

# The High Cost of DYING

By BILL DAVIDSON

All across the nation there is a rising revulsion against members of the funeral industry guilty of "Profiteering in Sorrow." To bury our dead we spend each year much more than we do on hospital care

**I**N 1829, a Boston undertaker named Martin Smith rendered a complete funeral bill to one Sam H. Hewes. The charges totaled \$8. A few weeks ago, a New York undertaker named John G. Drabik similarly rendered his bill to Mrs. Catherine Kubis for burying her husband, an impoverished immigrant tenement-house janitor. Mrs. Kubis' bill was for \$845.

These prices are typical, and they make a startling point—that while the cost of living has risen 347 per cent in the last 122 years, the cost of dying has rocketed as much as 10,000 per cent!

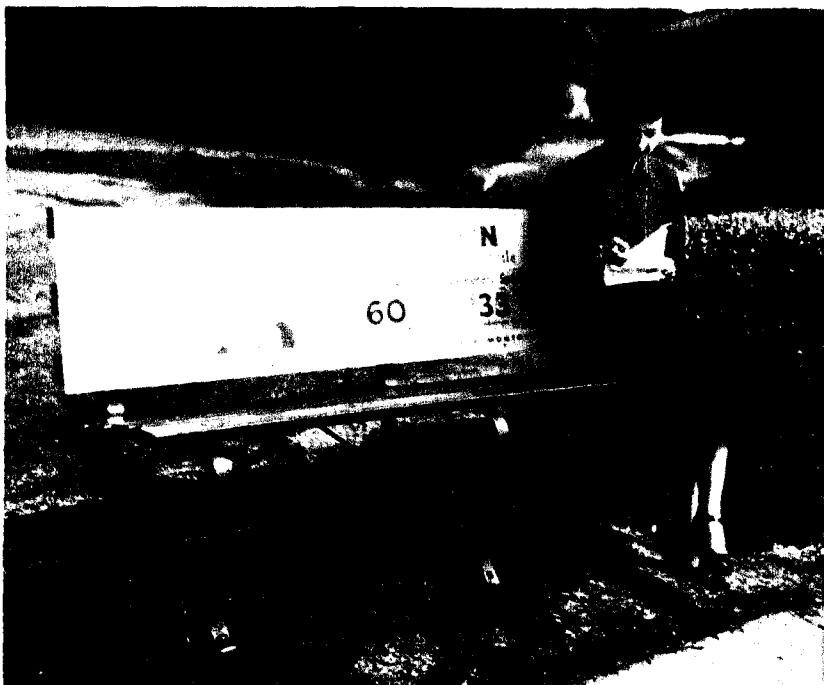
The shocking story of how this happened involves greed, unbelievable cruelty, supersalesmanship, high-pressure publicity methods, powerful lobbies and out-and-out fraud—on the part of too large a segment of the burial industry. As far back as 1934, a New York judge declared, in the famous Matyas case, "The court is not unsympathetic with the occasionally unfortunate predicament of the honest and conscientious funeral director. . . . His work is one in which the community as a whole possesses a distinct interest. Unfortunately, however, this occupation, like others, numbers unworthy individuals among its ranks who are only too ready to take advantage of the grieving persons, greatly agitated or overwhelmed by vain regrets or deep sorrow."

Today from all over the country come complaints that undertakers and cemeteries take merciless advantage of the bereaved, knowing full well that a sorrowing prospect is in no position to shop around. In city after city, angry people told me that undertakers and cemeteries hiked prices, levied hidden charges, pressured them into buying the most expensive possible funeral, and performed such unethical acts as tailoring the funeral bill to fit the amount of the deceased's insurance policies after discovering their face value by devious methods.

In every state I visited, lawyers and officials told me that the burial industry's lobbies in the state legislatures are among the least conspicuous, yet the most powerful they have ever encountered; and some of the most skilled investigators confessed to me that they could not ascertain the burial industry's wholesale prices, which they label one of the best-kept secrets in America today. Most significant of all, from coast to coast I found a rising current of revulsion against the burial industry on the part of clergymen of all faiths, many of whom accuse undertakers and casket manufacturers of deliberately leading the people into pagan practices.

The majority of American funeral directors, cemetery owners and casket manufacturers are, of course, honest; and in New York, ethical cemetery operators actually work hand in hand with the state government in administering a cemetery cleanup law. However, even this honest majority is guilty of accepting a mysterious, nation-wide

Neglected cemetery in Maspeth, N.Y., typifies conditions which alarm many states. Burying grounds like it become health-safety hazards



Motorcycle escort accompanies funeral cortege through main gates of California's fabulous Forest Lawn. Sign (inset) at bus stop not far

from cemetery advertises undertaking bargain, but spot check set up by writer established that terms offered actually were not available

fixing and raising of prices to the point where the American people now pay three quarters of a billion dollars a year to the burial industry—almost one-and-a-half times what they pay for hospital care.

Such funeral costs are unheard of in any other country except Canada; and in the nations of Europe with the highest standards of living it still is possible to get a complete, dignified funeral for well under \$100. This is what makes the entire American industry suspect. But even more shameful is the industry's continuing sanctimonious claims for all its members, when court records and government investigations turn up one case after another of what New York's Attorney General Nathaniel L. Goldstein recently labeled "Profiteering in Sorrow."

Goldstein discovered, for example, that Springfield Cemetery in Queens County, New York, was charging a fixed fee for the burial of stillborn babies and then interring the infants, at a shallower level, in already occupied graves. In his official report to Governor Thomas E. Dewey, the attorney general also reported the case of a soldier killed in action in Germany whose body was brought back to be buried in his own family's paid-up plot in Cedar Grove Cemetery on Long Island. But the GI was refused burial by cemetery officials and his funeral was held up until the boy's grief-stricken father would agree to pay an assessment "for general maintenance of the cemetery grounds" through the years—a charge for which he had never been billed before.

In a famous Pennsylvania case in 1942, an immigrant dock laborer named Mellon died, leaving

about \$1,350 which he had saved out of his \$4- to \$20-a-week earnings. A local undertaker got hold of Mr. Mellon's remains and promptly gave him a magnificent funeral costing exactly \$1,350. This sum was cut to \$350 by the trial judge, who declared, "If no one else objects to such expenditure, the court will."

In Texas and Delaware, state courts tried heart-rending cases in which funeral directors were found guilty of substituting cheaper coffins for the ones that were selected and paid for by the survivors.

#### Widow Collects for Mental Cruelty

Most callous of all was a North Carolina case in which an establishment known as the Fraternal Funeral Home actually held a man's body without burying it, as security against the widow's paying the funeral bill. This behavior so enraged the judge that he ordered the undertakers to pay compensation to the widow for mental cruelty and then forced them to pay an additional bill for punitive damages.

In New York last year, the State Cemetery Board had to ask the legislature for a more effective law to curb burial society officials who, with bodies awaiting burial, demanded tips of from \$25 to \$100 before they would affix the society's stamp on burial permits for graves that had been completely paid up by their owners. In Illinois, officials uncovered a fraud whereby Chicago cemeteries were selling four-grave plots that were just large enough for three and a half coffins. When body number four arrived for burial, the cemetery would hold up the funeral until \$120 was paid for another full grave.

In Washington, D.C., there is intermittent open warfare between the Federal Trade Commission and the casket manufacturers. In 1936 and 1937, for instance, no less than six of these companies had to be enjoined from selling overpriced metal grave vaults on the fake claim that they were waterproof, airtight, verminproof and indestructible under ground for periods ranging from 50 years to eternity.

In the same way, the FTC had to prohibit the Embalmers Supply Company of Westport, Connecticut, from advertising, in 1943, a tremendously marked-up spray which they labeled "a formula developed by the U.S. War Department for exhumations on the battlefields of France." The FTC flatly stated, "The respondent did not obtain from the U.S. government the formula used in connection with the exhumation of the remains of American soldiers buried in France during the war, and the spray is not the same as that preparation."

These are cases of actual misrepresentation. Equally shameful, however, is the practice (which still is perfectly legal) of marking up prices for all that the traffic will bear, at a time when the victim is most helpless and unable to bargain.

For example, when 111 coal miners were killed in the Centralia, Illinois, mine disaster in 1947, the U.S. Coal Mines Administration unearthed the shocking information that the local undertakers had

**Handout by mortuary chain on West Coast, pairing civil defense information with burial brochure, incited demands it be withdrawn**



charged the sorrowing widows an average of \$732.78 per funeral, with some running as high as \$1,178.50. Since much of the labor had been contributed free (the local Hod Carriers Union assisted with the grave-openings) and since the national average for funerals is less than \$500, the United Mine Workers Journal raised a lusty protest in their August 1, 1947, issue.

The paper charged that "service" fees varied by hundreds of dollars for similar funerals, that a price of \$575 was listed for a simple "cedar cloth casket" (wholesale price about \$100), and that one "gray metal casket" cost \$835 compared with \$645 for a better-grade "bronze metallic casket." The paper blasted the undertakers for "unconscionable greed that literally followed the victims to their graves and mulcted the surviving dependents of sizable sums from the Welfare Fund death gratuity and state compensation they received."

The Journal identified this as an extension of the old undertakers' trick of ferreting out information on the amount of insurance carried by the deceased and then jacking up the funeral bill in order to separate the widow from nearly the entire amount.

The question of the reasonableness of funeral charges has been a matter of bitter dispute for years, principally because the burial industry guards the secrets of its costs as zealously as the Atomic Energy Commission guards Oak Ridge.

### Value of Caskets Is Kept Secret

It is almost impossible, for instance, to get the wholesale prices of caskets, and by simply lumping together "casket and services" on the bill (the customary procedure today), a funeral director can fix his price for almost any profit he wishes. Many undertakers make a big point of listing "60 services" or "89 services" to indicate how extensive their ministrations are. But when you examine the list of specifics, you find it to be mostly padding. For example, on the list of William Chambers, a big Washington, D.C., undertaker, Service Number 51 is Smelling Salts, Service Number 52 is Ammonia, Service Number 56 is Hand Fans, and so on.

It was this same Chambers who lifted the lid on some of the mystery of the industry's practices, in retaliation for the fact that his colleagues tried to run him out of business for price cutting and advertising. In 1947, he told the Maryland legislature that he could embalm a large elephant for \$1.50 (the standard undertaker's charge for embalming human beings is \$50 to \$75); and on April 20, 1947, he made an amazing statement in Congress before a joint Senate-House subcommittee hearing

on the licensing of funeral directors and embalmers in the District of Columbia. Chambers said: "When you can embalm a body for \$1.50 and get any tariff that you want for it, and you can take a \$35 casket and get \$150 and \$200, it is mighty inviting, mighty inviting."

"I can teach anyone that has common sense how to embalm a body. I can teach him sanitation in 60 days. I came right out of a livery stable, watching the operations of these undertakers. What appealed to me mostly was when I saw one of them buy a casket for \$17 and sell it to a poor, broken widow for \$265. I do not say there are any unscrupulous undertakers. I have never charged my colleagues with being unscrupulous. I just charged them with sucking out all the dough they could get out of widows and orphan children unnecessarily."

Court records can be used to back up the disclosures made by Mr. Chambers. In a noted Pennsylvania case involving the burial of a girl named Monroe, the court ruled: "There could be no justification for the charge of \$565 for a casket costing \$100; or a charge of \$200 for a vault costing \$68, decedent having been an unmarried domestic girl who had no dependents. All the facts showed that the charges were unconscionable, exorbitant and unreasonable and extravagant."

In Kentucky, a judge found that "the funeral directors were attempting to charge \$1,500 for a casket which cost them only \$400"; and in dozens of cases in other states, similar 300 to 600 per cent markups were uncovered. These cases come to trial because many states have laws limiting funeral expenses for a person without immediate relatives to a sum in keeping with the standard of living of the deceased when he was alive. Often, too, distant heirs show up to challenge undertakers' bills, and sometimes outraged public officials start suit.

A classic case developed in a California court within recent years, where a courageous federal agency exposed a great many undertakers' tricks. A lonely Basque immigrant shepherd named Gaston Malgor died on September 9, 1944, and since all his relatives were in France, an administrator was appointed, who turned the burial details over to an undertaking firm named Godeau & Martinoni. These gentlemen disposed of Mr. Malgor for the astronomical sum of \$3,101, plus \$245 for a grave and \$35.87 for a casket spray.

The fee was paid out of the shepherd's meager estate, and the case would have gone unnoticed, as it does in perhaps 999 out of 1,000 cases, except for one thing that never occurred to the undertakers: France was occupied by the Germans at that time, which put Malgor's heirs' assets under the protec-

tion of the federal government's Alien Property Custodian. The Alien Property Custodian took one look at the Godeau & Martinoni bill and brought suit against the undertakers in California's courts.

The case reached California's Second District Court of Appeal on January 6, 1947, and the decision pulled back the cloak of mystery from funeral price hiking. It turned out that the frugal Mr. Malgor was given a "solid cast-iron metal casket with ivory-velvet tailored interior" costing \$2,500; and his estate was charged \$100 for "funeral direction, including director and four assistants." He had a motorcycle escort (\$5), a slumber room (\$50), gloves and boutonnieres for pallbearers (\$12), newspaper notices (\$24), a \$5 manicure, a \$25 organist and soloist, a \$61.50 vault, a \$10 flower arranger, a \$7.50 "memorial book," plus a dozen other expensive refinements.

### Court Rules Against Lavish Outlay

In the decision, the court wrote: "Nothing was brought forward to indicate that Mr. Malgor would have desired an elaborate and expensive funeral. It was not justified by the manner in which he lived. His life in a trailer in the Imperial Valley was not one of ease or elegance. He had to cook for himself as he traveled with his sheep and he chose the hardship of that life in preference to a more comfortable existence. . . . A witness for the undertakers testified that the special administrator had told him that Mr. Malgor was fond of the better things of life, as if this fact alone justified his burial in a \$2,500 solid cast-iron casket with ivory-velvet tailored interior."

"But the better things of life, which he enjoyed, so far as shown by the record, were a room in a hotel at a dollar a day, when he came to Los Angeles, and a meal costing a dollar and a quarter. These were, in fact, the better things of his simple life, but they did not indicate a desire that he be laid away under the auspices of a funeral director with four assistants at a cost of \$100. . . . It was quite necessary that the body be placed in the casket (for which the charge was only \$10), but we cannot see that it was necessary for the special administrator to have a car and driver at his disposal at a cost to the estate of \$25."

The court angrily reduced the \$3,101 bill to \$750.

The case highlights another significant point—time after time, the record shows, a lower court finds in favor of the funeral director and, subsequently, a higher court reverses the decision. This emphasizes the burial (Continued on page 55)

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**Remember...** It was most important that information about the Atomic Bomb be kept strictly secret, many people have suggested that in this tabloid distribution we give information as to protection against an atomic bomb. At first we hesitated because we felt that people might consider us as alarmists, but upon careful consideration we realized that very few people know what to do in case of an atomic attack.

**Therefore...** in a spirit of community service, teaching, helping and preparing that on atomic attack will never occur, may we respectfully pass on to the public information which may save the lives of many should such an attack occur.

**WHAT TO DO IN CASE OF ATOMIC ATTACK**

**IF THERE IS AN AIR RAID WARNING:**

1. Fill oil, water, and covered containers with water.
2. For protection from flash burns wear heavy clothing, protective clothing.
3. Extinguish all flames, shut off all electricity.
4. Keep shelter doors, or basement if available, closed all the time.
5. If you are outdoors, lie flat on the ground, face down, and keep your hands and feet close to the ground.
6. If possible, lie in a ditch, gully, or other natural shelter. Get up to get your hair bang.

**IF THERE IS AN ATOMIC ATTACK:**

1. The most important thing to do is to get away from the area as quickly as possible.
2. If you are in a building, lie flat on the ground, face down, and keep your hands and feet close to the ground.
3. If you are outdoors, lie flat on the ground, face down, and keep your hands and feet close to the ground.
4. If you are in a car, lie flat on the ground, face down, and keep your hands and feet close to the ground.
5. If you are in a boat, lie flat on the ground, face down, and keep your hands and feet close to the ground.
6. If you are in a plane, lie flat on the ground, face down, and keep your hands and feet close to the ground.

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## Here's Something YOU Can Do

The story of "Profiteering in Sorrow" revealed by Mr. Davidson in this article is well known to many public officials throughout the country. However, these officials cannot act unless they receive direct evidence. If you have a just complaint against the burial industry, I suggest that you write to the Attorney General in your State Capitol. I am confident that he will find the means to initiate an investigation and promote the necessary legislation to bring a grim and grievous story to its deserving end.

NATHANIEL L. GOLDSTEIN,  
ATTORNEY GENERAL,  
STATE OF NEW YORK



N.Y. Attorney General Nathaniel L. Goldstein



