

Cloning Doubletalk

Dianne Feinstein and Orrin Hatch pretend that their bill to legalize human cloning is actually a ban.

By Wesley J. Smith

Senators Dianne Feinstein and Orrin Hatch have just introduced Senate Bill 812, which explicitly legalizes human cloning and—since a shortage of human eggs is currently impeding human cloning research (one egg is needed for each attempt at cloning)—the bill also authorizes researchers to pay women to undergo egg procurement.

And if the purpose of the legislation wasn't bad enough, there's its name: Feinstein and Hatch mendaciously named S. 812 the "Human Cloning Ban and Stem Cell Protection Act of 2007."

How can a bill to *legalize* human cloning be instead called a *ban*? Through the time-tested method of disingenuous legislating—the bogus definition. Here's a rarely discussed truth: Key words and terms in legislation mean only what a bill's authors say they mean, rather than their actual definitions. If a dung beetle was defined in legislation as a butterfly, for the purposes of that bill, the dung beetle would be a butterfly. Which is essentially what S. 812 does. It defines the term "human cloning" inaccurately and unscientifically so that Feinstein and Hatch can pretend their bill will outlaw human cloning.

To understand the dishonesty of S. 812, we must first define cloning accurately and describe exactly what it is that the process creates. "Cloning" is the popular term given for "asexual reproduction," which in mammals (theoretically, including humans) is accomplished through somatic cell nuclear transfer (SCNT)—the same method used to create Dolly the sheep. SCNT is easy to describe but hard to accomplish:

* First, the nucleus is removed from an egg cell and replaced with the nucleus taken from a somatic (body) cell. As a consequence of the nuclear transfer, the genetically modified egg has the full complement of chromosomes.

* Next, an electric current or chemical is used to stimulate the genetically modified egg.

* If the SCNT process works and all goes well, a cloned embryo comes into being, a point recently affirmed by James Thomson, the scientist who first derived human embryonic stem cells, and who stated regarding human SCNT, "If you create an



Sen. Dianne Feinstein (D-Ca.)

embryo by nuclear transfer, and you give it to somebody who didn't know where it came from, there would be no test you could do on that embryo to say where it came from. It is what it is"—meaning a human embryo.

Just as there is no further fertilization after sexual conception, once the SCNT process is finished, there is no more cloning—a new organism has already come into being. From this point on the question becomes what to do with the cloned embryo that has been created. If it is to be destroyed in research, it is sometimes called "therapeutic" or research cloning. If it is to be implanted and gestated to birth, it is usually called reproductive cloning. But whichever use is to be made of the embryo, the act of cloning is complete once the SCNT process has been fully accomplished.

With this basic biology in mind, we

now turn to "human cloning" as (mis)defined in S. 812. In the definitions section of the bill, it states:

The term "human cloning" means implanting or attempting to implant the product of nuclear transplantation into a uterus or the functional equivalent of a uterus.

This definition is pure bunk. *Implantation* is no more human cloning than implanting an embryo created via IVF is human fertilization. Rather, implantation is one potential use of the embryo created through human cloning. The bill's definition is junk biology. The point being to allow Senators Feinstein and Hatch to pretend that they are banning human cloning when their bill actually legalizes it.

The Feinstein-Hatch bill also purports to outlaw the purchase and sale of human eggs, a matter rightly seen by many feminists and human rights activists as necessary to prevent the exploitation of poor women for biotechnological research.

As we saw in the description of SCNT, each attempt at cloning requires one egg. But human cloning is very difficult and will take a long time to perfect. (South Korean cloning researcher Hwang Woo-suk burned through some 2,000 eggs and was still unable to create a single cloned human embryo.) Thus, for cloning research to really take off, scientists will need tens of thousands of human eggs. But eggs are a rare commodity and scientists are already complaining that an egg shortage is holding back cloning research.

Making matters more difficult, eggs are not currently easy to obtain. It requires that egg suppliers undergo an onerous and sometimes dangerous procedure known as super-ovulation in which a woman of child-bearing years is injected with high doses of hormones so that her ovaries release 10 to 20 eggs in a cycle, instead of the usual one. These eggs are then removed with a needle inserted through the vaginal wall. This procedure is not only

uncomfortable (it requires anesthesia), but it can also be risky. About 5% of women who undergo super-ovulation experience serious side effects, such as infection, infertility, paralysis, loss of limbs (due to blood clots), and even death.

Given these dangers, few women readily volunteer to become egg donors. As a consequence, some researchers argue that they should be authorized to buy eggs from women. Feminists and others object, worrying that egg markets will exploit poor women who, unlike their better-off sisters, will be enticed to risk their lives, health, and fecundity so that Big Biotech can get rich from human cloning.

And just as it "bans" "human cloning," S. 812 purports to ban egg purchases, too. Only it doesn't. Section II (e)(2) states:

Prohibition on Purchase or Sale—No human oocyte or unfertilized blastocyst [meaning cloned embryo] may be acquired, received, or otherwise transferred for valuable consideration if the transfer affects interstate commerce.

Sounds good, right? Not so fast: What Feinstein and Hatch appear to take away from Big Biotech with one hand, they then give back to with the other, by restricting the meaning of the term "valuable consideration" in Section 2(C)(ii). To wit:

The term "valuable consideration" does not include payments ... to compensate a donor of one or more human oocytes for the time or inconvenience associated with such donation.

So, while the *eggs themselves* may not be purchased, women *can be paid* to for the "discomfort and inconvenience" of being super-ovulated to produce the eggs, which, money in hand, she would then "donate" for cloning research. This sleight of hand would put Mandrake the Magician to shame.

Through deceptive definitions and smoke and mirror redirection, the

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Judge Richard Conway Casey: RIP

By Dave Andrusko

The name, Judge Richard Conway Casey, will probably be vaguely familiar to many readers of **National Right to Life News**. But as soon as I say, “partial-birth abortion,” the light will go on for most of you.

Judge Casey passed away March 22 of an apparent heart attack, the *Associated Press (AP)* reported. The irony of the *AP*’s lead sentence is hard to miss: “NEW YORK—Richard Conway Casey, who was the nation’s first blind federal trial judge and presided over high-profile cases including an abortion-law challenge and the Peter Gotti trial, has died at 74.” Gotti, of course, was the boss of the Gambino crime family.

The ink had not dried on the Partial-Birth Abortion Ban Act before pro-abortionists took the 2003 law to court. One of the challenges was heard by Judge Casey.

Judge Casey refused to allow the abortionists and their assorted apologists to hide behind euphemisms. His unrelenting questioning evoked some of the most incredible testimony that has ever come out the mouths of abortionists. It made for spell-binding exchanges.

As the *AP* reported, “Casey had to overcome skeptics when he took on a load of 300 to 400 cases beginning in late 1997, using computer and audio technology while studying documents and preparing to speak in court.” Some questioned, according to the *AP*, “whether a blind judge

could accurately assess the credibility of a witness he could not see.”

Casey’s answer? “Casey said truth could be found by following the facts to see if they string together in a coherent, logical way.”

Which is exactly what he did in the challenge to the law brought by the Abortion Establishment. Casey’s provocative questioning dragged out the truth—the grisly, painful, truth—from people accustomed to talking in antiseptically-clean language.

In the final analysis, Judge Casey ruled against the federal law, concluding that it was in conflict with the 2000 Supreme Court’s *Carhart* decision. But the wording of Judge Casey’s opinion was no less candid than his blunt questions:

“The Court finds that the testimony

at trial and before Congress establishes that D&X [partial-birth abortion] is a gruesome, brutal, barbaric, and uncivilized medical procedure,” he wrote, “[and finds] credible evidence that D&X abortions subject fetuses to severe pain.”

Last November the Supreme Court heard oral arguments in two challenges to the Partial-Birth Abortion Ban Act. (See www.nrlc.org/news/2006/NRL11/SCPBA.html.)

It would be most fitting if the Justices could remove the blinders that have prevented the Court from seeing the constitutionality of the law and the humanity of the littlest Americans.

“Miracle Baby” Wakes after Doctors Stop Resuscitation

By Liz Townsend

After 30 minutes of unsuccessful resuscitation attempts, doctors told two-week-old Woody Lander’s parents to say their final goodbyes. Thinking they were holding him for the last time, they instead noticed that Woody twitched and then coughed and started breathing again. Now 14 months old, at home in Leeds, England, he is a happy, healthy little boy.

Woody had suffered a massive heart attack and was rushed to Leeds General Infirmary in December 2005. His parents, Jon and Karen Lander, had welcomed him into the world only two weeks earlier, when he was born apparently healthy, weighing 7 pounds, 11 ounces, the *Daily Mail* reported.

“It was awful. Those 30 minutes seemed to last forever,” remembered his father Jon, according to the *Daily Mail*. “After what seemed like an eternity the doctor came out and said, ‘I think we have done all we can.’ ... We were taken back to see him and Woody was handed to us to

say goodbye. We were just in bits. We didn’t know what to say or do.

“They started taking his tubes out and that’s when he started twitching. They took him straight back off us. They managed to get his heart going again and he came back to life in front of us.”

Doctors determined that Woody had a blocked aorta, and an operation was performed four days later, the *Daily Telegraph* reported. Although he may need another operation in his teenage years to expand scar tissue left from the surgery, and will need regular check-ups, doctors expect him to lead a normal life.

Jon Lander plans to run in a local 10k race that will benefit the hospital’s Children’s Heart Surgery Fund. He expressed gratitude for the hospital staff that worked quickly once Woody showed signs of coming back to life.

“The doctors said they had never heard of anyone coming round after 30 minutes of apparent lifelessness, let alone a baby,” Jon Lander said, according to the *Daily Mail*. “But the people at the hospital were unbelievable. They made the miracle happen.”

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Human Cloning Ban and Stem Cell Protection Act of 2007 claims to ban human cloning, but actually legalizes it. It purports to prohibit egg buying, when instead it explicitly opens the door to paying women to be egg “donors.” And it purports to protect “stem-cell research,” even though that area of experimentation *isn’t anywhere mentioned in the bill*—other than in the title. The question, then, is whether Dianne Feinstein and Orrin Hatch are intentionally deceiving the American people, or are merely ignorant about the content of their own legislation.

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consultant to the Center for Bioethics and Culture.

Editor’s note: To send a message to your two U.S. senators urging them to oppose S. 812, the Hatch-Feinstein “clone and kill” bill, go to the Legislative Action Center on the NRLC website, www.capwiz.com/nrlc/home/

Once there, click on the tab that says “Issues and Legislation.” Under “Current Legislation,” click on “S. 812.” Enter your zip code, and you will be shown a suggested message, which you can modify if you wish, that you can easily e-mail to your two U.S. senators.

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