

# THE LAST WORD/

## ON BANNING THE USE OF HUMAN FETAL TISSUE

By Leonard Hayflick

**T**he Bush administration opposes the use of federal funds for research on the transplantation of surgically aborted human fetal tissue because they believe that fetuses might be conceived, then aborted for profit by unscrupulous parents. The administration condones the use of federal funds for research on surgically aborted human fetal tissue in other areas because they believe that this does not pose a potential for profit.

If fear of profit is the genuine motive for the administration's opposition, then there are at least two simple-minded solutions. Make it a crime for parents to sell human embryonic tissue and/or separate the decision to abort from the decision to authorize biomedical use of the tissue. The latter solution, in fact, has stood the test of time.

That these straight-forward solutions do not satisfy the administration raises suspicions that the actual reason for their opposition is part of an unspoken agenda to placate supporters who oppose induced abortions. The administration argues that its' position is the moral high ground, yet it is contrary to the beliefs of the majority of Americans and a special commission on embryo tissue use appointed by President Reagan.

In order to lure some of the fence-sitters in the House of Representatives to vote against repeal of the current ban on the use of federal funds for transplantation research involving human fetal tissue, the administration invented the subterfuge of establishing fetal tissue banks. The banks would store fetal tissue only from spontaneous abortions and ectopic pregnancies for any research use.

Tissue banks will do nothing to appease the administration's critics for at least two important reasons. First, banks in which surgically aborted human fetal cells and tissue are stored have existed in this country for decades, and an industry based on the sale of aborted tissue by parents simply has not arisen. Furthermore, the administration's position is made a mockery because some of the existing banks that sell human fetal cells and tissues are currently funded by this same administration.

The tissue bank idea will be ineffective for a second compelling reason that the president's advisers have either failed to comprehend or, more likely, disingenuously hoped would not have a chance to be disclosed until they had won over a few House fence-straddlers when the bank idea was announced on the eve of their vote.

Research on human fetal tissue often requires fresh, unfrozen, intact, whole organs, or large parts of organs or tissues that do not survive long storage in tissue banks. Furthermore, spontaneously aborted tissue is frequently abnormal

in one or more properties, not viable, or contaminated. To the credit of the savvy politicians who created the tissue bank idea, and the timing of its' announcement to prevent an opportunity for the scientific community to respond, the chicanery worked.

The administration needed at least 145 negative votes to have the president's unblemished string of successful vetoes survive a two-thirds House vote. In May of this year the House voted 260 to 148 to authorize the NIH budget and to lift the ban on the use of federal funds for research on surgically aborted human fetal tissue. This margin, if maintained, will be inadequate to override the president's promised veto of the bill. When a bill with the same provision was first voted on by the House last year, it passed by a margin of 274 to 144 and therefore was poised to become the first override of a Bush veto. The president's men deserve full marks for their astute handling of the situation in having made the outcome favorable to their cause. On the other hand, the cynical way in which the situation was manipulated makes one wonder how well the democratic process actually serves us.

Thirty years ago we produced the first poliomyelitis vaccine on cells obtained from a surgically aborted normal human fetus. That vaccine was proven to be both safe and efficacious. Our human fetal cell strain (WI-38), and similar strains, have been, and still are, used in the United States for the production of vaccines against poliomyelitis, rubella, adenoviruses, and rabies. It is quite likely that the president, his administration, and some of their family members have been the benefactors of one or more of these vaccines as have tens of millions of other Americans.

When the Congressional bill to lift the ban on the use of federal funds for research on surgically aborted human fetal tissue reaches President Bush's desk for his promised veto, he might well ponder this: Coursing through the veins of many of his family members, and possibly himself, are the viral products of vaccines produced in the same kind of cells whose use in transplantation research he intends to forbid.

Perhaps, the ultimate hypocrisy of the administration's position is the fact that, seventeen years ago, the WI-38 strain of surgically aborted human fetal cells was felt to be so valuable by the federal government (they called it a "national resource") that they claimed title to them and confiscated the cells from my laboratory. My subsequent lawsuit against the government was settled out of court in my favor when title to the self-duplicating systems that soon became the heart of the emerging biotechnology industry was agreed to be vested in the discoverer. Thus, the government found itself in an untenable position and agreed to return to me most of the ampules of WI-38 with a few retained by them. Throughout the Reagan and Bush administrations, the government has funded the distribution of their WI-38 cells for profit—a use of surgically aborted human fetal cell tissue that they now trumpet to be so abhorrent.

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