

March 31, 2005

To: Members of the Maryland State Senate

Dear Senators:

We write to express our grave concern about legislation currently pending in Maryland (Senate Bill 751). This bill is designed to authorize and fund human embryonic stem cell research, including the harvesting and use of body parts taken from human clones in the embryonic and fetal stages of development. This legislation, if enacted, threatens to make Maryland a haven for unethical medical practices, including the macabre practice of human fetal farming.

As reported out of committee, the legislation expressly defines “state-funded stem cell research” as “stem cell research conducted using **donated unused human embryos or eggs** which were created for individuals being treated for infertility...” (sec. 20-1101 (H), emphasis added). This phrase is itself misleading, because fertility clinics do not “create” human eggs – rather, they give women potentially harmful fertility drugs and then surgically harvest the eggs thus produced. The incentive this legislation may provide to fertility clinics to make women produce more eggs and more embryos in this way – so that some eggs and embryos will be left “unused” and become available for research – raises serious concerns, not least regarding the health of women in these clinics.

It is also important to realize that the only way stem cell research can make use of donated **eggs** is to use those eggs to create new human embryos, which would then be destroyed for their stem cells. Nothing in SB 751 forbids this result. Researchers will be able to remove these eggs’ nuclei, then inject them with the full complement of 46 chromosomes from human individuals’ body cells, to produce human embryos designed as genetic copies of those individuals. As the March 25 legal opinion of the state attorney general’s office concludes, this legislation will authorize human cloning for biomedical research (called “therapeutic cloning” by some, although any therapeutic benefits from such cloning remain a speculation).

Moreover, nothing in SB 751 excludes from the scope of “state-funded stem cell research” projects that require the transfer of these embryos to women’s wombs, to gestate them to early or late fetal stages so as to “harvest” more developed cells and tissues. Such “fetal farming” will be permitted, and potentially eligible for state funding.

While the legislation claims to prohibit “human cloning” (sec. 20-1111), this term is defined as “the replication of a **human being**” by cloning (sec. 20-1101 (F), emphasis added). The term “human being” is undefined, leaving Maryland courts to interpret it as limited to *born* human beings in accord with state and federal court rulings on abortion.

The only limit on the use of cloned human embryos for fetal farming will be that no cloned fetus may be born alive.

Thus the bill contemplates the creation of new members of the human species by cloning, and their cultivation from the zygote stage through the late fetal stages for the purpose of harvesting what the legislation refers to as “cadaveric” fetal tissue.

Please pause to consider *whose* cadaver the tissue is to be derived from. It is the cadaver of a distinct member of the species *Homo sapiens*, who would be brought into being by cloning and, presumably, implanted and permitted to develop to the desired stage of physical maturation for the purpose of being killed for the harvesting of his or her tissues.

The legislation also purports to ban trafficking in human embryos for “valuable consideration” (sec. 20-1110). But it expressly permits “reasonable payment” for “removal, processing, disposal, preservation, quality control, storage, transplantation, or grafting of embryonic **or cadaveric fetal** tissue” (sec. 20-1101 (J)(2), emphasis added). This is a virtual invitation to cloning entrepreneurs to conduct in the State of Maryland what would amount to fetal farming for research, presumably including experimental treatments. There is nothing in the legislation to prevent cloning entrepreneurs from paying women a “reasonable” fee to gestate embryos and submit to abortions for the production of human tissues and organs, or from charging customers a “reasonable” fee for “processing,” “preserving,” “storing,” “transplanting,” or “grafting” fetal cadavers and their tissues. In fact, the bill does not forbid the outright sale and purchase of human **fetuses**, because its ban on commercial trafficking (however ridden with loopholes it may be) applies only to **embryos**.

And what if a gestating woman has second thoughts and decides not to abort the developing fetus? Would a court have to enforce a contract for abortion? We hope and trust that no court would do that. But if it does not, we will then have what the sponsors of the legislation claim they want to prevent: the birth of human clones.

We understand, and deeply share, the desire of the sponsors of this legislation to promote biomedical advances, cure dreaded diseases, and ease human suffering. We hope that Maryland will be at the forefront of exciting research involving stem cells derived without harming living humans at any stage of development. The approach marked out in SB 751, however, is not an ethically sound way to proceed. On the contrary, it constitutes the moral madness of creating human life solely to destroy it -- with a possible profit motive that would encourage the grisly practice.

For more information we would like to refer you to *Human Cloning and Human Dignity*, a Report by the President’s Council on Bioethics, chaired by Dr. Leon Kass, on which we have the honor to serve. It is available online at www.bioethics.gov/reports/cloningreport/index.html. Five signers of this letter served on the Council when this Report was issued. The Report recommends (unanimously) a ban on cloning for the purpose of baby-making and (by a vote of 10-7) a four year moratorium on cloning for biomedical research. Please note that although seven of the

seventeen members of the Council supported cloning for biomedical research (subject to strict federal regulations), none indicated support for the implantation and gestation of cloned embryos for the purpose of harvesting cadaveric fetal tissues or organs, not to mention any commercial trafficking in these fetuses or their remains.

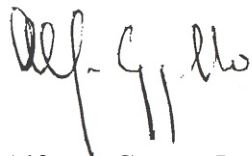
Yours sincerely,*




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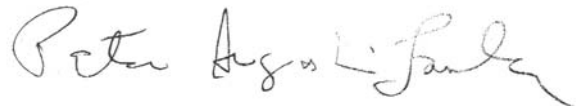
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