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SENATE JOINT RESOLUTION NO. 274

Offered January 20, 2023

Acknowledging with profound regret the unethical use of Black bodies by medical institutions in the Commonwealth.

Patrons—Boysko, Bell, Favola, Hashmi, McClellan, Morrissey and Rouse; Delegates: Adams, D.M., Bennett-Parker, Carr, Filler-Corn, Glass, Herring, Hudson, Kory, Maldonado, Mundon King, Plum, Price, Reid, Shin, Sickles, Simon, Simonds, Willett and Williams Graves

Referred to Committee on Rules

WHEREAS, every human being is entitled to ethical treatment in life and in death, and respect for human dignity extends beyond life and to the grave; around the world and through all of human history, cultures have engaged in funeral rituals that honor the dead and bring comfort to the living; and

WHEREAS, in the United States, the sanctity of the human body is acknowledged under law and respected, such that consent is required in order for a person's organs to be donated after death or for a person's body to be given to science; and

WHEREAS, the universal practice of laying loved ones to rest in accordance with tradition and personal wishes has been shamefully disregarded and denied to Black citizens throughout the Commonwealth's history; and

WHEREAS, medical practitioners at the Medical College of Virginia (MCV) in the 1800s, unable to legally obtain cadavers, are known to have acquired remains for instruction in anatomy and surgery by way of employing grave robbers to dig up recently buried bodies in Black cemeteries; and

WHEREAS, in 1994, the East Marshall Street Well was discovered in Richmond during excavation ahead of new construction at MCV; the site contained human remains that had been used and discarded by the medical school, and an examination and analysis revealed that the remains of at least 53 individuals, nine of whom were children under the age of 14, had been disposed of at the site; the analysis also revealed that most of the individuals were African or of African descent; and

WHEREAS, in 1968 when Bruce Tucker, a Black laborer, was admitted to MCV with a severe head injury, doctors at the hospital determined that he would not survive; the medical team at the hospital, led by Dr. Richard Lower and Dr. David Hume, made history by performing the first human-to-human heart transplant in Virginia and in the American South; they did so without the knowledge or consent of Bruce Tucker or his family; and

WHEREAS, Bruce Tucker's heart was transplanted to a white businessman, Joseph Klett, who died one week later; the family of Bruce Tucker was unaware of the transplant until an undertaker who had prepared his body told them that Bruce Tucker's heart and kidneys had been removed; and

WHEREAS, medical institutions in the Commonwealth, the American South, and the nation have repeatedly denied Black individuals the right to choose the ultimate disposition of their own bodies and that of the bodies of their loved ones; and

WHEREAS, the violation of Black bodies, in life and in death, is a recurring atrocity in American history and the history of the Commonwealth, occurring in various forms over centuries of history that have included slavery, racial terror lynchings, mass incarceration, medical experimentation, and disparate and inadequate provision of health care; and

WHEREAS, the most abject apology for past wrongs cannot right them; yet the spirit of true repentance on behalf of a government and, through it, a people can promote reconciliation and healing and avert the repetition of past wrongs and the disregard of manifested injustices; now, therefore, be it

RESOLVED, by the Senate of Virginia, the House of Delegates concurring, That the General Assembly acknowledge with profound regret the unethical use of Black bodies by medical institutions in the Commonwealth; and, be it

RESOLVED FURTHER, That the Clerk of the Senate transmit a copy of this resolution to the Executive Director of the Virginia State Conference NAACP and the Executive Director of the American Civil Liberties Union of Virginia, requesting that they further disseminate copies of this resolution to their respective constituents so that they may be apprised of the sense of the General Assembly of Virginia in this matter.

INTRODUCED

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