Publication controls

State Department raises hackles

Washington

UNIVERSITIES in the United States are mulling over a new threat to freedom of scientific communication, this time from the Department of State. Recent proposed regulations would restrict the export of technical data "directly relevant" to defence. But there is concern that the regulations could be used indiscriminately to curtail export of any general mathematical or engineering knowledge with possible military applications.

The new proposals are to revise the International Traffic in Arms Regulations (ITAR), which have in the past been used to restrict export of information, although less frequently than the Department of Commerce's export regulations (see *Nature* 20 September, p. 195). The arms control regulations are supposed to apply only to military equipment and data. But while much of the research work covered under ITAR is in any event classified, this need not be so. Thus information "directly relevant" to design, development or operation of defence articles is covered.

However, the progress of the new proposals will be rough. The Department of Defense is piqued that some of its own comments on a 1980 draft of the regulations have been excluded from the text, and is preparing a "statement of non-concurrence". This will ensure that the State Department will at the very least have to work hard to justify its proposals, and another draft may be necessary.

Meanwhile, the Office of Science and Technology Policy (OSTP) at the White House is recruiting prominent scientists and industrialists to form an advisory group on the controls on technical data administered by the Department of Commerce. Its job will be to validate and add political clout to proposals drawn up over the summer by an inter-agency working group under Andrew Pettifor of OSTP, which has rejected an earlier suggestion by the Department of Commerce that the existing general export licence for fundamental research should be removed. Fundamental research is defined as anything done on a university campus, and this group says that fundamental research, together with information in the open literature or mentioned at an open conference, should be freely exportable. Details will be circulated for discussion in a few weeks' time.

So far, the Department of Defense, which was represented in Pettifor's group, appears to be bending over backwards to placate academics. Its new declared policy is that fundamental research should be controlled only through national security classification, in marked contrast to its position earlier this year, when its proposals to introduce a new category of "sensitive" research caused widespread

protests from universities.

The Pentagon will early next month be publishing a list of "critical technical data" that it wants to see protected. But the new national policy, as it has become known,

still has several hurdles to overcome. The proposals of Pettifor's group, which are supposed to provide the nuts and bolts of the new policy, will have to be reviewed both by the White House and by the National Security Council. Any factions in the Pentagon wanting to kill the proposals will still have the opportunity to do so.

Tim Beardsley

In vitro fertilization

Surrogacy ban by Victoria state

Canberra

THE Victorian state government intends to ban payments for surrogate motherhood and to make surrogacy contracts unenforceable in court following the public release earlier this month of the final report of the committee set up to consider the "social, ethical and legal" issues arising from *in vitro* fertilization (IVF), headed by Victoria Law Reform Commissioner, Professor Louis Waller.

Delivered to the government in August, the report concentrates on the disposition of embryos produced by IVF procedures and should form the basis of widespread discussion throughout Australia. But it approves the techniques which produced the world's first freeze-thaw embryo baby in Melbourne on 28 March this year.

Seven of the nine committee members recommended that the freezing and storage of embryos be permitted to continue, although these procedures should only be undertaken in those hospitals with IVF programmes already approved by the Minister of Health. The hospital itself will not determine the disposition of stored embryos and large embryo banks will not be permitted. Storage, the report says, should be only for short periods, but where a participating IVF couple needs and consents to long-term storage (during chemotherapy, say), storage consent should be reviewed after five years and then may be renewed. The committee also considered that research and development work on procedures for the hitherto unsuccessful freezing and storage of human ova should be encouraged, partly because success would reduce the need for excess embryos in the first place.

According to the Waller recommendations, an embryo should be stored only with the explicit agreement of the couple supplying the gametes, who will have to choose at the outset the embryo's ultimate disposition. If an extra embryo is stored to insure against implantation failure, the couple must decide whether, in the event of a viable pregnancy, their embryo should be donated to another couple in the IVF programme, made available for research or allowed to warm up and perish — to be "removed from storage", in the words of the report. The committee regards the "removal" procedure as morally equivalent to the withdrawal of life-support systems from a mortally ill person.

The embryo should be "removed" if no agreed ultimate provision is made at the time of storage and if, through mischance, the embryo cannot be transferred as initially planned. This appears to seal the fate of the two "orphaned" Rios embryos at present stored at the Queen Victoria Medical Centre in Melbourne, whose parents died last year leaving no directions for the embryos' disposition (see *Nature* 309, 738; 1984). The government will nevertheless allow three months for further public discussion before the Rios embryos are removed from storage. The committee took the view that untransferred embryos should not be regarded as possessing rights or claims to inheritance.

Two committee members expressed the belief that human embryos should never be used in research at all. Another two members — both medical researchers — claimed that the creation of embryos purely for research purposes was ethically acceptable. The other five members, including the chairman, judged that it was not.

They decided that embryological research in Victoria should be limited to the excess embryos produced by patients in an approved IVF programme. Like the Warnock committee set up to examine the ethics of IVF in Britain, the Melbourne group recommended that experimentation on the embryo should extend only over the first fourteen days, and that all embryo research should be regularly scrutinized. A standing review and advisory body or the state health commission are suggested as bodies capable of the task. As a matter of urgency the committee said that the suggested new review body should examine the practice of *in vivo* fertilization which is already employed in a least one infertility clinic in the United States and which one of the IVF groups in Victoria had stated it would be ready to employ if authorized to do so. Other matters it should consider are embryo cleavage, embryo surgery and genetic manipulation.

The committee's terms of reference were limited to surrogacy in an IVF context. The view was taken that surrogate motherhood arrangements are actually agreements for the purchase of a child, and therefore unacceptable. Non-IVF surrogacy is to be covered in the intended contract-voiding legislation which will then not be uniform throughout Australia.

Jeffrey Sellar