning, Dr. Wint.

24 Thanks for being here. A couple of questions. I did
25 have a chance to review the written testimony that Dr.

1 Caplan, who chaired your ethics committee, submitted
2 to us. One of the things that he said in his
3 statement is that the committee was assured that the
4 exhibit that was coming to Franklin Institute had
5 already appeared to have checked into the issue of
6 informed consent and were satisfied that adequate
7 consent had been obtained from each person whose body
8 was on display.

9 The committee remained concerned about
10 this issue, and is still very concerned about how
11 consent could realistically have said to have been
12 obtained from a young child or a fetus. In the future
13 it should be made clear to all exhibitors who come to
14 Pennsylvania that they would be expected to show
15 documentation of informed consent, et cetera.

16 I'm not sure what I make of that
17 statement. I read it and I think what he's saying is
18 we felt confident that informed consent was obtained
19 to the extent that we can make sure that informed
20 consent was obtained, but we really weren't sure if
21 informed consent was obtained in all circumstances.
22 Is that kind of the bottom line of where you were left
23 with your exhibit?

24 DR. WINT:

25 I want to be careful not to try to

1 interpret Dr. Caplan. I think what he was referring
2 to is that there were specimens on exhibition that
3 were of a historic nature, which is one of the reasons
4 why there is a limit so that the fetuses and the
5 embryo development were from --- I believe they were
6 from museum collections that had been in excess of
7 something like 75 years old. The question is how does
8 a child provide informed consent.

9 One of the exhibitions was of a woman who
10 had died with her child unborn. There was no consent
11 there obviously. That is, I think, an important
12 question in the case. I believe that the legislation
13 says that there would be documentation by the
14 individual or a person representing that individual in
15 the case of a parent.

16 REPRESENTATIVE MANDERINO:

17 And that was going to be my next
18 question. I did also have a chance to review the
19 suggested amendments that you were asking us to
20 consider. You did not really touch on the definition
21 that I had asked Representative Fleck about, the
22 definition that goes to the issue of who has the
23 ability to give informed consent.

24 So can I take it from that that you had
25 concluded that the definition of who has the ability

1 to give informed consent in the proposed legislation
2 would have fit the parameters for the exhibit that
3 showed at the Franklin Institute, and there would not
4 have been a problem with this definition and the show
5 that showed at Franklin Institute?

6 DR. WINT:

7 Yes, I think that's correct.

8 REPRESENTATIVE MANDERINO:

9 Okay. Thank you, Mr. Chairman.

10 REPRESENTATIVE EVANS:

11 Thank you, Mr. Chairman. And thank you
12 again, Mr. (sic) Wint, for your testimony this
13 morning. You mentioned in your testimony that there
14 are comment books at the end of the exhibit that
15 people fill out information about their impressions of
16 the exhibit they had seen. Is it safe to say in those
17 comment books there were some negative comments as
18 well as positive?

19 DR. WINT:

20 Yes, I think there were some negative
21 comments. But I think in overall, they were a
22 significant minority versus the positive comments. I
23 would say also that when you have a group of teenagers
24 looking at some of this material, it becomes
25 interesting commentary. But overall, both our formal

1 review of visitors --- which we do a very formalized
2 process as well as the comment books ---
3 overwhelmingly were positive for the exhibition.

4 REPRESENTATIVE EVANS:

5 Could you possibly characterize some of
6 the criticisms that you did encounter along the way?

7 DR. WINT:

8 I think probably the most common, and I'm
9 drawing this now from memory, would be the one of is
10 it appropriate to display the human body at all,
11 regardless of the intent of the donor.

12 REPRESENTATIVE EVANS:

13 Were some of the comments of a religious
14 nature?

15 DR. WINT:

16 Some of the contents were religious, yes,
17 which is why the ethics committee had a wide variety
18 of religious representatives on the committee.

19 REPRESENTATIVE EVANS:

20 Are there plans by the Franklin Institute
21 at this time to host another event of this nature in
22 the near future? Is that on your timetable for future
23 exhibits?

24 DR. WINT:

25 We do have plans for Body Worlds 2, I

1 believe, at the end of '09 and beginning and '10.

2 REPRESENTATIVE EVANS:

3 Thank you, Mr. Wint.

4 REPRESENTATIVE O'NEILL:

5 Thank you, Mr. Wint. With the question
6 --- the Institute, you said, was based on the
7 committee and your process was comfortable with the
8 consent. What exactly did the --- what type of
9 research or whatever did the committee do to determine
10 that consent? Did they receive some sort of legal
11 documentation or whatever ---?

12 DR. WINT:

13 The California Science Center contracted
14 with a individual professor, I believe from North
15 Carolina, although I'm not exactly sure, to go to the
16 laboratory and pulled consent cards of all of the
17 individuals in the exhibitions. That individual
18 submitted a report to the ethics committee at the
19 California Science Center. We reviewed that same
20 document rather than having our own documentation. So
21 we used the documentation that California Science
22 Center used.

23 REPRESENTATIVE O'NEILL:

24 Is Body Worlds privately owned?

25 DR. WINT:

1 I believe it is.

2 REPRESENTATIVE O'NEILL:

3 The information that the California
4 association ---.

5 DR. WINT:

6 California Science Center.

7 REPRESENTATIVE O'NEILL:

8 Science Center. Was that documentation
9 that they had given to them by Body Worlds?

10 DR. WINT:

11 There's a Body Worlds representative
12 here. I don't want to --- I'm not exactly sure of all
13 the details. What I believe happened is that this
14 professor from North Carolina went to the laboratory
15 there and then pulled all the documentation. So it
16 was at Body Worlds laboratory.

17 REPRESENTATIVE O'NEILL:

18 And I guess my last question is, the
19 nationality or race of the bodies that were on
20 display, was it a varying display of nationalities
21 across this earth, or was it made up of one ---?

22 DR. WINT:

23 The Body Worlds exhibition that the
24 Franklin Institute had I believe were largely
25 European.

1 REPRESENTATIVE O'NEILL:

2 Okay. Thank you. Appreciate it.

3 CHAIRMAN CALTAGIRONE:

4 Are there any other questions? Yes,
5 Representative Mantz?

6 REPRESENTATIVE MANTZ:

7 I didn't have the opportunity and
8 probably other members of this committee did not have
9 an opportunity to personally visit the Body Worlds
10 exhibition. Is there a way that you might verbally
11 identify the display, a description of the display,
12 that was provided?

13 DR. WINT:

14 The way the exhibition is prepared is
15 that at the beginning of the exhibition you have a
16 full-sized skeleton very much like we've all seen in
17 anatomy classes in high school or college. As you
18 enter the exhibition there will be then a section that
19 will have some of the muscular systems in place. And
20 as you keep on entering the exhibition, there is more
21 and more of a context of the total human body.

22 It is divided into sections so that the
23 circulatory section, the vascular section, the nervous
24 section, so each one of those then is displayed both
25 in terms of individual body parts as well as in the

1 total body structure, dissected in a way that
2 illustrates that particular body system. So if you
3 are looking at the circulatory system, all you will
4 see is the circulatory system or the vascular system,
5 none of the muscular systems, none of the nervous
6 system, none of the bone system, none of that will be
7 --- it is an interesting experience because there's a
8 certain hesitation that people have about seeing this
9 exhibition.

10 And I watched this very carefully. After
11 about the first ten minutes, all that hesitation that
12 people had sort of disappears because they become so
13 intrigued and fascinated by seeing the human body in a
14 way that they have never experienced it ever before.
15 It is an extraordinarily educational tool.

16 REPRESENTATIVE MANTZ:

17 Did you witness any individual revulsions
18 as to what was seen ---?

19 DR. WINT:

20 We sort of joked there were two kinds of
21 people who were in Philadelphia, those who saw the
22 exhibit and those who were too concerned to see the
23 exhibit, I should say. So I think they sub-selected
24 before they got there. I did not see anyone who just
25 found it revolting. And I spent a lot of time in the

1 exhibition.

2 REPRESENTATIVE MANTZ:

3 Thank you very much for your
4 presentation.

5 CHAIRMAN CALTAGIRONE:

6 No more questions? Thank you. We will
7 next hear from Dr. Harry Wu, executive director of the
8 Laogai Institute Chinese Research Center.

9 DR. WU:

10 I'm very glad to be here to testify about
11 the body exhibition. Before I get into the testimony,
12 because I'm only Asian some poor English and what is
13 my past, what I am doing. I like to say a few
14 minutes. Last week, I met President Bush and he said,
15 what is the problem today in China? I said human
16 rights. And he said right, human rights. And right
17 away I give him a resolution.

18 It was pass in the Congress December
19 2005, condemned the Chinese Laogai System. I said
20 would you as the President of the United States
21 publically condemn Chinese Laogai. And he said I
22 will. I set up Laogai foundation since 1992, but
23 almost no one knows about it. Everybody heard about
24 the Holocaust and everybody heard about the
25 communists. This a system in this dictatorship

1 country to make the people fear, you disagree with the
2 government, you wrote an article criticize government,
3 you go over there.

4 Chinese have the same systems. Chinese
5 at this moment is communist regime. It's not a free
6 capitalist country. In 1957, that's almost 50 years
7 ago, I was college student, I major geology. I'm 20
8 years old. I was invited by the communist secretary
9 to make some comments about the politics. Twenty (20)
10 year old kid, you know, I have no idea. But I do not
11 realize that I have two problems. One, I was a
12 Catholic. Number two, my father was a banker. It
13 means outcast. This is my background.

14 And on the meeting, I say two sentence.
15 The first sentence I say, the Soviet invasion in
16 Hungary in October 1956 is a violation of
17 international law. And second comment I say,
18 communist party in China divide the people into second
19 class, third class, this is human rights problem.
20 That only I said in the conference. That become my
21 charge. They charged me as a counter-revolutionary
22 rightist. And later they arrest me without any court
23 paper and sent to the labor camps.

24 I spent 19 years in the labor camps. But
25 I know one thing, I'm not single person. In 1957, the

1 so-called anti-rightist movement is around one
2 million. The government recognized is 550,000, but we
3 estimate probably one million. Include university
4 students, engineer, author, reporter, whatever,
5 intellectuals. Sent to the labor camps. After almost
6 20 years, I was surviving.

7 But many of them, they die. My mother
8 commit suicide when she heard I was arrested. My
9 father was tortured and died. My youngest brother was
10 killed by the police. The whole family destroyed.
11 Moa Zedong. The first time period of 30 years of
12 communist regime was ended in 1979. The whole country
13 was collapsing. I don't care what be the color of the
14 cat. Whatever it is, black or white, if the cat can
15 catch the mouse, it is a good cat.

16 So he invited the captives and come back
17 to China. He spent big money review the charges, so
18 he can set up a control system today inside China.
19 But the political system entirely no change until
20 today. One party ruling, one party controlling the
21 military system, control the media, control the
22 education, control the government. Even today, you
23 wrote an article on the internet against the
24 government, go to the jail seven years, eight years,
25 ten years.

1 But economy system very different now.
2 American businessmen, German, Japanese, Hong Kongese,
3 they do have a lot of business inside China. You can
4 set up a factory, you can set up a state bank, you can
5 do all kind business, sign contracts, sell the
6 product, buy the products cheap. Because China have
7 1.3 billion population. Except one thing, nobody can
8 involve the media business. You cannot set up T.V.
9 station, you cannot set up a radio station, you cannot
10 set up a publish house you cannot set up this because
11 of area control by the communists.

12 Anyway, the government today have a lot
13 of money. That's why we have Olympic game be going
14 on. But we fine. China spend \$42 billion for the
15 Olympic game. Thinking about 1936, how much money
16 Hitler spent. How many people spend their lives in
17 the prison system? The Chinese never publicized how
18 many prisons today inside China, in the past, never.
19 How many people they arrested, never. But according
20 to our research, probably 50 million people, including
21 me, who are there.

22 Today, many are prisoners, drug
23 trafficker, robber, thief in a camp, and include the
24 political prisoner. But everyone, whatever is a
25 crime, two things. One, forced labor. Second, brain

1 washing. You have to give up your religions, give up
2 your political view and accept the communism idea. So
3 this is the prison system today in China. I very glad
4 that President Bush willing to denounce the Chinese
5 Laogai system.

6 According to our Laogai Research
7 Foundation --- I have to explain what is Laogai.
8 Laogai is pronounced Asian from two Chinese word.
9 Lao, it means labor, forced labor. Gai, in Chinese
10 means brain wash. Chinese characterize their system
11 as reform through labor. Each prison camp has
12 thousands of people there and forced labor, and each
13 prison camp has two different names. In judiciary
14 system, it's number five prison of Shanghai maybe
15 number three prison camp of Beijing.

16 But at the same time, by law it's
17 enterprises. It is hand tool manufacturer, automobile
18 parts manufacturer. It's a garment factory, tomato
19 test, or the farm or the coal mine. It is
20 enterprises. The product for export, and also for
21 import. It never stops. According to our foundation,
22 we do some research not only on the Laogai systems.
23 We also working on the human rights violation.

24 Number one, China is the most populous
25 country of the world. China have national popular

1 control policy. In this country, every woman, until
2 this moment, whatever what is their marriage status,
3 if they don't have a permit, they cannot give birth.
4 Otherwise, they are illegal pregnancy subject to
5 forced abortion. After you get a permit, you can make
6 love. You can pregnant and give birth. First child,
7 that's it. You cannot have second child. Only in
8 certain case approved by the government you can have a
9 second child. Basically one child, that's your
10 family. All the women in China.

11 Second national policy, China only have
12 patriarchal, today is illegal. They nominate
13 patriarchal church, bishop, priest, whatever. Maybe
14 one day they nominate a pope. But this a communist
15 bishop. Number three, freedom of media. All the
16 station of radio, of T.V. or publishing house, postal,
17 University High School is owned by the state, no
18 private. Number four, China today become number one
19 country of the world. They have the population of
20 internet pass over the United States.

21 But funny thing is, China have an
22 internet police department, probably 200,000 or
23 300,000 police for the website, take care of the
24 internet. You cannot visit all kind website. That's
25 why the Olympic game today they say, oh, we open it.

1 Temporary. You can visit all kind of website
2 currently. After that, shut down. There is not any
3 freedom of association.

4 Well, they are seriously suppressing two
5 minorities inside China. I want to introduce you
6 about China today because that relate to a very
7 advanced, well, technology whatever about
8 plastination. Since 1949 until today, China every
9 year execute a lot of prisoners, but never publicized
10 the number. We never know that this year they
11 executed 5,553 or 6,000, whatever, never.

12 Even a family now may be different. Only
13 receive the notice from the church after execution.
14 And they have to pay money for the bullets, even five
15 cents. You have to pay the bullets. And then you
16 earn an urn of ashes. That's it. We have one
17 indication from government. From 1983 to 1984, in 11
18 months, Chinese executed 24,000 prisoners. Chinese
19 expert, Chinese lawyer, they said Chinese regularly
20 executed around 80,000 to 10,000 a year.

21 In recently 30 years, China have national
22 policies, open house. The house is open from the
23 death of prisoners for the transplant. 2006, China
24 become the number two country of the world. Number
25 one country is United States. United States have

1 15,000 organ transplant. But none of the organ come
2 from executed prisoners. Come from donation. Even my
3 license have card --- I have card that says I want to
4 donate liver. China have 13,000 organ transplant, but
5 95 percent, that was recognized by the deputy minister
6 of the health of Chinese communist government, 95
7 percent the organs come from executed prisoners.

8 In the last two years, a new development,
9 plastination, Body Shop, was imported by the company
10 named Premier. They paid \$25 million and a Chinese
11 professor, Sui Hongjin. Dr. Hongjin was student of
12 Dr. von Hagens. Two years ago, von Hagens was in
13 Germany. And Germany accusing that using the cadaver
14 from executed prisoners. And they have a lawsuit.
15 But finally they did not find evidence. So those
16 people spent 25,000 Euro to compensate von Hagens.

17 Von Hagens today have a Body Show in
18 North Carolina. I saw it. You suppose there is no
19 cadavers or the plastinated model, come from executed
20 prisoners. And all of these bodies was --- none of
21 them come from Asia. Is come from Germany, whatever.
22 And last year von Hagens, finally he met with me and
23 he gave me some photos. Von Hagens have a big
24 business inside China making these plastinated ---
25 today he say, well, I'm working on the elephant. He

1 working on some of the animals because he cannot get
2 many people donate their body for the show.

3 But anyway, he show me some photos from
4 inside China. This is the photo in 1950, communist
5 revolution just happen. They killed almost all of the
6 landlord in China. Fifty-five (55) years later, this
7 is 2005, Chinese still executed many prisoners.
8 There's only one organization in the world and that's
9 the international. Only they try to do this from
10 1990, but I don't think it will succeed.

11 1996 and that's the international report,
12 there were 5,073 execution inside China. But this is
13 public document. And today China stop any
14 publication, any public execution today. And the
15 picture come from von Hagens. Von Hagens, every month
16 he went to China. He working with Dr. Sui. Dr. Sui
17 will right now set up a show in America. I do not
18 know why von Hagens don't like it. But they
19 separated.

20 The first pictures four cadavers. The
21 head was shot, bloody. There was cover by the
22 plastic. The leg, the hand, was still tied. The
23 doctor tried to take away the class. Who take this
24 photo? We know his last name. We know who is ABC
25 20/20 program producer, Ronald Ross. Ron Ross went to

1 China and interview the guy, but he said keep me in
2 secret. So they have his photo from the back. But
3 they knew he working with Dr. Sui about four years.
4 He come back more than 100 to 120 cadavers all of the
5 country and pass over to the doctor. This is full
6 body just arrive at hospital.

7 Finally, the truck is leaving. The first
8 body was taken. Using the water clean up the body.
9 Even from children visiting, now, they got it put on a
10 tray, go into the laboratory. They have the hole in
11 the face, the bullet from back to the face. And he is
12 ready for plastination. These 120 executed prisoners
13 I do not know. These cadaver was in United States or
14 is not in United States. But the person who collect
15 these cadavers is working for Dr. Sui and plastinated.

16 Because Premier invite Chinese producer
17 at the show in the America, four, five, six places.
18 So maybe some of them come from executed prisoners and
19 some of them not. That's all we have to go by Dr. Sui
20 and by the Premier company. I want to tell everybody
21 one thing. This is not an exhibition of computer or
22 furniture or motor vehicle. It's human bodies. And
23 it is not old body.

24 Most of the bodies we have maybe a couple
25 a months ago, maybe a couple of years ago. But

1 anyway, this is the communist government. This not
2 any country, not any government did it. All these
3 cadavers, all these figures, whatever, you look at
4 Chinese. I went over there for scientific education,
5 for technology education. I like it. I like to see
6 the system very clear, very good because plastination.

7 But later, I thought if this exhibition,
8 all of the body is come from black people, what do you
9 think? If this body all come from white people, what
10 do you think? If all the body come from Jewish, come
11 from Holocaust, if come from Soviet Cold War, what do
12 you think? Why we allow the Chinese cadavers right
13 here?

14 This not Chinese computer, not Chinese
15 automobile. These are human beings. Some time ago,
16 they were sitting right here with you. Unfortunately,
17 today they become a statue. Thank you.

18 CHAIRMAN CALTAGIRONE:

19 Thank you, Doctor. Questions? Kathy?

20 REPRESENTATIVE MANDERINO:

21 Thank you very much, Dr. Wu, for your
22 testimony. I listened carefully and I also read your
23 written testimony. You speak specifically about one
24 company, Premier, and your understanding that their
25 cadavers are coming from China. You don't say

1 anything about the other one. Is that because you
2 don't know or you know that --- well, you did talk
3 about the other doctor, I forgot his name, that's with
4 the other company.

5 DR. WU:

6 Von Hagens.

7 REPRESENTATIVE MANDERINO:

8 Von Hagens.

9 DR. WU:

10 So far as I know, it's only Premier, the
11 company from Atlanta. China, in the beginning, only
12 one company from Dr. Sui. Probably have two or three
13 company create a cover.

14 REPRESENTATIVE MANDERINO:

15 Thank you.

16 CHAIRMAN MARSICO:

17 Thank you, Doctor, for your testimony.

18 We certainly appreciate that. Thank you.

19 CHAIRMAN CALTAGIRONE:

20 We now have, I think, Dr. Walter Hoffman,
21 the coroner of Montgomery County, Pennsylvania.

22 DR. HOFFMAN:

23 Good morning. I'm here.

24 CHAIRMAN CALTAGIRONE:

25 Okay. Is Brian on with ---?

1 CHAIRMAN MARSICO:

2 Well, Brian was going after him.

3 CHAIRMAN CALTAGIRONE:

4 Afterwards?

5 CHAIRMAN MARSICO:

6 Yes, sir.

7 CHAIRMAN CALTAGIRONE:

8 Doctor?

9 DR. HOFFMAN:

10 Hello?

11 CHAIRMAN CALTAGIRONE:

12 Go right ahead, Doctor. We're here.

13 DR. HOFFMAN:

14 Good morning. I'm Dr. Walter Hoffman, a
15 medical doctor, a Board certified forensic pathologist
16 and the elected coroner of Montgomery County,
17 Pennsylvania. I've been involved with the various
18 body shows for almost three and a half years. I have
19 personally examined well over 60 of these bodies, many
20 in the original shipping crates when they came to
21 Baltimore, in Baltimore Harbor.

22 All of these bodies are the property of
23 the Chinese authorities. They are not owned by
24 Premier, they are not owned Gunther von Hagens' Body
25 World. They belong to the Chinese government. When

1 the exhibitions are over, all of these bodies go back
2 to China unless other arrangements are made. They are
3 a tremendous educational tool, as you heard the C.E.O.
4 from the Franklin Institute say.

5 These bodies have enlightened medical
6 students, physicians, surgeons, in a technique and a
7 demonstration of the human body that heretofore was
8 not even present in books. We are in a democracy.
9 Everyone has the right to make their own judgment of
10 what they will and will not want to see. It is not up
11 to government to dictate to the public what they can
12 and cannot see.

13 These bodies are presented in a most
14 honorable, ethical and discrete manner. There is no
15 humor about that. There is no laughter about it. And
16 it allows the public to see and understand things that
17 they have seen on television, that they read in books,
18 that their physician speaks to them about. These
19 exhibits have been all over the world. It opened in
20 May in Leon, France. It is now, as you know, in
21 Harrisburg. It has been in Pittsburgh. It was a game
22 winner in Philadelphia.

23 The Chinese law permits the Chinese
24 government to donate bodies to medical science, to
25 exhibitions, to medical schools. The Chinese

1 government can cremate, the Chinese government can
2 bury. And in the Commonwealth of Pennsylvania, I as
3 the coroner can likewise donate unclaimed bodies to
4 medical science, to research institutes, I can
5 cremate, I can bury, I can keep them in my freezer
6 until whatever.

7 We operate under a similar law. This is
8 not unique to China. This is not unique to many
9 countries in the world. For centuries, people have
10 been able to go to anatomic museums in almost every
11 medical school city in the world and see exactly the
12 same thing. However, this new process, plastination,
13 which has been around probably for almost 60 years,
14 allows dissection in such a way that the organs do not
15 degrade as rapidly as they do with embalming fluid,
16 which is formaldehyde.

17 And just as an aside, probably within the
18 next five years, the E.U., the European Union, will
19 outlaw embalming fluid formaldehyde as we know it
20 because formaldehyde is highly toxic. And therefore,
21 plastination, the process, will come to be a universal
22 methodology.

23 The organs and the tissues are much more
24 vibrant, they are a much more realistic appreciation
25 of what the human body is and I don't think anyone

1 would deny anyone the right to educate themselves and
2 be better informed. A more better informed consumer
3 can make much more better informed and intelligent
4 healthcare decisions.

5 We have had traveling shows of various
6 degrees since time immemorial. No one has said word
7 one about being able to see the King Tut exhibit. And
8 who, pray tell, gave informed consent to how King Tut
9 should be shipped to the United States? These are not
10 United States bodies. These are not bodies that
11 originated in the United States or any of its
12 territories. And therefore, the laws of China are the
13 laws of China. And we, the United States, cannot put
14 new laws on China.

15 I appreciate the opportunity to discuss
16 this with the judiciary committee and I look forward
17 to further discussion about this issue. Thank you,
18 Mr. Chairman.

19 CHAIRMAN CALTAGIRONE:

20 Are there any questions from
21 Representative Dally, Evans, Manderino?

22 REPRESENTATIVE DALLY:

23 Thank you, Mr. Chairman. And thank you,
24 Dr. Hoffman, for your testimony. I'm not sure if you
25 were listening to this hearing on the teleconference

1 or P.C.N. But you mentioned a couple things in your
2 testimony about the matter of dealing with unclaimed
3 bodies and how you can do a lot of the same things
4 that they're doing with these Chinese bodies.

5 DR. HOFFMAN:

6 That's correct, sir.

7 REPRESENTATIVE DALLY:

8 And my question to you is what steps do
9 you take in your office to notify any next of kin when
10 you have an unclaimed body?

11 DR. HOFFMAN:

12 I am charged by state law to do as much
13 as I possibly can with the assistance of law
14 enforcement to find next of kin. But unfortunately in
15 this very mobile society of ours today, we do have
16 folks who have no relatives, no next of kin and no one
17 who will come to speak for them. And therefore, once
18 every two to three months, I do indeed have to cremate
19 or bury someone at county expense.

20 REPRESENTATIVE DALLY:

21 And do you know what the procedure is in
22 China to notify next of kin of these individuals?

23 DR. HOFFMAN:

24 Do I know the exact procedure? No, sir.

25 REPRESENTATIVE DALLY:

1 Okay. Because I think we heard testimony
2 from Dr. Wu on that issue. And I know you spoke about
3 the positive aspects of plastination. And I think
4 that that's certainly credible testimony. But I'm not
5 sure what this hearing is all about. I think this
6 hearing is about whether those individuals' bodies who
7 are displayed had the opportunity to provide consent,
8 or the next of kin had the ability to provide consent,
9 for their display. And that's what ---.

10 DR. HOFFMAN:

11 Well, I have seen the same documents that
12 the Attorney General of the Commonwealth has seen as
13 well as the documents that the New York Attorney
14 General, Mr. Cuomo, has seen. And Mr. Cuomo and
15 Premier came to an agreement. And I'm sure Premier's
16 representatives can talk about that. But that was not
17 based on a lack of documentation. It was based on
18 something completely different.

19 REPRESENTATIVE DALLY:

20 But ---.

21 DR. HOFFMAN:

22 Different countries have different laws
23 regulating the disposal of human remains.

24 REPRESENTATIVE DALLY:

25 All right. Doctor, do you think it's in

1 our best interest as a culture to continue that
2 practice and not recognize human dignity just because
3 another country may not? Is that some practice that
4 we should just endorse by accepting these bodies
5 without any kind of verification or consent?

6 DR. HOFFMAN:

7 I believe that the documents I have seen,
8 and they came along with the bodies when the bodies
9 came to the Harbor in Baltimore, adequately document
10 that these bodies one, were not tortured in any
11 manner, way, shape or form, and two, the appropriate
12 documentation as to what the origin of these bodies
13 were.

14 REPRESENTATIVE DALLY:

15 But basically your testimony was that
16 these bodies were the property of the Chinese
17 government; isn't that correct?

18 DR. HOFFMAN:

19 They not only were, they are, sir, the
20 property of the Chinese government. They are not the
21 property of Premier. They are not the property of any
22 other show that's going around. These are bodies of
23 Chinese origin and belong to the Chinese government.
24 They are on loan for display purposes here in the
25 United States. They don't belong to any of the

1 exhibitioners.

2 REPRESENTATIVE DALLY:

3 And is it your testimony that we
4 shouldn't be concerned about how the Chinese
5 government came in possession of these bodies? That's
6 not our concern?

7 DR. HOFFMAN:

8 I don't believe --- no. That's a
9 political question. And I'm not here to discuss the
10 politics of different countries.

11 REPRESENTATIVE DALLY:

12 All right. Thanks very much, Doctor.

13 DR. HOFFMAN:

14 Thank you.

15 CHAIRMAN CALTAGIRONE:

16 Any other questions?

17 REPRESENTATIVE MANDERINO:

18 I do.

19 CHAIRMAN CALTAGIRONE:

20 Representative Evans?

21 REPRESENTATIVE EVAN:

22 Yes, thank you, Dr. Hoffman. I hope you
23 can hear us okay. Were you able to hear the testimony
24 of Dr. Wu, who preceded your testimony?

25 DR. HOFFMAN:

1 I did indeed, sir.

2 REPRESENTATIVE EVANS:

3 Does it not concern you that some of the
4 bodies, perhaps not on the exhibitions you're familiar
5 with, but that some bodies are in use around the world
6 in some displays that may be potentially political
7 prisoners who are being displayed? Does that not
8 concern you?

9 DR. HOFFMAN:

10 Sir, that's an allegation that has yet to
11 be proven. I cannot comment on political prisoners,
12 but I reiterate that none of the 50 or 60 bodies that
13 I have seen before they were put on exhibit have any
14 evidence of injury, torture, abuse or violation of
15 corpse. And I've been doing forensic pathology now
16 for 40 years. I'm Board Certified in it. That is
17 what I do for a living.

18 And I can reiterate to this committee
19 there is no evidence of physical abuse. I certainly
20 cannot comment on medical abuse or isolation,
21 et cetera, but these human beings, and they are human
22 beings, were not physically tortured in any manner.

23 REPRESENTATIVE EVANS:

24 Following on Representative Dally's
25 question that the Chinese government does own these

1 bodies and that is a policy of that government, you
2 can't help though but get into a political discussion
3 here on that policy because it differs so vastly from
4 what occurs in our country today. Is that fair
5 analysis of where we are with this law?

6 DR. HOFFMAN:

7 There are certainly many countries in
8 this world that do not agree or have similar political
9 views as we do. But this is a free society and we the
10 public should have the right to make a decision what
11 we will or will not see. And we do that with our
12 dollars. Everyone who has seen this exhibit and
13 appreciated --- we're not talking about several
14 hundred people, we're talking now millions of United
15 States citizens have seen this exhibit and walk away
16 with a very positive feeling. That should mean
17 something.

18 REPRESENTATIVE EVANS:

19 That concludes my questions, Mr.
20 Chairman.

21 CHAIRMAN CALTAGIRONE:

22 Thank you. Any other questions? Ms.
23 Manderino?

24 REPRESENTATIVE MANDERINO:

25 Thank you. Good morning, Dr. Hoffman.

1 Kathy Manderino.

2 DR. HOFFMAN:

3 Good morning. We know each other; don't
4 we?

5 REPRESENTATIVE MANDERINO:

6 Yes, we do. Yes. Thank you very much
7 for being here. A couple questions. You mentioned
8 several times that you reviewed the paperwork, but
9 what does that mean? I mean, what physically is the
10 paperwork that accompanies these bodies or cadavers
11 for the display? What are you reviewing, what does it
12 say, what's the origin and authenticity, if you can
13 kind of --- everyone keeps alluding to it, but I'm
14 having a hard time visualizing specifics.

15 DR. HOFFMAN:

16 I saw the original Chinese documents. I
17 cannot read Chinese nor do I understand Chinese. But
18 I had --- the documents were translated by legitimate
19 Chinese translators. And these documents say that
20 these bodies are the property of the Chinese
21 government, are loaned to the exhibitors, were not
22 abused. I documented that they were not abused. And
23 abuse of a human corpse --- you cannot brush that
24 away. And that these bodies are to be returned to
25 China upon completion of the exhibit. They are here

1 for a period of time.

2 REPRESENTATIVE MANDERINO:

3 One of the issues we discussed early on
4 and particularly is the focus of this proposed
5 legislation is not an issue of torture or abuse, but
6 an issue of informed consent. Was there anything in
7 those documents that you reviewed that gave you a
8 sense one way or another of whether or not there was
9 informed consent between the decedent or somebody able
10 to act on behalf of the decedent and the Chinese
11 government?

12 DR. HOFFMAN:

13 No, I saw no document stating that I
14 voluntarily donate my body to science, period. But we
15 don't have that in the United States either.

16 REPRESENTATIVE MANDERINO:

17 Okay. Well, actually, let me get to
18 that. You described kind of Chinese law. And I wrote
19 down kind of paraphrasing. But Chinese law permits
20 the Chinese government to donate unclaimed bodies for
21 --- and then you enumerated a whole list of reasons,
22 medical science, et cetera, et cetera, including
23 exhibition. And then you went on to say our laws
24 allow the same thing with regard to unclaimed bodies.

25 And you went through a list. And I don't

1 know if it was --- one of the things that I heard was
2 in the list that you gave with regard to the United
3 States, there wasn't anything about exhibition. And I
4 don't know if that was just your paraphrasing or if
5 there was some distinction that I was listening for
6 that I'm inserting that doesn't belong there. Are you
7 with me?

8 DR. HOFFMAN:

9 I certainly could not donate an unclaimed
10 body for commercial purposes. That we can't do.

11 REPRESENTATIVE MANDERINO:

12 Okay. One more time, explain to me ---
13 because we're kind of stuck. And at least the focus
14 of the legislation before us is this notion of
15 informed consent. Now, if I asked a living person,
16 say while I'm living I want my body to be donated to
17 medical science or for any other reason, for learning,
18 teaching, et cetera, then I have given informed
19 consent.

20 So we have a notion in our law of
21 informed consent. So when you made the comment that
22 we don't have informed consent in our law, you're
23 talking about specifically how the law allowed you to
24 dispose of an unclaimed body?

25 DR. HOFFMAN:

1 That is correct, ma'am.

2 REPRESENTATIVE MANDERINO:

3 So our law ---.

4 DR. HOFFMAN:

5 Either informed consent has to be given
6 by a living person, or has to be given by the
7 immediate next of kin for the disposition of deceased,
8 if the deceased has not made previous arrangements.

9 REPRESENTATIVE MANDERINO:

10 So in our country, or at least in our
11 laws in Pennsylvania, the status of an unclaimed body
12 then kind of puts in government's hands, you as a
13 representative of government, a decision about what to
14 do with that body that could mirror what a living
15 person could have done under informed consent, but in
16 this case there was no informed consent because there
17 was nobody to ask?

18 DR. HOFFMAN:

19 That is correct, ma'am.

20 REPRESENTATIVE MANDERINO:

21 I thank you very much for your testimony.
22 And I think there's at least another question.

23 CHAIRMAN CALTAGIRONE:

24 Yes, there is, Representative O'Neill.

25 REPRESENTATIVE O'NEILL:

1 Yes, thank you, Dr. Hoffman. Bernie
2 O'Neill from Bucks County.

3 DR. HOFFMAN:

4 Yes, sir.

5 REPRESENTATIVE O'NEILL:

6 A couple of quick questions. You said
7 that the bodies that you were referring to were on
8 loan from the government of China. So what you're
9 telling me, there was no money that transpired from
10 any exhibitors or anyone here in the United States to
11 the government of China or whoever had control of
12 these bodies, or anybody in between?

13 DR. HOFFMAN:

14 Oh, I am sure, but I leave that up to the
15 representative of Premier who I understand is going to
16 testify after I do. I am sure there's a fee paid to
17 the government. It is no different than the fee paid
18 to the Egyptian government for bringing King Tut over
19 or the fee paid to the Louvre in Paris for bringing
20 over the Cezanne exhibit to the Art Institute.

21 There are fees charged for exhibitions.
22 There's costs involved for shipping the bodies. There
23 are costs involved for preparing the bodies. And
24 these dissections are the most unique I've ever seen
25 in 50 years of medicine. So I'm sure there is a fee.

1 REPRESENTATIVE O'NEILL:

2 Well, my question --- I understand that.

3 DR. HOFFMAN:

4 That would be ludicrous to think that
5 these were simply --- the cost was totally absorbed by
6 the Chinese government. I'm sure the Chinese
7 government charged a fee.

8 REPRESENTATIVE O'NEILL:

9 And thank you for those comments. But
10 what I'm looking for is to whether any profit was
11 being made. I understand that there are costs
12 involved, you know, transportation and for the body
13 --- but I'm talking about profit ---.

14 DR. HOFFMAN:

15 I understand that the exhibitors are
16 making a profit. They wouldn't be doing this for
17 free. We are still a capitalistic country. And ---.

18 REPRESENTATIVE O'NEILL:

19 So then if there are profits being made
20 then ---?

21 DR. HOFFMAN:

22 Then ---.

23 REPRESENTATIVE O'NEILL:

24 Well then, quite frankly, if there are
25 profits being made, then they're not on loan? That's

1 my point.

2 DR. HOFFMAN:

3 I do not understand your question, sir.

4 REPRESENTATIVE O'NEILL:

5 I'm trying to get to the point whether
6 they're on loan or not. We were ---.

7 DR. HOFFMAN:

8 They are on loan. They are the property
9 of the Chinese government. They are not the property
10 of Gunther von Hagens. They are not the property of
11 Body Worlds. They are not the property of Premier.
12 They are the property of the Chinese authority.

13 REPRESENTATIVE O'NEILL:

14 I understand that, sir. If my neighbor
15 lent me his lawnmower to cut my grass ---?

16 DR. HOFFMAN:

17 I beg your pardon?

18 REPRESENTATIVE O'NEILL:

19 If my neighbor lent me his lawnmower to
20 cut my grass because my lawnmower broke down, but
21 that's loaning me something. But if my neighbor gave
22 me his mower and said I'm charging you a fee of \$100,
23 then he's not really loaning it to me. So that's what
24 I'm trying to drive at. And the reason why I say that
25 is because the presenter before you showed us some

1 pretty graphic and honest pictures of executed
2 prisoners from China whose bodies were taken and
3 apparently used for things such as what you're
4 stating.

5 So I guess what we're trying to get to,
6 the bottom line is it's not as much consent sometimes
7 as it is the abuse and human rights issue here that
8 seems to be the problem from China. They're executing
9 people and just, consequently, giving their bodies
10 away for whatever, and then in a lot of cases making
11 profit on it.

12 DR. HOFFMAN:

13 I again reiterate to the committee that
14 of the 50 or 60 bodies that I physically examined,
15 there is no evidence of torture, abuse, abuse of
16 corpse or any other evidence of blunt force or any
17 other type of injury.

18 REPRESENTATIVE O'NEILL:

19 Okay. Thank you for that. You made a
20 comment about we the public have a right to make our
21 own decisions. I guess my question to you is during
22 these exhibitions, was there any disclaimer or was the
23 public informed that these bodies came from China and
24 exactly how they were obtained by the Chinese
25 government is unknown, or was there anything to that

1 effect? Because if the public is to make their own
2 informed decision, do you not believe that they should
3 have kind of background as to where they may come
4 from, how they may get obtained or so forth?

5 DR. HOFFMAN:

6 I've now seen probably six or seven of
7 the exhibits. I've not seen the one in Atlantic City
8 yet. I was there at the opening day of the one in
9 Harrisburg. I've seen them in Detroit, Orlando, in
10 Leon, France, I saw the opening there. It was obvious
11 from looking at the bodies that these are oriental
12 bodies. These are not African Americans. They are
13 not Caucasians. They are not Eskimo's.

14 REPRESENTATIVE O'NEILL:

15 But there was no ---.

16 DR. HOFFMAN:

17 These are oriental bodies and they appear
18 Chinese.

19 REPRESENTATIVE O'NEILL:

20 But was there any disclaimer as to where
21 the bodies were obtained so the public can make an
22 informed decision as to whether --- for their own
23 personal moral reasons would want to go into the
24 exhibit or not?

25 DR. HOFFMAN:

1 I didn't see any, but that I will leave
2 to the representative from Premier who can talk to
3 that issue far better than I can.

4 REPRESENTATIVE O'NEILL:

5 Okay. Thank you.

6 DR. HOFFMAN:

7 But there was no statement anywhere in
8 the exhibits that I've seen from. And I've seen it
9 now from three different organizations stating upfront
10 that these are human beings that are from China,
11 et cetera, et cetera, et cetera.

12 REPRESENTATIVE O'NEILL:

13 Great. Thank you. And I guess my next
14 question to you is as coroner, do you have the right
15 to donate a body or body parts or organs of an
16 unclaimed body as you said ---?

17 DR. HOFFMAN:

18 Yes, I do, sir. Why do you ask?

19 REPRESENTATIVE O'NEILL:

20 So you can donate it to science or to one
21 of these exhibits if you choose to do so if the body's
22 unclaimed?

23 DR. HOFFMAN:

24 No, I can donate it to science. I can
25 donate it for anatomy purposes. I think that although

1 the act does not prevent me from donating it to a
2 commercial venture, I don't think that would be
3 palatable for the citizens of the Commonwealth.

4 REPRESENTATIVE O'NEILL:

5 Great. Thank you very much. I
6 appreciate it. Thank you for being with us today.

7 DR. HOFFMAN:

8 Sure.

9 CHAIRMAN CALTAGIRONE:

10 Representative Pallone?

11 REPRESENTATIVE PALLONE:

12 Thank you. Thank you, Doctor. This is
13 Representative John Pallone. I represent Northern
14 Westmoreland and Southern Armstrong Counties. I have
15 seen the body exhibit at the Carnegie Science Center.
16 And I agree with you that it was phenomenal. And I'm
17 certainly not a doctor or a student of medicine. I'm
18 a graduate of business school and law school. So my
19 view is probably different than yours in terms of the
20 appreciation.

21 But I found it to be extremely
22 educational, extremely informative and very
23 overwhelming. In fact, the crowd of people who were
24 there when I was in this facility, you could've heard
25 a pin drop. It was incredible to witness other people

1 witnessing the body exhibit. My question will focus
2 more on the ball that's coming across the plate.

3 And the proposed legislation basically,
4 in my paraphrased summary, is just to regulate
5 Pennsylvania venues that would display the body
6 exhibits or other exhibits like that. And your
7 statement made a reference to you can't regulate what
8 another country does with their government. I don't
9 think we're trying to do that. Do you agree that
10 we're able in Pennsylvania to regulate our local
11 businesses, whether they be profit or nonprofit
12 relative to how they conduct business?

13 DR. HOFFMAN:

14 Of course. That's the function of
15 government.

16 REPRESENTATIVE PALLONE:

17 And do you agree or disagree that it's
18 prudent on behalf of the Commonwealth of Pennsylvania
19 to regulate our venues in such a way that they at
20 least exercise due diligence relative to any exhibit
21 that they bring into Pennsylvania?

22 DR. HOFFMAN:

23 I would agree with that. But as you are
24 probably aware, the Attorney General of the
25 Commonwealth looked at the documents for the exhibit

1 in Harrisburg and approved it.

2 REPRESENTATIVE PALLONE:

3 And I believe ---.

4 DR. HOFFMAN:

5 But you know, if you're trying to kill
6 authority I think that might be inappropriate because
7 this exhibit has now been in multiple states.

8 And ---.

9 REPRESENTATIVE PALLONE:

10 I agree. And as I stated earlier, I
11 thought it was a very terrific exhibit. I guess the
12 direction where I'm going is the legislation, or for
13 lack of any other term, we're going to establish the
14 policy. And I think that it's responsible on our part
15 to be able to do that. To be able to say that if
16 you're going to bring whether it be the King Tut
17 exhibit or an art exhibit or whatever the case may be
18 into this state, that we, in fact, make sure that with
19 all reasonable due diligence --- and be able to prove
20 beyond a reasonable doubt that all of these exhibits,
21 whether they be pieces of art, they may be stolen,
22 they might not be. We don't know that, but we're
23 going to at least do our due diligence.

24 I think that's the crux of Representative
25 Fleck's intent with his legislation, is that we do our

1 due diligence and not get into the morality and the
2 ethnicity of the display or whatever. And I don't
3 believe that's where we're going. But my last
4 question was a point of clarification. When you were
5 using the word loan --- and I think I understand what
6 you're saying as well as anyone else. But loan is no
7 different than when you borrow money from a bank and
8 you pay it back. There's a fee of interest that goes
9 with that.

10 DR. HOFFMAN:

11 Sir ---.

12 REPRESENTATIVE PALLONE:

13 While these bodies are on loan, they're
14 actually owned by somebody else. And they're being
15 loaned to whether it be Premier or any other exhibitor
16 or venue for a fee. And they will ultimately be
17 returned to the owner; correct?

18 DR. HOFFMAN:

19 That's correct because if something goes
20 wrong with the bodies and accidents happen with them,
21 the owners have a representative who comes and makes
22 repairs. Not Premier, not Gunther von Hagens; the
23 company does.

24 REPRESENTATIVE PALLONE:

25 Thank you, Doctor.

1 DR. HOFFMAN:

2 Thank you, sir.

3 CHAIRMAN CALTAGIRONE:

4 Representative Mantz?

5 REPRESENTATIVE MANTZ:

6 Dr. Hoffman, my name is Representative
7 Carl Mantz. I represent portions of Berks and Lehigh
8 Counties. Doctor, do you believe that the Chinese
9 government, controlled as it is by the Chinese
10 Communist Party, is capable of deceit or
11 misrepresentation or dissimulations in its preparation
12 of documentation, the documentation of the company, of
13 the bodies, transported to the shores of Baltimore?

14 DR. HOFFMAN:

15 Representative, every government in this
16 world, all 160 plus nations, have the ability to
17 deceive, counterfeit, create fraud, et cetera. And
18 unfortunately, including ours.

19 REPRESENTATIVE MANTZ:

20 Thank you very much for your testimony.

21 CHAIRMAN CALTAGIRONE:

22 Are there any other questions from the
23 members? Thank you, Doctor. We appreciate your
24 testimony.

25 DR. HOFFMAN:

1 Thank you very much, sir.

2 CHAIRMAN CALTAGIRONE:

3 I'd like to next move on to Ms. Georgina
4 Gomez, director or development --- oh, is Brian there?

5 CHAIRMAN MARSICO:

6 Yes, sir.

7 CHAIRMAN CALTAGIRONE:

8 I'm sorry. Excuse me. Brian, are you
9 there?

10 ATTORNEY WAINGER:

11 I'm here.

12 CHAIRMAN CALTAGIRONE:

13 I'm sorry. I apologize. Brian, general
14 counsel for Premier Exhibitions, Incorporated. Do you
15 want to make some comments?

16 ATTORNEY WAINGER:

17 Please. I'll try to speak loudly and
18 clearly. If you all have the need for me to speak up,
19 please let me know.

20 CHAIRMAN CALTAGIRONE:

21 You're coming through loud and clear.

22 ATTORNEY WAINGER:

23 Majority Chairman Caltagirone, Minority
24 Chairman Marsico and members of the House Judiciary
25 Committee. After carefully reviewing House Bill

1 #2299, I must respectfully oppose the measure in its
2 current form. I serve as general counsel to Premier
3 Exhibitions, a company which you have heard much about
4 so far this morning. Premier Exhibitions is a
5 publically traded entertainment company. It is a
6 major provider of museum quality exhibitions
7 throughout the world.

8 In addition to its presentation of the
9 body and the exhibition on Bodies Revealed, Premier
10 also presents a number of other exhibitions, including
11 but not limited to Titanic, the Artifact Exhibition,
12 an exhibition which was referenced by Mr. Wint from
13 the Franklin Institute, Dialogue in the Dark, Sports
14 and Morals, Star Trek Exhibition. Premier's body
15 exhibition has been seen in a number of venues
16 throughout the Commonwealth of Pennsylvania, including
17 at the Carnegie Center in Pittsburgh.

18 And currently, Premier is promoting the
19 presentation of Our Body, the Universe Within at the
20 Whittaker Center in Harrisburg. Millions of people
21 worldwide have seen these anatomy exhibitions, a vast
22 majority of whom, perhaps approaching 95 percent, find
23 it a positive, enlightening and educational
24 experience. All of the specimens that these
25 exhibitions undergo a power preservation process which

1 transform them to silicon and which we know is of no
2 public health risk.

3 The end result is an anatomical model
4 which is plastic to the deepest cellular level. These
5 exhibitions have been examined by medical officers and
6 health departments throughout the country, all of whom
7 have agreed that there's no public health risk. This
8 point appears to be beyond dispute.

9 Premier utilizes specimens from China.
10 Most of them come from unclaimed remains that have
11 been supplied to medical schools in China from the
12 Chinese Bureau of Police. And then have been provided
13 by these medical schools with the plastination
14 facilities. In addition to these unclaimed specimens,
15 Premier also utilizes plastinates from suppliers who
16 have confirmed via affidavit that the specimens have
17 been donated for use in public exhibitions.

18 Nevertheless, even for these specimens,
19 Premier may not have the level of documentation that
20 apparently would be required by House Bill #2299. In
21 its current form, House Bill #2299 will undermine the
22 efforts of Premier and other providers of this content
23 to educate and enlighten the general public about
24 human anatomy. The language in the bill will make it
25 impossible for Premier to comply and will vastly

1 diminish the opportunity for the people of
2 Pennsylvania to learn about human anatomy in this
3 breathtaking, up-close way.

4 It appears that the goal of House Bill
5 #2299, if not the unintended consequences, is to
6 outlaw and shut down lawful exhibitions which are
7 extremely educational and constructive on moral and
8 ethical grounds not related to public health, safety
9 or welfare. And as you know, it is highly unusual if
10 not extraordinary to shut down a lawfully operated
11 business for concerns not related to public health,
12 safety and welfare.

13 In this respect, I submit to you that the
14 citizens of this Commonwealth should have the right to
15 decide for themselves whether to attend these
16 exhibitions and under what circumstances. In reaching
17 millions of people in the Commonwealth of Pennsylvania
18 alone, these exhibitions provide an exquisite anatomy
19 lesson to the general public. They say a picture is
20 worth a thousand words. But even a thousand pictures
21 can't tell the stories of these specimens in these
22 exhibitions.

23 They spark awareness in a truly unique
24 and visual way of the importance of healthy living.
25 And they do it on a grand scale. Millions of people

1 have seen and understand what cigarettes actually do
2 to a lung because of these exhibitions, what
3 cholesterol actually does to blood vessels and what
4 excessive alcohol intake actually does to a liver.
5 Unless you have actually taken the time to see one of
6 these exhibitions, you cannot appreciate or fathom the
7 profound impact that they have on the viewing public.

8 In this respect, these exhibitions are
9 just as important as are those bodies donated by Dr.
10 Hoffman and his colleagues to be used in the human
11 anatomy courses taken by this Commonwealth's future
12 doctors and dentists. To be clear, and as Dr. Hoffman
13 explained a few minutes ago, the Commonwealth of
14 Pennsylvania, like virtually every other state in this
15 country, accept unclaimed bodies to be used for the
16 advancement of medical science.

17 The Commonwealth of Pennsylvania does not
18 have consent forms for these unclaimed bodies, the
19 same bodies that are dissected and disposed of in the
20 name of medical science. It would be extraordinary to
21 allow unclaimed bodies to be used in this manner for
22 private education, but not for public education. But
23 to be clear, if passed this bill would do just that.

24 Putting aside for the moment the policy
25 questions raised by House Bill #2299, the lawyer in me

1 also has chief concerns about its statutory and
2 procedural framework. The bill does not require a
3 county to issue a permit, it allows them to. Can one
4 county deny a permit based on the same documentation
5 accepted by a neighboring county? What is the
6 objective criteria on which a county could make its
7 determination?

8 I understand Representative Fleck has
9 already decided to address those concerns. But the
10 flaws in the bill extend beyond just a county process.
11 What is, quote, valid business authorization? Is that
12 a subjective determination? In essence, this statute
13 is devoid of any standards, guidelines or criteria,
14 let alone objective or standardized ones that guide
15 the permitting process. It creates a subjective, if
16 not arbitrary, permitting framework, in fact, in the
17 counties' unbridled discretion.

18 This subjective framework coupled with
19 the actual language in the bill extends far beyond how
20 states typically regulate museum quality exhibitions.
21 Premier has no way to provide indicia of consent as
22 required under this bill as the specimens were
23 obtained years ago. And since the company does not
24 plan on obtaining new specimens, it has no way to meet
25 the requirements of this law.

1 It is hard to fathom or understand why
2 the legislature would choose to prohibit a major
3 company from legally operating educational shows on
4 moral, ethical or religious grounds unrelated to
5 health and safety, and where literally hundreds of
6 thousands of your citizens have already seen it and
7 have already approved of it. Controversy itself need
8 not be feared. It sparks awareness, creativity and a
9 healthy dialogue.

10 I ask you to consider for the moment the
11 irony of some earlier comments we heard today.
12 Representative Fleck said the core issue of this bill
13 is to require informed consent for these specimens,
14 informed consent. Mr. Wint, the President and C.E.O.
15 of the Franklin Institute, spoke to us on the
16 apparently rigid requirements of its ethics committee
17 before agreeing to host Body Worlds. Yet
18 Representative Fleck would point out an exception for
19 mummies, like King Tut and the other human remains in
20 that show.

21 And the Franklin Institute welcomed with
22 open arms over 1.3 million paying customers to see the
23 mummy and other human remains of the King Tut
24 exhibition, none of which gave informed consent. And
25 this was done, apparently, without convening the same

1 ethics committee that was required for the human
2 anatomy exhibition. The stark reality is that the
3 human remains of the King Tut exhibition are no
4 different than the human remains in these other
5 exhibitions.

6 The point here, it's not obvious. It's
7 that we should not legislate convenience. We should
8 not legislate to fix our unique agendas. Whether to
9 patronize any of these exhibitions should be based on
10 personal decisions and prerogatives, not legislative
11 decisions and not legislative prerogatives. In
12 conclusion, I listened very closely to Dr. Wu. He had
13 moving, poignant testimony.

14 I listened to everything he said. And I
15 specifically listened to what he said about Premier
16 Exhibitions Incorporated, a Florida corporation doing
17 business in Atlanta, Georgia, and listed on the NASDAQ
18 stock exchange. I'm not here to defend the history of
19 human rights violations in China. I am here, however,
20 to discuss this legislation and to make sure the
21 record is quite clear and quite truthful when it comes
22 to Premier Exhibitions.

23 Without getting into too much detail
24 unless further asked by questions, I will tell you
25 that as those pictures relate to Premier Exhibition,

1 there has never ever been any credible information or
2 evidence suggesting that those specimens went to any
3 of the plastination facilities utilized by Premier
4 Exhibition. And we take great exception with that
5 allegation.

6 As Mr. Wu candidly stated, he received
7 those pictures from Gunther von Hagens, a competitor
8 of Premier Exhibitions. A competitor of Premier
9 Exhibitions who has engaged in an impressive marketing
10 and P.R. campaign to try to distinguish between
11 consented specimens and specimens that have been
12 donated as unclaimed.

13 I will tell you if Premier Exhibitions
14 had any information, any scintilla of information,
15 that the allegations made by Mr. Wu in his touching
16 remarks --- and by Dr. von Hagens previously recorded
17 in television shows, that if any of that was true, if
18 we had any information, Premier would not be
19 presenting these specimens. The grim, stark reality,
20 no matter how much we want to believe it, is that
21 Premier Exhibitions does extensive due diligence to
22 ensure that these specimens do not come from executed
23 prisoners.

24 Premier Exhibitions retained a professor
25 emeritus, formerly of the University of Michigan

1 Medical School, and an additional medical personnel
2 who examined the specimens and have never ever seen
3 any evidence associated with trauma, abuse or
4 execution. In the end, I am not here to defend human
5 rights abuses in China. But I am here to say that the
6 people that Premier does business with are reputable
7 people associated with esteemed medical universities.

8 And the allegations, while convenient and
9 serve a point about the history of abuses in China, do
10 not prove a case. And Premier Exhibitions will
11 continue to operate in the same honorable fashion that
12 it has. It will continue, we hope, to present these
13 educational exhibitions in a manner that allows the
14 public to choose for themselves in how to educate
15 themselves. I thank you for listening and taking the
16 time. And I am here to answer any questions you may
17 have.

18 CHAIRMAN CALTAGIRONE:

19 Thank you. Representative Dally?

20 REPRESENTATIVE DALLY:

21 Oh, thank you, Mr. Chairman. Thank you,
22 is it Wainger?

23 ATTORNEY WAINGER:

24 It's Brian Wainger, yes, sir.

25 REPRESENTATIVE DALLY:

1 Wainger. Thank you for your testimony.
2 I don't know whether you were listening to the earlier
3 testimony. I guess probably on the basis of some of
4 the comments you made, you were. How many of these
5 specimens do you exhibit in your business?

6 ATTORNEY WAINGER:

7 I don't have the answer to that
8 precisely. Premier Exhibitions operates or promotes
9 upwards of 17 separate exhibitions. All of these
10 exhibitions have full human body remains and
11 individual organs and individual organ systems. And
12 that's a key point that hasn't been made. We talk
13 about informed consent for the human bodies.

14 But what we have to understand is that
15 the majority of these exhibitions are comprised of
16 individual organs and individual organ systems,
17 usually which have some sort of pathology to explain
18 the source of disease, to explain through experience
19 what, as I said, cardiovascular disease looks like.

20 And there is absolutely no way to prove
21 sufficiently to the satisfaction of this subjective
22 criteria that any of these organs or organ systems
23 were donated with informed consent. It creates a
24 logistical problem that we haven't addressed but is
25 very, very real.

1 REPRESENTATIVE DALLY:

2 To your knowledge, are there new bodies
3 that are being provided for the plastination process?

4 ATTORNEY WAINGER:

5 Premier has stated publically, I believe,
6 that it has all the specimens it intends to obtain and
7 has no present plan to obtain any further specimens.

8 REPRESENTATIVE DALLY:

9 And these specimens that you have in your
10 exhibits, are they the property of the Chinese
11 government?

12 ATTORNEY WAINGER:

13 They are the property of others. In some
14 cases, I believe they are the property of the Chinese
15 government. In some cases, I believe they are the
16 property of the suppliers of the specimen. But what I
17 know for sure is they are not the property of Premier
18 Exhibitions.

19 REPRESENTATIVE DALLY:

20 And are these specimens all of Chinese
21 origin?

22 ATTORNEY WAINGER:

23 They are.

24 REPRESENTATIVE DALLY:

25 So there are no Caucasians or no African

1 American or African, no specimen ---?

2 ATTORNEY WAINGER:

3 They are all of Asian descent.

4 REPRESENTATIVE DALLY:

5 Obviously, if this bill were to become
6 law, we can't obviously get consent from those bodies
7 that are already being utilized. But you're saying
8 that your company would not secure additional bodies
9 to be utilized in the future?

10 ATTORNEY WAINGER:

11 That's correct. And I will tell you that
12 this issue has been dealt with before. And our
13 opposition to this bill would be very carefully
14 reconsidered if the bill would allow a legally
15 operated company to utilize the specimens that it
16 currently has without obtaining new specimens and
17 without invoking further scrutiny of people like Mr.
18 Wu. If these specimens were grandfathered in and let
19 legally operating entities continue operating in the
20 state of Pennsylvania as officials in other states
21 have done.

22 REPRESENTATIVE DALLY:

23 And I just would, for my last comment ---
24 I think you mentioned that we shouldn't be legislating
25 for moral and ethical grounds. I think that's part of

1 our role as public policy makers. And certainly,
2 listening to the testimony especially of Dr. Wu today,
3 that does give us pause, it gives me pause, when
4 you're considering that some of these specimens may be
5 from political prisoners and obviously were provided
6 without their consent or their family's consent.

7 And I think that that is a concern,
8 albeit moral and ethical. And I think that's part of
9 the issue that we have to consider as we consider
10 legislation. I wasn't quite sure of your comment
11 legislating for convenience. Maybe you can elaborate
12 on that.

13 ATTORNEY WAINGER:

14 Sure. It's convenient given the outcry
15 toward China to require informed consent as we
16 generally understand that concept. It's inconvenient
17 to require informed consent for King Tut, for the
18 human remains in the King Tut exhibition, when, in
19 fact, there is no real difference. The difference
20 comes in our current opinions about the government of
21 China versus our current opinions about the historic
22 and educational value of mummies and King Tut.

23 That is what I refer to as a legislation
24 of convenience, but as you suggest, you believe that
25 it is the legislature's goal, the legislature's duty,

1 to legislate morality.

2 REPRESENTATIVE DALLY:

3 I didn't say that. Don't put words in my
4 mouth, please. What I said is we have to consider
5 moral and ethical standards of society. I mean, I
6 think that's only natural. And I think it's our job
7 as public policy makers. We're not here to legislate
8 morality, but we have to take issues of morality into
9 consideration. And I think you would do the same in
10 your business in displaying these specimens, that it's
11 done in a moral and ethical manner.

12 You mentioned in your testimony that you
13 highlighted the public health, safety and welfare.
14 But I would have to suggest to you that if your
15 company wasn't making a profit on the display of these
16 specimens that you wouldn't be too concerned about the
17 public health, safety and welfare. So the bottom line
18 is profit, and there's nothing wrong with that. This
19 is a capitalist society, but let's be truthful in our
20 presentation. I don't have any further questions, Mr.
21 Chairman.

22 CHAIRMAN CALTAGIRONE:

23 I was curious about --- you say about you
24 wouldn't want any more bodies. How many do you
25 currently have that you wouldn't need ---?

1 ATTORNEY WAINGER:

2 Again, I can't give you the specific
3 number. I would just be speculating. But we have
4 between --- we license between 10 and 20
5 full-body specimens per exhibition, and then several
6 hundred organs and organ systems, or at least a couple
7 hundred, per exhibition. And we currently present or
8 promote upwards of 17 exhibitions.

9 CHAIRMAN CALTAGIRONE:

10 Okay. Chairman Marsico and then ---.

11 CHAIRMAN MARSICO:

12 Thank you, Mr. Chairman. I just have two
13 quick questions. Are there any children specimens on
14 display in your exhibits?

15 ATTORNEY WAINGER:

16 We present fetuses in specially designed
17 fetal galleries to educate about the development of
18 the fetus. All of those fetuses, we understand, have
19 been terminated naturally, not unnaturally or through
20 any intervention. But other than the fetuses, we do
21 not have on exhibition any children.

22 CHAIRMAN MARSICO:

23 Do you have proof of that?

24 ATTORNEY WAINGER:

25 Proof of what, sir?

1 CHAIRMAN MARSICO:

2 The fact that the fetuses --- how did you
3 say that, Kathy?

4 REPRESENTATIVE MANDERINO:

5 Were terminated naturally.

6 CHAIRMAN MARSICO:

7 Were terminated naturally.

8 ATTORNEY WAINGER:

9 You know, proof is in the eye of the
10 beholder, I guess. That's what I've learned over the
11 last several months. What I can tell you is if you
12 know a little bit about a D and C procedure, you
13 understand that the specimens don't emerge in the same
14 fashion that these specimens are presented. And in
15 addition to that, we have representations, warranties,
16 affidavits, et cetera, of that nature.

17 CHAIRMAN MARSICO:

18 Okay. The other question is real simple.
19 The specimens that are on exhibit --- I think you said
20 about 20 or so. How long were they expected to last
21 before they deteriorate? How old ---?

22 ATTORNEY WAINGER:

23 These specimens ---.

24 CHAIRMAN MARSICO:

25 I'm sorry.

1 ATTORNEY WAINGER:

2 I didn't mean to interrupt you.

3 CHAIRMAN MARSICO:

4 How long are they expected to last? How
5 much time before they deteriorate when you have to
6 replace with another specimen?

7 ATTORNEY WAINGER:

8 Right. These specimens, we understand,
9 are virtually permanent. They have been converted to
10 silicon and they don't degrade. These specimens or
11 specimens like them have been created and have been
12 existing now for at least 20 years. And I believe Dr.
13 Hoffman said that this procedure was developed back in
14 the 1950s.

15 We have not seen any degradation or
16 deterioration in any of the specimens that we have.
17 And that is part of the beauty of this process, unlike
18 in medical school where first anatomy classes and
19 students each get a specimen, dissect it and dispose
20 of it each year. These specimens can last forever and
21 can teach, we believe, generations of children.

22 CHAIRMAN MARSICO:

23 Okay. Thank you, Mr. Chairman.

24 REPRESENTATIVE O'NEILL:

25 Thank you, Brian, for being with us

1 today. I'm Representative O'Neill from Buck County.
2 Premier's a for-profit company; correct?

3 ATTORNEY WAINGER:

4 I lost you. I heard Premier is a what?

5 REPRESENTATIVE O'NEILL:

6 A for-profit company?

7 ATTORNEY WAINGER:

8 It is.

9 REPRESENTATIVE O'NEILL:

10 Then I have a question to ask you. The
11 bodies that you have on display, they came from and
12 they are the property of the government of China, or
13 is ---?

14 ATTORNEY WAINGER:

15 Right. Certainly Dr. Hoffman had
16 mentioned that. And I believe I was asked that
17 question a few minutes ago. I believe that some of
18 these specimens are indeed the property of the Chinese
19 government, though I'm not certain of that. I know
20 that some or most of the specimens are the property of
21 the suppliers of the specimens.

22 The majority of our specimens come from
23 one supplier who is the chairman or the director of
24 the anatomy department at Dalian Medical University.
25 Dalian Medical University is a school and medical

1 facility in Dalian, China, recognized by the World
2 Health Organization.

3 REPRESENTATIVE O'NEILL:

4 Then other than the cost of
5 transportation and care and exhibition of these, did
6 Premier pay these companies or whoever the bodies came
7 from?

8 ATTORNEY WAINGER:

9 Yes, Premier pays a license fee or a
10 lease fee.

11 REPRESENTATIVE O'NEILL:

12 So they're not on loan, then?

13 ATTORNEY WAINGER:

14 Not the specimens that Premier has. But
15 I will tell you that certainly there are other
16 exhibition companies, specifically a Universe Within,
17 to which I believe Dr. Hoffman was referring.

18 REPRESENTATIVE O'NEILL:

19 Great. Thank you. You stated that
20 Premier's an entertainment company. Given that, why
21 is Premier, if it's an entertainment company, in the
22 business of displaying something for its educational
23 value?

24 ATTORNEY WAINGER:

25 Well, just as I do not see for-profit and

1 educational purposes as being mutually exclusive, nor
2 do I see entertainment value and educational value as
3 being mutually exclusive. There is no question that
4 people can be entertained and enlightened at the same
5 time. And indeed, that is exactly the experience that
6 the customers of these exhibitions enjoy. Not only
7 have literally thousands of children come through our
8 exhibition both with their parents and with school
9 groups, but we have had physicians tell us that every
10 medical student should be obligated to see these
11 exhibitions.

12 REPRESENTATIVE O'NEILL:

13 I'm not going to argue that point with
14 you because I've just been informed that the
15 exhibition is still at the Whittaker Center, I
16 believe. So I intend to go over and look at it. And
17 I'm not going to argue the educational value of it.
18 And I don't think that's what Representative Fleck is
19 --- or what his problem is with what's going and what
20 his bill addresses.

21 These companies that --- or suppliers as
22 you call them, that you're dealing with, do they
23 supply do you know to anyone else, since Premier only
24 has bodies from China? Do they supply any other
25 bodies or body parts to any other parts of the world

1 other than China?

2 ATTORNEY WAINGER:

3 Do they supply ---?

4 REPRESENTATIVE O'NEILL:

5 Yes, do they currently get bodies from
6 Africa, from, you know ---?

7 ATTORNEY WAINGER:

8 It's ---.

9 REPRESENTATIVE O'NEILL:

10 Or is it just China?

11 ATTORNEY WAINGER:

12 Just China.

13 REPRESENTATIVE O'NEILL:

14 Would you consider, because you've talked
15 about the human right issues, would you consider that
16 human rights shouldn't be a public welfare in this
17 country?

18 ATTORNEY WAINGER:

19 Human rights issues in this country are
20 absolutely rights associated with the welfare of this
21 country, yes, sir.

22 REPRESENTATIVE O'NEILL:

23 And given that, you also stated that
24 people should have the right to make up their own
25 mind, or basically paraphrasing what you said, to

1 attend these exhibitions. Would you believe that a
2 disclaimer had to be placed at your exhibition, that
3 you cannot guarantee that these bodies are not of
4 executed prisoners whose human rights were violated in
5 China, that that would cause your company great harm
6 in its profit-making business?

7 ATTORNEY WAINGER:

8 No, sir, I do not. In fact, Premier
9 Exhibitions has taken the voluntary step to put up
10 disclaimers of that ilk in all of our exhibitions that
11 we present. Again, we present or promote about 17.
12 About 14 of those we present.

13 REPRESENTATIVE O'NEILL:

14 When I go see the Whittaker Center to see
15 your exhibition, then I'll see disclaimers saying that
16 Premier cannot guarantee that these bodies were not
17 unclaimed executed prisoners or something like that?

18 ATTORNEY WAINGER:

19 Sir, at the Whittaker Center, it has an
20 exhibition of Our Body, the Universe Within. We
21 promote four Our Body, the Universe Within, through
22 one of our wholly owned subsidiaries of that
23 exhibition. We do not own that exhibition. And so
24 you will not see a disclaimer at that exhibition,
25 because that is not one of the exhibitions that

1 Premier owns.

2 Premier does own approximately 14
3 exhibitions that are broken down to either Bodies
4 Revealed or Bodies, the Exhibition. They are all over
5 the country and they are all over the world. And you
6 go to those exhibitions and you will most definitely
7 see the disclaimer of which you are talking about.
8 And by the way, as I said, we have done that
9 voluntarily because we do indeed agree that people
10 should be able to make that decision, whether to
11 attend these exhibitions, based on the information
12 that we have available. And that's why we do it.

13 REPRESENTATIVE O'NEILL:

14 I thank you. One of the reasons why I
15 was asking that is because you were contradicting, or
16 challenging what Dr. Wu --- some of the statements
17 that he had made in his testimony to this committee.
18 However, there was an investigation done, which he has
19 in his testimony done by 20/20, an underground
20 investigation undercover when it was on back in
21 February that apparently proved that these bodies and
22 many bodies like it may be obtained inhumanely because
23 they're executed prisoners and stuff. And they're
24 sold on the black market.

25 And that is coming from that university

1 or medical center in China that you referred to; that
2 you, in fact, do business with. I guess my last thing
3 is, one thing I don't agree with you is you keep
4 referring to King Tut. I think everybody in this
5 world, or just about everybody in this world that has
6 any kind of education knows who King Tut was and so
7 forth and so on.

8 I would say to you that if you had some
9 men from Egyptian --- weren't King Tut, weren't as
10 well known as King Tut, on display, you would not have
11 the millions and millions of people going to visit as
12 they do. I don't think you should be comparing King
13 Tut to some common folk or political prisoners in
14 China who have been executed and then their families
15 have not been told they've been executed and their
16 bodies and their human parts have been sold for
17 profit. I think that's a real reach.

18 I understand the validity of the
19 educational value of both exhibitions. But I think
20 the source of this whole thing, and what
21 Representative Fleck's trying to get to, is how these
22 bodies end up where they are and the human rights
23 issue behind that. And that is something that I think
24 most people in this country would, in itself, would
25 support. But thank you very much. I appreciate your

1 comments.

2 ATTORNEY WAINGER:

3 Sir, may I respond or was that not a
4 question?

5 REPRESENTATIVE O'NEILL:

6 Oh, no, you can respond. I was kind of
7 closing up, but that's fine.

8 ATTORNEY WAINGER:

9 Well, I heard a couple of things that
10 deeply concern me. One was you have concluded that
11 Premier Exhibitions uses the bodies of executed
12 prisoners.

13 REPRESENTATIVE O'NEILL:

14 No, I concluded that you can't prove that
15 you're not using ---.

16 ATTORNEY WAINGER:

17 Oh, well ---.

18 REPRESENTATIVE O'NEILL:

19 And that's totally different.

20 ATTORNEY WAINGER:

21 Right. On that we agree. On that we
22 absolutely agree. But we definitely disagree when you
23 say that 20/20 proved that some of these specimens
24 came from the black market. We have had a number of
25 inflammatory, sensational and less than completely

1 accurate stories. But ---.

2 REPRESENTATIVE O'NEILL:

3 I didn't --- see, you're putting words
4 into my mouth. I didn't say that 20/20 proved that
5 the bodies that you have right now were obtained
6 inhumanely as Dr. Wu described earlier. What I said
7 was that apparently 20/20, through its investigation,
8 has proven that this black market is going on. And
9 therefore, you can't prove that you have obtained such
10 bodies.

11 ATTORNEY WAINGER:

12 Yes, the source for that 20/20 story,
13 whose identity was hidden and that Mr. Wu referenced,
14 is an employee of Gunther von Hagens. And I want you
15 to understand that the black market and those
16 photographs came from a competitor of Premier. It is
17 part of carefully calculated P.R. and marketing
18 campaign to discern between two sets of exhibition
19 companies.

20 You have to understand where the source
21 of that comes from. And it is absolutely,
22 categorically denied by Hong Jin Sui, the director of
23 anatomy at the Dalian Medical University, that he has
24 ever seen those pictures or that he has ever received
25 or supplied to Premier any specimens that bear any

1 evidence of trauma.

2 And of course as I said earlier, the
3 specific medical personnel who work for Premier and
4 who have reviewed all of its specimens have never
5 found any evidence of trauma or bodily injury
6 associated with the types of abuses that Mr. Wu
7 articulated and that we all find unbearable.

8 REPRESENTATIVE O'NEILL:

9 Great. Thank you very much. Appreciate
10 it.

11 CHAIRMAN CALTAGIRONE:

12 Representative Manderino?

13 REPRESENTATIVE MANDERINO:

14 Thank you, Mr. Wainger. Kathy Manderino
15 asking questions. I don't know if you have a copy of
16 the proposed legislation in front of you, but I want
17 to focus specifically --- and I thank you for calling
18 my attention to the distinction in the language used
19 in the bill, which we had been I guess calling
20 informed consent, although the words informed consent
21 are not in the proposed legislation. The words in the
22 legislation is valid written authorization to display
23 the human remains.

24 Now, when Dr. Wint from the Franklin
25 Institute was here, I asked him if he believed that

1 based on this definition of valid written
2 authorization, and who they had to get it from and
3 how, he thought that the show that showed at Franklin
4 Institute could still be showed today if this
5 definition was law. And his answer was yes. Now, I
6 heard you say that it's not possible to meet the
7 definition in this bill. What am I missing? What am
8 I hearing differently from Dr. Wint versus you?

9 ATTORNEY WAINGER:

10 You hit on a tremendously important
11 point, Representative Manderino. And that is that
12 because the framework is so vague, it is left up to
13 the discretion of the interpreter to decide for
14 themselves what indeed is valid written authorization.
15 And so there is no standardized formula for making
16 that determination. And in addition, we have to
17 consider the discrepancies between state law, laws in
18 other states and laws in other countries.

19 Is an affidavit by a next of kin in China
20 sufficient? Is an affidavit by a cousin in China
21 sufficient? Is an affidavit in the United States
22 sufficient? Or do we require that valid authorization
23 be given by a will under Pennsylvania law? And does
24 the People's Republic of China or other foreign
25 countries, do they have wills? Do they have similar

1 laws? The questions of ---.

2 REPRESENTATIVE MANDERINO:

3 Okay. I don't mean to cut you off, but
4 the answer at least with regard to Representative
5 Fleck is written in his legislation, one by the
6 decedent, including but not limited to authorization
7 given under the will, or two, by a person authorized
8 to make an anatomical gift under Pennsylvania's
9 anatomical gift law. So there is Representative
10 Fleck's definition.

11 Now, what you're saying is, and I don't
12 have the luxury, but I can go back to Dr. Wint and I
13 can ask my next testifier, if they think that they
14 would meet that definition. I just want to make sure
15 that I'm clear that you're saying --- well, I want to
16 make sure whether you're saying we, Premier, could not
17 meet that definition or nobody can meet that
18 definition.

19 ATTORNEY WAINGER:

20 Well, I think what I'm saying is first of
21 all, Premier, because these specimens died years ago,
22 we don't have this type of documentation. Most of
23 these specimens are unclaimed. And we would not have
24 this type of documentation. But the language in the
25 actual statute is not as clear as I think you may

1 believe. The statute says it can be given by the
2 decedent, including but not limited to authorization
3 given by will. Does that mean only by will or does
4 that mean by ---?

5 REPRESENTATIVE MANDERINO:

6 No, it means including but not limited
7 to.

8 ATTORNEY WAINGER:

9 Right. That means there theoretically
10 could be other indicia of consent. And in addition,
11 you have the same problems with respect to subsection
12 two, with regard to who is allowed to make an
13 anatomical gift. The question becomes the quantum of
14 proof. If you have the right person that's authorized
15 to give that gift, you still have the question of what
16 is decision proof; is it an affidavit, et cetera.

17 REPRESENTATIVE MANDERINO:

18 Okay.

19 ATTORNEY WAINGER:

20 And then with respect to the second part
21 of your question, is it just Premier or others, I
22 believe not just Premier because we can't meet some of
23 these definitions for our unclaimed bodies, but
24 certainly most if not all of the current human anatomy
25 presenters would have problems.

1 And I say that specifically because
2 remember, we talked about not just the whole human
3 bodies, but also the hundreds of organs and organ
4 systems in these exhibitions. And the form of proof
5 to tie those organs and organ systems to particular
6 bodies and particular donations is difficult if not
7 impossible.

8 REPRESENTATIVE MANDERINO:

9 The second thing which is related that I
10 want to ask you about is, I listened very carefully to
11 your testimony. You made a distinction that I want to
12 pick up on.

13 You made a distinction between consented
14 and unclaimed specimens in the context of that this
15 was a standard put forward to distinguish the
16 different ways that the two main competitors of these
17 kinds of exhibitions had in having obtained the bodies
18 or body parts, and that it is a manufactured
19 distinction for the purposes of competitive advances
20 and not one that we should be buying into as a
21 distinction under the law. Did I misunderstand the
22 point you were trying to make? Or if not, please
23 elaborate.

24 ATTORNEY WAINGER:

25 No, you understood the point I was trying

1 to make, Representative Manderino.

2 REPRESENTATIVE MANDERINO:

3 Okay. So what you're saying to us as
4 legislators, for consent is not the proper standard
5 because consent from where you're looking at it is a
6 manufactured standard that is trying to distinguish
7 one company or not? Then tell me, if I am a person
8 --- and I don't want to have a debate about whether or
9 not we should have a standard. Let's assume that I
10 believe we ought to have a standard. What should that
11 standard be?

12 ATTORNEY WAINGER:

13 Full disclosure.

14 REPRESENTATIVE MANDERINO:

15 Great. Now, if I decided Representative
16 Fleck's idea, he has something here, but I don't think
17 that this issue of consent or valid written
18 authorization makes sense and I want to go the
19 disclaimer route. I would appreciate seeing --- and
20 so part of what I'm going to do is I'm going to look
21 at what kinds of disclaimers exist now.

22 What kind of disclaimers exist now for
23 these kinds of exhibits and what kind of disclaimers
24 might exist in other similarly situated kinds of
25 displays, so that I can figure out whether or not I

1 want to have a one size fits all standard or
2 disclaimer for anything that would be shown in
3 Pennsylvania, or if I want to leave it up to each
4 individual presenter of an exhibit.

5 Can you share with us --- and you may not
6 have it in front of us. It'd probably be easier if
7 you send us the disclaimers in however many forms they
8 take of the various shows that you have that you say
9 are wholly within your control and you put disclaimers
10 on them for us to look at.

11 ATTORNEY WAINGER:

12 I would be very pleased to do that. And
13 if you give me about ten seconds, I will read you one
14 of our disclaimers. I'm optimistic and ambitious in
15 my ability to find it. I need more than ten seconds.

16 CHAIRMAN CALTAGIRONE:

17 You know --- if I can interrupt you for
18 that. I keep coming back to the same point. How can
19 you prove it? You know, if I was a Chinese official,
20 and if you want a disclaimer, I'll give to you a
21 disclaimer. How are you going to prove it? I mean,
22 really, how do you prove it?

23 ATTORNEY WAINGER:

24 I couldn't agree more with you. You
25 cannot prove a negative. You cannot prove that things

1 aren't what they appear to be. You cannot prove that
2 --- the whole problem that we have seen in other
3 settlements, such as with the New York Attorney
4 General, is when I said to them we've had medical
5 experts review all of our whole body specimens, they
6 say yeah, but you know what, Brian, your medical
7 expert can't take a liver and tell you that that liver
8 didn't come from somebody who was executed.

9 And the answer is you're right. We
10 can't. We can't prove a negative. And so what we can
11 do is rely on credible people who are associated with
12 credible institutions and universities and rely on
13 them. And at the end of the day, be upfront and open
14 about what we know and what we don't know. And let
15 everyone make their decisions for themselves. One of
16 the questions earlier was, you know, do people know
17 these specimens come from China.

18 Well, obviously, they are all of Asian
19 descent. You can look and you can determine that.
20 And so there is no secret that these specimens come
21 from China. But the type of disclosure that I'm about
22 to read is similar to what we put everywhere and what
23 we wanted voluntarily, and what we would encourage you
24 all to consider appropriate legislation. In fact, it
25 reads as such. Welcome, and this is in quite

1 conspicuous language at the front of our exhibition so
2 people can make this decision.

3 The specimens in this exhibition are
4 actual human cadavers that have undergone a polymer
5 preservation process and have been dissected and posed
6 by field anatomists. In this process, all tissue
7 water is replaced with silicon rubber to the deepest
8 cellular level. This creates a preserved human
9 specimen without changing any of its structure,
10 allowing you the experience of an amazing connection
11 to your own body or ones closest to you.

12 Premier suppliers certify that specimens
13 are unclaimed bodies received by the Chinese Bureau of
14 Police and then donated to universities in China for
15 education and research, and that the persons died of
16 natural causes. Premier employs a retired anatomy
17 professor and a biological anthropologist who examined
18 the specimens and they have never found any evidence
19 of trauma associated with bodily injury.

20 Premier cannot, however, independently
21 guarantee the origin of the specimens. Please enjoy
22 the exhibition. This is one voluntary sign we put up.
23 We have also entered into an agreement with the New
24 York Attorney General under which we put a similar,
25 not precisely exact, but a similar disclaimer at our

1 exhibition in New York. Essentially, the key is that
2 Premier cannot independently guarantee or confirm the
3 origin of the specimen.

4 And one of the questions --- and I
5 apologize that I'm not there to see the actual
6 representative who asked. The question that they had
7 was if we had to put these disclaimers up, it would
8 certainly affect our business or put us out of
9 business. I think that was the insinuation. And we
10 have found quite the contrary. The public does not
11 make a decision, as a general rule, to see these
12 exhibitions based upon whether or not there is
13 informed consent.

14 Certainly some do. We don't want to
15 diminish that. Some people have moral, ethical or
16 religious reasons why that is quite important to them.
17 But a vast majority do not. And in fact, we have seen
18 these signs, have been embraced with welcome arms by
19 the public that sees our exhibitions, and we have not
20 seen a substantial or material deterioration in our
21 numbers since we started using these signs.

22 REPRESENTATIVE MANDERINO:

23 Thank you very much, Mr. Wainger. I
24 appreciate that you read that to us. I would also
25 appreciate if you could forward it to whoever was our

1 staff contact for you. You probably just send it in
2 e-mail so that we have it in written form.

3 ATTORNEY WAINGER:

4 I'd be happy to.

5 REPRESENTATIVE MANDERINO:

6 Mr. Chairman, the one point that I just
7 want to make right now is when we're talking about the
8 tough issues around this with regard to these exhibits
9 and whether the bodies or the specimens were from
10 China, I would just remind members that we have
11 similar precedents, similar issues, right here in our
12 own country. We have had cases where there have been
13 news and media reports of abuses, of cutting corners,
14 things with obtaining the proper consent even for our
15 own purposes for cadavers for medical experimentation.

16 We have had cases that have risen to the
17 area of criminal prosecution with regard to selling of
18 body parts, one is currently ongoing in Philadelphia.
19 So I think that this whole issue is something that we
20 should not be discouraged as public policy makers from
21 keeping a hands-off on exploring the legitimate role
22 of government to regulate and make sure that we are
23 properly protecting citizens. And so I'm not sure
24 what the answer is to this but I don't subscribe to a
25 necessarily hands-off policy that might be proposed.

1 Thank you.

2 CHAIRMAN CALTAGIRONE:

3 Representative Mantz?

4 REPRESENTATIVE MANTZ:

5 Yes, Attorney Wainger, my name is
6 Representative Carl Mantz. I represent portions of
7 Lehigh and Berks County. By way of clarification or
8 elucidation can you tell us were complete bodies or
9 body parts, such as human organs, or a mix brought to
10 our shores and received by Premier Exhibitions from
11 China already subjected to the plastinization process?

12 ATTORNEY WAINGER:

13 Yes, Representative Mantz. They were
14 shipped by the suppliers and received by Premier in
15 the United States. And of course they had already
16 been subjected to the plastination process.

17 REPRESENTATIVE MANTZ:

18 So it's a mix, you're saying, both
19 complete bodies and ---?

20 ATTORNEY WAINGER:

21 Oh, correct. It was complete bodies and
22 organs and organ systems. Yes, sir.

23 REPRESENTATIVE MANTZ:

24 I see. Do you know what proportion?

25 ATTORNEY WAINGER:

1 I don't know the precise proportions.
2 There have been numerous shipments. But again, if you
3 consider that the exhibition has between 10 and 20 ---
4 approximately between say 9 and 20 full-body specimens
5 and up to 150 or 200 organs and organ systems, that
6 should give you the allocation or the breakdown pretty
7 generally.

8 REPRESENTATIVE MANTZ:

9 Thank you very much.

10 CHAIRMAN CALTAGIRONE:

11 Any other questions?

12 CHAIRMAN MARSICO:

13 Just a couple real quick ones. And if
14 you know the answers, I'd appreciate it. How did this
15 plastinization start and what country started this?
16 Was it in the U.S.A.?

17 ATTORNEY WAINGER:

18 I am not a historian on the process. I
19 would be speculating, and I'd rather not do that.

20 CHAIRMAN MARSICO:

21 Okay. I was just curious of the origin
22 of this. And I think maybe somebody better up on it
23 would be able to tell us. Thank you very, very much
24 for your testimony. We appreciate it, sir.

25 ATTORNEY WAINGER:

1 Thank you, sir.

2 CHAIRMAN CALTAGIRONE:

3 Okay. We'll next hear from Ms. Georgina
4 Gomez, director of development of Gunther von Hagens'
5 Body Worlds, the original exhibition for the exhibit
6 of human bodies. A representative of the Institute
7 for Plastination. Maybe you can answer that question.

8 CHAIRMAN MARSICO:

9 I'm just curious as to its origin.

10 MS. GOMEZ:

11 Yes, I can certainly answer that
12 question. I believe ---.

13 CHAIRMAN CALTAGIRONE:

14 Can you do it in this time period?

15 MS. GOMEZ:

16 Should I start with answering that first?

17 CHAIRMAN CALTAGIRONE:

18 Yes, if you could answer that question,
19 that would be ---.

20 MS. GOMEZ:

21 Okay. The plastination process was
22 invented in 1977 by Dr. Gunther von Hagens. He was a
23 researcher at Heidelberg University in Germany. And
24 he was looking for a way to teach his students about
25 the structure of the human body. And he was

1 determined to find a new way. And that's when he
2 invented plastination.

3 CHAIRMAN CALTAGIRONE:

4 And then that has taken place in other
5 parts of the world, I assume?

6 MS. GOMEZ:

7 Yes, actually there's universities all
8 over the world that are doing their own plastination
9 work with specimens they have in their labs. However,
10 Dr. von Hagens' Institute --- plastination is based in
11 Heidelberg, Germany still. Okay. So I'll start with
12 my testimony.

13 Good morning, or perhaps it's afternoon
14 now, Mr. Chairman, members of the House Judiciary
15 Committee. My name is Georgina Gomez. I'm a body
16 donor to the Institute for Plastination. And since
17 2004, when the U.S. based program was started, I've
18 managed the North American body donation program for
19 the Institute.

20 I make this testimony in my professional
21 capacity as body donation manager representing the
22 Institute for Plastination and on behalf of its
23 scientific director, Dr. Gunther von Hagens, who is
24 unable to appear before this committee at short
25 notice.

1 First of all, I want to clarify that the
2 Body Worlds exhibition is the exhibition which you
3 might've seen in Philadelphia at the Franklin
4 Institute. It is the exhibition that since was hosted
5 in the museum and he, you know, talked about that
6 during his testimony. Anatomist Dr. Gunther von
7 Hagens is the inventor of plastination and creator of
8 the Body World exhibition. He is the scientific
9 director for the Institute for Plastination based in
10 Heidelberg, Germany, and began the Institute's body
11 donation program in Heidelberg in 1983.

12 On behalf of the Institute for
13 Plastination, Dr. von Hagens and all of the body
14 donors registered in the Institute for Plastination's
15 body donation program, I wish to commend
16 Representative Mike Fleck for his efforts on behalf of
17 H.B. #2299 that would prohibit the commercial profit
18 and public display of human bodies or remains without
19 the documented informed consent of the deceased or
20 next of kin.

21 Since his invention, more than 25 million
22 people worldwide have seen the Body World exhibition
23 that he created, making them the most effective public
24 health exhibitions in the world. From the early years
25 of his invention, Dr. von Hagens' made a distinction

1 between clinical anatomy and public anatomy, between
2 the use of bodies without consent common in clinical
3 anatomy for the training of medical students and the
4 ethical, imperative or informed legal consent in the
5 case of plastination and eventually public anatomical
6 exhibitions.

7 The reason for this is very sound. In
8 clinical anatomy, after students have dissected a body
9 and used every part of the body for medical study, the
10 body is eventually cremated and given some kind of
11 finality, either through cremation or burial. In
12 plastination, there is no such finality. The body is
13 preserved permanently.

14 With the creation of the Body World
15 exhibition, there was a new element to be taken into
16 consideration, that of public display and the charging
17 of admission to the public to view the plastinated
18 specimens. Dr. von Hagens consulted with
19 philosophers, ethicist, religious and medical
20 professionals to refine his thinking on the importance
21 of informed legal consent. Very early on, it seemed
22 clear that there was a fundamental human right at
23 stake, that of an individual's right to choose his or
24 her own post-mortal state.

25 It was quite clear to him that it would

1 be ethically untenable to have a deceased person
2 undergo plastination, therefore preserving him or her
3 permanently and then putting the person on public
4 display in a museum setting without his or her
5 informed consent. In 1982, Dr. von Hagens was firmly
6 convinced that informed legal consent had to be the
7 ethical backbone of his science and the organizing
8 principle of plastination.

9 His convictions were so strong that he
10 began the world's first, and still only, donation
11 program for plastination. He wrote to more than 3,000
12 people who were registered donors in the University of
13 Heidelberg's anatomy department donor program telling
14 them about his new science and inviting them to become
15 the first donors in his new body donation program for
16 plastination. 1,500 of them were interested and
17 became the first donors.

18 In 1993, the Institute for Plastination
19 took over the management of the body donation program.
20 As of July 31st, this program, the source of the
21 bodies in the Body Worlds exhibition, has 8,757 living
22 donors worldwide and 580 deceased donors worldwide.
23 It has 7,366 living donors from Germany and 588
24 deceased German donors. It has 769 living American
25 donors and 12 deceased American donors.

1 There's a cultural dimension to body
2 donation to the Institute's program. Most are Germans
3 because that's where the Institute is based. But
4 additionally, body donation for science is very much
5 in keeping with our cultural history and traditions
6 and sensibilities with Germans. This is not the case
7 with Chinese nationals, as witnessed by a body
8 donation program which Dr. von Hagens started in
9 China, which has been phased out because he found that
10 the Chinese culture views anatomy, and certainly
11 plastination, as desecration of the post-mortal body.

12 In the past four years, I have never
13 spoken to a body donor who does not take his or her
14 decision to be a body donor for plastination very
15 seriously. Many donors have told me that they take
16 months or even years to sign their consent forms
17 because they want to be sure that they discuss their
18 decisions with close family or friends. And they want
19 to take the time to fully consider what it would mean
20 to be a donor for plastination.

21 There's no doubt that the decision is one
22 that's not taken lightly and one that is very
23 particular. For the majority of donors, myself
24 included, the most stand-out part about donation is
25 that it's a choice; one made for very specific

1 reasons. For any party to profit from individuals who
2 have not made this very personal choice would be
3 disrespectful and a complete violation of the rights
4 of the deceased.

5 We support this legislation because
6 plastination and public exhibition of plastinated
7 human specimens, unlike clinical anatomy, has special
8 responsibility to uphold the principle of informed
9 legal consent. We support the bill for proposing that
10 an experienced state sanctioned permitting authority
11 be empowered with vetting powers to analyze documents,
12 match death certificates with donor forms and bring to
13 bear the weight of scrutiny and due diligence to
14 ascertain that the deceased on display have given
15 their informed and legal consent to be on display.

16 The Institute and Dr. Gunther von Hagen
17 view Body Worlds as a scientific collaboration; one
18 between donors, himself as an anatomist and visitors
19 who come to the exhibitions. Without the important
20 foundation of informed legal consent by individuals on
21 display, Body Worlds would not be a collaboration but
22 an ethically untenable exercise in commodification and
23 exploitation of the deceased in our view.

24 The Institute for Plastination welcomes
25 Representative Mike Fleck's proposed legislation of

1 H.B. #2299 prohibiting the commercial profit and
2 public display of human bodies or remains without the
3 documented informed consent of the deceased or next of
4 kin. The proposed legislation is in alignment with
5 the Institute for Plastination's rigid ethical
6 standards for public anatomical display and in
7 accordance with the Institute for Plastination's
8 fundamental principles about body donation and
9 informed legal consent.

10 The Institute for Plastination has always
11 honored the last will and testament of donors for
12 anonymity and wishes to continue to do so, but
13 understands the need for regulations to protect the
14 rights of the deceased in public anatomical displays.
15 The Institute for Plastination is therefore prepared
16 to show informed consent by donors for specimens on
17 display in Gunther von Hagens' Body Worlds exhibition
18 to a permitting authority legally authorized and
19 empowered by the State of Pennsylvania to enact H.B.
20 #2299 after it become law. Thank you.

21 CHAIRMAN CALTAGIRONE:

22 Kathy?

23 REPRESENTATIVE MANDERINO:

24 Thank you. Thank you very much, Ms.
25 Gomez, for your testimony. You heard me ask the prior

1 testifier about the issue of consented versus
2 unclaimed specimens; the distinction that he had made.
3 And I take it from your testimony that you would
4 disagree and think that --- well, let me say it this
5 way. I take it from your testimony that going back
6 not to the common terms but to the language of the
7 legislation, which is valid written authorization,
8 that you would believe that all of the bodies and body
9 parts that you use in your display would be able to
10 meet this definition?

11 MS. GOMEZ:

12 That is correct.

13 REPRESENTATIVE MANDERINO:

14 Okay.

15 MS. GOMEZ:

16 I will specify, though, that there are
17 fetuses on display in the Body Worlds exhibition which
18 stem from historical anatomical collections which
19 predate the 1920s, and those specimens which were a
20 part of museums in Europe, hospital anatomy programs.

21 So they're not consent forms or anything that the
22 Institute for Plastination has obtained. But we do
23 have records of where the specimens did come from.

24 REPRESENTATIVE MANDERINO:

25 Okay. Why do you --- how do I want to

1 ask this. If I listen to --- it was actually the
2 coroner, Dr. Hoffman, from Montgomery County --- talk
3 about unclaimed bodies in the United States and I
4 listened to that in context with your testimony, I
5 would be correct in concluding that you would not have
6 any bodies within your plastination program that would
7 have come from unclaimed bodies in the United States?

8 MS. GOMEZ:

9 No, since the program has started in the
10 U.S. in 2004 --- it actually started in 1983 in Europe
11 --- there's been 12 deceased American donors. And
12 those are the only Americans that were ---.

13 REPRESENTATIVE MANDERINO:

14 Respond to the --- I'm sure you're
15 prepared to because it seems to be the crux of it.
16 Respond to the criticism that we've heard that to try
17 to make a distinction between consented versus
18 unclaimed specimens is buying into a --- this is my
19 characterization but he said I hit the nail on the
20 head so I'm just --- is buying into a business debate
21 between competitors in a for-profit entity.

22 MS. GOMEZ:

23 The Institute for Plastination and the
24 Body Worlds exhibition would not have a problem with
25 any exhibitor who exhibits human remains with proper

1 consent. I think because of so many questions that
2 were brought up --- Dr. Harry Wu brought up some
3 points about those human rights violations that exist
4 in China. And I think it's something that we all need
5 to be concerned with. Dr. von Hagens is a medical
6 doctor.

7 His wife, Dr. Angelina Whalley, who works
8 with him to promote the Body Worlds exhibition at the
9 Institute for Plastination, is also a doctor. I mean,
10 our mission is education. It's not entertainment.

11 REPRESENTATIVE MANDERINO:

12 Your institute obviously sees an ongoing
13 growing role of the use of plastination for all
14 different kind of purposes, thus your active pursuit
15 of donors going forward to the future. Whereas the
16 distinction made by the prior presenter was kind of
17 like been there, done that, got all we need; it's
18 stagnant. It's a stagnant process the way it was
19 presented by Mr. Wainger. It's an active process the
20 way it's presented by you.

21 So going forward, what are the additional
22 uses of plastination in things that we might not even
23 be considering and talking about here?

24 MS. GOMEZ:

25 Well, for example --- well, first and

1 foremost, Dr. von Hagens eventually plans to have a
2 plastination museum open to the public. However, Dr.
3 von Hagens is also a visiting professor at New York
4 University at the School of Dentistry. And he is
5 helping to create the first anatomy curriculum in the
6 U.S. that uses completely plastinated specimens in
7 lieu of fresh cadavers for dissection.

8 It's been found that medical students,
9 when they are using plastinated specimens, are much
10 less timid about the way that they're approaching the
11 human body. They're able to work with plastinated
12 specimens in a way that they can't with fresh
13 cadavers. So definitely, there's medical schools all
14 over the country, all over the world, that are using
15 this plastination technology. The Institute for
16 Plastination additionally plastinates specimens for
17 medical institutes.

18 For example, university hospitals that
19 are using anatomical specimens for teaching, they come
20 to the Institute for Plastination and request certain
21 specimens that they might need. And those are also
22 provided.

23 REPRESENTATIVE MANDERINO:

24 You may not know this off the top of your
25 head. But if you have this information, because of

1 the other countries in which the doctor's Institute
2 works, I would be interested in knowing how other
3 countries, if they have addressed this issue --- and
4 I'm asking the question --- and we can look again if
5 it's easy to point the finger and say it's some other
6 country's human rights abuses.

7 But this committee debated just this
8 session the whole issue of informed consent in terms
9 of medical procedures, experimentations or trial
10 vaccines, and the role that our own country's had in
11 terms of human rights violations on testing on
12 prisoners in the '40s and '50s without proper
13 education and informed consent. So it's certainly an
14 issue that governments struggle with as science,
15 technology, et cetera, advances.

16 So I am interested in whether other
17 countries that you work in, whether Germany, the
18 United States or some of the other countries you
19 mentioned, have done similar regulatory or legislative
20 plans. Thank you, Mr. Chairman.

21 CHAIRMAN CALTAGIRONE:

22 Reply?

23 MS. GOMEZ:

24 To my knowledge, there's not been another
25 country that has any standards in place for

1 plastinated specimens. However, I do know that with
2 regard to body donation, European countries are much
3 more open to body donation. For example, I know that
4 most of our donors are German. And there's two
5 reasons; the Institute is based in Germany, but also
6 it's just part of the culture that people donate their
7 bodies to science.

8 I think following that, the U.S. --- you
9 know, many people are organ donors. And body donation
10 for plastination is something that is definitely
11 considered. With regard to any other country, I'm not
12 exactly sure. But I do know that in China people are
13 fairly shy about donating their bodies to science and
14 it's not something that is common.

15 CHAIRMAN CALTAGIRONE:

16 Thank you for your presentation.
17 Plastination is an incredible process. It's just
18 really very intriguing. It says in the book that you
19 passed by, I'd like to get a copy, that 1,500 hours to
20 do a specimen?

21 MS. GOMEZ:

22 Yes.

23 CHAIRMAN CALTAGIRONE:

24 And now, do you take each part, each
25 muscle, each organ, and work on it individually?

1 MS. GOMEZ:

2 Some specimens are dissected so that each
3 and every organ is plastinated separately. And then
4 in some cases there are whole-body plastinates that
5 are dissected together for a presentation of say the
6 whole muscular system and how it works and how it
7 interacts with the organs from within.

8 CHAIRMAN CALTAGIRONE:

9 Now, it takes two different processes.
10 It sounds like you have a silicon process which would
11 be soft, and then you have an epoxy process which
12 would be very rigid.

13 MS. GOMEZ:

14 Yes, there is. Dr. von Hagens, like I
15 said, has been researching and developing plastination
16 since 1977. And he developed a few ways where
17 plastics and polymer can be used to preserve a human
18 body permanently. There's a silicon process, which I
19 don't know if any of you have seen the exhibition, but
20 this is our catalogue, which has specimens of the
21 exhibition; I can pass around for you.

22 This is something that the silicon
23 process --- where you can actually see the muscles and
24 everything preserved. It's an epoxy resin process
25 which is like plastination. It's similar to

1 radiology, so that when medical professionals or
2 anyone who's examining the human body can actually see
3 a slice of a certain cavity of a body and be able to
4 identify what's happening within. You can see
5 evidence of cancer, you can see evidence of tumors,
6 brain strokes, all that is able to be viewed through
7 slice plastination.

8 CHAIRMAN CALTAGIRONE:

9 Now, with the process with the soft
10 tissue, it appears that there's nothing left of the
11 original body; that you've replaced it all with either
12 the epoxy or the silicon.

13 MS. GOMEZ:

14 The bodily fluids have all been removed
15 and that is what's been replaced with plastic.
16 However, the structure of the human tissue remains.

17 CHAIRMAN CALTAGIRONE:

18 Yeah, but that tissue, would there be
19 cells from the original body still there? Would there
20 be D.N.A. of the original cells still ---?

21 MS. GOMEZ:

22 I believe that there would be a way to do
23 D.N.A. testing. However, I'm not a doctor and I can't
24 completely answer that question.

25 CHAIRMAN CALTAGIRONE:

1 Now, the hard tissue, the bone structure,
2 is probably still intact. You don't do any
3 replacement of that?

4 MS. GOMEZ:

5 Some plastination work is done on the
6 bones just to conserve it permanently. However, it's
7 not as much as you would need for human tissue.

8 CHAIRMAN CALTAGIRONE:

9 So there would be a substitution of the
10 calcium with an epoxy?

11 MS. GOMEZ:

12 In some cases.

13 CHAIRMAN CALTAGIRONE:

14 Thank you.

15 MS. GOMEZ:

16 Thank you.

17 CHAIRMAN MARSICO:

18 Thank you for being here today. Just
19 some real quick questions. For Body World, everyone
20 who's exhibited in Body World gave consent?

21 MS. GOMEZ:

22 Correct.

23 CHAIRMAN MARSICO:

24 And the doctor doesn't have any unclaimed
25 bodies or anything like that in his ---

1 MS. GOMEZ:

2 No.

3 CHAIRMAN MARSICO:

4 --- school or labs?

5 MS. GOMEZ:

6 No, well, the Institute for Plastination
7 does plastination work, or used to do plastination
8 work, for other schools or universities that said we
9 have these specimens, we'd like you to plastinate
10 them. But for the Body Worlds exhibition, it's all
11 the donors from the donation program.

12 CHAIRMAN MARSICO:

13 And they're of multiple ethnic
14 backgrounds, primarily German?

15 MS. GOMEZ:

16 Well, primarily Germany. And as you
17 know, followed by Americans now, various European
18 countries. The exhibit has been shown in the U.K. so
19 there are some U.K. donors. Still, primarily German.
20 I mean, we have a number of donors from Mexico that
21 may have seen the exhibit in the U.S., abroad.

22 CHAIRMAN MARSICO:

23 Have you seen the Premier exhibition?

24 MS. GOMEZ:

25 Yes, I have.

1 CHAIRMAN MARSICO:

2 Would you happen to know where they had
3 their plastination of their bodies done? Would you
4 happen to know that?

5 MS. GOMEZ:

6 From what I understand, it's done in
7 China.

8 CHAIRMAN MARSICO:

9 Oh, it's actually done in China? Oh,
10 okay. Thank you. Thank you very much. I appreciate
11 your answers.

12 CHAIRMAN CALTAGIRONE:

13 Representative Dally?

14 REPRESENTATIVE DALLY:

15 Thank you, Mr. Caltagirone. And thank
16 you, Ms. Gomez, for your testimony. I'm kind of
17 curious because the previous testifier when asked
18 didn't know how many bodies they actually had in their
19 exhibits. Do you know how many bodies that are
20 utilized in your exhibits?

21 MS. GOMEZ:

22 Yes, we actually have four exhibits that
23 are travelling. And in each exhibit, there are
24 approximately 200 body parts, organs and full-body
25 plastinates. Since they're all different exhibitions,

1 it's between 200 to 225.

2 REPRESENTATIVE DALLY:

3 And does your organization, do you do
4 business under the exhibit name Body Worlds? Is that
5 the name of the ---?

6 MS. GOMEZ:

7 Body Worlds is the name of the
8 exhibition. But it's the Institute for Plastination
9 in Heildelberg, Germany.

10 REPRESENTATIVE DALLY:

11 And is that a not-for-profit institute or
12 a for-profit institute?

13 MS. GOMEZ:

14 No, it's a private education and teaching
15 institute.

16 REPRESENTATIVE DALLY:

17 But is it for-profit?

18 MS. GOMEZ:

19 Correct.

20 REPRESENTATIVE DALLY:

21 Now, from the information that you
22 provided to the committee in your testimony, it
23 appears that there's no shortage of donors that are
24 willing to donate after being informed properly of
25 donating their bodies for this purpose; is that

1 correct?

2 MS. GOMEZ:

3 Correct.

4 REPRESENTATIVE DALLY:

5 So if this bill were passed and we would
6 require informed consent or proven informed consent of
7 the donors or their family, that doesn't put an end to
8 these types of exhibits?

9 MS. GOMEZ:

10 No, the Body Worlds exhibition would
11 still be able to operate because there's consent for
12 the donors on display.

13 REPRESENTATIVE DALLY:

14 And if other vendors in this area would
15 be pushed to do the same, they can certainly go out
16 and get donors just like you're doing?

17 MS. GOMEZ:

18 Correct.

19 REPRESENTATIVE DALLY:

20 Thank you, Mr. Chairman. Thank you.

21 CHAIRMAN CALTAGIRONE:

22 Just one question.

23 REPRESENTATIVE PALLONE:

24 Thank you, Mr. Chairman. And thank you.

25 I just have one question if you know. And if you

1 don't know, I'll let the lawyers do the research on
2 it. But obviously there's a conclusion of ex post
3 facto, which would be backwards application, that if
4 this legislation were to move and pass and go, it
5 would be heretofore forward. With that, do you know
6 if that would have any bearing on the existing
7 offerings that you have relevant to shows and
8 opportunities to display? Because I'm assuming that
9 the law would be, in the future, all of your displays
10 now would be old and maybe exempt. Or don't you know
11 or could you comment on that?

12 MS. GOMEZ:

13 Well, the body donation program started
14 in 1983. So it's safe to say that the first body
15 donor or the first plastinated specimen in the
16 exhibition originated after 1983. So it would have
17 taken whatever amount of time from the time that donor
18 signed his consent form to the time that they passed
19 away to actually be plastinated and be part of the
20 exhibition. The legislation is that we wouldn't put
21 it --- it says that if the information is there and
22 it's proven that these people donated their bodies
23 that they would be allowed to be on display.

24 So that wouldn't have an effect on the
25 Institute for Plastination. The fetal development

1 section, like I mentioned, does include specimens that
2 predate the 1920s or are about from the 1920s. So
3 obviously we do not have consent forms for each of
4 these fetuses on display.

5 REPRESENTATIVE PALLONE:

6 Thank you. Thank you, Mr. Chairman.

7 CHAIRMAN CALTAGIRONE:

8 Are there any other questions? No?

9 Thank you very much and we'll adjourn the hearing.

10 MS. GOMEZ:

11 Thank you so much.

12 CHAIRMAN CALTAGIRONE:

13 Thank you.

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16 MEETING CONCLUDED AT 1:07 P.M.

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