

**“SO FAR LEFT, WE’RE RIGHT”:
BRIDGING THE CULTURAL DIVIDE IN
CALIFORNIA’S STEM CELL CONTROVERSY**

by
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Abstract

In the United States, the ideological divide between Left/Right, or 'progressive/conservative' has been predominantly defined by the abortion issue since its decriminalization in 1973. Feminists who fought that long battle for reproductive rights have been compelled to protect them against political retrenchment. By 2000, human embryonic stem cell research (hESCR) had eclipsed abortion as the point of resistance for right-to-life activists. While aversion to embryo experimentation is not exclusive to the pro-life camp, pro-choice concerns to not privilege the embryo constrain liberal feminist discourse on the moral/ethical quandaries of such experiments. This thesis unravels political events surrounding hESCR in California between 2004 and 2007, examining the struggles, strategies and outcomes of social actors who crossed the abortion divide to find allies willing to fight human embryo cloning and ova harvesting. It suggests that political-cultural 'border blending' could be crucial to effective resistance against the new eugenics of human bioengineering.

Keywords: Feminism; reproductive technologies; biotechnology and stem cells; abortion politics; egg harvesting; embryo cloning

For my mother, Norma Ellen and my daughter, Zoë Emily

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I wish to acknowledge John Bogardus for introducing me, in 2003, to the 'dialectic' concept of the nature of social thought; which I have understood as a back and forth, or round and round dynamic, til we get it 'more right'. It made sense to me then and still does.

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Table of Contents

Approval.....	ii
Abstract.....	iii
Dedication.....	iv
Acknowledgements.....	v
Table of Contents.....	vi
List of Abbreviations.....	viii
Preface	1
Chapter 1. Introduction	3
Towards a common ground.....	3
Purpose of this research.....	8
Methodology.....	9
Participant selection and data generation.....	10
Research limitations.....	12
Being the “researcher”.....	12
Data analysis/interpretation of findings.....	13
Structure of thesis.....	14
Chapter 2. Setting the Stage: National and International Events Leading to Proposition 71.....	15
Medicalizing, policing and liberalizing reproduction.....	15
Emergence of ‘choice’.....	16
The in vitro fertilization industry.....	16
Prenatal genetic diagnosis and reproductive genetics.....	17
Dolly the cloned sheep.....	18
Cloning human embryos.....	19
Cloning in politics and popular media.....	20
Cloning by any other name.....	21
Patents and genetics.....	21
South San Francisco: Ground zero of the biotech industry.....	22
Washington draws the line.....	22
California takes the initiative.....	23
Chapter 3. Opposition to Proposition 71.....	26
The California Catholic Conference.....	26
The ‘No’ on Proposition 71 campaign is launched.....	28
Drawing out the progressives.....	29

A victory for the ‘No’ campaign	30
Pro-choice forces pull back	31
The Pro-Choice Alliance Against Proposition 71	32
The California Nurses’ Association	33
Final efforts to defeat Proposition 71	35
Chapter 4. “Hands Off Our Ovaries!”	37
Defeat and dissent.....	37
A new alliance	38
Taking a stand, paying the price.....	41
Institutionalized critics.....	43
...and bioethicists	45
...and ‘reproductive libertarians’	46
Jennifer (and Josephine): Pro-life feminists.....	50
Back to Washington.....	54
Up against the in vitro fertilization industry.....	55
Challenging assumptions	58
...and seeking answers	59
Old guards and new frontiers	61
Rifts in the coalition.....	62
Impasse	64
Epilogue: Playing with the public purse (economies of hope).....	66
Chapter 5. Discussion.....	68
Drawing the line	68
Cause for concern, or mere observation?.....	70
Joining things up: Pondering a ‘culture of abortion’	71
Challenging the ‘old guard’: Are abortion rights ‘endangered’?.....	73
Conclusion.....	76
References	78
Appendices	84
Appendix A. From Research to Policy in the Anthropology of Reproduction.....	85
AAA 2006 Workshop	85
Appendix B. Arguments and Rebuttals for and against Proposition 71	86
ARGUMENT in Favor of Proposition 71	86
REBUTTAL to Argument in Favor of Proposition 71	87
ARGUMENT Against Proposition 71.....	88
REBUTTAL to Argument Against Proposition 71	89

List of Abbreviations

AAA	American Anthropological Association
ARTs	assisted reproductive technologies
CAR	Council on the Anthropology of Reproduction
CBC	Center for Bioethics and Culture
CCC	California Catholic Conference
CGS	Centre for Genetics and Society
CIRM	California Institute of Regenerative Medicine
CNA	California Nurses Association
CORE	Comment on Reproductive Ethics
DPTFR	Doctors, Patients and Taxpayers for Fiscal Responsibility
ELSI	Ethical Legal Social Implications of the Human Genome Project
ESCR	embryonic stem cell research
ESCs	embryonic stem cells
FDA	Food and Drug Administration
FFL	Feminists For Life
FINRRAGE	Feminist International Network of Resistance to Reproductive and Genetic Engineering
hESCR	human embryonic stem cell research
HOOO	Hands Off Our Ovaries
IBHF	Institute on Biotechnology and the Human Future
ICOC	Independent Citizens' Oversight Committee
IVF	in vitro fertilization
NGO	Non-Governmental Organization
NRTs	new reproductive technologies
OBOS	Our Bodies Ourselves
PCA	Pro-Choice Alliance Against Proposition 71
PCARR	Pro-Choice Alliance for Responsible Research
PID	pre-implantation diagnosis
PGD	Prenatal Genetic Diagnosis
Prop 71	Proposition 71
SCNT	Somatic Cell Nuclear Transfer

Preface

Research for this thesis began during my final term as an undergraduate when I took a course in Medical Anthropology. Having grown up with the revolutionary sexual politics of the 1960s and 70s that ushered in The Pill and legalized abortion, I had until that course of study been mostly unaware of the vast industry that had manifested under the banner of 'reproductive choice'. Delving into the feminist literature on assisted reproduction, I learned that medical science's professional and commercial interests have transformed human reproductive possibilities. My SSHRC proposal suggested that these transformations represent the 'unintended consequences' of reproductive choice coupled with technology, and that these developments might possibly lead to some convergences of pro-life and pro-choice concerns. Further, I reasoned, such an overlap could perhaps provide fragile but fertile common ground for the emergence of a united voice of resistance against the threat of technological control over conception, gestation and birth.

But how or where might I begin such a conversation or find one already taking place? This first question led me to attend a Council on the Anthropology of Reproduction (CAR) workshop at the American Anthropological Association conference in San Jose (November 2006; see Appendix A). That morning, a panellist remarked, "For us, the abortion debate has been a huge problem, but it's a conceit to think we can fight this without becoming strange bedfellows!" (CAR fieldnotes, 2006). While 'strange bedfellows' political coalitions are not unusual – the Green Party, for example draws its membership from the moderate left and right – I thought it nonetheless remarkable, especially in the United States, to find pro-life and pro-choice proponents agreeing on human reproductive issues.

Specifically in this case, panelists Diane Beeson and Tina Stevens had joined efforts with pro-life activists to oppose human egg harvesting and cloning research, both during and after California's successful bid to

secure billions in tax dollars for human embryonic stem cell research (hESCR). 'Proposition 71' was a 2004 state initiative to fund privately patentable research on human cloning techniques which requires plentiful supplies of 'fresh' human eggs. Public awareness of the bill's financial conflicts of interest, and threat to women's health was stifled by prevailing anti-Bush sentiment and high hopes for medical cures. The bill passed by a large majority, but Beeson and Stevens, this study's primary participants, continued to collaborate with reproductive conservatives in the attempt to effect a global moratorium on human egg harvesting.

Introducing myself to Diane and Tina after the workshop, I told them of my research interests and, finding them receptive, resolved to follow up on the possibilities of interviewing them about their reflections on that political struggle as well as their current experiences. By spending time talking with the women in this movement, I hoped to investigate the state of the debate on reproductive biotechnology from both sides of the abortion debate, to discover what values they shared in common, and which values set them apart.

Five months later my plane landed at San Francisco Airport on a warm, sunny April afternoon. Making my way by BART to the heart of Berkeley, I quickly found the YMCA and booked into my room, just in time to be fetched by Diane and whisked away to dinner at a funky local restaurant. There we enjoyed a leisurely couple of hours getting to know one another, resolving to meet the following afternoon at the gym, before our first 'official' interview at her home with Tina the next day. Here are the lasting impressions of my first days in Berkeley: the unexpected, breath-catching view of a distant Golden Gate Bridge from the open hallway window; the sight and scent of flowers – profuse, familiar, and exotic; and the sweet nostalgia of Mamas and Papas tunes – *California Dreamin'* and *Dancin' in the Street* – incessantly but pleasurably running through my mind. I felt both strange and familiar in this legendary neighbourhood I was to call home for the next five weeks.

Chapter 1.

Introduction

Towards a common ground

Canadian scholar Kathleen McDonnell pointed out in the early 1980s that reproductive technologies and the push towards genetic engineering meant that “many aspects of the abortion issue are becoming more, not less complex...[and] it is the complex, difficult issues...that push us beyond our accustomed assumptions and values to a new synthesis” (1984:Preface). But fear of losing political ground to abortion foes has complicated liberal feminists’ efforts to grapple with the moral ambiguities presented by ever-increasing aspects of reproductive choice: egg and sperm markets, ‘out-sourced’ fetal gestation services, and routine genetic selection and surveillance. Attempts to clone and chimerize human embryos add to this list of reproductive practices that require us to consider the social meaning and ‘moral standing’ of artificially conceived human life, as well as the ethics of exploiting and commodifying female reproductive capacities. Whereas McDonnell’s concerns arose mainly from that era’s achievements in extending ‘fetal viability’, this thesis’s major concern is with present attempts to manipulate human life at its embryonic beginnings. As with the contradictions between saving premature ‘infants’ and aborting late-term ‘fetuses’, so is it important to think beyond the usual, polemic abortion issue, if meaningful dialogue about human embryonic experimentation is to take place.

Examining the many perspectives contained within what Americans call the ‘cultural divide’, historian Kathy Rudy has found a wide range of values on abortion. She states; “When all the possible positions are reduced to two common denominators, the details that give these contexts both political substance and moral character are lost”(1997:149). Lost, then, are rich opportunities for dialogue that might

transcend the abortion divide to ask vital questions and to effectively challenge science's current fascination with creating and controlling life outside of and apart from women's bodies.

Referring to her feminist contemporaries, this thesis' primary participant, sociologist Diane Beeson, wrote; "It has been very sad to me to see how inadequately women steeped in the rhetoric of choice are able to respond to the corporatization of human reproduction and increasing manipulation and domination of women's bodies by biotech interests" (email communication, Dec. 2006). Also critical of what she sees as an over commitment to individualistic reproductive choice, Women's Studies Professor Janice Raymond has defined 'reproductive liberalism' as "a sort of reproductive fundamentalism" (1993:76) that insists on the 'right' to acquire offspring by any means scientifically possible and commercially available. Other feminist scholars (Rapp 1987; Roberts 1999) have called for more nuanced analyses of 'ARTs' (artificial or assisted reproductive technologies), giving voice to women's motivations, and their hopes and emotional struggles as they pursue their procreative ambitions. Offering a more nuanced approach to the abortion controversy itself, anthropologist Faye Ginsburg (1991) and sociologist Kristin Luker (1984), like Kathy Rudy, have portrayed individual pro-life activists as thoughtful persons whose perspectives merit our fair consideration; for example, their general concern that decisions to bear children seem to ride increasingly on individual and societal economic rationalization.

These, and other feminist writings on reproductive politics have led me to wonder if, in fact, some pronatalist values might be important to consider when it comes to reproductive biotechnology. I have come to believe that there are good reasons for advancing a certain tolerance, if not appreciation for the truths of those opposed to abortion – that is, if we are willing to acknowledge the distinction between anti-choice fanatics and those of a thoughtfully reasoned position. Ginsburg writes:

As a single issue movement, the right-to-life cause embraces people with quite different and often opposing ideologies on other issues [...] what I call the "moderate mainstream" of right-to-life activists, are mostly opposed to the tactics of the more extreme and mostly male activists of Operation Rescue

and other groups sharing the “higher law” philosophy.
[Ginsburg 1991:657]

Social Scientist Celeste Condit has argued that the pro-life movement provides a necessary balance – a moral conscience that “prevent[s] us from seeing abortion as a casual act of birth control” (1990:215). Even acknowledging that our need to control our bodies and reproductive capacities does not mean that as individuals we treat abortion casually, we might consider its growing routinization throughout the western and developing worlds, as have anthropologists Johnson-Hanks (2002) and Gammeltoft (2003). Their studies reveal the cultural disruptions and emotional complexities that women struggle with as they face the changing social and economic demands made of them as their countries embrace modernization. We might also consider abortion’s instrumentality to the reproductive industry: in terms of prenatal genetic diagnosis (PGD); as ‘fetal reduction’ to prevent multiple *in vitro* fertilization (IVF) births; and even in the attempts to manufacture embryos for research goals that lie beyond those of the fertility clinic. All of these developments bring new dimensions of meaning to the term ‘abortion’. They also present possibilities for convergent viewpoints, which could perhaps lead to cooperative strategies of resistance by those who identify as pro-choice or pro-life in the context of abortion discourse.

For example, disability rights activists oppose the social sanctioning of aborting genetically ‘abnormal’ fetuses (such as are diagnosed with Down’s syndrome or spina bifida), and the abled population, too, worries about the eugenic aspects of prenatal and pre-implantation diagnostics (Asch & Fine 1984; Asch 1999; Rapp 1999; Saxton 1989, 2000). It is darkly ironic that just as society has learned to be ‘inclusive’ of diversity and disability, it stands on the threshold of making those people extinct in our human ‘race’ towards physical and cognitive perfection. The term ‘repro-genetics’ refers to this evolution from technologies applied to assisted reproduction and fetal diagnosis, to human genetic engineering. Addressing elective abortion after fetal diagnosis, sociologist Helen Ilpo has described such technologies as a form of ‘bio-power’ imposing new forms of subjectivity “underlain by the rationales of control and experimentation” (2004:1; and see Andrews 1999; Thompson 2005).

In addition to its eugenic aspects, feminist literature also informs us that medicalizing and technologizing women's reproductive lives has a history of malpractice that especially exploits poor women of colour (Roberts 1997; Silliman et al 2004; Fried 2006). Such exploitation only gets more extreme: present-day 'baby factories' located in India confine women, away from their own husbands and children while they grow babies in their wombs to be delivered straight into the arms of reproductive tourists¹ – one cannot but think of Canadian literary author Margaret Atwood's *The handmaid's tale*. Current appeals to and incentives for women to donate or sell their ova for stem cell research, by means of dangerous hormonal manipulation and invasive intrauterine surgery, continues this subjugation of women's lives and bodies to technological reproduction.

But despite its decades of use in the IVF industry, only recently has female ova extraction been problematized in the literature (Kirejczyk 2008; Waldby 2008; Dickenson 2006; Beeson 2006; Norsigian 2005). Creating human embryos for experimentation beyond the purposes of the fertility clinic "required new moral and political justifications" (Kirejczyk 2008:377) not only in terms of the embryo's 'moral status'; consideration for the safety and well-being of the women providing the eggs has come to the forefront. Whereas in the US the practice of egg donation in the context of IVF treatments had remained a 'private' affair – outside the realm of regulatory oversight and so not attracting critical investigation (Beeson 2006) this new, potentially huge demand for eggs has driven health and social science researchers to evaluate its potential health risks more broadly. The American Society for Reproductive Medicine acknowledges that ovarian hyperstimulation syndrome's (OHS) symptoms range from mild to severe nausea and vomiting, to thromboembolism and stroke, kidney failure, ovarian rupture and death, with the more severe consequences occurring more than rarely (ASRM 2003). Women's health care activist Francine Coeytaux, in her testimony on egg retrieval to the California Senate Committee in March 2005, stated:

¹ <http://www.biopoliticaltimes.org/article.php?id=4932>

Risks associated with Lupron™ (leuprolide acetate) - the drug used to "shut down" the ovaries before stimulation with other drugs - include depression, memory loss, liver disorders, bone loss, and severe muscle, joint and bone pain. Some of these problems persist long after the drug is first used, and the FDA has not yet followed up on the thousands of reported adverse drug reactions, including hundreds of hospitalizations. For a number of years, many of the women adversely affected by Lupron shared their experiences on the Internet as part of the "Lupron Victims Network."²

As of 2006, "the US FDA currently has on file more than 6,000 complaints regarding Lupron, including 25 reported deaths" (Beeson 2006:574). Possible long-term cancer risks from Lupron and from clomiphene, non-FDA-approved drugs (Brinton et al, 2005, Althuis et al 2005) could in the long-term prove as devastating as the consequences of the 'DES' hormone given to pregnant women (erroneously thought to prevent miscarriage) in the mid-20th Century.

Beyond the physical dangers of ova extraction, the intention to create human embryos for purely experimental purposes might be disturbing even to those who would not object to using 'spare' embryos left over from the IVF clinic. But, if some people who support abortion rights feel similar hesitations about embryo experimentation to those who oppose abortion; does a perceived risk of weakening abortion's social acceptability by attributing human status to embryos preclude their willingness to oppose such experimentation? Physicist and social anthropologist Marta Kirejczyk argues that:

flexible conceptualizations of risks and burdens to women and of the identities of embryos have been crucial in drawing and maintaining a discursive boundary between the domains of medically assisted reproduction and embryo research [, but] the main weakness of this temporary and partial feminist success is the virtual absence of a public

² Retrieved from CGS website: <http://www.geneticsandsociety.org/article.php?id=180>

debate on the meaning and desirability of embryo research.
[2008]

This thesis aims to address that “virtual absence” by examining a particular event in which pro-life and a few pro-choice advocates crossed that “discursive boundary” to stand together against questionable and exploitive reproductive research.

Purpose of this research

The purpose of my research was to investigate an example of the ‘strange bedfellows’ phenomenon whereby pro-life and pro-choice advocates in California joined forces to try to stop human cloning and egg harvesting. These social movement actors cooperated with each other to inform the public of deceptive and manipulative language that concealed the ethical implications of Proposition 71 and its intended establishment, the California Institute of Regenerative Medicine (CIRM). I wanted to know how feminist scholar-activists struggled to define and maintain common ground and unified purpose with pro-life opponents of Proposition 71, and how their activism was perceived by their academic peers. I strove to find and explain the logic to this phenomenon, hoping to find further possibilities for politically inclusive contributions to arguments against exploitative and eugenic practices in the field of reproductive and genetic technologies.

These are questions that guided my research:

- Why and how did feminists with diverse views on abortion agree to join forces to oppose human egg ‘harvesting’ and embryo cloning?
- What problems did they encounter? To what degree were they successful?
- How did the abortion issue impact public debate over embryonic stem cell research (ESCR) and Proposition 71 in California?

Methodology

Denzin and Lincoln conceptualize qualitative research as having evolved through eight “historical moments” – the present one they call the “fractured future” in which “the social sciences and humanities become sites for critical conversations about democracy, race, gender, class, nation-states, globalization, freedom, and community” (2008:3). Clearly the biotechnological juggernaut³ now upon us impacts all of these discourses, as globally deployed reproductive and genetic technologies are changing how we view human diversity and the worth and worthiness of any and all members of the human species. Anthropologists Rayna Rapp and Faye Ginsburg attest “the importance of making reproduction central to social theory” (1995:1), especially as “state, corporate and patriarchal powers sometimes efface the centrality of women to reproduction” (3). With these thoughts in mind, I have chosen to engage in a critical conversation with western liberal feminism.

True to anthropological tradition, I carried out ‘fieldwork’ by travelling to the home site of my object of study, which was Berkeley and the East Bay area of San Francisco – the ‘epicentre’ of late capitalism’s *biotechnological* gold rush. Focusing on a particular event emerging out of that gold rush, I explored my participants’ motives, strategies and struggles as they renegotiated, through the telling, their experiences as activists who resisted science’s move towards human embryonic stem cell research (hESCR). Using a ‘narrative inquiry’ approach (informal, unstructured interviews), I strove to bring to light my participants’ “versions of self, reality, and experience” (Chase 2005:657).

As a critical anthropologist, I have taken on an ‘advocacy role’: this ethnography is “not simply a reflexive engagement with the ‘field’, [it is] also specifically directed at the politics of the situation in which [I am] an active participant” (Macdonald 2002:91). And here, “the politics of feminism, post-modernist concerns about ethnography, and the politics of advocacy become uneasy bedfellows” (90), because the partiality and commitment to social justice intrinsic to feminism are inherently at odds with post-modern relativism which eschews truth claims in principle. But

³ This was a favourite expression of Tina Stevens, this study’s other main participant.

as we also know, even quantitative research is never value neutral, and a purely inductive approach is neither possible nor desirable given the fundamentally interpretive nature of qualitative research (Bryman & Teevan 2005; Charmaz 1983; Mason 2002; Creswell 2003). For example, the 'coding' (for meaning) process itself "forces [one] to think about the material in new ways that may differ from research participants' interpretations" (Charmaz 1983:342). And so does the act of relating the data to theory. The challenge in doing 'advocacy anthropology' is to be *objective* about one's subjectivity: as Creswell puts it; "the researcher filters the data through a personal lens that is situated in a specific socio-political and historical moment [...] and is sensitive to his or her personal biography and how it shapes the study" (2003:182). In this instance, the researcher and the researched – North American (westcoast) feminists of the baby boom generation – shared much in the way of personal biography.

Despite the challenges of reconciling objectivity and advocacy, and of grappling with what Kristin Luker has called "research in an age of info-glut" (2008), I adhere to the view that the writing process itself is a method of inquiry that demands self-scrutiny and responsible creativity. Informed by Richardson's concept of "CAP" (creative analytical processes) ethnographies – I am conscious of how my ideas emerge and develop throughout the process of writing. Regarding anthropology as closer to art than to science, I have endeavored to satisfy her four ethnographic criteria: substantive contribution; aesthetic merit ("is the text artistically shaped, satisfying, complex, and not boring?"); reflexivity (have I made my subjective position transparent?); and impact (is the research 'affective', and does it generate new questions?) (in Denzin & Lincoln 2008:477, 480). My readers will draw their own conclusions as to how well this thesis measures up to Richardson's standards.

Participant selection and data generation

While searching for evidence of common ground between pro-life and pro-choice values in the context of reproductive and genetic technologies, I met Diane Beeson and Tina Stevens at a CAR workshop (Council on the Anthropology of Reproduction) at the American Anthropological Association (AAA) Conference in San Jose, California in

November 2006 (see Appendix A). These two women embodied that possibility for a dialogue capable of bridging the abortion divide.

That this study's main participants are scholars is unusual, as research 'subjects' or participants are generally located outside of the academy, sought out in the 'real world' for their representation of 'difference', distillable to race, class ethnicity, gender, generation, ableness, or combinations of these attributes. Approaching Diane and Tina from within the ivory tower, sharing their values and their white middle class social status, I was an 'insider'. They introduced me to their colleagues: Marcy Darnovsky, Associate Executive Director of the Center for Genetics and Society; Marsha Saxton, researcher at the World Institute on Disability and lecturer in the UC Berkeley Disability Studies program; and to Renate Klein, Women's Studies Professor at Deakin University, Melbourne, and co-founder of the Feminist International Network of Resistance to Reproductive and Genetic Engineering (FINRRAGE).

The two pro-life participants in this study are both women who lead their own NGOs. Jennifer Lahl, a nurse with a Masters degree in bioethics, is Founder and National Director of the Center for Bioethics and Culture whose stated mission is to "stop human cloning". Josephine Quintavalle is Founder and Director of CORE (Comment on Reproductive Ethics, based in London, England), a public interest group whose aim is to "facilitate informed and balanced debate" with "absolute respect for the human embryo [as] a principle tenet". Jennifer and Josephine are articulate and passionate activists collaborating from both sides of the Atlantic.

Most of my data derives from nine audiotaped, one-on-one informal interviews of between one and two hours duration. Twice, I taped conversations with two participants together, and once I took notes on a conversation with Tina, Diane, and Judy Norsigian (executive director and co-founder of the Boston Women's Health Book Collective) while enroute to the UCSF Medical Center where Judy was to give a speech. I spent more time with Diane than anyone else, and many of our informal conversations provided further background and stimulated ideas that I wrote in my journal. In addition to the interview data, I refer frequently in Chapters 2 and 3 to an unpublished manuscript by Beeson

and Stevens (2005) that documents the political events of the Prop 71 referendum that passed the California Stem Cell Research and Cures Act.

Research limitations

That social movements, like everything else are now ‘virtual’ poses challenges (and no doubt also creates new possibilities) for anthropological study: opportunities for participant observation have dwindled relative to the rate of digitalized and wireless communications. In my case, technology proved a barrier to researching my topic in the way I had envisioned: before going to Berkeley I had imagined myself as a ‘fly on the wall’ at living-room meetings of pro-life and pro-choice activists. I had hoped to observe events from complex situations by fading into a busied background of activities, confrontations and exchanges between competing ‘social actors’. But California’s campaign against Prop 71 had settled into a long-term attempt to influence policy at the federal and international levels, and communications were carried out almost entirely by email.

My research was therefore restricted to mostly individual reflections on past events (not necessarily a limitation in itself). I might have taken the initiative to arrange a group meeting with, for example, Jennifer, Tina and Diane, but chose not to impose on my busy hosts and besides, Tina and Diane had alluded that “things were a little tense” at that point. I knew that it would be one thing to be an observer at a meeting that would have happened regardless of my presence, and quite another to artificially bring participants together solely for my benefit. But although my data derives mostly from individual interviews, it does provide an abundance of richly reflexive data from which to analyze the problems and possibilities of abortion politics in the biotechnical age.

Being the “researcher”

Ethical fieldwork involves reciprocity – one takes time, confidence, and hospitality from participants in exchange for something valuable to them. What I offered Diane and Tina was my academic interest in the activism they had embarked upon at some cost to their credibility in the eyes of their peers: a graduate student from across an international border

no doubt afforded a vote of solidarity. But my solidarity meant that during the research and writing up of this thesis, which for the most part collaboratively ‘re-tells’ my participants’ story – I had to find the objectivity necessary to deepen my analysis. Particularly, I have had to develop greater reflexivity about my own position on reproductive politics and technologies, in my intention to contribute to the discourse on western liberal feminists’ inadvertent complicity in advancing reproductive and genetic technologies.

Shortly after returning home, I responded to an ad for a research assistant at Genome BC, and was offered the position of ‘Society & Ethics Advisor’ (maternity leave replacement). Here was a chance to work ‘inside’, and broaden my perspectives on, the biotech industry (and at the same time, to pay down my student loan). Then, after finishing my work at Genome BC I began my present employment with the federal government. Although completion of this thesis has been delayed, my work experiences, and time itself have proved beneficial for developing perspective on this study. And while my work and personal life have not allowed me to take an active role in the ongoing affairs of this study, I have maintained warm friendships with my primary participants, Diane and Tina.

Data analysis/interpretation of findings

Prevailing themes that emerged from the narratives are: *taking a stand; paying the price; careerism v. activism; drawing the line; old guards; and joining things together*. These themes address the broad questions I posed for the research, and are brought out in the context of the interview data in Chapter 4. The first three themes – taking a stand, paying the price, and careerism v. activism are interconnected and reflect Tina’s and Diane’s analyses of their experiences in retrospect. The second three themes – drawing the line, old guards and joining things together emerged from participants’ reflections during the course of our interviews, and are revisited and discussed in Chapter 5.

Beyond analyzing ‘what’ was said, I paid attention to ‘how’ participants’ narrated their stories: tone of voice, sighs, laughter, and sometimes, anger provided the subtext that rendered the interviews so

compelling. Proposition 71 had demanded much from my participants, in their personal as well as professional lives. Renate Klein has acknowledged the energy draining aspects of social activism: “it is crucial that we do not underestimate the toll critical activism and writing about violent dehumanising technologies takes on our own bodies and souls” (2008:161). Prolonged and seemingly futile efforts to challenge an ideological status quo involve emotional work and relational stress. This is why, when quoting participants I have italicized words that were emphasized in their speech, and have indicated laughter, for example. Humour often afforded relief from the otherwise depressing nature of the issues that consumed them, and us, during our time together.

Structure of thesis

So far, Chapter 1 has examined the theoretical and practical considerations in carrying out this study: beginning with a review of feminist literature on the abortion issue and on repro-genetic technologies; and outlining the need for a new body of literature to explore the potential for a discourse that transcends polarized positions that have characterized the abortion debate. Chapter 2 provides a chronology of the international and national scientific and legal benchmarks preceding and including California’s 2004 state ballot initiative (Chapter 2). Chapter 3 presents the political strategies and actions of competing groups of social actors who tried to influence the outcome of that initiative. Chapter 4 draws on the interview data to illustrate the processes, experiences and outcomes for some of those actors who played key roles in this sequence of events. Chapter 5 comprises a discussion of key themes arising from the research data, which is followed by my conclusion in Chapter 6.

Chapter 2.

Setting the Stage: National and International Events Leading to Proposition 71

Starting in the 1960s in the western world, particularly in the US, legalized abortion and hormonal contraceptives mark the beginning point of a continuum of procreative experiments and interventions that now include efforts to alter human genetic blueprints. This thesis provides a case study of a ‘strange bedfellows’ political alliance between pro-choice and pro-life activists who found common ground for resisting these more extreme forms of reproductive control. Because their coalitional efforts were ultimately frustrated by the very issue that divided them, and because the abortion issue is central to the controversy over embryonic stem cell research, this chapter takes the political struggles concerning abortion in the US during this time period as its starting point in setting out a chronology of social and scientific events that have brought us to California’s present engagement with human embryonic stem cell research (hESCR).

Medicalizing, policing and liberalizing reproduction

To explain the significance of abortion’s decriminalization in mid 20th Century America, one must go back in time about a hundred years. Until the mid-19th Century, besides safely delivering babies American midwives had commonly performed abortions (Nossiff 2001; McDonnell 1984). But then, complex struggles over women’s sexuality in a racialized, class-conscious America converged with an emerging male medical profession intent on discrediting midwifery. The American Medical Association began its campaign to promote childbirth as a dangerous

event requiring scientific expertise, and abortion as an immoral act that contravened the Hippocratic Oath (Luker 1984; Nossiff 2001). Except as life-saving interventions by physicians, abortion was legislated a criminal act by the turn of the century, and human reproduction was effectively redefined as a scientific, medical, and moral enterprise.

By the mid-20th Century, American social reformist birth control activists organized as Planned Parenthood sought legal reform (in the late 1950s) to extend abortion access to victims of rape and/or incest, and to cases of probable fetal deformities (from exposure to rubella disease or thalidomide drugs). By the late 1960s, these moderate demands for abortion law reform gave way to more radical demands for repeal (Nossiff 2001), as part of the feminist quest for sexual autonomy and reproductive control accompanied those for equal work opportunities and pay. Abortion thus became a central issue framing feminist demands for gender equality. (Raymond 1993; Nossiff 2001). In 1973, the US Supreme Court ruling *Roe v. Wade* legalized abortion on the grounds that its prohibition violated the constitutional right to privacy.

Emergence of ‘choice’

As a defensive move against the religious-conservative ‘pro-life’ anti-abortion movement, feminists countered with the ‘pro-choice’ slogan, appealing to American values of personal freedom, democracy and privacy (Raymond 1993). Intended originally to support women’s right to opt for an abortion in the event of an unwanted pregnancy, the term soon came to be associated with the ‘right to choose’ products and services in the emerging marketplace of reproductive technologies.

The in vitro fertilization industry

Robert Edwards was a Cambridge embryologist who spent “two decades trying to fertilize women’s eggs outside their bodies” (Andrews 1999:13). He triumphed when Louise Brown, conceived *in vitro*, was born

in 1978.⁴ The world's first 'test-tube baby' astounded and shocked the religious and secular publics, policy makers, and scientists themselves who were uneasy with this new capability of 'playing God' (Andrews 1999; and see Mulkay, 1997 for his account of the gradual shift in sensibilities toward embryo research in Britain). Two years after Louise's birth, fertility drugs were added to the IVF process (Rowland 1992) and this quickly became standard practice in the hundreds of new fertility clinics open for business. These drugs are 'hormonal cocktails' that shut down the natural hormonal cycle (mimicking the menopausal state) and then hyperstimulate ovulation so that up to dozens of eggs per cycle can be removed (surgically) from women's bodies instead of the normal monthly cycle of one or two. Introducing multiple fertilized eggs into a woman's uterus increases the odds of successful implantation (and of multiple births). Extracting multiples of eggs also ensures back-up supplies of embryos, frozen for future pregnancy attempts and/or laboratory research.

Thanks to IVF technology, children can be 'made' by up to five contributing 'parents': the sperm donor, the egg donor, the woman paid to gestate the resulting embryo, and the commissioning couple. This has led to the 'reproductive tourism' phenomenon – where either lax regulations, or poverty, or both lure procreatively ambitious couples. Whether or not one views such developments positively or not, they are surely *unanticipated* consequences of the confluence of reproductive choice, individual liberty, and science and technology.

Prenatal genetic diagnosis and reproductive genetics

Technologies of gestational surveillance (amniocentesis, chorionic villus sampling and ultrasound monitoring) became routinized procedures in the medical oversight of pregnancy in the US during the 1970s and 1980s. The subsequent increase in demand for pregnancy terminations led to the further medical routinization of abortion, as the means to avoid bearing children with defects or disabilities. By the end of

⁴ It is interesting to note that Edwards' wife's grandfather was Ernest Rutherford, the first scientist to split the atom (Andrews 1999).

the 1980s the infertility industry offered pre-*implantation* diagnosis (PID), enabling embryos to be selected and discarded according to their perceived genetic fitness. This technology greatly expanded the scope and reach of the professional field of genetic counseling that had emerged in the post-WWII era as knowledge of genetic disorders increased. The IVF industry thus was able to extend its market to fertile parents carrying heritable genetic diseases such as Tay-Sachs or Huntington's: embryos conceived *in vitro* rather than *in utero* allowed technicians to select non-afflicted embryos for uterine implantation. As of this writing, more than 250 diseases and traits are genetically detectable. While one empathizes with the desire for healthy offspring, the ethical dilemma arises: at what point does the practice of screening *against* undesired traits 'slide' into screening *for* desired traits? Given the consumer appetite for cosmetic surgery, the 'designer baby' concept is not far-fetched.

Dolly the cloned sheep

Scotland, 1997: Ian Wilmut used a cloning technique called Somatic Cell Nuclear Transfer (SCNT) to create a genetic twin of an adult sheep. SCNT removes an egg's nucleus and replaces it with the diploid nucleus of a somatic (body, as opposed to brain or reproductive) cell. Whereas cloning experiments had been ongoing for 40 years, SCNT uses unfertilized eggs rather than embryos, enabling the creation of a new entity from a single 'parent'. Besides its potential use for reproductive purposes, the technique can (theoretically) be used to produce embryonic stem cells. So far, scientists have not succeeded in creating cloned embryos from human eggs. But Wilmut stated in 2000:

Until the birth of Dolly scientists were apt to declare that this or that procedure would be 'biologically impossible' – but now that expression seems to have lost all meaning. In the 21st century and beyond, human ambition will be bound only by the laws of physics, the rules of logic, and our descendants' own sense of right and wrong. Truly, Dolly has taken us into the age of biological control. [in Franklin & Lock 2001:101]

Anthropologist Sarah Franklin, in her book *Dolly Mixtures*, points out that sheep, central to the Industrial Revolution's land closures and wool factories, once again play a central role in our techno-social evolution. She endorses Wilmut's assessment of Dolly's overarching significance:

as the founder animal not only of a new form of reproduction (transgenesis) but for a novel realignment of the biological, cultural, political, and economic relations that connect humans, animals, technologies, markets, and knowledges. [2007:2-3]

Cloning human embryos

In the year following Dolly's creation, scientists isolated the first human stem cells from *in vitro* embryos. Stem cells are cells that can continually reproduce themselves: embryonic stem cells (ESCs) have not yet differentiated and so theoretically are capable of growing into any type of tissue or organ (referred to as 'pluripotent'). Some scientists became excited about their possible regenerative potentials to cure diseases and to reverse the effects of spinal cord injuries.

Since the late 1960s, stem cells derived from bone marrow blood cells have been transfused into patients with blood or bone marrow diseases (ie. leukaemia) or certain types of cancer (ie. Hodgkins lymphoma). These have been effective to some degree but have high relapse rates and/or fatal complications (most commonly 'graft-host disease'). Embryonic stem cells, derived by means of SCNT from a patient's own DNA suggest therapies that patients' bodies would not reject. For this reason as well as their purported regenerative potentials, stem cell research 'for cures' from (cloned) *embryonic* stem cell lines was proclaimed to be the hope of the future by the year 2000. Almost a decade later, these claims remain purely speculative (Hilzik 2005⁵; Reynolds 2008⁶).

⁵ <http://articles.latimes.com/2005/jul/04/business/fi-golden4>

⁶ <http://www.biopoliticaltimes.org/article.php?id=4406>

Most important to this thesis however is that because hESCR (human embryonic stem cell research) involves the instrumental creation, use and destruction of living human embryos, the practice is entangled with debates over abortion. Equally problematic, the research depends on a steady supply of human ova, putting women donors or sellers at high physical risk. IVF clients and their donors have been subjected to these risks since 1980. In the United States, all research on human assisted reproduction and on embryos, fetuses, and/or embryonic or fetal tissue, takes place in the private sector and is unregulated.⁷

Cloning in politics and popular media

After Dolly, concern that humans would be the next mammals in line for cloning drove then President Clinton to have the newly formed National Bioethics Advisory Commission address ethical and legal issues posed by the possibility of human cloning.⁸ In its June 1997 report, the Commission reported that for “safety” reasons, it was “morally unacceptable for anyone in the public or private sector, whether in research or clinical setting[s], to attempt to create a child using somatic cell nuclear transfer (SCNT)”(5). In 2001 the National Academy of Sciences reiterated this point of view, citing cloning’s track record of gestational complications, birth defects and premature deaths (including Dolly’s early demise). To date no such ban has passed legislation.

Noteworthy here is that ‘morality’ is defined as ‘safety’. While the official arbiters of ‘ethics’ narrowed their responses to SCNT to matters of individual safety and efficacy, the National Human Genome Research Institute at the National Institute of Health did address the spectre of genetic determinism, assuring the wary public that environmental factors

⁷ In Canada these activities are regulated in principle only: “Five years after the Assisted Human Reproduction Act was implemented and 16 [years] since a Royal commission said a watchdog was urgently required, Health Canada has yet to implement regulations that would empower the agency to licence and inspect the booming fertility industry” (Tom Blackwell, National Post Feb.13th 2009; retrieved from CGS website on 4/21/09).

⁸ The NBAC turned to Lori Andrews “asking that [she] drop everything to provide a legal opinion to the president” (Andrews 1999:248).

interacting with genes (epigenetics) are sufficient to over-rule the “playing God” factor.⁹ But their assertion begs the rhetorical question; if the vast realm of epigenetics cancels out genetic determinism, what drives the costly, high-profile quest to master the human genetic ‘code’?

Cloning by any other name

Politicians’ attempts to ban ‘reproductive cloning’ would not prohibit the use of SCNT to create cloned human embryos for research purposes; only that it could not be used to create a child. Immediately after Dolly’s creation in 1997, stem cell research proponents in California encoded a new legal definition of cloning that made a conceptual distinction between ‘reproductive cloning’ and ‘research cloning’ (also called ‘experimental’ or ‘therapeutic’ cloning). The distinction was meant to suggest that the researcher’s intention in using the procedure somehow altered the nature of the procedure itself; that the result could be called a ‘cloned embryo’ only after implantation. But opponents of SCNT argue that a cloned embryo is a cloned embryo no matter what its intended end use (Beeson & Stevens 2005; Newman 2004; Kass 2002).

Patents and genetics

In 1980 the US Supreme Court had ruled that genetically engineered life forms were patentable (*Chakrabarty v. Diamond*) and, that same year, the Bayh-Dole Act allowed university researchers to patent publicly funded discoveries. These two events opened the floodgates to private investment in university research departments: “Overnight, behaviour that would have sent federal researchers to the penitentiary in the 1960s and 1970s – personally profiting from research done at taxpayer’s expense – was not only legal but actively encouraged” (Andrews and Nelson 2001:47). Beeson and Stevens, this study’s primary informants, rejoin: “[w]ith the promise of significant financial reward, cloning and genetic manipulation of new life forms took on new

⁹ <http://www.genome.gov/pfv.cfm?page ID=10004765>

importance, and university researchers rushed to start up their own biotech companies” (2005:4).

South San Francisco: Ground zero of the biotech industry

Like the ocean wind that whips across the city’s bronze hills, biotech pioneers swept in, stirred things up and transformed the skeletons left behind by heavy industry into a serene bayside center of modern business.¹⁰

Within 30 years of the decline of its steel and paint factories in the late 1970s, South San Francisco’s industrial wastelands were transformed into the “epicenter of biotechnology”. The area comprises 6 million square feet of lab and office space (as of 2004)¹¹ within minutes of four major universities (UC Berkeley, Stanford, UC Davis and UC San Francisco). Generating over half of the world’s \$70 billion of annual biotech revenue (with San Diego in second lead)¹² and employing close to 14,000,¹³ it is easy to surmise that the California government would jealously guard its power position in the uber-lucrative biotech field. In a flagging economy, stem cells as the magic cure-all bullet promised ‘the way forward’.

Washington draws the line

August 2001: under increasing pressures from disease advocacy organizations, clinical researchers and technicians, lawyers, government officials, and representatives of pharmaceutical industries, President Bush allowed funding for embryonic stem cell lines that had already been established from privately funded research, but not for derivations of new stem cell lines. Such compromise, he hoped, would satisfy Americans on all sides of the issue. But in California, it “trigger[ed] a massively funded program – a public works project based on states’ rights – to do just what

¹⁰ http://blog.nj.com/ledgerarchives/2004/07/south_san_francisco_the_epicen.html

¹¹ http://www.ppic.org/content/pubs/jtf/JTF_EmploymentReviewJTF.pdf

¹² <http://www.reuters.com/articlePrint?articleId=USL1534079120070415>

¹³ as of 2007 - insideBayArea.com - Biotech Turns 31

[President Bush] was attempting to prevent” (Beeson & Stevens:3-5) – that is, expand the scientific use of human embryos.

California takes the initiative

While privately funded hESCR was still possible, venture capitalists understood that finding cures would be far into the future and require near bottomless resources (Beeson & Stevens: 6). But California, with its massive biotechnology infrastructure had huge vested interests in such research. After two failed Senate attempts to authorize the release of public bonds to finance hESCR,¹⁴ a lobby group led by Robert Klein, a prominent lawyer and real estate developer and father to a son with juvenile diabetes, appealed directly to voters by means of a referendum on the November 2004 election ballot. Driven by the hopes of families with afflicted loved ones, ‘Proposition 71’ in effect asked California’s citizens to borrow \$3 billion over 10 years to finance speculative research that, *if* successful, would award private patents to CIRM researchers (a point not made explicit on the ballot). Accruing interest, the \$3 billion debt would double to \$6 billion within the decade. An article in the Los Angeles Times, August 23, 2004 brought home the economic magnitude of Prop 71.

It may be hard for voters to fully grasp the vastness of this financial commitment. No research program approaching this scale has ever been mounted by any state. The effort, elephantine even by California standards, would allocate nearly twice as much money to one scientific field as the University of California has spent on all its research facilities over the last 25 years. It would dwarf the California Breast Cancer Research Program, the largest state-sponsored

¹⁴ Besides lobbying by pro-life activists to defeat these 2003 Senate bills, Beeson & Stevens speculate; “No doubt, California’s recent energy crisis and the Enron debacle’s devastating consequences for the state treasury were important contributory factors in defeating these funding efforts” (2005:9).

research effort in the nation, which has granted scientists a comparatively paltry total of \$150 million since 1994.¹⁵

Beyond its economic magnitude, Proposition 71 lacked transparency, hid conflicts of interest, used duplicitous language, and relied on the public's lack of scientific knowledge (Beeson & Stevens, 2005, and see Appendix B). The draft ballot included an outline of operations for Klein's planned California Institute of Regenerative Medicine (CIRM) which he would later chair. The CIRM and its governing body, the so-called "Independent Citizens' Oversight Committee" (ICOC) would actually be made up of self-interested industry representatives, advocacy organizations and research groups, with no public accountability and no independent oversight. But in spite of these disturbing details, Prop 71 traded on a politics of hope.

Referred to by Californians as the "stem cell czar", Klein was the largest single donor to the 'Yes on 71' campaign, along with another real estate developer and two film producers: all parents to children afflicted with juvenile diabetes. Their combined personal wealth enabled them to champion a cause deeply important to themselves and to thousands of parents and citizens suffering from diabetes, Parkinson's disease, multiple sclerosis, heart disease, Alzheimer's, and even spinal cord injuries. They enlisted celebrity patient-activists Michael J Fox and Christopher Reeve as charismatic spokespersons for stem cell cures. But unlike the venture capitalists, Klein, Fox, Reeve and Californian progressives had come to believe that cures for these diseases were imminent – all that was required was to overcome opposition to the use of embryos that were 'left over' from IVF clinics.¹⁶ Endorsed by anti-Bush sentiment, TV spots of movie stars and children in wheelchairs pleading for cures, and massive popular support from petitions, Prop 71 was certified for inclusion in the upcoming November ballot election.

¹⁵ Michael Hiltzik, Benefits of Stem Cell Bond Issue in Question - retrieved from CGS website June 20/09.

¹⁶ This latter point in itself proved inaccurate, as 'fresh eggs' later came to be considered essential to cloning research.

This brings us to the end of Chapter 2, in which I have laid out the issues and events leading to the political moment out of which this study's protagonists were called to action. The next chapter presents a summary of events and arguments from an unpublished draft manuscript written by primary participants Beeson and Stevens in the year following Prop 71. Entitled *Big Biotech and Abortion Politics: The Progressive Campaign Against California's 2004 Stem Cell Research Initiative*, this document allowed me to track the many people and events that comprise this study.

Chapter 3.

Opposition to Proposition 71

Pro-choice opponents of Prop 71, according to Beeson and Stevens in *Big Biotech and Abortion Politics: The Progressive Campaign Against California's 2004 Stem Cell Research Initiative* (2005) generally endorsed embryonic stem cell research on the basis of its purported therapeutic potential to cure diseases. They were satisfied with Stanford scientists' newly minted distinction between 'research cloning' and 'reproductive cloning', meant to imply that the technique (SCNT or Somatic Cell Nuclear Transfer) could be defined by its intended application (7). Early in the campaign, Diane Beeson attended an event with Marcy Darnovsky, co-founder of the NGO Centre for Genetics and Society (CGS) located in Oakland (est. 2001). The CGS had in 2001 petitioned the US government to ban 'reproductive cloning' (cloning an embryo to create a human being), and to place a moratorium on 'research cloning', in hopes of forestalling what they knew very well – that “the techniques of embryo cloning are precisely those necessary to make germline genetic manipulation commercially practicable” (citing Richard Hayes, Darnovsky's co-founder, 13). Pro-life opponents of Prop 71 opposed not only embryo cloning: they were opposed to any research involving human embryos, including non-clonal embryos 'left over' from IVF attempts. Beyond these distinctions, all of the bill's opponents agreed that it was fiscally irresponsible, made exaggerated claims, and presented serious conflicts of interest (see Appendix B).

The California Catholic Conference

Beeson and Stevens credit Darnovsky and the Center for Genetics and Society for having played a significant role in “laying the groundwork for the pro-choice opposition to Prop 71” (2005:14). CGS's petition, they

maintained, had spearheaded progressive¹⁷ opposition to the cloning issue. As well, Darnovsky had made a presentation to the Berkeley-Oakland Wellstone Democratic Club which subsequently changed its earlier decision to endorse the bill. Then, at a CGS-sponsored conference titled Gender and Justice in the Gene Age,¹⁸ Beeson and Darnovsky met Judy Norsigian and California attorney Debra Greenfield,¹⁹ who would both come to play important roles in the campaign against Prop 71. The four shared strong concerns about the bill and made plans to decide on a course of action after they returned home. Following up, Beeson was informed of an upcoming meeting of the California Catholic Conference (CCC), called to form a “broad-based coalition” to fight Prop 71. Anticipating a predominantly pro-life gathering, Darnovsky chose not to attend. Beeson explained to me her interpretation of Darnovsky’s reticence: that representatives of liberal, pro-choice organizations may not feel at liberty to cross certain political boundaries – especially those boundaries that divide pro-choice and pro-life outlooks on reproductive rights.

Beeson herself, as curious as she was determined to take action against Prop 71, was one of only two pro-choice attendees at the meeting,²⁰ but was warmly welcomed. This, she explained, was because the group knew it would need pro-choice support in a predominantly pro-choice state to have any hope of defeating Prop 71. Asked by the group to share her own reasons for opposing Prop 71, she emphasized cloning and egg harvesting, informing them that she would not be able to elicit pro-choice support “if the campaign were based on the sanctity of the embryo” (17). In response, the group:

¹⁷ This term (‘progressive’), used frequently by Beeson and Stevens, equates generally with Canadian references to “liberal”; or, with “Democrat” as opposed to “Republican”, which equals “conservative”.

¹⁸ The conference took place in New York on May 6-7th 2004.

¹⁹ Greenfield was a recent law school graduate and newly appointed Fellow of the Institute on Biotechnology and the Human Future.

²⁰ The other was a “self-identified ‘pro-choice lefty’” – an oncologist and health centre administrator who had previously worked with the CCC to oppose assisted suicide (Beeson & Stevens 2005:17).

expressed a clear consensus that other issues, such as the measure's fiscal irresponsibility, lack of appropriate oversight, the implicit threat to women's health in creating a mass market for human ova, and the movement toward human cloning were sufficient areas of common concern, and [...] that although they personally regarded the embryo as sacred, in a way that pro-choicers do not, it would not be prudent to base the campaign on that issue. [17]

The 'No' on Proposition 71 campaign is launched

More than a month after the New York CGS conference Darnovsky, Norsigian, Beeson and Greenfield had not planned any formal actions against Prop 71, and no other California Democrats had stepped up to challenge it. The CCC on the other hand, at their June 16th meeting had formed an official opposition to Prop 71, naming themselves Doctors, Patients and Taxpayers for Fiscal Responsibility (DPTFR) – a pragmatic approach given their relatively unpopular opposition to human embryo experimentation. They anticipated a more broadly mobilizing campaign by steering clear of that ethical minefield, even if the embryo might have been at least as important an issue for them.

As a result of their initiative, four pro-choice opponents to the bill were propelled to undertake 'just in time' strategic actions. Present at the meeting was conservative campaign consultant Wayne Johnson who proposed a campaign strategy to reach undecided voters, and urged them to act quickly to meet the deadline for registering an argument against Prop 71 which would be published in the voter's handbook. The argument, titled: We Support Stem Cell Research, Not Corporate Welfare (see Appendix B) focused on the initiative's financial conflicts of interest, and on its refusal to fund adult and cord blood stem cell research, which it claimed, was the more promising avenue. Johnson also instructed the group to write a 'rebuttal' to the argument *for* Prop 71. Both documents required several signatures each from prominent Californians. According to Beeson and Stevens, the argument was fairly easily constructed but the signatories so far were mainly conservatives; therefore the rebuttal "was to be the principle vehicle for making clear that opposition to the measure came from pro-choice as well as anti-choice camps" (18). Whereas the

“Argument against Prop 71” emphasized its financial flaws, the “Rebuttal” addressed the issues of cloning, of unrealistic claims, and of health risks to egg donors (see Appendix B).

Drawing out the progressives

Beeson took on the task of recruiting colleagues to take a public stand against Prop 71 by writing and/or signing the rebuttal. She turned to nationally renowned pro-choice feminist Judy Norsigian as someone she thought might be “willing to navigate [the] political complexities” (19) of cooperating with conservatives on this issue.²¹ Norsigian agreed, and then Francine Coeytaux, founder of the Pacific Institute for Women’s Health²² came on board, followed by Tina Stevens (whom Diane had met when invited to speak about reproductive ethics to Tina’s bioethics and society class). These three were the official signatories to the rebuttal, which was the result of a collaboration of a number of pro-choice women that included Diane Beeson, Abby Lippman, Lori Andrews,²³ and Debra Greenfield.

Negotiations over the rebuttal wording took place between July 1st and 12th of 2004. Crafting the rebuttal statement to please both ‘sides’ was described by Beeson as ‘difficult’: “feminist signatories viewed early drafts originating from conservatives as unacceptable [and n]either side was meeting face to face”. She later states that what was “particularly challenging” was trying to address the complex issues within the two hundred and fifty word limit. After “many iterations...the conservatives, eager to include Norsigian, and with time running out, agreed to go along with whatever the feminists would sign” (19). The final version highlighted the issues of cloning and egg donation.

²¹ Judy Norsigian was already a Fellow at the Institute on Biotechnology and the Human Future founded in 2000 by Nigel Cameron and Lori Andrews. That organization draws upon scholarship from diverse backgrounds (progressive/conservative; religious/secular).

²² Coeytaux had sat on the California Advisory Commission on Human Cloning. She had endorsed research cloning with regulation and oversight: she opposed Prop 71 for “fail[ing] to provide such safeguards” (Beeson & Stevens 2005:19).

²³ Lori Andrews will be introduced later in the thesis.

Diane's and Tina's account conveys the sense that the DPTFR understood they needed to win pro-choice cooperation in their fight against Prop 71, and could afford to be more accommodating of pro-choice values than were the pro-choice women willing to accommodate pro-life values. Given Beeson's earlier assessment of California as "a predominantly pro-choice state" – even though political conservatives opposing Prop 71 held the greater power in terms of financial and human resources, that power was, evidently, wholly dependent upon a successful coalignment of concerns with pro-choice representatives.

A victory for the 'No' campaign

The rebuttal wording elicited legal action from Prop 71 authors Robert Klein, Paul Berg (Nobel Laureate), and Larry Goldstein (stem cell researcher), who had three major objections: first, that the Rebuttal had used the word 'cloning' which they claimed was misleading. They themselves had avoided the term, replacing it with the SCNT acronym; but New York Medical College cell biologist Stuart Newman attested that the term 'embryo cloning' is "virtually exclusively used by scientists" (22). Next, Klein et al took issue with the statement that embryo cloning technology would open the doors to human cloning, which they claimed was fear-mongering. Third, regarding the *supply* of embryos needed for the research: controversy had so far been confined to the issue of using frozen embryos left over from fertility treatments in IVF clinics, but the Rebuttal pointed out that hESCR would require vast numbers of women to subject themselves to the "substantial risks of high dose hormones and egg extraction procedures" (22). Klein et al refuted this: women would not be forced, they said, and numbers were exaggerated. Beeson, testifying in a Statement to the California State Senate Health Committee Hearing on Proposition 71 (Sept. 15, 2004) said: "'As of the spring of 1999, the FDA had already received 4228 reports of adverse drug events from women using Lupron. Of these reports, 325 involved hospitalization...25 deaths were reported'" (23).

The court dismissed all major accusations against the claims made in the Argument and Rebuttal, and this was an important turning point for both campaigns. 'No' Campaign coordinator Wayne Johnson observed in a later email to Beeson that the court's judgement "'required that

proponents open an entirely new defensive line to deal with arguments they had not anticipated and which clearly made their attempts to characterize Prop 71 opponents as ‘the usual suspects’ a difficult sell” (25).

Pro-choice forces pull back

Yet, trying to bring pro-choice opponents on board the DPTFR’s ‘No’ campaign was also a difficult sell. Although Darnovsky’s New York conference had brought together the group that eventually crafted and signed the Rebuttal and which, under Stevens’ instigation, came to call themselves the Pro-Choice Alliance Against Prop 71, the Center for Genetics and Society had not taken a public position against Proposition 71. Marcy and her director, Richard Hayes finally called a meeting for July 27th 2004 – six weeks after the initial DPTFR meeting and three months after the New York conference – to discuss launching its own campaign. A consultant was brought in, who cited data from the Johnson/Clark Associates study commissioned by DPTFR and advised the group that even a modestly funded campaign could have a major impact by capitalizing on CGS’s extensive media contacts. But Darnovsky and Hayes opted instead for an arms-length involvement that would “consider a more systematic approach to progressive and feminist organizations in California to offer [their] analysis of the stem cell situation, with Prop 71 as a case in point” (26). Below are excerpts from my first interview with Beeson and Stevens:

Diane: It was clear that they thought this was a losing battle and they didn’t want to get involved in anything that would be this costly and had so little chance of success...

Tina: ...and their funders are liberal donors and abortion politics were figuring heavily into it...there was an election coming up, and the stem cell issue was being used as a sort of proxy for whether you were for or against Bush – and I think that if they came out against it, their funders would have thought it peculiar. But I just didn’t think that I would be out there alone. I was just so shocked when they backed off. Originally, I had

thought; 'here I am working with like-minded people – this is great!'

For Beeson and Stevens, CGS's refusal to take a pro-active stand was experienced as "a major setback". With time running out, Norsigian and Coeytaux out of the country, and no funds, Stevens drew up a petition and began writing and gathering documents to put on a website. Greenfield committed to help her. Beeson meanwhile continued to be involved with DPTFR through conference calls, while her colleagues took advantage of "occasional speaking opportunities created by the [DPTFR] campaign" (27). Beeson and Stevens attest that Wayne Johnson, informed of CGS's decision not to fund a progressive campaign against Prop 71:

offered to step into the void by hiring Linney's group to function as part of what it considered the progressive flank of their coalition. But several of those who ultimately formed the Pro-choice Alliance felt that Linney's participation, financially dependent as it would then be on Johnson/Clark, could be construed as "taking money from the religious right", leaving the group vulnerable to the charge that the progressive alliance was nothing more than a collection of "dupes for the right." [27]

The Pro-Choice Alliance Against Proposition 71

Meanwhile Judy Norsigian, who was "uncomfortable with the lack of progressive participation in the DPTFR coalition" (27) withdrew her name from its website. But she supported Stevens' and Greenfield's (unfunded) efforts to keep alive an independent progressive resistance to Prop 71, wielding her influence to recruit important progressive signatories. By early September the Pro-Choice Alliance Against Proposition 71 (PCA) was launched, its website including close to 100 signatories: 8 of them organizational. These included:

the California Nurses Association; the Centre for Genetics and Society; the Committee on Women, Population & the Environment; the Council for Responsible Genetics; National Women's Health Network; Our Bodies Ourselves; The

California Black Women's Health Project; and the Saheli Women's Resource Center. [28]

Besides recruiting signatories, Judy Norsigian retained lawyer Susan Berke Fogel as Campaign Coordinator for the PCA. Her task was to organize public forums and arrange meetings with the press and politicians, which proved increasingly difficult: according to Beeson and Stevens, even those proponents of Prop 71 willing to debate its opponents "seemed more comfortable arguing about the sanctity of the embryo, deploying arguments aimed at the religious right that had been neatly packaged and provided to supporters at the official launching of the campaign in June" (29). The emergence of a *pro-choice* position against Prop 71 had taken all of its proponents by surprise; including Senator Deborah Ortiz who, at the September 15th 2004 State Senate and Assembly Health Committee Hearing.

interrupted Beeson's testimony to challenge her statement that the Pro-Choice Alliance had the support of several pro-choice women's health organizations. Ortiz demanded to know what these organizations were, reiterating that Planned Parenthood and other pro-choice organizations had endorsed Prop.71. When Beeson cited Our Bodies Ourselves, Ortiz appeared genuinely taken-aback, [...] and allowed Beeson's testimony to continue without further comment. [29]²⁴

The California Nurses' Association

In mid September the California Nurses Association, an explicitly pro-choice, state-wide organization with a membership of 58,000, completed its position paper on stem cell research, a position consistent with that of the Pro-Choice Alliance Against Prop 71 (PCA). CNA urged that therapeutic cloning not be pursued at present owing to the likelihood of its leading to reproductive cloning and because

²⁴ Ortiz would later endorse Hands Off Our Ovaries' call for a moratorium on egg donation.

of the risks to egg donors. Further, the CNA recommended that collecting human eggs for the purposes of embryonic stem cell research be prohibited. [30]

The CNA was a key organization that had signed the PCA's website Declaration, thanks to Judy Norsigian's influence. CNA president Deborah Burger now asked the PCA and Norsigian especially, to back her at the October 4th press conference where she would announce the CNA's position and call for a No vote on Prop 71. But the problem, according to Beeson and Stevens, was, that:

Deborah Burger had been cooperating with the NO campaign, unbothered by the fact that most of its backers were anti-abortion. She believed that to agitate effectively against the powerful YES campaign it was principled to accept the reality that politics makes strange bedfellows. For some members of the PCA, however, acceding to Burger's request to join her at the press conference was problematic because the NO campaign had organized it. [31]

Disappointingly for Burger, Beeson, other PCA members and DPTFR, Norsigian did not travel to California from Boston for the press conference, arranging instead to send a statement for Beeson to read on behalf of OBOS (Stevens read the PCA's statement). I suggest it is reasonable to speculate that such *restrained* support by mainstream feminist organizations for the CNA's dramatic stand diminished the press conference's potential to influence the California citizenry.

For their part, Beeson and Stevens conjecture:

CNA's public stance against the initiative was pivotal in two ways. First, however late, unwillingly, and meagrely, the press finally had to acknowledge the existence of a serious pro-choice critique against Prop 71. It is likely that the CNA position, which forced the appearance of a pro-choice critique to appear on the press's radar screen, affected polls indicating a less robust public support for the initiative than had been anticipated. Secondly, CNA's appearance as a signatory on the PCA website and its public alliance with the PCA, in opposition to Prop 71, contributed to CGS's decision

to become an institutional signatory on the PCA website.
[31]

Final efforts to defeat Proposition 71

CGS had by now strongly opposed Prop 71 in its newsletter, and was occupying an increasingly prominent place in the media. Still, they and other PCA members continued to refrain from supporting their most significant allies (the CNA), according to Diane and Tina effectively crippling distribution efforts for a TV commercial that Burger had made with partial financial help from DPTFR. In their report, Beeson and Stevens expressed what they saw as the irony of that situation:

Meanwhile, as progressive critics fretted over the political sources of the scarce financial resources available to them, millions of dollars worth of advertising featuring Michael J. Fox and recently deceased Christopher Reeve flooded radio and television with talk of imminent cures for cancer, diabetes, Alzheimer's disease, and Parkinson's. [33]

A final anecdote from Diane's and Tina's narrative reads as if it could have been a *Simpson's* TV script: hopeful in the face of an invitation to meet with Governor Schwarzenegger who had not yet taken an official stance on Prop 71, Beeson and Coeytaux met with him on behalf of the Pro-Choice Alliance. When they "presented him with a copy of *Clone Age* by Lori Andrews, the governor beamingly remarked that he had made a film on the topic"(32). Then, after presenting their point-by-point critique of the initiative, and urging the Governor to:

back a less expensive, less ethically problematic path to embryonic research via the legislature as opposed to the initiative process, one of his aides responded, 'But then we would have to take the money from the general fund.' The Governor then perked up and added, 'This will really stimulate the economy'. [...] Hopes of convincing him to withhold his support of the initiative seemed futile. [32]

The rest, as they say, is history: even with the flurry of last-minute press and radio coverage following the California Nurses' announcement,

Beeson and Stevens attest that “the euphoria [...] was short lived. [...] The Monday after [Schwarzenegger’s] endorsement, the volume of trading in Stem Cells, Inc. stock rose sharply. It was the fourth biggest gainer on the NASDAQ,²⁵ climbing 51%”. (Irving Weissman owned 1.7 million shares)” (33). Proposition 71 passed by a vote of 59% ‘for’ to 41% ‘against’ – somewhat less of a ‘landslide’ than was forecast, but still a large majority.

In the aftermath of the November 2nd election, some PCA members (notably Stevens) pushed for a “revitalized grassroots effort” of educating the public and calling for a moratorium on egg donation. Darnovsky, Norsigian, Coeytaux, Greenfield and Fogel, renaming themselves the Pro-Choice Alliance for Responsible Research (PCARR)²⁶ would step down from their activism to settle into a watchdog role. Beeson, who had instigated and stewarded the entire pro-choice involvement in the No campaign – by venturing to attend the CCC meeting, by mobilizing and co-ordinating the Argument and Rebuttal process, by testifying at State Hearings, presenting at public conferences, meeting with the Governor, and working tirelessly to overcome her colleagues reluctance to pragmatically and effectively engage with the ‘right’ in its concerted campaign against Prop 71 – felt “that she had no interest or energy for fine-tuning an institution[the CIRM] dedicated to developing cloning technology” (37).

The following chapter focuses on my interview data to explore the processes, experiences and outcomes that followed Prop 71’s passage.

²⁵ National Association of Securities Dealers Automated Quotation.

²⁶ The PCARR, reporting through CGS’s website keeps a close watch on the CIRM. PCARR’s mandate is to “‘promote responsible research in the fields of genetics and reproduction while promoting a perspective that supports abortion rights’” (37).

Chapter 4.

“Hands Off Our Ovaries!”

*Diane and I were more willing to work with the religious right. I mean...during WWII we were allies with Stalin! (hearty laughter)
I think we can work with the religious right on something!*
Tina Stevens

Defeat and dissent

Tina’s statement indicates something of what Proposition 71 represented in her view of ‘what was going on in the world’: it reveals the magnitude of the event itself, and her awareness of the ‘extreme’ nature of their collaboration with ‘the right’. The campaign, and continuing involvement with its issues had taken a prominent place in Tina’s and Diane’s lives as academics and as activists, and two and a half years later they were struggling to come to terms with estrangement from their Pro-Choice Alliance colleagues (who had renamed themselves the Pro-Choice Alliance for Responsible Research, or PCARR). This, and frustration with what they perceived as their colleagues’ reluctance to take a more proactive role in challenging the establishment of the California Institute of Regenerative Medicine (CIRM), were ongoing themes in our conversations. During our first interview, they articulated their disillusionment:

Diane: We had the Pro-Choice Alliance. We worked on forming that organization, and when Prop 71 passed, there were two responses to that. One response was; ‘Okay, now cloning is happening, and we’ll just try to make it as inoffensive as possible’, and the other one was our response; ‘Hey! We don’t accept this, we’ll continue to

fight this – we’re not going to be facilitators of any California Institute of Regenerative Medicine, we’re not going to tell them how to do it in a ‘nicer’ way. We want to do what we can to stop it!’

Tina: ...after Prop 71 passed, some of the people we’d worked with wanted to be more of a watchdog [to CIRM] whereas we still wanted to protest it...

Diane: And Tina considers being a watchdog as being a facilitator. They think they can protect women by putting in a few safeguards around the egg harvesting process; and we say; ‘No egg harvesting’. It was the moratori...we said (Tina interjects; ‘we want a moratorium!’). It was over a moratorium – they said ‘No, you can’t have a moratorium, it’s already passed, the people of California have voted on it, it’s a lost battle, we’re going to go on to other things’. And we said ‘No – we want to protect women’s health. We’re not willing to accept that cloning go forward – for lots of reasons, but primarily because of the threat to women’s health’. But they would not agree that we persist in asking for a moratorium...it was Prop 71, going forward...and *done*.

A new alliance

Diane and Tina had met Jennifer Lahl, founder and National Director of the Center for Bioethics and Culture (CBC) shortly before the ‘No on Prop 71’ campaign. Diane and Jennifer met again a year later in Washington DC, at the Consultation on Human Egg Harvesting put on by the Institute on Biotechnology & the Human Future.²⁷ IBHF was founded in 2001 to “represent many networks from across the political and religious spectrum” by pro-life conservative Nigel Cameron, President of the Center for Policy on Emerging Technologies in Washington DC, and

²⁷ www.thehumanfuture.org/about

progressive lawyer Lori Andrews, Distinguished Professor of Law at Chicago-Kent College of Law and Director of the Institute for Science, Law and Technology. Andrews has published extensively on her decades of experiences as a legal expert and former advocate for all matters pertaining to IVF, genetic screening and biotechnology. Stuart Newman, Abby Lippman, Judy Norsigian and Deborah Greenfield are 'progressive' Fellows; William Hurlbut of the President's Council on Bioethics, and Consulting Professor in the Program in Human Biology at Stanford University, is one of the organization's 'reproductive conservative' contributors. Beeson and Stevens are Affiliated Scholars. Diane recounts how that meeting was the 'accidental' starting point of their collaboration with Jennifer and with Josephine Quintavaille, founder and Director of CORE (Comment on Reproductive Ethics) based in London England.

Diane: IBHF put on this egg briefing in Washington, and that's why we²⁸ happened to be in a meeting where there were both conservatives and progressives. That's a really important piece- you know that Hands Off Our Ovaries (HOOO) wasn't the first [politically inclusive NGO around reproductive biotechnology]. So at this meeting there was a lot more information put out about the harmful effects of egg harvesting. And Jennifer was there – she was invited as an observer...they were trying to get progressives mobilized around this so they were sort of stifling the right-wing part of it. After that meeting, Jennifer was sitting out in the hall and Josephine was there and they were all fired up and that's when Jennifer got inspired – it was because of that meeting. But we were busy...we wanted to talk with Judy Norsigian and see what she and Marcy and everybody were up to. So we were not planning to have this organization – but after we got back, Jennifer was trying to set up this website for a campaign: 'Hands Off Our Ovaries'. And she got Tina and me involved – she would send us some

²⁸ References to 'we' at the Washington egg briefing do not include Tina, as she was not present.

text and ask our opinion of it. And we gave our opinion. And so we kind of gradually got pulled into it – she waited until we had given every possible critique we could think of and then asked us if we could sign on. Well...if we had been giving our honest advice, we couldn't very well say 'no we wouldn't sign on'. So I don't know how consciously she manouvered that but if she'd said right at the start; 'will you join me in creating a global campaign?'; I'm not sure we would have said yes at that point. So Jennifer has been very creative and in many ways pretty flexible about working with progressives.

Tina: And I think Diane and I were still testing the waters, and Jennifer started talking about making a press release, so we were working on a draft, and the next thing I know it was released! And we were 'it'.²⁹ I thought we were still *talking* about it...but then we were...

Diane: ...Jennifer's a dynamo – she just pushes forward. I mean I'd had a few thoughts about what she had developed [for the website]. One of my thoughts was; I don't want to be part of an organization with a blond woman as the logo – you've got to have someone of more ambiguous ethnicity here – ultimately this is going to affect poor women of colour...so then they [Jennifer and Josephine] added this other image, which they put on t-shirts.

The broader social issue of racism pointed out by Diane was immediately addressed by Jennifer and Josephine. As during the No campaign against Prop 71, pro-life political conservatives were receptive to suggestions to modify their strategies in the interests of eliciting cooperation from pro-choice progressives and so increasing their public credibility. Diane and Tina were cautious about becoming involved in an official way, but having been disappointed in and faced with their

²⁹ HandsOffOur Ovaries.com was launched March 7th 2006.

colleagues' diverging political responses to the passage of Prop 71, they offered Jennifer their feedback and finally committed themselves to her project.

Taking a stand, paying the price...

Diane reveals the 'turning point' that this moment represented in her professional career, as she narrates her experience of 'coming out' as an activist.

Diane: I thought I was just advising her for some project – but then I didn't object to my name being put on it because...well, I always knew that putting my name on it marked some kind of break with academia for me, because if she's putting out press releases that we're doing this, then I'm not going to get at this from the kinds of places I used to have access to.³⁰ I'm not going to be seen as a kind of neutral, objective analyst. I'm declaring myself around this technology and I was never willing to do that at any previous point in my career; but what drove me to be willing to do it was this threat of human cloning.

Tina: It wasn't just academics that you were turning your back on, but also your old activist allies, because this has cost us partnership with CGS (Diane; "that's true" ...and PCARR; well, I think calling it strained may be a little strong but they don't approve.

Diane: I *have* thought, though, that, in a way...they benefit if other feminists take a more critical stand, because it makes them look more reasonable.

³⁰ ie. fertility clinics and genetic counsellors.

Tina: Well, you're not only dealing with big biotech, you're dealing with liberals who are critical of it but who don't go far enough with their critiques.

Diane: *We're so far left, we're right!*

Diane's narrated hypothesis – that her institutionally affiliated colleagues “benefit if other feminists take a more critical stand, because it makes them look more reasonable” – has a strong parallel in the environmental movement: Greenpeace's public acts of resistance represent the socially demonized ‘radical fringe’ while mainstream politicians and corporate spokespersons placate the public with ‘sustainability’ rhetoric. One might similarly deconstruct such perennial calls for ‘regulation’ of reproductive and biotechnologies – in that regulation serves to ensure continued development of the field it regulates. For example, in her article *Reimagining the Facts of Life* Sarah Franklin notes:

A current review in parliament of the legislation on human fertilization and embryology that followed from the initiation of IVF will likely make the UK one of the world's most highly regulated, yet also scientifically permissive, regimes for human embryo research & experimentation. [2008:147]

Diane's comment; “We're so far left, we're right!” expresses a sense that her ‘radical’ demands for an egg harvesting *ban*, in contrast to her colleagues' decision to monitor the issues has pushed her, ironically, she feels, to ally with conservative, pro-life opponents of hESCR. Such is the ‘strange bedfellows’ theme played out here, and increasingly where, again, environmental issues are concerned (see, for example, the Evangelical Environmental Network, at <http://www.creationcare.org>). But I would suggest that envisioning ‘right’ and ‘left’ as markers on a circular, rather than linear continuum better explains the dynamics of any such dialectical movement towards shared meanings and principles. Everything, after all, is in a constant state of change, and truths must always be revisited in light of new knowledges and understandings.

Institutionalized critics

Diane: [A well-known bioethicist] says that 'her job is to worry'. She says, "I worry". Sure: she worries publicly while they go ahead and do whatever they want, and her public worrying becomes justification for them doing whatever they want, because after all, somebody's worrying about it.

Tina: ...and they want to be seen amongst other liberals as taking the critical position. But what I've said,³¹ is that critics have become institutionalized, so that you don't really have many public critics anymore. Where were the 'bioethicists' during Prop 71? You didn't see them in public – they were behind the scenes, helping the whole thing go forward!

Diane: ...and these are really basic issues. I mean so many people believe that what we do is right...but people are compromising for career moves. We know a lot of people who are kind of egging us on but won't dare sign...

Tina: ...there's just this revulsion against dealing with people on the right. And so there are two things going on: one is that critics on the left have these institutional concerns, and I don't think they're fully aware of...how chilling that is on their ability to function freely. And *two*; I think they're going to make us look like we're muddying the waters for everybody...this was what was so upsetting [during the No campaign], is that not only were they not going to do anything about it, but it became clear at various points that they were undermining some of our efforts...I think that some of the women we were

³¹ See Stevens, Intellectual Capital and Voting Booth Bioethics: A Contemporary Historical Critique.

working with think that what we're doing now – working with the right – is outrageous. But, we're trying to get along. They are still allies, but I think what they're doing could be dangerous. (Diane: 'You think they're getting co-opted.) Yes – I'm trying to remain open-minded about it but, by pulling their punches they could slide down the same slope as the bioethicists.

These 'allies' perceive each other's actions as dangerous: PCARR (allegedly) feels that cooperation with the right could 'muddy the waters' (undermine pro-choice's resistance efforts) while Tina fears that her colleagues, by "pulling their punches" are in danger of being co-opted by the very forces they are trying to resist.

Diane's and Tina's narratives remind me of 'radical' feminists' struggles of the 1980s, opposing what were then 'new' reproductive technologies (NRTs) (Rothman 1986, 1987, 1989; Corea 1985; Basen et al 1993-1994). European feminists at the 2nd International Interdisciplinary Congress on Women (held in Holland in 1984) established FINRRAGE (Feminist International Network of Resistance to Reproductive and Genetic Engineering) to resist what it considered "dehumanizing technologies" (Klein 2008:157). American feminists were more cautiously critical of the technologies, observing that "women who use NRTs both gain and lose control over reproduction" (Ginsburg and Rapp 1991:315; Rapp 1992; Sandelowski 1991; Williams 1988). Later in the nineties, they wrote that some women experienced the technologies (now referred to as 'assisted' reproductive technologies or ARTs) as empowering (Roberts 1999). Rayna Rapp's ethnographies revealed psychological and emotional dilemmas that accompany ARTs and, acknowledging their socio-cultural impacts, has suggested that women undergoing them inadvertently serve as society's 'moral pioneers' (Rapp 1998). But FINRRAGE's Janice Raymond eschews such analyses as representing "balancing act[s] of being both for and against" ARTs (1993:90) in her deconstruction of what she termed 'reproductive liberalism': "procreative liberty, gender neutrality, privacy, [and] unlimited choice" (88). Reproductive liberalism, she argues, is hegemonic in that its subscribers are the "gatekeepers of feminist knowledge, presenting a more radical feminist politics as flawed and extremist" (89). FINRRAGE co-founder Renate Klein reminds us that

“science and technology are never neutral but always do patriarchy’s and capitalism’s bidding” (2008:157), and that reproductive liberalism, by reducing its critique of ARTs to issues of ‘access’ rather than impact supports those patriarchal institutions.

...and bioethicists

Continuing these criticisms, Tina Stevens regards *bioethics* as complimentary to the biotech industry: “Insofar as bioethical thinking follows technological development instead of investigating how biotechnologies are initiated socially and politically, it remains a technologically determined enterprise” (Wild Duck Review, 2000).

Marsha Saxton, a friend and colleague of Diane Beeson is a disability rights activist and signatory to HOOO. Echoing Tina’s concerns, she described for me her experience as a member of the first Ethical Legal Social Implications (ELSI) working group on the Human Genome Project.

Marsha: ...you know I’m certainly not an expert in this issue, but I got interviewed and started writing and that first period of about 5 years I wrote about 20 articles that got published in women’s media and various journals, but this was way before the internet. And then I got invited to be on the genome working group – it’s called the ELSI Program. And I was asked to *be* on that committee, I think because...I’m able to be diplomatic in my presentation of my perspective, and I am nice (laughs); and I actually honestly *really regret participating in that entire thing*. Apart from what I learned, and...got exposed to and what I was able to witness which was *amazing*, as infuriating as it was, it was an incredible education for me – to see the workings of the genome politics from the inside, not way *way* inside but I got to meet some of the big personalities, like Frances Collins. Five percent of their funding was set aside to study its ethical implications! So I was on the working group of that five percent. And we reviewed grants for people interested in doing ethics research, and we met, and set some small

policy about ethical issues and it was *very* contentious and very *very* political...and I ended up feeling like a tokenized representative of the disability community. I kind of feel like I was made to...I was co-opted in a way to...my presence there justified their...yeah, it was kind of an awful experience.

Joan: how long did that last?

Marsha: I was on that group for about 3½ years in the early nineties. There was all that sampling and banking of genomes...there were issues about the data banking as well as the patenting...and developing a screening test. There was a lot of focus on genetic discrimination, which emerged as a problem...and *barrier* actually in the research moving forward – and that was a nice example of strange bedfellows because, ‘of course we want to protect people from discrimination’, but ending genetic discrimination with legislation actually enabled the *research* to march forward in a way, you know with no limits. So genetic discrimination kind of emerged as this *glitch* in the big picture plan of genetic research. So they kind of ‘handled that’ and charged ahead. And the patenting is still completely out of control and it’s a very bizarre...issue for all of us.

...and ‘reproductive libertarians’

Sharing Marsha’s concerns with the eugenic aspects of human genetic research is Marcy Darnovsky, associate director of the Center for Genetics and Society. I interviewed Marcy once at the Center in Oakland, and later by telephone in October 2009 and asked her why she and her organization had turned down invitations to cooperate with pro-life groups against cloning research and egg harvesting. In our more recent conversation below, Marcy extends Janice Raymond’s concepts of ‘reproductive liberalism’ and ‘procreative liberty’ by describing some of her organization’s pro-choice supporters as holding *libertarian* values

around reproductive choice. In fact, her retrospective observations could also serve to illustrate a 'so far left, they're right' concept: in this case, pro-choice 'progressives' who categorically prioritize individual reproductive choice, could be seen to represent a kind of 'libertarianism', which is usually categorized as far-right, conservative fundamentalism.

Marcy: Well for us, it's a combination of principled reasons and pragmatic reasons – we feel really uncomfortable that our concerns get appropriated by groups that are so threatening to things we believe in so strongly. We don't want to lend legitimacy to those groups. And we also don't want to undermine our own credibility, because we...I also feel critical of some of the pro-choice groups for what really seems to me to be a kind of *libertarian* stance, where everything is interpreted as individual rights, individual choice. I don't understand abortion rights that way – as in a libertarian framework. I understand that this is a decision that we do have to leave to individual women, but the reason we do that is because the kind of society we want to build is one in which women have that kind of freedom of and autonomy for themselves, and that they're not controlled by biology and to that extent, I do go up to that line myself, and I think organizationally we would say something like this. We see it as a matter of a societal preference for a certain kind of society that's more gender...that has more opportunities for women.

In attempting to differentiate a liberal civil society ethic from a libertarian pro-choice stance, Marcy's dilemma underscores the following passage from Sarah Franklin's *Born & Made*.

This common, structural, and obvious tension between near unanimous recognition of a social, legal, political, cultural and moral need for clear and established limits to technical "assistance" to human reproduction and heredity, and the desires of individuals in extreme circumstances to break, defy or transcend these same boundaries, is one of the

foundational features of the history, politics and sociality of IVF, embryo research, and PGD, and likewise of cloning, stem cells and regenerative medicine. [2006:209-210]

Marcy: *But* it's so hard to convince the pro-choice movement that even though we support choice on abortion rights we don't support choice on things like reproductive cloning, or you know you get to decide what kind of child you're going to bear. And similarly, it's not okay for the market to choose to exploit young women for their eggs. That's a line we have to draw. It should not be an individual choice issue. That's then a very steep mountain for us to climb...to make that case, to the reproductive rights movement, and so, principled reasons aside, were we to cooperate with the anti-choice groups, they would just write us off.

Joan: So in a way you're constrained on two sides, I guess...by the what would you call them- the libertarian groups versus the right-wing pro-life groups?

Marcy: That's exactly right...we don't think...I mean I know that there are a lot of really good people who are opposed to abortion. You know I'm not trying to make this into a good and bad...but I do also think that there are a lot of organizations and individuals in *that* camp, who really don't care a hoot about women's health, or women's well-being – so we're caught between those two very powerful forces.

Joan: These 'reproductive libertarians', for lack of a better term...how large a force, then, I mean do you see them as...driving things...do you think that they hold an awful lot of sway, in the end?

Marcy: Oh yes, they do! I mean I think they're very influential within the United States...within the whole progressive, more left of centre, democratic circles – they're *very*

influential...which is why the PCA against Prop 71, which morphed into the PCARR...the whole importance of that group was really, you know, to have some long-time abortion rights supporters there very publicly, saying this is *not* pro-choice to support egg sales, especially for research. And then, the whole question about whether to work with the anti-abortion folks – that was one of the reasons why Diane and Tina felt they didn't want to be part of that organization [PCARR] anymore, because they felt it was okay to...to cooperate with people who, you know, the people they were cooperating with happened to be good people, I think, but they're opposed to abortion rights. But, as you know, Diane and Tina are not part of any organizations...they're academics and that gives them a different frame of strategic thinking...

Joan: Yes, they've raised that issue a number of times...but did it not prove difficult to get pro-choice women to speak out against egg harvesting – or was that only because they feared association with the Right?

Marcy: I don't know – that's a good question. I think a lot of , uh, that libertarian impulse is so strong...it's like the air you breathe...you know, you're a fish swimming in the water almost. I don't know if it's that they were afraid, or that they really felt that that's a woman's choice to make. You know, that we're being paternalistic and women should be able to make that choice on their own...and a lot of people would argue that if women are going to go through that much discomfort and inconvenience and take some risks, then they should be getting paid more not less – I hear that argument all the time from people who are pro-choice but who see themselves as committed to social justice....I think it's looking in both directions...we don't want to give legitimacy to the anti-abortion forces and we don't want

to undermine our legitimacy and credibility with the pro-choice people who we consider our allies.

Joan: In an ideal world, if people felt free to form coalitions, free of ideological commitments...do you think...?

Marcy: I wish we lived in a political world where that could happen, but I don't know...Obama's call for common ground at the Whitehouse has proved pretty controversial...I just don't think there's a clear picture and it hasn't been an easy road for them.

Joan: I'm thinking back to the Prop 71 campaign, when the CNA stepped up to speak out about it...might that have been an opportunity for a bolder, let's say platform for people to speak from a cooperative viewpoint?

Marcy: I think that was so significant in the whole Prop 71 campaign, that the California nurses did that...in part for the reasons that we're talking about here...that it was important for a large organization, a very respected organization, actually across the political spectrum... but...for the progressives it was so important for the California nurses to say 'we're opposed to Prop 71' and that helped all the other smaller groups like ourselves to have some political space to be able to explain the *reasons*.

Jennifer (and Josephine): Pro-life feminists

Jennifer, a tall, athletic mother of four, lives an hour's BART³² ride southeast of Berkeley in a suburb of brand new homes. Sitting at her workstation in the large master bedroom, I asked Jennifer if she had always subscribed to a pro-life ideology.

³² Bay Area Rapid Transit.

Jennifer: I considered myself pro-choice until I was about 40. Then when I was in graduate school I started looking at the natural trajectory of that kind of thought – as it relates to genetic screening, designer babies, surrogate pregnancy – I mean just what really ‘choice and autonomy and freedom’ means...seeing how quickly all this isn’t really choice and we’re required to have perfect children, have children when we want them, the flavour [sic] we want them...how money and health care and insurance would drive an agenda that wouldn’t really give us choice. So I just realized gradually, not like an epiphany but, the contradictions – if this is really about choice then women ought to be able to *choose* not to have boys...or girls, or choose not to have babies with blue or brown eyes. And I couldn’t accept how we as women have said, ‘I’m going to put my child-bearing years on hold because I want to pursue an education, wealth, career, whatever. Then to find out that because of the choice I made, I am now infertile, so I’m going to turn to a 20 year old, or a surrogate, to help me have my choice. I can’t live in that world anymore.

Jennifer echoes Marcy’s consternations about certain aspects of reproductive ‘choice’: but, unlike Marcy, she views “genetic screening, designer babies, surrogate pregnancy” as the “natural trajectory of that kind of thought”. In her view, having the choice to terminate a pregnancy represents the top of a slippery slope from individual free will to social control through eugenics, where one is “required to have perfect children” as dictated by “money and health care and insurance”. Jennifer sees contradictions when ‘choice’ sanctions some abortions over others (ie condoning abortions for life-planning objectives but not, for example for gender preferences); and that women who delay childbearing depend upon younger women to satisfy their belated desires to mother. Stating; “I can’t live in that world anymore” Jennifer underlines her belief that the individual right to choose is flawed, inconsistent, and rife with wider social implications. It is interesting to contrast this view with that of early 19th Century Sangerian reproductive social reformists who advocated a

'negative eugenics' of restricting the fertility of the lower classes, 'undesireable' immigrants, and the 'mentally deficient'.

Jennifer's colleague, Josephine Quintavalle articulates what she sees as a link between abortion, IVF, and eugenics:

Josephine: Although we have tried to keep abortion out of it I think you have to be very careful that...abortion is built on reproductive choice and the woman has the right to choose. The woman has the right to choose, she also has the right to choose which embryo she wants, and she also has the right then to use technology to make her embryo better. She can modify it. It's very *joined up*...and I think that the technology has become a weapon of eugenics rather than just solving a fertility problem.

Jennifer rejects the notion that abortion access emancipates women:

Jennifer: ...I mean I think Tina and Diane are more comfortable working with me knowing that during the day I'm not busy trying to overturn *Roe v. Wade*. I'm not naive to think that abortion will just go away – it's a reality, it's a reality about the messy, complex, complicated world, so I am never one who would say we can obliterate abortion because it will always be with us. But what's the ethos, the DNA of the culture? What's the...environment that we live in that's the background story, you know, that women in difficult situations...it's either you figure it out on your own, you go to the clinic and have an abortion, or, you know...we're not there to live in community...

Jennifer feels that abortion is not always or necessarily a 'choice' freely made – that pregnant women are often isolated and without resources. She suggests what Kathy Rudy advances as a "communitarian approach to abortion" whereby, freed up from spending resources to influence legislation, pro-life and pro-choice advocates would "spend more time and money instead on making [their] worlds more plausible, internally coherent, and attractive" (1997:142-43). The organization

Feminists For Life (FFL), for example, represents both religious and secular activists³³ and aims its efforts at securing social safety nets for women who choose to mother, making 'choice' at least more economically meaningful. Pro-choice feminists feel threatened by FFL but need not be: in a pluralistic society it could be thought of as an organization that provides ideological counterbalance to Planned Parenthood. For example, Diane Beeson has said to me; "Feminist organizations have been very good at helping young women avoid having babies, but they've done virtually nothing to help them become mothers". Especially coming from a firmly pro-choice feminist, this statement bears reflection.

But Jennifer would rather avoid the abortion controversy altogether:

Jennifer: Our organization [Center for Bioethics and Culture] intentionally has never addressed the abortion issue – we've just stayed clear of it. We do touch a little bit on the physician assisted suicide debate, but my life's work is really in cloning and reproductive technology. My background is in health care...I worked in nursing for 20 years, so I take a medical perspective of what's wrong, and it's not just that the embryo is sacred, but the way we're getting those embryos...and the whole eugenic, commodified concept of making babies. It's all connected...I just read in the paper yesterday that UC Irvine has started a therapeutic cloning research program, and right in the article it said; 'and they have a collaborative relationship' with...I think it was Mountain Valley Fertility Clinic. And I've said all along that the fertility clinic will be the *passthrough*, for eggs for babies and eggs for research. I mean it's already set up, that's what they do, they get the donors, they get the eggs, and then! Talk about...*massive* conflicts of interest –nobody's going to care about those young donors!

³³ Other 'not the usual suspects' pro-life groups include pagans (pagans4life.com); and PLAGAL (Pro-Life Alliance of Gays and Lesbians).

Jennifer's passion for activism against what she sees as exploitative and dehumanizing medical practice is informed by her two decades of professional nursing and her post-graduate studies in bioethics. She has no qualms about partnering with organizations that she may not "see eye to eye with" on other issues, but will work with them towards a mutual goal. She is not afraid to ask for what she wants and to speak her mind:

Jennifer: I remember talking to Marcy – we bumped into each other at an art show...we had a candid discussion. This was way before Hands Off Our Ovaries, but I asked her, 'why won't you work together with me and the CBC work that I do?' And it was basically, 'My group has so much more to lose...if we work with you. Your group has nothing to lose if you work with me, but if I work with you I have everything to lose'. And I said [to her]; I can't believe that you really care about the issues, because if you care about the issues you really don't care who you work with, because the issues are so important!' It's mind boggling to me, it's *very* frustrating.

Back to Washington

Commemorating International Women's Day, March 8th 2007, Jennifer Lahl organized a 'bipartisan educational briefing' titled *Trading on the female body* in Washington DC. One of the speakers was Angela Hickey, a mother whose daughter died as a result of the *in vitro* fertilization (IVF) process.

Diane: Jennifer's the one who got this video made. She had me back in Washington for an egg briefing, which was pretty impressive; she put on this egg briefing for congressional staffers – there were 50 people – the room was packed. I spoke at it, Josephine spoke at it, and Stuart [Newman] spoke – because of us, he agreed to speak, and it was very good for educating people. Oh – and while I was there, suddenly these filmmakers appeared and Jennifer said 'Will you be interviewed?' and I...Stuart refused, because he didn't know what they

would do with it, but I thought, 'it's a risk',...I was exhausted, jet-lagged, but I let them interview me because I thought 'what the hell', and I just had to trust that they wouldn't make me look too bad!

Tina had sent this video to the PCARR members, but had received no responses. Attempting to understand why, she and Diane surmised:

Tina: Angela Hickey's story is about a woman – her daughter – who died undergoing IVF. Well, they probably...I'm guessing this; maybe they don't like the fact that we're drawing information from the IVF context.

Diane: Well, I mean, that's how we *know* it's dangerous! The reason they know how to harvest eggs is because of IVF!

Tina: Well they don't want to touch...choice is a sacred cow. And then also at the end, Angela Hickey says something like, 'I want women to know about this because it's not trying to have a baby, it's just for profit – for research', and liberals always want to emphasize that they're not against *research*.

Diane reflects; "that's how we know it's dangerous!" – an interesting statement, because it seems to suggest that the stem cell controversy is serving to help bring to the forefront their concerns with egg donation in general. It also reveals her conviction that egg harvesting is dangerous whether applied to fertility treatments or stem cell research. Tina speculates that the video met with disapproval because it protests egg retrieval for stem cell research. Either way, they surmise that their colleagues oppose it whether it implicates the IVF industry, or research, or both.

Up against the IVF industry

During our first interview in Oakland, Marcy and I spoke about the demand for eggs for the IVF industry and for stem cell research: CGS had

been instrumental in drafting a recent law to protect women donating eggs for stem cell research.

Marcy: ...which is far from perfect but at least provides *some* kind of protections and safeguards for women who, who may choose to provide eggs for stem cell research and cloning techniques. The law only addresses the *new* demand; the legislators weren't willing to touch a law that, you know, because the fertility business is a whole huge different mountain to climb. Despite the fact that [the new law] was limited only to that emerging market demand for women's eggs for cloning, for stemcell research, the American Society for Reproductive Medicine, which is a trade organization for the fertility business, *they* opposed the bill. They're really afraid that it's going to spill over into their fertility business and of course we think that there's *some* difference but a lot of very *similar* issues that we're very concerned and disturbed about – the fertility difference. So, you ask what's the demand, in terms of the fertility business it's *large* in California and there are no rules and regulations. It's a very unfortunate and disturbing situation, in terms of the emerging demand for eggs for research...which is very high profile and potentially could be a large new demand...all the researchers want to be first and win a Nobel Prize, and that's going to make hundreds and hundreds of women sick. So we felt that...here was an opportunity to at least make this *dent* on this *new* demand for women's eggs.

Marcy acknowledges the power and influence wielded by the fertility 'business', as well the scientific competitiveness that exploits women as its frontline human subjects. Questioning her further about the new regulatory law, I learned that "protections and safeguards" comprise medical coverage in the event of hospitalization for adverse reactions, limiting payments to 'expense reimbursements', and 'improved' informed consent procedures. Claiming that the new law is "far from perfect", Marcy yet upheld a distinction between egg extraction for the IVF clinic,

and for stem cell research: “*some difference*” and “*similar issues*”. But she also alluded that any concerted investigation of egg harvesting’s safety would implicate the IVF industry, “which is huge”; “a very steep mountain for us to climb”.

Prior to my stay in Berkeley, Hands Off Our Ovaries (HOOO) had endorsed the distinction that Marcy makes, limiting its call for a moratorium on egg harvesting to ‘egg harvesting for research’. They too had initially taken the risk-benefit ratio perspective – that risks are justified in the IVF context because of the possible creation of a child – whereas in the research context, benefits, if any or ever, might only be realized far into the future. Shortly after my visit, HOOO extended its call for a moratorium to include *all* human egg harvesting. It was decided (by conference call) that they had subscribed to a double standard of endorsing the same practice for IVF purposes that they condemned for hESCR – that regardless of benefits realized or otherwise, the risks to women were identical.

I asked Marcy about the size and scale of the IVF egg trade in California.

Marcy: Speaking of women providing eggs for other women’s fertility treatments – that’s *huge* in California. So there’s a lot of, you know, this is the center of the fertility industry. And you can’t pick up a campus newspaper without seeing ads for...women, and brokers and the fertility clinics really target college women...

I asked Marcy if any group or organization had mounted a counter campaign to warn female students of the risks of egg donation.

Marcy: Well we would really like to be able to do that and we’ve been talking with different...women’s health and reproductive rights groups about how to campaign on college campuses...a wonderful thing to do...but it’s difficult because in this country, unlike in Canada for instance, the prevailing sensibility is; ‘this is a question of individual choice and why shouldn’t women be able to sell their eggs and why shouldn’t they get paid for it?’

And the idea, the suggestion that payment is inducing them to undertake risks they wouldn't undertake otherwise, is not persuasive to most liberals and most feminists. Their idea is, 'well, men get paid for sperm so it's discriminatory not to pay women for eggs'.

We spoke of the fact that many feminists understand egg extraction as more similar to organ donation than blood or sperm donation, but, Marcy elaborated:

Marcy: Well, the fertility industry is really very, very opposed to it because they're afraid it might spill over and begin to affect women who are providing eggs for fertility purposes...but we're also unfortunately, um, fighting a battle with organizations and people who otherwise are our allies on questions that we feel strongly about – including abortion rights for women.

Marcy made it clear that “women's health and reproductive rights groups” are not about to throw tacks on the road to achieved conception. From a reproductive rights perspective, the right to terminate a pregnancy and the right to procreate by any means medically possible are often seen as two sides of the same coin. But critics of IVF argue that the right to decide if or when to have a child does not assume a right to fulfil one's procreative objectives by exploiting women at the lower end of the socio-economic ladder.

Challenging assumptions

Marcy's reference above to 'otherwise allies', and her earlier statement “that our concerns get appropriated by [anti-abortion] groups”, express the premise that pro-choice resistance efforts are co-opted or undermined by pro-life involvement. Darnovsky's narrative seems to support Stevens' claim that institutional feminists “make [them] look like [they]'re muddying the waters for everybody”.

In another conversation, Tina said:

One of our Canadian colleagues let us know that she'd been contacted by some women who were really critical of what we're doing. I could try to dig up that email thread – they were saying 'here's the damage that you could do' but there was nothing really very concrete there at all. They didn't unpack what they meant – it was just a vague accusation.

At least in Diane's and Tina's experience, it was possible to negotiate areas of commonality and agreement with their pro-life allies, without having to compromise their core beliefs and principles. In fact, according to Tina cooperating with 'the Right' had surprising outcomes that she feels went unacknowledged by her pro-choice colleagues.

Tina: I don't think that traditional liberals understand the ways in which working with the Right can be really *good* for progressive and leftist liberal aims. I mean Diane almost single-handedly got the Right, in California during the Prop 71 campaign, to not talk about the embryo. She went to that meeting in Sacramento where they were strategizing about how to stop the juggernaut. And Diane said well, we won't be able to work with you if you talk about the sanctity of the embryo! So can you *imagine* this...that is *huge*! And I don't think that some of our colleagues have ever appreciated that dynamic!

...and seeking answers

Stem cell science is controversial, complex and confusing. Not only does persistent media framing of stem cell issues as 'scientific progress v. religious fundamentalists' inaccurately polarize public analyses of genetic engineering and hESCR; but technical terms (somatic cell nuclear transfer (SCNT) and semantic inventions (therapeutic cloning) contribute to the public's lack of specialized knowledge and conceal the ethical and social implications of cloning research. According to Diane, not only the lay

public but also women's health activists are "not up to speed or paying attention".

Diane: ...because so much of it is done in secret, and is hidden and part of power relations...cloning is taking place because people don't *understand* it's taking place. There's been so much deception in this whole arena...that most people don't understand what's going on in biotechnology. They've invented all kinds of Orwellian language; somatic cell nuclear transfer, therapeutic cloning, all kinds of language that is completely dishonest...so who's going to challenge...if we challenge scientists, who are they going to believe? So fortunately we have a few scientists and a few medical people, but dialogue is so important and dialogue is an answer and we're not *getting* dialogue. This abortion debate gridlock...it just stifles all...nobody can learn anything when you're demonizing the enemy!

Diane is convinced that political divisiveness over abortion obstructs intelligent and transparent public dialogue on human biotechnology. While she (and Tina) 'draw the line' between themselves and their right-to-life colleagues over abortion itself, Diane argues that "the right is not monolithic" in its views on women and reproductive health – that mutual stereotyping prevents opportunities for either side of the abortion divide to "learn anything" about each others' views in relation to stem cell research. She believes that breaking through discursive censorings "is an answer" that could enable society to pose more effective ethical challenges to science and industry.

Further, Diane exclaimed one evening; "the right to life movement has double reasons for [opposing cloning and egg harvesting] that are totally consistent with everything they've ever done!" She was frustrated by her perception that the pro-life movement has the advantage of a seamless and consistent message: insisting on the sanctity of the embryo (by not using it as a research tool) women are protected from egg harvesting, and society is protected from the spectre of cloned humans. Pro-life logic does seem to afford a coherent argument; whereas pro-

choice opposition to embryo cloning faces philosophical difficulties – we are not supposed to be concerned for the embryo itself, which leaves us without any ontological basis to refute the direction that science is taking us. While this does not of course mean that the Right is ‘right’, it does invite us to attempt to explore “the complex, difficult issues...that push us beyond our accustomed assumptions and values to a new synthesis” (McDonnell 1984:Preface).

Old guards and new frontiers

Another issue, raised by Jennifer and Josephine, and by Renate Klein whom I interviewed by telephone – was a difference they experienced between Europeans and Americans – that the former seem more capable of “moving on” to more progressive dialogues rather than “staying stuck” in the old abortion wars.

Jennifer: That’s why I find feminists outside of the US refreshing...some of the Italian feminists that I met when I was in Brussels last year, who’ve written a book on the techno-rape of the female body...they stood up to the Catholic church, as feminists who support abortion, but said; ‘listen, a lot of this reproductive stuff is just nonsense!’. But here, they’re still in love with Judy Norsigian! This *love-fest*...but...my daughters, and this whole generation of young women coming forward? *They* don’t know the sixties, you know, Feminine Mystique, Betty Friedan, Gloria Steinem, I mean they don’t...it’s *old guard*! No, it’s when we’re on the [conference] calls – they’re so worried about, ‘well, Judy Norsigian hasn’t signed Hands Off Our Ovaries and Judy Norsigian *won’t* sign Hands Off Our Ovaries, and...this is *huge*, and we...we’re really worried because Judy hasn’t endorsed this’...who the hell *cares*?!! (laughs good-naturedly).

Jennifer argues that new generations of women don’t share the same socio-cultural points of reference with her own ‘baby boomer’ generation. Tina, too, voiced a concern that her generation’s

preoccupation with abortion rights misses the mark for young people on her campus.

Tina: Well...young women don't have the prejudices and the entrenched viewpoints that older people have. Unfortunately, even young feminists feel like; "I have all the rights I need, just let me go!" (laughs). But, the opposite side of that coin is, that the old abortion wars are not their wars. So they look at this with open eyes and they listen to what you're telling them about biotech interests, and women's health, they're worried about their own fertility, and so they're happy to have this information.

Tina is on the one hand dismayed at young women's obliviousness to the historical events that secured the rights they take for granted, and on the other, she notes that they are not identified by or with the 'old' reproductive politics that can sometimes limit discourse to the dictates of political correctness.

Rifts in the coalition

Shortly before my arrival in Berkeley, Diane's and Tina's working relationship with Jennifer had been challenged: Jennifer's Center for Bioethics and Culture, which targets a more conservative audience, is outspoken in its defense of the embryo, and that sensibility had spilled over into her representation of Hands Off Our Ovaries.

Tina: ...but anyway, the egg briefing is the beginning of the trouble for Hands Off Our Ovaries, frankly,

Diane: ...because it was such a big success...that Jennifer went back a month later and did another one! But this time, she didn't really consult with anybody formally – she did issue an invitation to me – I suggested Emelia, so I wasn't saying, 'wait a second, what are you doing with Hands Off Our Ovaries!' I don't always get too worked up about – she has other – she has CBC to do things for

and anyway, I was exhausted, and I had other obligations, so I said 'no'. And then we realized...she was putting on an egg briefing on the occasion of Congress debating Senate Bill 5, which is about okaying research on existing embryos. It's not about cloning research, even. So we started getting nervous...she's a fanatic – I mean we're fanatics too I suppose, but she and the distinctions we make – like when we try to say...this is pretty complicated: we can't try to take a position against research on existing embryos. And they both say, and here Josephine steps forward and says; 'Look, if they start researching on existing embryos they'll need *more* embryos and that's going to mean more egg extraction. So then our position looks a little fuzzy, you know, and it is! I mean that's the problem with the pro-choice position...you know, choice is a slippery slope and where do we draw the line? *We're* drawing it too far down for them...

While in Jennifer's and Josephine's minds, the issue of embryo experimentation was at least equal to that of egg harvesting, in Diane's and Tina's world there is no question that women's self-determination trumps the moral status of embryos. Nevertheless, for them, embryo research's dependence on egg extraction has provoked some reflexivity about embryo research itself:

Tina: They feel hobbled because we're saying; 'this isn't about spare embryos...it's about research cloning'. But it's very clear that there are pressures being put on women in the IVF situation to donate eggs, so...but we have to make a concession to the politics here in the United States. Josephine says that feminists in Europe who are against this technology don't have this problem.

Diane: ...that a lot of pro-choice women are opposed to research on existing embryos...it's probably true. I mean I'm not really excited about it, but we have to draw the line there- for Hands Off Our Ovaries....I take the position

that, 'I don't like doing this, I don't like them doing research on *any* embryos' – but I'm just not willing to take on that fight right now. I mean, do you like them doing research on existing embryos?

Tina: (Big sigh) Okay – I guess I'm wearing two different hats in a way. One, I'm saying how I feel personally; wearing the other is what I think we can get by with in terms of making policy arguments given the politics of the situation. But it *is* a concession, from the way I might conceptualize things, to what I believe is possible.

While their colleague Marcy, of the Centre of Genetics and Society feels constrained in her criticisms by the fertility business and those who unquestionably support it, Diane and Tina acknowledge a discursive area that, as pro-choice critics of reproductive biotechnology, they do not feel free to explore.

Impasse

We learned earlier that Jennifer's second egg briefing signalled for Tina and Diane a rupture and a reappraisal of Hands Off Our Ovaries' credibility and effectiveness as a pro-choice, pro-life coalition.

Tina: ...so this has been causing us a lot of tension. If you had interviewed us earlier in the year, you would only be hearing about how wonderful all the possibilities are for doing this, and now we're into the difficulties of it. I sent them an email; and Jennifer didn't respond – instead she called up Diane and said, 'you know, maybe it's time for Tina to leave' (laughing).

Diane: Here's the thing, I mean I can understand...they're there, doing something they think is right for the cause, and Tina's back here, saying 'wait – what are you doing, we have to discuss this – are you sure this is the right thing', and probably Jennifer's thinking, 'Oh, *shove it* – I can't deal with this pickiness!' And then, you know, and I

hadn't been paying enough attention to stop her in the first place...

Tina: ...and this might change, a few months down the road, because we're still just figuring all of this out, but what's kind of impressed me about us so far is that even though Jennifer suggested that I leave, it's not like the organization's falling apart – it seems like we're still committed to the necessity of doing this, and so we're willing to stick around and work it out.

The 'honeymoon is over', but these four women are not ready to quit:

Tina: And anyway, even though I have my differences with these women, there are things to *admire* about them. I still think there's something amazing about the chutzpah of people to think; 'I'm going to go to these meetings full of scientists and Nobel laureates, and I'm going to learn about what's going on, and start talking to people about it'. If it weren't for Jennifer, I might be teaching about this in my classes and maybe occasionally I'd write an op-ed, but probably not...so she's given us a vehicle for activism. I say that I may have paid the price because, being an academic, you're not supposed to take strong positions politically.

Despite their difficulties working as a team, Diane and Tina continue to feel goodwill towards their 'strange bedfellows'. Perhaps Jennifer and Josephine have represented for Diane and Tina somewhat 'exotic' mavericks who present legitimate challenges to themselves, and their feminist colleagues. Perhaps they respect these pro-life women for their unapologetic stance on human experimentation – which they can only very cautiously oppose. Points of disagreement remain, yet this small activist group's experiences and accomplishments illustrate a beginning to what Kathleen McDonnell called a "new synthesis" in the abortion debate. In their manuscript on Proposition 71, Diane and Tina state; "[T]he juggernaut of biotechnology is moving us far beyond the abortion debate.

We are in a period of accelerating social change in which political realignments are inevitable" (2005:40). Difficulties remain, however:

Tina: ...so you're dealing with the juggernaut *itself*, you're dealing with mainstream liberal critics and the *bioethicists*...you're dealing with the *Right* that you have to steer *clear* of and the *Right* that you're *working* with, and there are problems on every single level...these most recent problems we're having were completely unexpected...

Diane: You see the tension that we're having, that the abortion debate is still exerting...where we're *stalled*, because Jennifer is...we're afraid our movement is going to be too much identified with the *Right* versus the *Left*. And we spend all our time trying to maintain this *balance*- rather than just grappling with the issues because even in these efforts to break out of that abortion framing, we're *still* constrained by it! But, I agree with Tina...we have to educate the public. The public has been so deceived about *all* of this...

Tina: I don't think we're going to win this. I'm just leaving messages for the future – letting it know that there were people who tried. That's it.

Epilogue: Playing with the public purse (the politics of hope)

Public resources are being poured into research that may never lead to 'cures' but will likely further science's control over human reproduction. In California, Proposition 71's champions were victorious in 2004 but are now engaged in a public relations challenge of dialing back the high expectations that they themselves manufactured. Already in 2005, CIRM's interim president was "quietly tempering the public's expectation that the \$3-billion bond issue approved under Proposition 71 will yield instant medical therapies and cures". This LA Times article goes on to say; "The professional cautions are only appearing now, after the money is committed. The shock of discovery that 'tomorrow' may be 20 or

30 years away could be severe.”³⁴ Diane speaks to ‘false hope’ and the interests that drive it.

Diane: When I was involved with AIDS research, there was a lot of talk among the scientific community about the importance of not giving people false hope. Now, I don’t know if false hope is a good thing or a bad thing but I do know this – the concern about false hope has never ever been broached seriously among people who promote stem cell research...I had an exchange with a female scientist who was trying to tell me not to use the word cloning...and I got into a conversation with her asking ‘what was the commitment to cloning, anyway?’ And she basically told me that they’re doing this – they don’t know *why* they’re doing all this, necessarily, I mean they have a lot of rationales for it, they’re just doing what they do. This is boys at play...there’s ah, money, there’s fame, there’s career advancement, there’s resources for you to play with...and it’s not a rational pursuit of...of realistic approaches to *healing*. It’s just not that. And it was clear from her email, she said, ‘there was none of them she’d give her eggs for’, she said, ‘and I know all these guys’.

This brings Chapter 4 to a close, in which I have endeavored to bring to light the many issues and viewpoints that engaged my participants in the aftermath of the campaign against Proposition 71. In Chapter 5, I discuss three of the themes that arose during the interviews: ‘drawing the line’; ‘joining things up’; and ‘old guards’. The conclusion to my thesis follows this discussion.

³⁴ by Michael Hiltzik <http://articles.latimes.com/2005/jul/04/business/fi-golden4>

Chapter 5.

Discussion

Drawing the line

...and what about chimeras, and injecting human brain cells into monkeys and things like that? I mean the thing is we have to draw the line somewhere, and pro-choice people haven't been good at drawing the line anywhere! So where do we draw the line?

Diane

If we are willing to clone embryos for their stem cells, is there adequate reason to suppose that we would not eventually allow such hybrids to mature to the fetal stage, at which tiny spare parts (or at least oocytes) could be harvested? Sociologist Michael Mulkay, in his book *The Embryo Research Debate: Science and the Politics of Reproduction*, observes that even (or especially) in Britain where regulations tend to be most stringent, the 'line' is continually moved to accommodate science's latest discoveries.

The regulative body that emerged from the embryo debate looks constantly into the future in order to try to estimate potential benefits and costs, and to make morally informed decisions about scientific research and its practical application. As a result of these decisions, a new world of human reproduction is slowly being established. In this world, the moral boundaries that define the limits of research will gradually be revised, in a piecemeal fashion, as scientists repeatedly press for permission to explore newly discovered therapeutic possibilities. Similarly, the moral boundaries that restrict the clinical use of reproductive science will also change as science-based techniques extend

the range of reproductive possibilities and as people come to accept that human reproduction has no set form. Although the degree of technical control over reproductive processes will increase, each step forward will reveal new problems that will be seen as requiring further scientific inquiry and new kinds of technical intervention. There will, however, be no mad rush down a slippery slope. Rather, in Britain, there will be cautious, gradual, almost imperceptible movement into a future in which nothing will be certain except that, in the long run, the practices, expectations, values and morality associated with human reproduction will have been transformed. [1997:154]

Anthropologist Sarah Franklin's 2006 book *Born & Made* follows the incarnation of Britain's HEFA (Human Fertilisation and Embryology Authority). She underlines Mulkey's theme writing that "transformative technological 'passage points' are often mundane and continuous" (2008:149) but profoundly alter our social and cultural mores.

In the post-IVF context, a new backdrop of re-engineerable human biology has been normalised. [...] The logic through which the human embryo now combines ideas of reproductive succession, technological enablement and scientific progress also implicitly invokes a value system and a morality within which a duty of care towards others, including future generations, outweighs the 'specialness' of the embryo. [...] And we might therefore reflect again on the possibility that one of the most revolutionary legacies of the vast and rapid spread of IVF over the past thirty years is that there does not seem to be anything unusual about it at all. [2008:149,155-56]

Stanford University neuroscientist William Hurlbut expresses his views on the significance embryonic experimentation:

All of us trained in medicine understood...that we had now entered a realm where we were going to create embryos that would be living human organisms that would then be discarded because they'd be surplus....If you create embryos and then use them for medical research you will open a

terribly dangerous question of "how much and how far and what uses?" I don't think it's just purely a slippery slope kind of argument. It's a crumbly cliff. Once you've decided you can use human life instrumentally at any of its stages, you've basically made a huge conceptual leap downward.³⁵

Reproductive legal consultant Lori Andrews asks:

Does opposing embryo stem cell research really mean throwing in one's towel with the Pope Pauls of history? Or is there something to be said for restraining the technologies that control life?³⁶

Whether according to a "transcendental religious morality or an equally transcendental human ontology" (Rose 2007:2); is there, after all, a need to dignify the humanism inherent in an ethic of the inviolability, if not sanctity of human life, if we are to steer ourselves away from an evolutionary endgame of human genetic engineering? Sociologist Nikolas Rose, Director of BIOS at the London School of Economics, rejects "epochal claims" but does suggest that "a threshold has been crossed" (7).

Cause for concern, or mere observation?

Rose's is a decidedly neutral stance: admonishing critical social scientists, he draws on Weberian theory to suggest an ethic of the 'optimization of life' that finds elective affinity with the 'spirit of biocapital'. In some ways, his sober overview is appropriate: in the 5 years since Prop 71's passage, the California Institute of Regenerative Medicine (CIRM) has yet to deliver on its promises, or its more extreme threats: neither cures nor clones have materialized. But the CIRM *has* set in motion (across the nation) an increased demand for human oocytes: last year (2009), New York became the first state to change its mind and laws about paying women to undergo ovarian hyperstimulation and surgical egg extraction. New York's Empire State Stem Cell Board now funds researchers to compensate women up to \$10,000 to 'donate' their eggs.

³⁵ <http://www.beliefnet.com/News/2006/08/Solving-The-Stem-Cell-Dilemma.aspx?p=2>

³⁶ http://archive.salon.com/health/feature/2000/08.21.stem_cell/print.html

The UK is currently considering increasing monetary incentives to supply its demand. In California on the other hand, where donating eggs for its massive fertility industry is commonplace and unregulated, Beeson's and Stevens' new Alliance for Humane Biotechnology, the Center for Genetics and Society, the Pro-Choice Alliance for Responsible Research, and Our Bodies Ourselves were the main organizations responsible for a new bill that forces advertisers for egg donors to include warnings about the procedure's health risks. The warning, according to Diane, although a "step in the right direction...doesn't have a lot of teeth" (phone conversation), especially in an economic milieu that makes it ever more appealing to young women to undergo those risks. While Rose's theorizing is interesting philosophically, it does not account for such 'on the ground' impacts of science's rush to 'optimize life' – for the privileged few, at that.

Joining things up: Pondering a 'culture of abortion'

As outlined in Chapter 1, abortion plays a prominent functional role in the IVF/PGD world – as 'selective reduction' in multiple pregnancies; termination of genetically abnormal fetuses at advanced gestational ages; and, arguably, even in the relatively banal process of selecting which embryos to implant, discard, or send to the deep-freeze. In this context I have wondered; beyond the need for legal medical abortion in a liberal, democratic, gender-inclusive society – as a personal freedom issue – if *unintentionally* we have created a cultural tolerance, or desensitization, to abortion? Through cultural normalization by means of legalization, medical institutionalization, and routinized practice in clinics and laboratories, have we unconsciously, gradually, come to accept embryos or fetuses as 'disposable' – in a way that we could not have done, say, forty years ago? We speak of 'respecting the moral status of the embryo' while human reproductive research marches steadily on.

If we fail to engage with the 'bigger picture' within which abortion is implicated – fearing that caring too much about what we do with embryos takes us too far 'right' – do we compromise our ability as a society to take strong enough measures to derail science and industry's race to manage human reproduction? In one of our conversations, Diane asked: "*When did a woman's right to control her own body become the right for*

scientists to play with embryos?” I would offer that in medicalizing contraception, conception and abortion, and avoiding, minimizing or downplaying the human embryo’s ontological significance, we may unintentionally have entrusted procreation to the male-dominated world of technology.

Other Foucaudian social theorists (besides Rose) Irene Diamond and Lee Quinby “strongly uphold the importance of legal access to abortion” while suggesting that positioning “abortion on demand” as the “leading point of political contest in the area of both women’s liberation and sexual freedom”.

...can best be understood as an integral part of the accelerated deployment of sexuality [...which argues] for reproductive rights in the language of control and sexuality characteristic of a technology of sex. Such a technology poses problems for feminism because it first obscures the connective tissues that sustain us and then excises complex decisions from an ethical context. The net effect of this technological approach is, quite literally, a desensitization to human experience. Indeed, one of the consequences of the contemporary struggle for reproductive rights is a desensitization to abortion itself. As Wendy Brown astutely observes [...], ‘proabortion groups defensively argue that abortion is a private, technical act so banal that were it not for the hysteria of the Moral Majority no one besides a pregnant woman and her doctor would think twice about it’ [1988: 197,198]

Brown’s observation has been illustrated within Planned Parenthood’s website, which at the time of my research featured a photograph of a young woman wearing a tee-shirt which broadcast the message; “I Had an Abortion”. The gesture was no doubt meant to defy anti-choice forces, implying; ‘See, it’s not taboo, no big deal – if I can do it so can you!’ Yet, that organization’s apparent attempt to de-stigmatize abortion also raises the question: if an abortion is really ‘nothing’, then why *not* experiment with embryos; why *not* clone them? Perhaps, when it comes down to a choice between sanctity and secularity, we cannot ‘have it both ways’.

Challenging the 'old guard': Are abortion rights 'endangered'?

In the United States, three decades of hostile attacks against abortion rights have gained no legislative ground, while feminists engaged in defending those rights have witnessed the advance of reproductive and genetic technologies. In 2009, President Obama appealed to the American public to find 'common ground', to provide him with a mandate for regulating hESCR. Regarding President Obama's appeal: I have two reasons to suggest that we can *afford* to stop fighting the abortion war.

First: despite ongoing problems of 'access' in the United States where the poor are denied even basic health care, lack of easy availability of abortion, while of concern, should be understood within the wider context of that nation's continued refusal to provide universal healthcare, rather than as evidence of a 'backsliding' of abortion rights. In other words, abortion is as available as it ever was since *Roe*. In fact, empirical evidence suggests that abortion is as acceptable *and* accessible in the United States as it ever was since *Roe*. Political Scientist and Womens's Studies Professor Rosalind Petchesky has observed:

women's 'right' to abortion remains, at least at this writing, embedded in the formal apparatus of the law and commands remarkably consistent and continuous support in national public opinion polls. Moreover, neither antiabortion crusades, innumerable court challenges, bureaucratic regulations, curtailment of Medicaid funding in all but a handful of states, a moratorium on all federal research on abortifacients, clinic harrassment, nor bombings have made a significant dent in abortion practice; around one and one-half million women a year in the United States still persist in getting abortions. [1990:x]

At that writing, Petchesky was concerned that Bush's presidency might yet turn back the tide on abortion law. But six years later, Law Professor Mark Graber argued statistically that claims of deteriorating abortion access "are wild exaggerations, not responsible arguments" (1996:56). Petchesky and Graber both acknowledge that state regulations

are either not enforced, or “are usually blocked or softened by the federal courts” (Petchesky 1990). Certainly in South Dakota, voters have twice voted down its 2006 bill to restrict abortion in that state.

My second reason for suggesting that abortion rights are not endangered is because of their centrality to the diversified technologies which are essential to the human reproductive industry: it is unlikely that even South Dakota (the state that in recent history tried to ban all abortions) lacks pre-natal diagnostic facilities and IVF clinics. While it is beyond the scope of my thesis to explore this topic in any detail, I have thought that the probability of curtailing access to the means to store embryos, to terminate genetically undesirable pregnancies, or to reduce the maternal and infant risks of multiple births, is extremely low to non-existent in our Brave New World of Assisted Reproduction. Except for the persistent but marginalized fundamentalist fringe, society has ‘moved on’ a very long way from the old abortion debate. In addition to these routinized imperatives for abortion’s social acceptance, social scientist and policy expert Mark Kleiman argues that the abortion war has been won ‘culturally’ as well. Responding to the question; “Who won the culture wars?” he postulates:

The Blue Team won [blue = Democrats; red = Republican]. When a “victory” by cultural conservatives consists of preventing some states, but not others, from recognizing gay marriage, and when they don’t even contest the abolition of the laws against gay sex, and when the live question about reproductive choice is whether minors can have abortions without their parents’ consent rather than whether married couples can buy contraceptives, it’s clear that this war is being fought deep inside Red territory. [Dombrink & Hillyard 2007:248-49]

I would agree with Kleiman’s assessment, and suggest that abortion technologies have found their way into what Bill Moyers has termed the ‘moral ecology’ (2005a) of our time and culture. That morality has stewarded a social landscape in which forcing a woman to bear a child is abjured by the majority as oppressive, and therefore unacceptable. According to Graber, even ‘pro-lifers’ who seek abortions when faced with the reality of an unwanted pregnancy apparently understand that

“pro-life really mean[s] no choice” (1996:160). But ironically, it would seem that in the aftermath of women’s 20th Century struggles for that choice, technical control over women’s bodies has greatly diversified and expanded. From those earlier victories, for better or for worse, and even if we wanted to, there is, it seems, no turning back.

Conclusion

I have suggested that continuing to spend time, energy and resources on the 'abortion war' may be unnecessary and counter-productive, preventing uncensored engagement with current and pressing reproductive issues. The political or 'cultural divide' will not, of course, disappear: but possibilities for inclusive dialogue on reproductive and genetic technologies should not be brushed off as 'out of the question' by liberal feminists. We ought not to automatically assume the moral highground when it comes to issues around reproductive and genetic engineering. I have suggested that, had particular discursive openings for a shared resistance been exploited, there existed the *potential* to shift the terms of public debate on Proposition 71. Just as Diane and Tina decided to 'come out' as coalitional activists, I propose that other key pro-choice individuals and organizations might have had sufficient public credibility to withstand accusations of being 'dupes for the right'. If high-profile pro-choice opponents had felt capable of, and justified in endorsing the coalition, they might have conveyed a message to the greater public: that the issues were important enough for abortion foes to lay down their weapons and step out of the trenches, if only for this instance. The 'No on Prop 71' campaign attempted to merge pro-choice and pro-life concerns about human embryonic stemcell research. Both pro-life and pro-choice opponents might have capitalized on the 'strange bedfellows' theme to invite an unprecedented, but cooperative approach to resisting human egg harvesting and cloning.

This 'common ground' concept could be richly explored within other 'border crossing' reproductive social movements of which I have become aware during this research: such as the pro-life Catholics for a Free Choice; and the pro-life Democrats for Life; Pagans for Life, and the Pro-Life Alliance of Gays and Lesbians. For example, through focus groups, one might attempt to substantiate; 'what new understandings can be gained from dialogue between people who hold reasoned, non-

extremist views on each 'side' of the abortion controversy?' Other studies might find empirical ways to examine how or indeed if, such dialogue jeopardizes abortion rights. The Feminists for Life movement in the US provides another arena of opportunities for exploring 'pro-life feminism', a concept which many academic feminists perceive as oxymoronic.

This thesis has focused on competing and cooperating social movements as they responded to the stem cell research controversy in California from 2004 to 2007. It suggests, in the spirit of finding 'a new synthesis', that a willingness of activists on both sides of the abortion debate to cooperate in challenging reproductive and genetic agendas could serve to advance a more balanced and considered civil code of 'bio'ethics. Those who would uphold the *sanctity of human life* could ally themselves with pro-choice advocates – for credibility in a 'pc' world (double entendre noted) – while all who are reticent about human genetic experimenting and cloning could benefit from a commitment to clearly drawn lines that respect but challenge what has become the *sanctity of choice*. I have attempted to argue that reproductive liberals who would safeguard bodily freedom for women 'need' reproductive conservatives' concern for nascent human life, to keep us questioning the direction that science is taking us. Where we can agree on issues of such magnitude, let us not be afraid to seize those opportunities.

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Appendices

Appendix A.

From Research to Policy in the Anthropology of Reproduction

AAA 2006 Workshop

San Jose, CA

Panelists

Diane Beeson, Ph.D.

Dr. Beeson is a medical sociologist and Professor Emerita in the Department of Sociology and Social Services at California State University, East Bay. As a feminist advocate of social justice, she has written widely on stem cell research, genetic testing, prenatal diagnosis, and bioethics. In this sense, she is a model for the CAR advocacy project, as exemplified in the following statement taken from an interview: “Unless our consciousness is dramatically altered and we get our priorities straight it is clear to me that we are moving toward encoding into our biology through inheritable genetic modification all the social inequality that the world has worked so hard to reduce. With such high stakes I think those of us concerned about this misapplication of science need all the allies we can muster”.

Tina Stevens, Ph.D.

Dr. Stevens is a lecturer in history at San Francisco State University and an affiliated scholar at the Institute on Biotechnology and the Human Future. She is author of *Bioethics in America: Origins and Cultural Politics* (Johns Hopkins University Press, 2000). She and colleague Diane Beeson have also questioned the historic alliance of feminism and stem cell research in such works as “A Closer Look at Stem Cell Research” Op Ed, *Oakland Tribune*, January 18, 2006.

Tracy A Weitz, Ph.D., MPA

Dr. Weitz is the Director of Advancing New Standards in Reproductive Health (ANSIRH) at the Bixby Center for Reproductive Health Research & Policy University of California, San Francisco. She is also the Associate Director for Public Policy and Community Relations at the UCSF National Center of Excellence in Women’s Health (CoE) and a faculty member in the International Family Planning Leadership Development Program (IFPLP) specifically supporting work in the Philippines and Nigeria. Committed to understanding the interaction of culture, healthcare, and health outcomes, Dr. Weitz recently completed an analysis of teen pregnancy in California’s diverse Asian and Pacific Islander subpopulations. She holds a master’s degree in public administration with a health care emphasis, and her dissertation work in medical sociology examined the diffusion of medication abortion into mainstream health care.

Appendix B.

Arguments and Rebuttals for and against Proposition 71

ARGUMENT in Favor of Proposition 71

PROPOSITION 71 IS ABOUT CURING DISEASES AND SAVING LIVES.

Stem cells are unique cells that generate healthy new cells, tissues, and organs. Medical researchers believe stem cell research could lead to treatments and cures for many diseases and injuries, including:

Cancer, heart disease, diabetes, Alzheimer's, Parkinson's, HIV/AIDS, multiple sclerosis, lung diseases, and spinal injuries.

In fact, medical problems that could benefit from stem cell research affect 128 million Americans-including a child or adult in nearly half of all California families.

71 CLOSES THE RESEARCH GAP.

Unfortunately, political squabbling has severely limited funding for the most promising areas of stem cell research.

Meanwhile, millions of people are suffering and dying.

Prop 71, the California Stem Cell Research and Cures Initiative, is an affordable solution that closes the research gap, so new treatments and cures can be found.

That's why a YES vote on 71 is endorsed by a broad coalition that includes OVER 20 NOBEL PRIZE WINNING SCIENTISTS, doctors, nurses, Democrats, Republicans, and dozens of organizations, including:

Alzheimer's Association, California Council · American Nurses Association of California California Medical Association (representing 35,000 doctors) · Cancer Research and Prevention Foundation · Christopher Reeve Paralysis Foundation · Cystic Fibrosis Research, Inc. · Elizabeth Glaser Pediatric AIDS Foundation · Juvenile Diabetes Research Foundation · Michael J. Fox Foundation for Parkinson's Research · Prostate Cancer Foundation · Sickle Cell Disease Foundation of California.

71 PROTECTS CALIFORNIA'S TAXPAYERS AND BUDGET.

Prop 71 doesn't create or increase any taxes.

It authorizes tax-free state bonds that will provide a maximum of \$350 million per year over ten years to support stem cell research at California universities, medical schools, hospitals, and research facilities.

- These bonds are self-financing during the first five years, so there's no cost to the State's General Fund during this period of economic recovery.
- By making California a leader in stem cell research and giving our State an opportunity to share in royalties from the research, 71 will generate thousands of new jobs and millions in new state revenues.

That's why California's Chief Financial Officers, State Controller Steve Westly and State Treasurer Phil Angelides, endorse Prop 71.

STRICT FINANCIAL AND ETHICAL CONTROLS.

Research grants will be allocated by an Independent Citizen's Oversight Committee, guided by medical experts, representatives of disease groups, and financial experts- and subject to independent audits, public hearings, and annual public reports.

Prop 71 also prohibits any funding for cloning to create babies, reinforcing existing state law banning human reproductive cloning. It's totally focused on finding medical cures.

71 COULD REDUCE HEALTH CARE COSTS BY BILLIONS.

California has the nation's highest total health care spending costs-over \$110 billion annually. A huge share of those costs is caused by diseases that could be treated or cured with stem cell therapies.

- If Prop 71 leads to cures that reduce our health care costs by only 1%, it will pay for itself-and it could cut health care costs by tens of billions of dollars in future decades.

For more information visit www.YESon71.com.

Vote YES on 71-IT COULD SAVE THE LIFE OF SOMEONE YOU LOVE.

ALAN D. CHERRINGTON, Ph.D., President
American Diabetes Association
CAROLYN ALDIGE, President
National Coalition for Cancer Research (NCCR)
JOAN SAMUELSON, President
Parkinson's Action Network

REBUTTAL to Argument in Favor of Proposition 71

Stem Cell Research? YES! Human Embryo Cloning? NO!

Here are just some of the many problems with Proposition 71:

- It specifically supports "embryo cloning" research- also called "somatic cell nuclear transfer"-which poses risks to women and unique ethical problems. To provide scientists with eggs for embryo cloning, at least initially, thousands of women may be subjected to the substantial risks of high dose hormones and egg extraction procedures *just* for the purposes of research. In addition, the perfection of embryo cloning technology- even if initially for medical therapies only-will increase the likelihood that human clones will be produced.
- Why privilege this research over other important research and medical needs, especially given the limits on how much California can invest? Why not issue bonds for programs that ALREADY have proven their cost effectiveness? Embryo stem cell research in nonhuman animals has produced only limited results. More compelling evidence of its efficacy should be required before a large commitment of public resources to study it in humans.
- Proponents are manipulating those seeking cures, building false hopes with exaggerated claims, and creating a costly program without adequate oversight or accountability.

- Stem cell research *should* be supported, but not this way. And don't be fooled by those who say that the opponents of Proposition 71 are all opposed to abortion and embryo stem cell research. Many of us are pro-choice, do not oppose all embryo stem cell research, and still oppose this initiative.

Vote "No" on Proposition 71.

JUDY NORSIGIAN, Executive Director

Our Bodies Ourselves

FRANCINE COEYTAUX, Founder

Pacific Institute for Women's Health

TINA STEVENS, Ph.D., Author

Bioethics in America: Origins and Cultural Politics

ARGUMENT Against Proposition 71

WE SUPPORT STEM CELL RESEARCH, NOT CORPORATE WELFARE

It's wrong to launch a costly new state bureaucracy when vital programs for health, education, and police and fire services are being cut. We cannot afford to pile another \$3 billion in bonded debt on top of a state budget teetering on the edge of financial ruin.

General Fund bond debt will grow from \$33 Billion on May 1, 2004, to a Legislative Accounting Office projection of \$50.75 Billion in debt by June 30, 2005-*a staggering 54% increase* in just 14 months!

WHO BENEFITS?

Backers will cynically use images of suffering children and people with disabilities in their commercials, but pharmaceutical company executives and venture capitalists contributed \$2.6 million to put this measure on the ballot. By getting taxpayers to fund their corporate research, they stand to make billions with little risk.

NO ACCOUNTABILITY

And who will oversee how this money is spent? According to the fine print, the proponents give themselves power to exempt their "Institute for Regenerative Medicine" from aspects of our California "open meeting" law (specifically passed to *stop* this kind of backroom deal-making).

Why do proponents want to keep what they are doing a secret? If we're being asked to pay for this research, then it should be freely available to all, not just to those who will be "awarded" special contracts by the "Institute." The initiative also grants the "Institute" power to rewrite California's medical informed consent safeguards.

Most importantly, the fine print specifically prohibits the Governor and Legislature from exercising oversight and control over how this money is spent-or misspent. Even if the state teeters on the brink of financial ruin, our elected representatives will *still* have to borrow and spend this money, because the proponents are putting this money grab into our Constitution.

BAD MEDICINE

Opponents of this boondoggle include liberals, conservatives, Republicans, Democrats, Independents, medical professionals, and stem cell researchers. We all strongly *support* Stem Cell Research, but *oppose* this blatant taxpayer rip-off that lines the pockets of a few large corporations.

If there was any doubt about the true motives of the corporate promoters of this bond debt, one need only look at what it *doesn't* fund. The fine print does not initially fund adult and cord blood stem cell research. Adult and cord blood stem cell research has already produced more than 74 major medical breakthroughs, but this measure excludes support for these proven areas of research, without a two-thirds vote of the Institute's "working group."

Consider just one example: Cord blood stem cells are being used to treat sickle cell anemia with a staggering success rate of 90%. That's real progress, helping real people, but it may not receive *one penny* from this initiative.

Join with millions of your fellow citizens in demanding an end to "corporate welfare" and bonded debt. This is no time to spend billions we don't have on a self-serving sham.

Vote "NO" on Proposition 71. It's *not* what they say it is.
www.NoOn71.com

TOM McCLINTOCK,
California State Senator
JOHN M.W. MOORLACH, C.P.A.
Orange County Treasurer
H. REX GREENE, M.D.,
Cancer Center Director and Bioethics Consultant

REBUTTAL to Argument Against Proposition 71

NOBEL PRIZE WINNING MEDICAL RESEARCHERS, DOCTORS, AND PATIENT GROUPS HAVE STUDIED THIS MEASURE AND URGE: YES on 71.

- Stem cell research is the most promising area of research aimed at finding breakthrough cures for currently incurable diseases and injuries affecting millions of people.
- 71 is a well-designed program to find those cures.
- It's vitally needed because stem cell research is being restricted by politics in Washington.

The claims by opponents are misleading political scare tactics.

71 SUPPORTS ALL TYPES OF STEM CELL RESEARCH -including adult and cord blood stem cell research.

71 FOCUSES ON RESEARCH BY NONPROFIT INSTITUTIONS -NOT CORPORATIONS.

- It's specifically designed to support the type of breakthrough research conducted by universities, medical schools, hospitals, and other nonprofit institutions.
71 REQUIRES PUBLIC ACCOUNTABILITY.
- 71 specifically says the institute overseeing the research MUST COMPLY WITH OPEN MEETING LAWS.
- It requires PUBLIC HEARINGS and INDEPENDENT AUDITS reviewed by the California State Controller and an independent oversight committee.
71 PROTECTS CALIFORNIA'S BUDGET.

Prop 71 is a good investment. Studies led by a Stanford University economist project that 71 will generate millions in new state revenues from royalties and

new jobs, and that new medical treatments and cures can REDUCE CALIFORNIANS' HEALTH CARE COSTS BY BILLIONS.

71 is endorsed by over 20 Nobel Prize Winning scientists, medical groups representing over 35,000 California doctors and nonprofit disease groups representing millions of suffering patients.

VOTE YES on 71-TO FIND CURES THAT WILL SAVE LIVES.

LEON THAL, M.D., Director

Alzheimer's Disease Research Center, University of California at San Diego

PAUL BERG, Ph.D.,

Nobel Laureate Professor of Cancer Research,

Stanford University

ROGER GUILLEMIN, M.D., Ph.D.,

Nobel Laureate Distinguished Professor,

Salk Institute for Biological Studies