

April 23, 2002

Mr. Carl Feldbaum
President
Biotechnology Industry Organization
1225 Eye Street NW Suite 400
Washington, DC 20005

Dear Mr. Feldbaum:

Last year, in Palm Desert, California, you delivered a speech on “Deal-Making within the Biotechnology Industry.” You said that it is important to protect “biotech’s hard won reputation as people working to benefit mankind.” You asserted that “once an industry is tagged as avaricious, it’s an arduous, expensive and usually impossible task to get back your reputation.” You cautioned that “maintaining our much-envied, world-famous legal and regulatory framework requires us to do much more than lobby Congress and the White House, and spin a story for the media.” You concluded, “Quite simply, we have to do what’s right. We have to live up to who we claim to be.”

Admirable sentiments. In light of them, I write to ask about the biotechnology industry’s position on the patenting of cloned human embryos. A recent article in the nonpartisan *National Journal* claims that many “biotech entrepreneurs” see the “cloning and use of human embryos for specific research and commercial purposes” as “an important new arena.” (“The New Patent Puzzle,” March 2, 2002). The same article reports that Dr. Irving Weissman predicts that patents will be granted “to those who actually create cloned human embryos with particular genetic features” since these cloned embryos will be “models” for studying diseases -- essentially, replacements for the laboratory animals currently used for such study.

So I ask you this: How does the patenting and commercialization of cloned human embryos square with what you have called “biotech’s hard won reputation as people working to benefit mankind?” Do you endorse or oppose the corporate patenting and ownership of cloned human embryos? Do you endorse or oppose patents that depend on cloned human embryos?

The Biotechnology Industry Organization (BIO) claims to be the “voice to the public” for biotech companies. The public has heard your voice aggressively raised in favor of creating cloned human embryos for medical experimentation. You have been the leading voice lobbying Congress and the White House, and (as you say) “spinning” stories to the media, to promote your views in favor of human cloning for medical research.

But the public has yet to hear your voice on the question of patenting human life. Your own speech says that “the public is clearly ambivalent about our...patent protections, [asking] is it ‘right’ to patent genes or organisms.” If BIO believes that the creation and destruction of cloned human embryos will lead to “products vital to human health,” does BIO then believe it is appropriate to “uphold market exclusivity” for those products? More fundamentally, does BIO support the buying, selling, owning and patenting of cloned human embryos, or of cells derived

from such embryos? Where -- if anywhere -- would BIO stop short in the project of turning human life into a product and a commodity? Surely the public deserves to know your answer to these questions before the upcoming vote in the Senate on banning, or permitting, human cloning.

Sincerely,

William Kristol