

Case 11: Please Pass the Tissues

In 2014, federal agents raided the Phoenix-based facilities of Biological Resource Center (BRC), a company that referred to itself as a "non-transplant tissue bank." According to one of the people participating in the raid, "We expected two freezers and a few hundred pounds of body parts. Instead, we found forty freezers with ten tons of bodies and parts." According to Reuters, the frozen human remains included 281 heads, 241 shoulders, 337 legs, and 97 spines: overall, 1,755 body parts. Authorities filled 142 body bags. Plans to cremate the remains were delayed, however, as BRC and some of their clients objected that they were valuable commodities. So, bags containing parts from 851 people remained in three walk-in freezers for three years before they were finally cremated.

The raid at BRC arose from an investigation into one of its clients, Arthur Rathburn, a Detroit body broker accused of defrauding customers by shipping them contaminated body parts without warning his buyers. While it may seem surprising that the main legal charge was fraud, the fact was that the sale of human remains was and is legal and the body-parts industry was and is both extensive and largely unregulated. There are many uses for human body parts, ranging from medical school practicums to so-called destructive testing by the military.

According to a special investigative report by Reuters in December, 2017, body brokers like BRC rely on donors who come disproportionately from the poor or uneducated. BRC offers to cremate the remains of donors for free, which is an attractive offer to those too poor to afford a funeral or cremation themselves. Sometimes, those who sign the consent forms are confused or unclear about what they are agreeing to. BRC, for instance, in their consent forms or in sales pitches to donors, might describe what they do as "retrieving tissue" from donors. To many people outside the industry, "tissue" means skin. The impression is that the donor agrees to give up skin samples in exchange for free cremation. Within the industry, however, "tissue" refers to any body part at all, such as a liver, a spine, or a head.

Case from the 2019 National Intercollegiate Ethics Bowl



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