PROBE Investigation:
Did Animal Rights Hero Spira Betray Animal Rights Movement?

When Animal Rights leader Henry Spira of New York died last year, he was eulogized by his confederates, by the media, and even by groups that support animal experimentation, with whom he'd clashed through the years. Some pro-science people recalled that "Henry" — which is what everyone called him — could be reasoned with, and was open to compromise, unlike leaders of harder-core animal rights groups.

The New York Times' obit called Spira, who was 71 when he died of cancer, "the architect of the American Animal Rights Movement's first successful campaigns to limit the use of animals in medical testing . . . ."

Mentor: He was Exemplary
The New York activist also was lionized by his friend and mentor, the Australian philosopher and animal rights ideologist Peter Singer, Ph.D. Learning, in 1996, that Spira was fatally stricken, Singer flew to New York, stayed with Spira, and researched an appreciative memoir on his friend's life and work. It is called Ethics Into Action: Henry Spira and the Animal Rights Movement (Lanham, Md.: Rowan & Littlefield) and it was published shortly after Spira's death.

"Henry's life can serve," Singer wrote, "as an example of a way of finding meaning in one's life by living in accordance with one's own values. In an age in which the people we admire are models, sports stars, self-made multi-millionaires, and movie stars, we need some alternative role models. Henry is one."

There is, however, one fact never mentioned by Singer, the New York Times, or any of Henry's many protégés. In the years leading to his death, Henry's medical treatments were those initially developed through animal testing. The very same technology he had denounced for years as animal torture was keeping him alive.

He told Singer in 1996 that he had but a few months to live — but he survived two more years, thanks to his medical care. During this period, in a coda to his previous activities, he continued to write and agitate against the scientific use of animals to develop new treatments for people.

Contradictions Not Examined
Some of Spira's reliance on and benefit from scientific animal research is described briefly by Singer himself in his Ethics book. But the philosopher neglects to explore the contradictions this created between Henry's personal life and his public life. One might have thought this would be a prime subject of inquiry for a philosopher of ethics, who is using an activist colleague as a role model for others. However, exploring this issue with Spira's close friends and supporters, PROBE found no indication that any of them saw any contradiction (see story, p. 5).

Henry's cancer surgery took place at New York University Medical Center (NYUMC) early in March 1996. He told Singer later that he had an adenocarcinoma, grade 3, in his esophagus, Singer writes. "The surgeon cut out a large part of the esophagus and adjoining areas of his stomach." Two months later, Spira "was still weak, and had trouble keeping any food down."

Prognosis Was Grim
"The outlook was even worse: The cancer was invasive, and the pathology..."
Alt/med War Goes On

The war against Alternative Medicine is not lost [PROBE, May]. If anything, consumers, as well as the medical profession, are starting to realize more and more that all natural does not mean safe. Hopefully, when people realize that the so-called dietary supplements are never tested by any government agency, and never proved safe by anyone, they will slowly begin to appreciate the potential hazards they expose themselves to by taking these products. Hopefully, doctors will begin taking histories and start reporting these problems.

Remember, it took decades before people really began to appreciate the dangers of tobacco. It took the same amount of time for people to realize the dangers of asbestos, another "all natural" product touted by industry as a way to help mankind. Based on my involvement in the asbestos litigation, I know that once doctors started taking histories, things changed quickly. (Lawyers got involved.)

In fact, once doctors begin to report Alt/med adverse reactions and advise patients of their rights, these individuals can and will fight back. As it now stands, people who are hurt may report their complaints to the company, only to have those complaints ignored. If they report their complaints to their doctors, their concerns are often ignored because doctors lack training in this area. If people report their problems to the FDA, it, in essence, buries their names in a bunch of files, never to be seen or heard from again. I know, because it happened to me after [my wife] June's death from drinking herbal tea [PROBE, May, '94].

In short, as soon as victims get information, they will become active in getting the government to take action to see that this unregulated industry is brought under control.

—Christopher E. Grell, Esq.
San Francisco

Zahn is Defended

Perhaps you should change the name of your newsletter from PROBE to SMEAR. I waited a month in an attempt to cool my anger before expressing my anguish at what you had written about Leonard Zahn [PROBE, April].

As the Public Relations Director of the American Institute of Physics for 26 years before retiring in 1982, and then continuing as Newsroom Director until 1993, I knew almost all the people who used the newsrooms for information, interviews, and to pick up releases. Leonard Zahn was a regular at most of our meetings, acting as all good reporters did: asking questions at conferences, taking notes, and of course, picking up releases about papers written in a scientist's own words to explain his findings in lay language terms. These releases can be distributed to and used by anyone, so long as the release-date is observed. This is not spying as you alleged.

May I remind you that any member of the National Association of Science Writers is authorized to visit any pressroom and to attend any of its functions at any and all science meetings, whether in the physical sciences or health sciences.

Leonard Zahn is a good friend, and I'm proud to say that he is a human being who always has been there for any friend or acquaintance who needed help.

I cannot help wondering why you seem to be so prejudiced against him.

—Audrey Likely
New York, N.Y.

We feel no personal animosity toward Leonard Zahn. As he has said, we "hardly know" each other. We know, too, that he's a nice guy, and said so. What we were — and are — concerned about is that he was on the cigarette companies' payroll through all the years he represented himself as a free-lance journalist. He used his entrance to pressrooms wearing a working press badge to collect information and gossip, as well as scientific papers that were never used to inform the public. They rather were routinely shipped off to the cigarette companies and their front organizations like the Council for Tobacco Research — for which Zahn worked for some thirty years — to be used in tobacco's anti-science disinformation campaign.

Finally, of course, this masquerade should be of special concern to a public relations professional like Audrey Likely. Reporters have special privileges of access and information based on the assumption that they are what they appear to be: disinterested journalists. When they successfully serve special interests, such as tobacco, they complicate other reporters' jobs, and hurt the credibility of journalist organizations like the National Association of Science Writers, which accredit them.

—D.R.Z.
Green Berets’ Commander Was a Key Tailwind Source

A key confidential source for the allegation that the U.S. used sarin poison gas in Laos in 1970, and tried — successfully — to kill American defectors there during the Vietnam War has been identified. The assertions were made in CNN’s now-retracted Tailwind cablecast last June, and in a *Time* magazine story that has also been retracted.


Tailwind’s associate producer, April Oliver, who’s been fired by CNN, and the General, agree he was a source. They reveal *this in court papers filed in Washington, D.C.*, where Singlaub is suing Oliver, CNN, and its on-camera correspondent Peter Arnett for defamation. Oliver has counter-sued Singlaub for breach of contract, breach of implied covenant of good faith and fair dealing, and other alleged torts. She also has sued CNN for defamation and related charges.

**Contract Was Breached**

Oliver claims Singlaub breached their contractual agreement — of confidentiality — when he attacked her and the Tailwind report, claiming the allegations raised in it were “total fantasy, pure fabrication.” He claimed at a Pentagon news briefing that he had “refused to give an interview” to Oliver, and had told her: “April, it did not happen. You’re on the wrong track, it did not happen — neither of those two accusations” [sarin and targeting defectors].

Oliver says that it did, and that he confirmed it, as she reported on CNN — as we related in our special Tailwind issue last October. Oliver says, in her suit, that she in fact interviewed Singlaub six times for Tailwind, and took detailed and copious notes. (Among her critics at CNN, as well as among her supporters, there is a consensus that Oliver takes clear, painstakingly accurate interview notes. Her suit also reveals that during the critical period of researching on Tailwind, she reported her interview findings to CNN higher-ups on a daily basis.)

Why did Singlaub allegedly change his mind and denounce her? Oliver says in her suit that “he was embarrassed that he had revealed to [me] the true purpose and nature of Operation Tailwind, and was concerned that his colleagues in the military would recognize that he was one of the ‘former military officials’ who confirmed the story.”

In her suit, Oliver says:

> As reflected in her contemporaneous notes, on condition of confidentiality, Singlaub expressly confirmed to Oliver, approximately one month prior to the Tailwind report, that (1) the target of the mission in question was American defectors and (2) that the U.S. military twice used sarin nerve gas on the mission. Oliver reasonably relied on the information provided by Singlaub, a former commander of the covert operations group involved in the mission.

Oliver goes on to say:

> “After the story broke, Singlaub publicly, falsely, and with actual malice stated that the ‘defector’ and ‘nerve gas’ aspects of the Tailwind report were wrong . . . and that Oliver in effect was a dishonest journalist . . .”

Here is an interchange between Oliver and Singlaub, as she recorded it in her notes, and reported it on CNN as coming from a confidential source:

> Oliver: But we have already established that you know of the use of CBU-15 [sarin] in this specific instance on Tailwind. You have told me that in this conversation and before.

> Singlaub: I am prepared to accept that. That’s something you seem to have right. You have enough basis to use that.

Oliver claims she was not the first to break the confidentiality agreement with Singlaub; CNN, Time-Warner, and Peter Arnett all named him as a “confidential source” in court papers filed in April, she said in a news release. Her own claim is that “Singlaub shattered our confidentiality contract”:

> “First he told the public he wasn’t a source,” she recounts. “Then, at a Pentagon press conference in July [‘98], he told the world he was a source — but had always denied the story. Then he filed suit against me. These actions nullify our [confidentiality] agreement.”

###

Late in June, after this article was put into page, Oliver filed an amended and extended lawsuit in this case; we’ll explore it in a later issue — D.R.Z.

---

**Singlaub Sues**

In a civil suit for defamation filed last year in Washington, retired Green Berets chief Gen. John K. Singlaub charges that April Oliver “took an individual role in investigating the truth and/or falsity” of claims that sarin gas was used in Operation Tailwind, and that U.S. defectors as well as noncombatant Vietnamese women and children were targeted in the operation. The General asserts:

> “Oliver willfully disregarded factual accounts of Operation Tailwind which had been relayed to her [by him]. Oliver reported that women and children had been killed by the men of Operation Tailwind without any eyewitness reports or any direct evidence . . . . These statements were made with deliberate disregard of the fact that . . . she was given information directly contrary.”

The General’s civil suit also names CNN, Time, Inc., Time Warner, and correspondent Peter Arnett, for whom, the court action says, the General harbors long-standing “distrust” because of his “malice, ill will and hostility toward” the General.
FDA Chills Sunscreens SPF Claims

High SPF — sun protection factors — on current sunscreen product labels are deceptive. What is more, the SPF indicate only a product's ability to prevent sunburn — not its value in preventing cancer or aging of the skin.

These are among the promotion-cooling conclusions in the U.S. Food and Drug Administration (FDA) final labeling rules for over-the-counter sunscreen products, published on May 21. The agency wants to end the SPF “horsepower” race between manufacturers. (There are 2800 such products, FDA estimates.)

The FDA's science-based rules provide a touchstone for evaluating the marketing agreement between Schering-Plough, makers of Coppertone® sunscreens, and the American Academy of Dermatology (PROBE, June '98, July '99), which is noteworthy for the Academy’s endorsement of a bogus health claim: that lathering kids with a high SPF sunscreen every time they go outdoors, even in rainstorms and the dead of winter, will protect them from skin cancer.

Many other drug companies have signed similar cause-related marketing agreements with health charities and medical organizations (PROBE, July). The joint ads and promotions make bogus, fraudulent, or simply deceptive claims for a wide variety of health- and medicinal products (PROBE, July). The Schering-Plough/American Academy of Dermatology pact thus serves as an example of this type of marketing agreement.

Regulatory Wheels Grind Slowly...

The new sunscreen rules have been in the making for 20 years, and apply only to ultraviolet B (UVB) sun rays (280-315 nanometers), which principally cause sunburn and basal and squamous cell cancers. They do not apply to the longer UVA rays (315-400 nanometers) that may cause melanoma, a deadly cancer, as well as sunburn. The UVA-blocking products are still under study at FDA.

SPFs are not linear, FDA says in the final set of rules, which will govern all sunscreen sales within the next two years. This means that, contrary to what ads may suggest, the agency's regulatory scientists calculate that an SPF 50 sunscreen product is only 1.3% more protective than a product that is SPF 30. In other words, for all practical purposes, there is no essential difference between, say, Coppertone® SPF 30 and the same brand's SPF 45 product. What is more, FDA regulatory scientists say, testing methods for high SPF products have not yet been shown to be reliable, and the comparative studies published thus far are not conclusive.

The FDA regulatory scientists also discount SPFs as a measure of protection against skin-aging and skin cancer. The SPFs are based only on the products' ability, in tests, to prevent reddening of the skin, which is an indicator of sunburn.

"The [FDA] does not believe that it is prudent to extrapolate claims for skin cancer or skin aging based on a test designed to only measure skin erythema (reddening)," the FDA's monograph says. The agency goes on to warn:

[Available] data suggests that... carcinogenesis and photoaging can occur from doses of UV radiation below that required to produce sunburn... Thus, even if no sunburn has occurred with the use of a sunscreen, the consumer cannot assume that sun-induced skin damage that might contribute to the eventual development of skin cancer... has not occurred.

In labeling sunscreen products as drugs, therefore, FDA does not allow any mention of preventing skin cancer. It does permit, outside the Drug Facts box on a package, tube, or bottle of sunscreen, this supplemental label:

Sun alert: Limiting sun exposure, wearing protective clothing, and using sunscreens may reduce the risk of skin aging, skin cancer, and other harmful effects of the sun.

This supplemental labeling is non-committal. Obviously, continued on following page

‘Regulatory Science’ Is Described

Some scientists discover new things. Others develop or test products based on these new discoveries. Still others, called regulatory scientists, assess scientific reports by the first two groups, and the claims that manufacturers make for products developed from these discoveries.

At the Food and Drug Administration (FDA), in Rockville, Md., a battalion of regulatory scientists, working with government lawyers and other officials, translate science-based claims into regulations on what manufacturers can and cannot say on drug labels and package inserts. The regulatory scientists regard drug company science with a skeptical eye; the companies complain that these agency scientists are biased against them.

A large percentage of studies adduced in support of a particular product or claim are tossed out by the agency's evaluators. Claims are trimmed back to reflect, but not exceed the scientific findings on which they are based.

These regulatory wheels grind slowly, and they grind fine — which is one reason FDA's review of nonprescription drugs, including sunscreens, is now in its thirtieth year.

When the review process is complete for each class of drugs, FDA's final rules, which have the force of law, are published in the Code of Federal Regulations (CFR), which is available in most major libraries and online.

Besides ensuring the accuracy of product labels, this ongoing regulatory process, which is published step-by-step in the Federal Register, provides a careful and conservative scientific review of what manufacturers can — and cannot — claim.
Friends Back Henry’s Spira’s Ethics, Deny He Betrayed Animal Rights

by Jean E. Herskowitz and David R. Zimmerman

Henry Spira’s supporters totally reject the idea that he betrayed the Animal Rights Movement (ARM) by having surgical and medical procedures based on animal experimentation when he became gravely ill. There is a viable double standard between ethical action against animal studies on the one hand, and personal actions in time of dire need, Australian philosopher Peter Singer, Ph.D. and Spira’s other close associates told PROBE last month by phone.

“I don’t get your point! I don’t agree with your point,” Spira’s friend and executrix Elinor Molbegott, a New York animal rights lawyer, angrily responded to PROBE’s question as to whether there was a contradiction between Spira’s beliefs and his behavior (see main story).

“Henry would never have had an animal killed so he could live. The stent was already out there. No animal is now suffering from his getting the [esophageal] stent,” she declared by phone. “It’s said and done!”

Breathing Comes First

Molbegott continued:

“You’re taking the plunge, and basically attacking him because he got a stent so he could breathe and swallow...”

“I don’t really get where you’re coming from!”

Philosopher Singer, newly arrived at Princeton University’s Center for Human Values, in New Jersey, where he will teach next semester, agreed with Molbegott: Spira had “not at all” betrayed the ARM.

“I don’t think Henry ever told people, at any point, that they should not go to a hospital that carried out experiments in animals, if they were seriously ill,” Singer said, in response to a question as to why the activist sought care at New York University Medical Center (NYUMC), whose research he had earlier tried to disrupt [see main story].

“Henry’s view is that we should have developed alternatives. We should have looked for other ways to find [medical] procedures. But given all the time and money that was used to develop these methods, they shouldn’t be thrown away.”

Son’s Life Saved

Journalist Merritt Clifton, editor of the ARM monthly Animal People in Clinton, Washington, told PROBE by phone that he was “not surprised” that Henry, whom he strongly admires, had an operation developed in animals.

“Almost every operation, at one time or another, has been practiced and tested on animals,” Clifton said.

“My own son’s life,” he revealed, “was saved by brain surgery that was practiced and developed on animals.”

How does an animal righter justify that?

“There are two levels,” Clifton explained. “One is personal self-interest; the other is moral justification. What is in one’s personal self-interest is not necessarily a moral act.” He went on to say: “We live in the world as it is. You try to reduce suffering for the future.”

Principally, Clifton said, this can be done by changing medical science, and reducing suffering and genocide.

The issue, PROBE pointed out, was not genocide, but something else: animals. Clifton immediately turned interlocutor:

“Are you justifying [experiments in] animals as [beings] not having an intellectual self?” he asked.

They’re on a lower level than human beings, was the reply.

“If that’s your argument,” rejoined Clifton, “that’s where the conversation ends, right now! Henry Spira would not have any truck with that — and neither will I.

“When you say they’re on a lower level, you’re approaching a hierarchical view that has no rationale at all, including in biomedical science. . . . [It] makes no sense. Good day!”

He hung up the phone.

# # #

It’s “harsh” to question Spira’s ethical consistency during the time he was fighting a deadly cancer, executrix Molbegott told PROBE.

“When people are put in a position where they’re in need of something, that’s not the time someone’s highest ethics come into place. People do what is in their self-interest and their children’s self-interest — and that’s perfectly understandable!”

Well, yes it is!

In the animal rights milieu, apparently, it’s not immoral to utilize medical and scientific modalities developed through animal studies — the “torture” of animals. But it is correct and praiseworthy to devote your life, as Spira did, to stopping animal research — “torture” — that later may help other people, who similarly find themselves in dire medical straits.

Does that make logical or ethical sense? — D.R.Z.
report showed that it had spread into some of his lymph nodes. His life expectancy was a matter of months — though, as noted above, he survived for another two years.

Henry's hospitalization for surgery was not the first time he'd been inside NYUMC. Quite the contrary!

A quarter century earlier, following his successful campaign to stop experiments on cats at the American Museum of Natural History, near his West Side home, Spira had entered NYUMC, noted above, he survived for another two years.

The AMNH victory had spurred some of his followers to go a step further, beyond picket lines. They were preparing to break in and “liberate” experimental animals. Two of these activists, “Anne and Marie” — their nom de guerre — had already cased the medical center’s animal facilities.

“With their well-scrubbed, healthy look,” says a journalist who interviewed them at the time, “they could easily pass for the medical students they impersonated” to enter the building (Soho Weekly News, March 22, ’79).

Spira urged them on — carefully — Singer says coyly, suggesting that his hero did not want to destroy his hard-won credibility by getting arrested for criminal trespass: "Henry did not keep entirely aloof from illegal action — in fact he had had some involvement in what was probably the first raid on an animal research unit in the U.S. . . . He suggested they set up a media contact in advance. . . . Before the raid, the group went into the lab to check everything out. The lab was unlocked because in the early days of the Animal Rights Movement, it did not occur to those in charge of animal facilities that anyone might want to break into them. Henry went with the group on one occasion, and took some pictures that were circulated to the media. [emphasis added]

When the raid took place, on March 14, 1979, two dogs, a cat, and two guinea pigs were “rescued,” Soho News reported.

Spira did not go along for the rescue. He “kept his distance,” Singer writes, but raised money to pay a veterinarian to remove electrodes that had been implanted in the cat’s skull.

Activist “Marie” said the raiders had traipsed ‘round the research facility so often that “We’d really come to feel very much at home there.”

This raid, and others like it, ended the era of trust, and turned all U.S. animal research labs into grimly locked and guarded fortresses — at a cost, since then, of hundreds of millions of dollars that might otherwise have been spent on research and patient care.

Animal Studies Play Key Role

Seventeen years later, Henry checked into NYUMC, and benefited from the bounty of the same kind of animal research he had spent years trying to stop.

NYMUC, through its spokesman, declined to discuss any aspect of Spira’s care, citing patient confidentiality. (No information in this article comes from NYUMC sources.)

If he didn’t already know it, Spira could have found out, by asking his surgeon, that the operation performed on him was developed in dogs. The time: 1881. The innovator was a famous German surgeon, Theodor Bilroth, M.D., at the University of Vienna.

Earlier work on dogs and humans indicated the feasibility of opening the abdomen to reach the stomach, and then cut out [resect] a large gastric cancer and surrounding tissue. The unresolved problems: How much of the stomach to remove, and how to re-attach the remaining stomach and esophagus above, to the intestines — duodenum or jejunum — below? The different sizes and textures of these tissues, and the effects of

continued on following page

Spira Travelled
A Radical Road
To Animal Rights

How did Henry Spira, a peripatetic radical journalist — his nom de plume was Henry the Gypsy (Gitano) — find his way into the Animal Rights Movement (ARM)?

The apocryphal account says that in 1973 Spira took a course with, and befriended, ARM philosopher Peter Singer, Ph.D., an Australian philosopher who was teaching in New York. At the time, Spira did not particularly like animals, and had no pets, according to an obit published last year by his friend and admirer, Merritt Clifton, in his monthly paper Animal People (Oct.).

That same year, Clifton says, Spira was asked to board a homeless cat — and did so. He “began to wonder why we cuddle some animals, and put a fork in others,” Clifton relates. “Putting down his fork one night,” Spira “became an instant vegan” (vegetarian).

From there, it was a short step to pursuing animal rights as a political agenda.

Clifton, however, suggests a less-idealistic reason for Spira’s oft-told conversion to Animal Rights. In a recent PROBE interview, he recalled that Spira had been heavily exposed to asbestos as a young merchant marine, working as an electrician, deep inside ships’ hulls. He later learned that the asbestos companies were conducting animal experiments, trying to prove that the fire-retardant mineral did not cause cancer. Spira knew that this was “phony baloney,” Clifton relates.

Certainly, this use of lab animals to try to deny the cause of a disease that eventually seems to have killed him, is a far more credible reason for Spira’s growing animosity toward animal testing than the alleged contradiction that we cuddle some animals but put our forks in others.

(Did it occur to Spira, as a vegan, that we admire and cultivate some plants for their beauty, but chop up others for salad? Plants, too, feel pain, according to Scientology guru L. Ron Hubbard, whose thinking was not much more paranoid than Spira’s!)
the harsh digestive juices on the suture lines, were among the major imponderables.

In a report on the first successful human case, reported in the *Wiener Medizinische Wochenschrift* (vol. 31, no. 1, 1881) — which was translated into English by surgeon Leo M. Zimmerman, M.D., and historian Ilza Veith, Ph.D., in their *Great Ideas in the History of Surgery* (Baltimore: Williams & Wilkins, 1961) — Bilroth explained that, years earlier, a predecessor had "published a dissertation in which he showed by means of experiments performed on dogs, that it is possible to excise the pylorus and unite the stomach with the duodenum . . . ."

"In 1871 I demonstrated that it is possible to remove portions of the esophagus in large dogs, and that the wounds heal well . . . ."

**Courage Was Needed**

As surgeons successfully removed larger and larger portions of the upper stomach, Bilroth says: "I concluded [that] . . . only one courageous step is required from this operation to the resection of a portion of the cancerous stomach" in a human being.

He added:

"All surgeons who are experienced in animal experimentation and in similar operations on man must reach the conviction that gastric resection should also succeed!"

In Bilroth’s hands, it did.

Bilroth saved the life of the first patient on whom he tried gastric resection, a 43-year-old mother of eight children. Henry Spira, 125 years later, appears to have had essentially the same operation, or a variant of it.

Bilroth devised two different ways to resect the stomach and re-attach the open ends of the alimentary canal; these operations continue to be called *Bilroth I* and *Bilroth 2*. They, and the refinements made through the years, have been developed and tested in dogs.

**Scar Tissue is a Problem**

It could be argued, as one of Spira’s friends has, that Bilroth is ancient history, and that the passage of time has leached out ethical concern for the dogs that died to make it possible. But there is more — probably much more than we as yet know — about Spira’s medical history, that has evolved much more recently from animal research.

One of the hazards of Bilroth procedures is that scar tissue and/or metastases from the original tumor will come to block the esophagus. The patient can’t swallow, and vomits up food he tries to eat. This is very distressing, and can be fatal.

Shortly before his death, Spira’s friends say, a stent was placed in his esophagus. An *esophageal stent* is a tube-like device that looks a bit like a narrow bedspring. It is made of plastic or an alloy, and is designed to hold back the cancer and scar tissue so that food can pass through into the stomach. Some stents have mesh covers that encourage tissues to grow into the mesh work and hold the device in place.

Some contemporary models are fabricated from titanium alloys, such as *nitinol*, that are flexible, and will pick up and convey *peristalsis*, the wave-like contractions in the esophageal wall that forcefully propel food down into the stomach. This alloy also has memory, meaning that it returns to its original configuration after each set of deflections.

**Stents Tested in Animals**

One of the first successful stent implantations took place at Cook County Hospital, in Chicago, in the early 1950’s, according to the surgeon credited with the innovation, Saul Alan Mackler, M.D. Now retired, Mackler told PROBE by phone that he devised the operation directly in patients, to provide some benefit and comfort when they were found, at surgery, to have inoperable cancers. Some Mackler stents were inserted from above, through an incision in the neck; others were placed, à la Bilroth, from below.

As device manufacturers began to develop new materials and designs, Food and Drug Administration (FDA) rules required that they be tested in animals. According to an FDA document, “Guidance for Industry” on esophageal and tracheal prostheses, issued in April, 1998, new materials must be tested for sensitization in guinea pigs, and must be implanted in animals to show they are safe for a relatively long time. If the material or design

**How Henry May Have Become Ill**

Henry Spira had at least two potent risk factors for cancer. He was heavily exposed to asbestos as a young man, when he worked as an electrician in the U.S. Merchant Marine. He also was a heavy smoker; we recall that when we interviewed him, in 1979, his fingers were stained by tobacco tar.

The possible differential influences of these two risk factors depend on the exact location of Spira’s primary cancer. Occupational disease specialist, Stephen M. Levin, M.D., of Mount Sinai Medical Center, in Manhattan, says the placement of a stent — a resilient tube — in his esophagus suggests that the primary cancer was in the upper part of his stomach: a gastric cancer, as several of his associates have described it. Retired surgeon Harold Laufman, M.D., of New York, concurs. Neither of these doctors knew or examined Spira.

Philosopher Singer identifies the malignancy as an adenocarcinoma of the esophagus. Animal rights journalist, Merritt Clifton, told PROBE it was gastric (stomach) and esophageal cancer caused by asbestos.

Levin, an expert on asbestos-related diseases, told PROBE by phone that exposure to that mineral increases a person’s risk of all cancers of the alimentary tract, down to the anus. So asbestos was a “plausible” factor in Spira’s illness. On the other hand, smoking’s carcinogenic effect is evident in cancers of the respiratory tract and the esophagus. But smoking does not increase one’s risk of gastric cancer, Levin said. So, if Spira’s primary tumor was in the esophagus, chances are his smoking played a causal role. •
of a new stent is "significantly different" from previous versions, FDA adds, "animal testing will be required for the finished device." For a device as large as an esophageal stent, large animals like pigs may be used.

Amplifying these rules, FDA materials engineer Anthony D. Watson, a reviewer in the agency’s division of general restorative devices, in Rockville, Md., said by phone: “If it's a material we’re not familiar with,” the manufacturer “has to demonstrate biocompatibility” in animals.

Rabbits, rats or guinea pigs may be used. If the stent has an unusual feature or aspect, he added, “we may ask them to implant it . . . usually in pigs or something like that.”

Animals thus were used in the innovation and safety testing of the medical methods that Henry Spira sought to relieve his cancer and prolong his life.

###

The ethical issue that faced Spira — and confronts all of us who dislike or detest the killing of animals, the killing of redwoods, or the despoliation of the environment — is that absolutist “ethical” positions narrow one’s choices to modernity or martyrdom. For those who aren’t willing to drop out and live in a shack in the mountains, modernity is inescapable (albeit conceivably meliorable).

Spira wanted to have it both ways, and so betrayed both modernity, in the form of scientific and medical research, and the animals, for whom he declined to be a martyr.

— D.R.Z.