



“As to diseases ,make a habit of two things —
to help, or at least *do no harm*.”
— Hippocrates, *The Epidemics* —

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Experts in Science, Medicine, Law and Ethics Declare That Missouri's Amendment 2 Endorses Human Cloning

Today over two dozen experts in science, medicine, law and ethics released an open letter to news media and the people of Missouri on the state's proposed ballot initiative known as Amendment 2. They conclude that “the people of Missouri should know what they are actually voting on. Amendment 2 creates a constitutional right for researchers to engage in human cloning. Efforts to deny this are misleading and deceptive.”

The signers include experts in embryology, microbiology and maternal/fetal medicine, as well as past and present members of the President's Council on Bioethics and several founding members of Do No Harm: the Coalition of Americans for Research Ethics.

The letter and list of signers follows:

Open Letter from Experts in Science, Medicine, Law and Ethics on the Cloning Provisions of Missouri's Amendment 2

A key question regarding Missouri's proposed Amendment 2 is: Would this constitutional amendment prohibit or promote “human cloning”? As individuals who have studied this issue in depth, we hold that it clearly authorizes and promotes human cloning.

A number of us have served on the President's Council on Bioethics, which discussed human cloning extensively and issued a book-length report, *Human Cloning and Human Dignity: An Ethical Inquiry* (2002). While the Council members disagreed sharply on moral and policy issues surrounding human cloning, they *all* agreed on what it is:

Human cloning is the asexual production of a new living organism, at any stage of development, that is genetically virtually identical to an existing or previously existing human being. It is done through somatic cell nuclear transfer (SCNT), which introduces the nuclear material of a human somatic cell into an oocyte (egg) whose own nucleus has been removed or inactivated, to create this new organism. And it is designed to produce (and when successful, does produce) a new living organism of the human species, that is, a *human embryo*.

Researchers may then want to use this embryo for various purposes. Some may want to place the embryo in a womb to attempt live birth (“reproductive” cloning, or as the Council preferred, “cloning to produce children”); others may want to place the embryo in a Petri

—MORE—

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dish and destroy it for stem cells (“therapeutic” cloning or, more accurately, “cloning for biomedical research,” since any therapies from this approach are at this point purely hypothetical). But in either case the cloning technique, and the resulting embryo, are exactly the same.

In short, human cloning for research purposes creates human embryos, using the SCNT procedure, in order to destroy them. This is *exactly* what Amendment 2 authorizes. In fact, the amendment creates a statewide *constitutional right* to conduct such human cloning, so competing ethical or human safety considerations, or other state laws, cannot meaningfully limit the research community’s right to do human cloning.

Some have tried to claim that the SCNT cloning technique does not produce an embryo. But as this country’s most prominent embryonic stem cell researcher, James Thomson of the University of Wisconsin, said last year, such claims are “disingenuous,” an attempt to “define away” the moral issue instead of confronting it honestly (MSNBC, June 25, 2005, www.msnbc.msn.com/id/8303756/). Those who say the technique merely produces “stem cells” are simply being evasive – as currently practiced, SCNT seeks to create a human embryo, so researchers can dissect the embryo for stem cells.

What, then, does Amendment 2 prohibit? It prohibits taking stem cells from a cloned human embryo that has developed more than 14 days *outside* a womb. And it prohibits transferring a cloned human embryo *into* a womb “for the purpose of initiating a pregnancy that could result in creation of a human fetus, or the birth of a human being.” While the amendment does not define “human fetus,” medical textbooks say that an embryo becomes a fetus at the end of the eighth week. So the amendment authorizes research to perfect the SCNT cloning technique to produce embryos, then – presumably to prevent its use to produce live-born infants – prohibits the further survival of the resulting cloned humans. Many have pointed out that this raises serious moral, legal and even constitutional issues, for a law prohibiting the survival of cloned humans past a certain point – in effect, legally mandating an abortion before that point can be reached – may violate *federal* constitutional law. But to call Amendment 2 a ban on “cloning” is arbitrary and misleading, because it clearly allows the cloning procedure. It actually prohibits pregnancy, or maintaining a pregnancy past a certain point, if a cloned embryo is involved.

In saying this we take no position on Amendment 2 or on human cloning. Some of us have expressed our views, and our reasons for them, elsewhere. But the people of Missouri should know what they are actually voting on. Amendment 2 creates a constitutional right for researchers to engage in human cloning. Efforts to deny this are misleading and deceptive.

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