By Diane Diamond-Law and Justice Reporter

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**What's Really in That Coffin?**

The worldwide headlines say it all.

From the United Kingdom: "Pathologist 'Stockpiled Children's Organs.'" In Canada, the headline: "Ontario Service Has 4,000 Autopsy Organs, Unmatched to Families." From Las Vegas, this shocker: "Misplaced. Thrown away. Stolen. Sold? Nobody Knows What Happened to Richard Boorman's Missing Organs." And from New York: "Parents Shocked to Learn Examiner Kept Son's Brain."

The cleverest headline for this macabre topic: "The Great Brain Robbery."

It is the last thing grieving next-of-kin should have to worry about. But if burying an intact body is important to a family's religious, moral or ethical beliefs, they should ask the funeral home to make sure their loved one has all his or her organs in place.

Now, I understand that student doctors and pathologists need to study, hold and dissect human organs to become good physicians. But I always thought they were donated organs. That's why I checked the donor box on the back of my driver's license, right? But that's not always the case. Sometimes medical examiners hold back organs of the dead and their families have no idea.

If pressed for an answer, a pathologist would likely justify the action by explaining it is for the advancement of science. What about the rights of the dead?

In New York, it has been revealed that the medical examiner's office had kept the brains of more than 9,200 people over the last eight years. From that finding came two particular stories I won't ever forget.

First, was the case of Jesse Shipley, who died in a horrible car accident at the age of 17. Two months after his funeral, Jesse's Staten Island classmates happened to be on a field trip to the local morgue. There, on a shelf in a glass jar, floated a human brain with the label JESSE SHIPLEY. That is how Jesse's parents came to realize they had buried their son without his brain: Tearful classmates told them.

The Shipley case changed the rules in the Empire State. Henceforth, medical examiners were required to fully inform next of kin if any organs were held back for examination. Families can then choose to postpone the funeral until all tests are complete and the organs are returned or proceed with burial or cremation.

The second case involved a woman named Cindy Bradshaw. Her attorney, **Daniel Flanzig**, told me her sorrowful story. Last May, Bradshaw buried her stillborn son, who had died from an abnormality in the umbilical cord and placenta. Just hours after little Gianni's funeral, the medical examiner's office called to inform her (under the Shipley regulation) that they still had the baby's brain.

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Too little effort, too late.

**"Why did they keep the brain?" Flanzig asked. "They already knew the cause of death. Our research shows the baby's brain was retained for the purposed of research."**

Indeed, there is an abundant supply of adult brains available for autopsy, but a newborn's brain is a rare commodity for pathologists to study.

Different states have different procedures for medical examiners to follow, and not all require the upfront honesty that New York has tried to instill. Aggrieved families can sue in civil court, claiming their common law right of sepulcher has been violated (the right to find "solace and comfort in the ritual of burial," as one judge explained), but none of these missing organ cases is considered to be a crime. Only the black-market sale of organs rises to the level of a felony criminal case.

There are those who might think: "Well, the person is dead. What does it matter?" Please, don't tell that to Mary Jane and Dan McCann of Fairfax County, Va. I spoke to an agonized Mary Jane last week and wrote about their sad case last year. For four years now, they have tirelessly fought the Baltimore medical examiner's finding that their 16-year-old daughter, Annie, committed suicide by drinking Bactine. (The honor roll student carried a small bottle of Bactine to cleanse her newly pierced ears.)

The makers of the antiseptic as well as other prominent medical examiners pooh-pooh the idea that Bactine could cause death. In reviewing Annie's autopsy seven months after her burial, her devoutly Catholic parents were shocked to find her brain and heart had not been interred with her.

As the McCann's put it, "The state has no right to abort our effort at a Christian burial by carelessly losing our Annie's brain and heart — her very essence."

To make matters worse, they still can't find out if Annie was raped. The Baltimore police say they must get that information from the medical examiner's office. The ME then refers them back to the police. Catch-22, Baltimore style.

This may not be an important issue in your life — not yet, anyway — but for countless Americans like the Shipleys, Bradshaws and McCanns, it has left a gaping wound in their soul.

I think it is time for a uniformed set of standards that require each state and every medical professional that deals with the dead to be responsible for restoring a deceased patient to their pre-autopsy condition. If an organ must be held for further examination — a brain, for example, must harden in a formaldehyde solution for several weeks before it can be biopsied — then full notification to the family must be made.

Withholding organs without permission may not constitute a crime, but in my book it's a crime against nature.

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