

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: eemanuel@NIH.gov (eemanuel@NIH.gov [UNKNOWN])

CREATION DATE/TIME:16-MAY-1997 11:18:57.00

SUBJECT:

TO: nbac-members@lists.Princeton.EDU (nbac-members@lists.Princeton.EDU [UNKNOWN])
READ:UNKNOWN

TEXT:

Unfortunately, I can only Part II of the ethics chapter--but another tremendous job and I think coming along very well. It will a great deal of revising and remodeling but the outline is very good and going forward.

Since I do not have Part I, if there are any work assignments tome in Part I, Bernie, please tell what they are.

A few comments on Part II.

IV. G.--Cloning undermine justice.

In this section we need to emphasize that the disparity will be increased if cloning is seen as a way of giving children a "head start" or additional advantages that genetics can confer, even if not actually true. Here, like in conflict of interest, perception is as important as actuality because the problem is as much that people think they are given an unfair starting place in social life.

So let us emphasize to the extent that cloning is used for parents to give their children the best start in life and these techniques are unequally distributed then we have more justice concerns.

IV.I Rebuttals

I am still unclear how we are structuring the sections, we have rebuttals to arguments and then a rebuttal section. My view is we have one or the other but not both.

We should somewhere say that while there are no serious psychological harms for children from other reproductive technologies this is more the results of reliance on anecdotes and the absence of empirical data than good empirical data proving there is no harm. This is at best modestly studied--not extensively studied over time.

V. Differences between ethical analysis and policy

I wonder whether we should not emphasize that strict enforcement at least in US is not hard since only about 10 labs have the capacity to do cloning. While cloning is comparative cheap, it does requires significant technical and biological skills. Thus with limited numbers of labs capable, enforcement is not such a big problem, domestically. Of course there is the Caymen Islands problem, but here we could emphasize the trend in Europe also to go for a ban as further limiting sites in which it will

be hard to enforce.

In the paragraph of this section, Beginning "Finally, pragmatic considerations may carry great weight...."

I would like to suggest that we state that "In a democracy, public opinion about cloning....and reasons are persuasive to reasonable people." This emphasizes the role of public opinion in our political system.

VI. Framework for policy discussion

We need to be very careful, even at the risk of inelegant language, to use the word "Commissioners rather than "people" when we mean "commissioners." We need to have this parallelism so readers are clear when the disagreements are with the public and when among Commissioners.

In paragraph beginning, "The third policy-relevant..."

We should again emphasize the difficulty in regulating individual cases of cloning. Essentially the options are yes or no to cloning, we really do not have power to regulate or permit cloning only in certain circumstances or for certain reasons.

Also at the end of this paragraph we can address Diane's correct concern about genetic determinism by calling a spade a spade. Why don't we say:

"...exemplary individuals could be replicated through cloning. This suggestion is a form of genetic determinism, a discredited view. It ignores the importance of education and the"

Finally and maybe most importantly, I wonder whether these 5 summary statements are right. I have not fully worked out the revision but consider:

1) All agree cloning is unethical now and for the foreseeable future because insufficient animal pre-testing demonstrating that cloning in humans is safe and effective.

2) All agree that many scenarios for cloning were misguided because of ignorance about genetics and genetic determinism. Public education essential for informed public deliberation.

3) Some, most? Commissioners believe cloning unethical because undermines important social understandings and values. I do not agree with the way it is now put that it is because of public opposition--public opposition is not the main reason, public opposition follows the moral objections and indication of their persuasiveness and the fact that there are deep values being affected.

Here we might emphasize Alex's point about the cumulative weight of arguments, even if no single knock out argument, seemed persuasive. Harms that worry should be listed maybe differentiating their level of persuasiveness.

4) Some Most ? Commissioners could sympathize with cloning in a few scenarios, but no Commissioners found many or most scenarios proposed for

cloning to be compelling. And some scenarios seemed clearly unethical. Thus absent a right not good reason to go forward.

5) Most compelling reason for cloning, for some Commissioners, therefore that it might fall under procreative liberty interest. This was controversial, certainly not clear or definitive.

6) Given uncertainty of procreative liberty interest but also uncertainty and in complete elaboration and persuasiveness of harms some Commissioners were not ready to decide the matter and thought more time necessary to elucidate the arguments and weigh the competing claims.

I am not sure this captures where we are, but I think we need to look hard at these conclusions because alot rests on them, they are what the public will zero in on for guiding the policy recommendations.

zeke emanuel

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: abrito@pol.net (abrito@pol.net [UNKNOWN])

CREATION DATE/TIME:17-MAY-1997 23:04:35.00

SUBJECT: Ethics draft

TO: nbac-members@lists.Princeton.EDU (nbac-members@lists.Princeton.EDU [UNKNOWN])

READ:UNKNOWN

TEXT:

Bernie,

To reiterate my concerns from today's meeting and so that I can offer clarification to other NBAC members as I did for you during a break, I offer the following:

We need to be clear as to where we stand on our recommendations, but we must do this in as an objective and nonjudgemental manner as possible. I feel that the draft carries a specific underlying tone that reflects some individual personal feelings and not the overall view of all the members. I feel, as others do, that cloning in and of itself is not unethical, but potential reasons for its uses CAN BE unethical. My worst fear is that if ever a child were to be born via the transfer of nucleic material from a somatic cell into an enucleated oocyte, this child would not be treated as something less than human. As Diane said, we must avoid categorization. So, I hope that other members agree with us to include a statement that clarifies that we would consider such an individual as human. Specific, but minor changes in the current draft that would go a long way in minimizing individual opinion include the following:

1)On page 2, the second paragraph, the fourth sentence includes a staement that I feel should be ommitted:" whether there are" plausible ethical.....That quoted should be omitted because it implies in the back of our (somebody's?) mind that we doubt that there would be any favorable reason to clone.

2)The last two sentences of the first paragrapgh on this same page(We each.....are persuasive.) needs to be rephrased. It sound like we are only considering "others views" as an aside. It does not reflect tha amount of time and consideration we have spent on listening to the public, scientists, religious leaders, etc. I will work on the rephrasing of this, as well as further specific comments.

-Arturo

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: racharo@facstaff.wisc.edu (racharo@facstaff.wisc.edu [UNKNOWN])

CREATION DATE/TIME:18-MAY-1997 17:28:05.00

SUBJECT: Clinton's Panel Backs Moratorium on Human Clones

TO: nbac-members@lists.Princeton.EDU (nbac-members@lists.Princeton.EDU [UNKNOWN])
READ:UNKNOWN

TEXT:

<http://search.nytimes.com/search/daily/bin/fastweb?getdoc+site+iib-site+138+0+wAAA+%28kolata%29%26OR%26%28%29%26OR%26%28%29>
[banner] [RS6000]
[toolbar]

May 18, 1997

Clinton's Panel Backs Moratorium on Human Clones

Related Articles

* Cloning Index

By GINA KOLATA

[A] RLINGTON, Va. -- Trying to tread a fine line between encouraging scientific progress and preventing horrendous abuses of a new technology, a presidential advisory committee agreed Saturday that there should be a moratorium on the cloning of human beings by public or private institutions.

The group said efforts to clone a person would not be safe now because they would be too likely to result in malformed fetuses.

The 18-member group was charged by President Clinton with making a recommendation on human cloning by the end of the month. Among the issues it faces is whether the cloning of humans should be prohibited, and, if so, how a ban should be enforced.

Even though the group reached a limited agreement, the struggle to complete its report shows how difficult it can be, even for a group with no obvious factions, to decide the issue.

The group, the National Bioethics Advisory Committee, had been established by Clinton to consider a variety of longstanding questions involving ethics in medical

research. But when researchers in Scotland announced at the end of February that they had cloned a sheep, making an exact genetic copy of an adult animal, Clinton imposed a moratorium on human cloning research using federal money and directed the advisory group to issue a report in 90 days.

Saturday's daylong meeting was supposed to be the last one on the cloning issue. But the commission chairman, Dr. Harold Shapiro, the president of Princeton University, opened the session by saying that the group would have to schedule one more meeting before it could reach a final agreement.

Many committee members seemed to be leaning toward recommending federal legislation to ban the cloning of human beings by researchers in the public or private sector. They feared that the moratorium now in effect would not sway in-vitro fertilization clinics, which pay for their own research and which have been exempt from other federal bans and moratoriums, like the current ban on using federal money to conduct research on human embryos.

But if there is to be a law banning the cloning of humans, many committee members want it to expire after a certain period of time unless there is a good reason to continue it.

Nonetheless, Shapiro noted in an interview, many members are not entirely convinced that they want an anti-cloning law. "We don't know whether the right legislation would be formulated or whether it would be out of date too quickly," he said. "Both sides are very close to the line. A good argument could still sway a lot of people."

Some committee members said they were not yet ready to decide. "I'm firmly on the fence," said Dr. Carol Greider, a senior staff scientist at Cold Spring Harbor Laboratory in New York.

The ethical arguments are thorny. At a committee meeting last month, Dr. Bernard Lo, the director of the Program in Medical Ethics at the University of California in San Francisco, said the group was "grappling with what it is about cloning that has raised such strong emotions."

Although some ethicists and religious leaders have argued that cloning would violate human dignity or would endlessly complicate family relationships or that it would be the ultimate hubris, Lo said, "the problem the group confronted was that there was no one compelling reason why cloning should be banned.

Nonetheless, he noted, "There was no easy way to dismiss the religious, almost mystical argument that it was deeply objectionable, an affront to human dignity."

So the safety question carried the day. In the sheep-cloning work, scientists at the Roslin Institute, just outside Edinburgh, Scotland, produced dozens of fetuses with severe malformations. No one could argue that the technology would be safe enough to use on humans at this point.

Dr. Thomas Murray, a committee member who is the director of the Center for Biomedical Ethics at Case Western Reserve University in Cleveland, said that the panel was able to base its decision on the narrow issue of safety. Of course, there are large moral questions, he said, but the safety issue suffices.

Dr. Retaugh Graves Dumas, a committee member who is vice provost for health affairs at the University of Michigan, said she was concerned about safety but looked forward to the time when those concerns were assuaged.

Dr. Dumas said: "I could make a moral argument that if these techniques are available and we don't use them, we are letting society down. It is immoral not to have access to the best technology we could muster. It would be a shame to prohibit cloning forever."

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[RS6000]

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: acapron@law.usc.edu (acapron@law.usc.edu [UNKNOWN])

CREATION DATE/TIME:19-MAY-1997 18:31:54.00

SUBJECT: Re: Science chapter; cover

TO: nbac-members@lists.Princeton.EDU (nbac-members@lists.Princeton.EDU [UNKNOWN])
READ:UNKNOWN

TEXT:

I'm just back from my 6-hour-day course for 3rd year medical students and, taking into account that I may go over points that others of you have already addressed in e-mail I haven't yet had a chance to read, I want to respond to some comments raised by the following e-mail from Diane who both raised some questions and provoked additional ones from me, esp. for Carol, David & Bernie, as well as for Harold, Henrietta and Kathi about the presentation of the report.

On Sun, 18 May 1997 DIANESJ@vm.temple.edu wrote:

> Hi everyone, In previous email, some members have expressed the view that the > Science chapter is more difficult to read than is appropriate for the audience > for our report. Are there any remaining concerns about the difficulty of the > Science chapter?
> I have spent today carefully reading the Science chapter, and although it takes
> some time to get through it,
> I think the overall level of presentation is fine.

Diane--

I agree, and I am also going to send some "marked up" passages. For example, I re-read the passage to which I was referred by Carol when I asked a question on the transplantable tissues issue--and still do not see therein a description that answers the question that readers of some material in the lay press are likely to bring to the report.

> In addition, I wonder whether the figures should
> be placed in the text, instead of at the end of the chapter, to break up the > prose.

I have been operating on the assumption--which I'd like to have confirmed by Harold, Henrietta, and Kathi--that the final presentation of the report will be "book-like," with charts and tables integrated into the text at appropriate points, and that that hasn't been done yet because technically it would complicate Kathi's work too much. I have also been lobbying to have the book published in a 6 x 8 (or comparable) format in place of 8.5 x 11, because I think that makes it more usable by people and decreases the extent to which it is a "government report" (in the negative sense of that term).

> I hope there will be time to circulate the completed glossary for

> comment, as the definitions are critical to the reader's understanding of the > text.

>

I will suggest some additional terms that I think ought to be included. Kathi, I also hope that between your knowledge of the topic and your wordprocessing equipment, you can start marking terms and phrases for the construction of an index, which would also make the report much more valuable. It would also be great if NBAC could spend a few dollars to have a professional indexer start to work on whatever you can produce, because a good index requires the human hand (and mind) as well as computer equipment, and I suspect you'll continue to have your hands full right up to the end! I suspect you're a believer in indexes, as OTA typically had them in its reports. The National Commission did not, and the President's Commission didn't for its first couple of reports--and we noticed a big improvement in reader response and (even for ourselves) the usability of reports once we changed. ACHRE's otherwise excellent report did not in the (dreaded) 8.5 x 11" government version but does in the more attractive Oxford U Press version (and guess which one Ruth Faden was using when she came to testify earlier this month before our HSSC?). So I really do hope we will have a good index.

> I hope that at least part of the Ethics chapter can be tied to the specifics

> of the Science chapter. For example, insulin and other pharmaceutical products could be developed in livestock and organs could possibly be used for > transplantation to humans (p. 14-15 of Science chapter). In addition, the > knowledge generated from nuclear transplantation cloning could be used to > develop ways to reprogram differentiated somatic cells to replace damaged or > diseased cells or tissues; also, quiescent cells in adult tissue could > possibly be stimulated to differentiate in a certain way (p. 19). The ethical > principles of beneficence and justice would cause us to be concerned about the > equitable distribution of these benefits of research and technology. I believe > these are important ethical considerations, in addition to the pros and cons of > nuclear transplantation cloning to create babies.

I agree these are important ethical considerations, Diane, but they are not issues that we have debated nor do they grow out of cloning of human beings. The developments themselves are appropriate to the science chapter because they help to explain WHY people at the Roslin Institute and elsewhere are interested in the technology of mammalian cloning. And perhaps it would be appropriate to ACKNOWLEDGE near the start (or the conclusion?) of the ethics chapter that research in mammalian cloning and its use in agriculture and pharmaceuticals raise important ethical issues in themselves...but that these questions, since they do not arise from the use of somatic-cell nuclear transfer to create a child are beyond the scope of our report.

>

> The Ethics chapter might also address what could be done to allay fears that > might be aroused by experiments described in the Science chapter. If 54 > embryos were produced from a single embryo in cows (Stice & Keefer, 1993, cited > on p. 13), readers are likely to wonder whether

researchers would want to > attempt this with humans.

Query to everyone: what if anything are we planning to say on the ETHICS of embryo-splitting or the use of nuclear transfer from EMBRYOS?? Are embryos "somatic" cells--undifferentiated and non-adult but still somatic since no longer haplotype gametes??? If the answer is "yes, they are somatic cells" (Carol & David: what do you say?) then do we intend to ban this? I had thought not: at least if the nuclear transfer were without splitting: that is, from one fertilized oocyte to another enucleated oocyte (as in the examples recounted by Gladys White and myself). But if we say "no" to cloning from somatic cells and the embryo counts as a somatic cell, then that would be out. Conversely, if the embryo is not somatic cell, then doesn't the problem that Diane describes arise. And are we going to be silent about it, or just refer everyone to the NABER symposium on cloning-through-embryo-splitting that ran in the Kennedy Institute of Ethics Journal a couple of years ago (and that was distributed to NBAC members in March)??

> The discussion of prize live-

> stock also could be troubling. If we want to create "elite" animals, why > wouldn't we want to create "elite" people? I believe we will be remiss if we > leave these experiments disconnected from the Ethics chapter. But these > issues do not fit the Ethics outline. Do Ethics bucket members have any ideas > about this?

>

Isn't a lot of the concern here touched on in the eugenics discussion in the ethics chapter: it just needs to be extended from "positive eugenics" through selection of "ideal" genotypes to clone to "enhancement eugenics" through a combination of cloning and gene therapy.

> We were presented several creative alternatives for the cover. I am concerned > that the covers overemphasize sameness and, worse, some show increasingly faded > images, as if repeated cloning would lead to pale imitations of the original. > The cover showing people includes some "cookie-cutter" people in a stiff, robot > like stance. (Are they supposed to be men? Why?) I don't think any of these > covers convey a positive message or reflect our Commission's approach to this > task. I would prefer a cover with no illustration to these covers.

>

I share some of Diane's reservations on the cover. That is why I suggested the "Andy Warhol" approach: looking at the multiple images of Elizabeth Taylor, Marilyn Monroe, and others that he made famous, it isn't possible to say one is the "original" and others are the (inferior) copies: they are instead different (read: "environmental factors"?) versions of the same. So let me press this idea again: either get the famous head-shot of dolly and have that done in the same varied, silk-screen Warhol style, or find out if any of these famous works are in the National Gallery (or another gallery) that would give us permission (with appropriate acknowledgement on the inside cover) to use them on the cover.

You didn't mention the title. I would suggest "Cloning Human Beings: A Report to the President on the Ethical, Social and Legal Issues" and then

below "National Bioethics Advisory Commission" as sufficient, with other info (such as date and US Government etc) on the inside cover.

We had a productive meeting on Saturday and are honing in on what will be a useful report of immediate and I hope lasting value. I hope it will be something we can be proud of...even to the point of hoping it is eye-catching and easy to use!

Best,
Alex

* Alexander M. Capron acapron@law.usc.edu *

* Henry W. Bruce Professor of Law (213) 740-2557 (voice) *

* University Professor of Law and Medicine (213) 740-5502 (fax) *

* University of Southern California (213) 740-0149 (fax) *

* Los Angeles, CA 90089-0071 *

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: RRiseberg@psc.dhhs.gov (RRiseberg@psc.dhhs.gov [UNKNOWN])

CREATION DATE/TIME:19-MAY-1997 08:55:07.00

SUBJECT: Post request for NBAC working drafts

CC: Rachel E. Levinson (CN=Rachel E. Levinson/OU=OSTP/O=EOP [OSTP])

READ:UNKNOWN

TEXT:

Rachel,

Let me know whether you folks have any problems with this approach.

Dick

Forward Header

Subject: Post request for NBAC working drafts

Author: Richard Riseberg at ~OGC_1

Date: 5/19/97 8:29 AM

As you know, the Washington Post has asked through its attorneys for "all drafts of the final report" of the National Bioethics Advisory Commission to be discussed "at the public meeting on" Saturday, May 17. Inasmuch as the request only came on the 16th nothing was provided and the request was put into normal FOI channels. As you also know, the Post argues that they are entitled to the drafts under FACA. Since the drafts are predecisional, there is certainly argument for withholding them. Also, they are not really the work of the Commission but rather just of individual members. On the other hand, in light of certain language in FACA, the Post's position is not frivolous.

At this point the NBAC chair would like to avoid a legal battle distracting NBAC from its mission. He is comfortable with releasing the drafts which have been discussed extensively in public session. I have reviewed the matter with the White House representative who sits with the Commission and she considers it highly unlikely that the WH would want to intervene to withhold. However, she is going to check and get back to me today if she is wrong.

In the meantime I have drafted a proposed letter which would provide for release because of the special issues before the Commission, while making it clear that the release is as a matter of discretion and not based on any legal obligation. Obviously before recommending such a step I would want to be sure you and Darlene are comfortable with such an approach. I am sending a copy of this note to Harriet in case she sees any issues from her perspective.

The proposed transmittal letter to the Post would read as follows:

"This is in reply to your letter of May 16, 1997, requesting all drafts of the final report of the National Bioethics Advisory Commission discussed at the meeting on May 17, 1997.

"In your letter you present legal arguments as to why you are entitled to these documents. Without getting into the merit of these arguments, the special nature of the issues being considered by the Commission have led me to conclude that, as a matter of discretion, the materials you requested should be made available to you.

"We are in the process of making copies and will transmit them to you in the next day or two."

Tim/Darlene: Please let me know whether you have any problems with this approach.

Dick Riseberg

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: DIANESJ@vm.temple.edu (DIANESJ@vm.temple.edu [UNKNOWN])

CREATION DATE/TIME:19-MAY-1997 00:53:09.00

SUBJECT: Science chapter; cover

TO: nbac-members@lists.Princeton.EDU (nbac-members@lists.Princeton.EDU [UNKNOWN])
READ:UNKNOWN

TEXT:

Hi everyone, In previous email, some members have expressed the view that the Science chapter is more difficult to read than is appropriate for the audience for our report. Are there any remaining concerns about the difficulty of the Science chapter?

I have spent today carefully reading the Science chapter, and although it takes

some time to get through it,

I think the overall level of presentation is fine. I have marked some specific suggestions for changes on the text and will fax these to Kathi and to Carol tomorrow morning. I also have some suggestions, which I will fax, for making the figures easier to follow. In addition, I wonder whether the figures should be placed in the text, instead of at the end of the chapter, to break up the prose. I hope there will be time to circulate the completed glossary for comment, as the definitions are critical to the reader's understanding of the text.

I hope we can present the report in a manner that will encourage the reader to take the time to study the science chapter carefully. The Science chapter clearly illustrates the importance of the ongoing process of research and not just the finished product. The existence of Dolly is a dramatic event but is also one step in a painstaking and careful process that needs to continue, to answer many additional questions.

I hope that at least part of the Ethics chapter can be tied to the specifics of the Science chapter. For example, insulin and other pharmaceutical products could be developed in livestock and organs could possibly be used for transplantation to humans (p. 14-15 of Science chapter). In addition, the knowledge generated from nuclear transplantation cloning could be used to develop ways to reprogram differentiated somatic cells to replace damaged or diseased cells or tissues; also, quiescent cells in adult tissue could possibly be stimulated to differentiate in a certain way (p. 19). The ethical principles of beneficence and justice would cause us to be concerned about the equitable distribution of these benefits of research and technology. I believe these are important ethical considerations, in addition to the pros and cons of nuclear transplantation cloning to create babies.

The Ethics chapter might also address what could be done to allay fears that might be aroused by experiments described in the Science chapter. If 54 embryos were produced from a single embryo in cows (Stice & Keefer, 1993, cited on p. 13), readers are likely to wonder whether researchers

would want to attempt this with humans. And "knock-out mice", with genes missing (p. 15) -- would researchers want to try that with people? The discussion of prize live- stock also could be troubling. If we want to create "elite" animals, why wouldn't we want to create "elite" people? I believe we will be remiss if we leave these experiments disconnected from the Ethics chapter. But these issues do not fit the Ethics outline. Do Ethics bucket members have any ideas about this?

We were presented several creative alternatives for the cover. I am concerned that the covers overemphasize sameness and, worse, some show increasingly faded images, as if repeated cloning would lead to pale imitations of the original. The cover showing people includes some "cookie-cutter" people in a stiff, robot like stance. (Are they supposed to be men? Why?) I don't think any of these covers convey a positive message or reflect our Commission's approach to this task. I would prefer a cover with no illustration to these covers.

Bernie, I will try to circulate a a few paragraphs on social and historical context; Tom and Carol have agreed to help.

Diane

+++++

	DIANE SCOTT-JONES, PH.D.		DIANESJ@VM.TEMPLE.EDU
	DEPARTMENT OF PSYCHOLOGY		215 204-1559 PHONE
	TEMPLE UNIVERSITY	215 204-5539 FAX	
	PHILADELPHIA, PA 19122		

+++++

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: Sybil Francis (CN=Sybil Francis/OU=OSTP/O=EOP [OSTP])

CREATION DATE/TIME:19-MAY-1997 16:48:38.00

SUBJECT: weekly report

TO: Holly L. Gwin (CN=Holly L. Gwin/OU=OSTP/O=EOP @ EOP [OSTP])

READ:UNKNOWN

TEXT:

Holly - Welcome! I don't know if you remember our interactions from my days working for George Brown and briefly at OTA briefly one summer. Anyway, it's great to have you here and I look forward to saying hello to you in person.

Cliff told me that you would like the Science Division to provide you with our weekly report by cob on Mondays. What we propose to do this week is provide you a brief update from last week's report by cob tomorrow (Tuesday) that will include our two items for inclusion in the report to the President. Our two items will be the National Bioethics Advisory Committee activities with regard to cloning, and our efforts on the plant genome mapping project. Next week we will then be in a position to give you our full weekly report. (Do you want that cob Friday or cob Tuesday, since Monday is a holiday?).

Since I am Cliff's Deputy I hope you will call on me for assistance when you can't reach Cliff or when you think it is appropriate.

Sybil Francis

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: DIANESJ@vm.temple.edu (DIANESJ@vm.temple.edu [UNKNOWN])

CREATION DATE/TIME:19-MAY-1997 19:49:07.00

SUBJECT: Re: Science chapter; cover

TO: nbac-members@lists.Princeton.EDU (nbac-members@lists.Princeton.EDU [UNKNOWN])
READ:UNKNOWN

TEXT:

In-Reply-To: Message of Mon, 19 May 1997 15:38:01 -0700 (PDT) from
<acapron@law.usc.edu>

Message-Id: <970519.194942.EDT.DIANESJ@VM.TEMPLE.EDU>

Hi Alex and everyone, just responding to a few of Alex' responses to my
earlier message. I see your point that we have limited our task in
the ethics chapter to the decision to create a child through cloning.

Of course, I will defer to the group on this but I believe we are
focusing in an abstract manner on a possibility that is more distant
than other ethical issues that are closer to home. I hope, as you
suggested, that we will at least acknowledge these other ethical issues
that are occurring as we move toward the capability to clone a human
being.

I'm not sure we were expressing the same concern in your response about
"positive eugenics". I haven't read Bernie's latest draft so I'll look
again at that section.

Thanks, Alex, for moving the discussion forward on these issues.

++++++
|
DIANE SCOTT-JONES, PH.D.	DIANESJ@VM.TEMPLE.EDU
DEPARTMENT OF PSYCHOLOGY	215 204-1559 PHONE
TEMPLE UNIVERSITY	215 204-5539 FAX
PHILADELPHIA, PA 19122	
++++++

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: DIANESJ@VM.TEMPLE.EDU (DIANESJ@VM.TEMPLE.EDU [UNKNOWN])

CREATION DATE/TIME:19-MAY-1997 20:11:52.00

SUBJECT: Re: social and historical context

TO: nbac-members@lists.Princeton.EDU (nbac-members@lists.Princeton.EDU [UNKNOWN])
READ:UNKNOWN

TEXT:

In-Reply-To: Message of Mon, 19 May 1997 16:48:20 -0700 (PDT) from
<acapron@law.usc.edu>

Message-Id: <970519.201314.EDT.DIANESJ@VM.TEMPLE.EDU>

Hi Alex and everyone, I think Alex' addition below is great and provides much-needed background for the report of our deliberations.

On Alex' second point -- it seems that technology related to genetics and basic understandings about the power of genes (and the potential power of those who might control genes) are central to the ethics of human cloning and the ethics of the interim research steps that would lead to the capacity to clone human beings.

You're right, Alex; we should not substitute environmental determinism for genetic determinism.

Diane

On Mon, 19 May 1997 16:48:20 -0700 (PDT) you said:

>Diane:

>Your suggested text on research ethics is excellent. I would think it
>wise to add something along the following (which I leave to Kathi and
>Bernie to edit) in conjunction with the material on the Clinton apologies:

>

>"Concerns about the misuse of research subjects, not just in
>government-run studies (such as Tuskegee and the radiation studies) but in
>university- and industry-sponsored research led to the creation of the
>National Commission in 1974 and the President's Commission in 1978, both
>of which were charged to establish the standards for ethical conduct of
>research and to review their effectiveness in protecting subjects. Yet
>the problems addressed by these earlier bodies, and by the ad hoc
>committees that examined the Tuskegee Syphilis Study and the human
>radiation experiment, have not disappeared. President Clinton therefore
>charged the National Bioethics Advisory Commission to recommend necessary
>improvements in the system of protection for research subjects. The
>Commission has already concluded that the Common Rule should be extended
>to all subjects in research in the United States, regardless of its
>sponsorship, and will later this year issue a report explaining the
>rationale and consequences of that and other recommendations."

>

>The only concern that I have about your text is that it flows quickly
>from addressing the ethical obligations to conduct research in accordance
>with the ethical standards for protection of human subjects to addressing
>the problems that arise when researchers either develop results that

>might harm all or part of society. In some cases, the problem may be
>that results are misused--either used for a bad end or misinterpreted to
>argue for a bad position. In other cases, the researchers may actively
>be seeking the bad end. All of these are important and complex issues,
>as is the question of whether science itself (through its practice of
>open dissemination of results and the attempted replication of studies,
>for example) is self-correcting or at least subject to correction by
>outside criticism or, alternatively, needs to be controlled. If the
>latter, by whom, exercising what powers, and with what review?
>
>The example you choose--extreme genetic determinism, linked with
>racialism on intelligence--are ones on which I agree with you. And I
>know that we intend in the science chapter to be clear in showing the
>folly of extreme genetic determinism (though I trust we won't try to take
>the opposite view, that genetics means next to nothing), and Kathi and
>others are going through the other chapters to make sure they don't slip
>into determinism by implication. But I wonder whether all of this should
>be linked so closely to the rest of your very fine discussion of "research
>ethics," especially if the only conclusion is that scientists have an
>ethical responsibility to be open with the public as well as with each
>other to share their results.
>
>What do others think?
>Alex
>

+++++
|
DIANE SCOTT-JONES, PH.D.	DIANESJ@VM.TEMPLE.EDU
DEPARTMENT OF PSYCHOLOGY	215 204-1559 PHONE
TEMPLE UNIVERSITY	215 204-5539 FAX
PHILADELPHIA, PA 19122	
+++++

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: DIANESJ@VM.TEMPLE.EDU (DIANESJ@VM.TEMPLE.EDU [UNKNOWN])

CREATION DATE/TIME:19-MAY-1997 17:17:59.00

SUBJECT: social and historical context

TO: nbac-members@lists.Princeton.EDU (nbac-members@lists.Princeton.EDU [UNKNOWN])
READ:UNKNOWN

TEXT:

Hi Bernie and everyone, Here are a few paragraphs on the social and historical context of research ethics. This is different from what I set out to write but here it is. Tom and Carol, do you have any suggestions? I don't know whether this fits in the current structure of the Ethics chapter. I think the Ethics chapter should include more attention to research ethics. Sorry -- the lines messed up when I uploaded this.
Diane

The existence of Dolly is a dramatic, highly publicized milestone in the accumulation of scientific knowledge. Dolly's birth occurred in an era in which scientists in the United States, and in many other countries as well, are expected to conduct their research according to widely accepted ethical principles. Although scientists may rush to be first with new discoveries and applications, scientists also should exhibit a basic conservatism that would lead them to be skeptical of new claims and cautious in applying new discoveries to humans. Ideally, the research community will engage in vigorous self-regulation and peer-regulation. In addition, citizens who are potential participants in and beneficiaries of research are themselves moral agents, who have ethical responsibilities. Persons outside the research community have a voice in research ethics through the system of Institutional Review Boards that approve research and through their right to refuse to participate in research.

Unfortunately, researchers have not always upheld their ethical mandate. In a heartfelt statement, President Clinton recently apologized to the survivors of the Tuskegee syphilis experiment. Earlier, the President apologized to the participants in the

human
radiation
experiments. Although many citizens are heartened by the public
acknowledgment of wrong-doing, others remain concerned about how
widespread ethical violations might be.

Even in research programs that are not known to have major violations of
ethical
principles, concerns have been raised about the possible applications of
the
studies. Prominent
examples are research on genetics technology (Duster, 1990) and the effort
to
catalogue human
genes (Lewontin, 1992). The current interest in genetic make-up and the
attribution of great
power to genes in controlling human development is unsettling to some who
worry
that the
resurgence of interest in simplistic genetic explanations of complex human
behavior will revive
eugenics movements in our society. Indeed, Herrnstein and Murray (1994,
p. 297)
openly
encourage genetic determinism, urging us to make public our "privately held
beliefs about the
implications of genetic differences" in intelligence.

Clearly, the American public needs to air the variety of perspectives on
genetics, new
technologies, and possible applications. The appearance of Dolly provides
citizens an entry point
into the discussion of the fascinating and sometimes frightening possi-
bilities
of the knowledge
amassed about the role of genes in human development. It might be
tempting to
frame the
discussion of ethics and cloning technology as a debate between the
"experts",
on the one hand,
and the "know-nothings and Luddites", on the other, but as Duster (1990)
points
out, if we set
the experts in opposition to those who know less about science, the
experts will always win.
Scientists have a responsibility to disseminate their findings, not just
to the
research community,
but to the public as well. Citizens are responsible to be well-informed
so that
they can participate
actively in the discussion of the ethics of new scientific technology and
in

shaping the policies that
are needed to guide the direction of our society. Only when citizens
engage in
open and
respectful discussion of controversial issues, such as cloning, will we
move
toward the caring and
just society to which we aspire. In a caring and just society, science
serves
the citizenry and is not
solely the province of a privileged few but is beneficial to all.

References

Duster, T. (1990). Backdoor to eugenics. New York: Routledge.

Herrnstein, R.J., & Murray, C. (1994). The bell curve: Intelligence and
class structure in
American life. New York: The Free Press.

Lewontin, R.C. (1992). Biology as ideology: The doctrine of DNA. New
York:
HarperCollins.

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+++++
|                                     |
|  DIANE SCOTT-JONES, PH.D.         | DIANESJ@VM.TEMPLE.EDU |
|  DEPARTMENT OF PSYCHOLOGY         | 215 204-1559 PHONE   |
|  TEMPLE UNIVERSITY                | 215 204-5539 FAX    |
|  PHILADELPHIA, PA 19122          |                       |
+++++
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RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: thm2@po.cwru.edu (thm2@po.cwru.edu [UNKNOWN])

CREATION DATE/TIME:20-MAY-1997 11:00:19.00

SUBJECT: Jim's hchapter on religious perspectives

TO: nbac-members@lists.Princeton.EDU (nbac-members@lists.Princeton.EDU [UNKNOWN])
READ:UNKNOWN

TEXT:

Dear Jim and colleagues,

First of all, kudos to Jim for a fine piece of work. I believe that the appropriate test for this chapter, and for most of the ethics chapter, is whether most Americans will find their concerns fairly represented in the text. We are not and need not be in the position of declaring "winners" and "losers" among the various traditions and arguments, in order to do complete our task. Jim's chapter does what seems to me to be a terrific job of laying out a range of many of the most important sources of religious responses to cloning. It is well-organized and appropriately modest, its aims are stated clearly, and the views of different traditions and scholars are presented respectfully. It also makes clear the range of religious responses, and both the importance and the complexity of integrating respect for religious beliefs in a pluralistic nation into good public policy which is also consistent with our political and constitutional traditions.

I will fax to Jim and to Kathi the pages on which minor editing suggestions are made. What follows are brief comments about possibly more substantive matters:

Page 3, second full paragraph: the first line says "...human freedom (autonomy)..." as if the concepts were identical (clones?). It may be too fine a point to make in the context of such a report, but I am not certain that Fletcher regarded the two related concepts as essentially the same. I will go with Jim's judgment on this point.

Page 21, last full paragraph: The last sentence addresses "The ethics of cloning..." The context implies a parallel between theoretical/applied research and bari/khaliq. I am not certain if that is what is intended. If it is, then I am not certain the comparison holds. Could not both theoretical and applied research be seen as instances of khaliq? In either case, we should either clarify the comparison, or we could simply drop the sentence.

Page 25: I like very much what is in the concluding section of the chapter. What would you think of adding one more paragraph calling for dialogue among faith traditions, as well as conversation with those not in any particular faith tradition? It would tie into our call for public conversation about the ethics of cloning.

Tom
Thomas H. Murray, Ph.D.
Center for Biomedical Ethics
School of Medicine
Case Western Reserve University
10900 Euclid Avenue
Cleveland, OH 44106-4976
Phone: 216/368-6206 Fax: 216/368-8713
thm2@po.cwru.edu

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: Holly L. Gwin (CN=Holly L. Gwin/OU=OSTP/O=EOP [OSTP])

CREATION DATE/TIME:20-MAY-1997 08:21:58.00

SUBJECT: have you had a chance to mine the Division weeklies yet?

TO: Jeffrey M. Smith (CN=Jeffrey M. Smith/OU=OSTP/O=EOP @ EOP [OSTP])

READ:UNKNOWN

TEXT:

it seems there's potential for 5 main sections:

1. educational technologies charge
2. building bipartisan support for S&T, including GPS, LHC, corn genome, and ecosystem management
3. NBAC/cloning
4. preparations for the Tahoe Summit (and/or the regional workshops)
5. counter-terrorism and/or landmines

do you consider this your project, or would you be just as happy if I took it on? if the former, you have my 2 cents worth and I'm happy to elaborate at your request; if the latter, please let me have your candidates for features ASAP

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: greider@cshl.org (greider@cshl.org [UNKNOWN])

CREATION DATE/TIME:20-MAY-1997 13:53:30.00

SUBJECT: Re: FINAL DRAFT RECOMMENDATIONS - DR. SHAPIRO

TO: nbac-members@lists.Princeton.EDU (nbac-members@lists.Princeton.EDU [UNKNOWN])
READ:UNKNOWN

TEXT:

Dear Harold,

I would be happy to sign off of these recommendation.
I thought Alta's suggestions were also very good.

I have two suggestions in ALL CAPS below.

>
> FINAL DRAFT
>
>
> PROPOSED REVISED RECOMMENDATIONS - MAY 19, 1997
>
>

>I. The Commission concludes that at this time it is morally
>unacceptable for anyone in the public or private sector, whether in a
>research or clinical setting, to attempt to create a child using the
>somatic cell nuclear transfer technique. We have reached a unanimous
>consensus on this point because of the total lack of adequate
>information on the safety and effectiveness of this method in humans.
>Indeed, we believe it would violate important ethical obligations were
>clinicians or researchers to attempt to create a child using these
>particular technologies, which are likely to involve such substantial
>risks of physical or mental harm to the potential child. Moreover,
>many additional serious ethical concerns have been identified which
>require a great deal more widespread careful deliberation and thought.

>
> The Commission, therefore, recommends the following for immediate
> action:

>
> A continuation of the current federal moratorium on attempts to
> create a child in this fashion. Thus, no federal funds should be
> used for any attempt to create a child by somatic cell nuclear
> transfer.
>
> An immediate request to all firms, clinicians, investigators, and
> professional societies in the private sector to voluntarily comply
> with the intent of the federal moratorium. Professional and
> scientific societies should make clear that any attempt to create a
> child by somatic cell nuclear transfer AND IMPLANTATION INTO a woman's
>body would at

> this time be an irresponsible, unethical and unprofessional act.

>

>

>II. The Commission further recommends that:

>

> Federal legislation should be enacted to prohibit anyone from
> attempting to create a child through somatic cell nuclear transfer
> techniques. Such legislation, as well as similar state
> legislation, should include a sunset clause that would ensure that
> the body creating the prohibition will revisit the issue after a
> specified time period in order to decide whether the prohibition
> continues to be needed. Any such legislation or associated
> regulation ought also to require that at a specified point prior to
> the expiration of the sunset period an appropriate oversight body
> would be responsible for evaluating and reporting on the current
> status of somatic cell nuclear technology and on the ethical and
> social issues that its potential use with human beings would raise
> in light of contemporary public attitudes.

>

>III. The Commission also concludes that:

>

> Any regulatory or legislative restrictions on the cloning of human
> beings should be carefully written so as not to interfere
> inadvertently and unnecessarily with other important areas of
> scientific research. In particular the cloning of human DNA
> sequences and somatic cell lines does not raise either the
> scientific or ethical issues that arise from the possible creation
> of children through somatic cell cloning, and these fields of
> scientific study WHICH MAY PROVIDE SIGNIFICANT SCIENTIFIC ADVANCEMENTS

>should be allowed to continue, subject to existing

> standards and regulations. Likewise, research on cloning of
> animals by somatic cell nuclear transfer does not raise the issues
> implicated in attempting to use this technique for human cloning,
> and its continuation should only be subject to existing regulations
> regarding the humane use of animals and review by institution-based
> animal protection committees.

>

> The United States Government should cooperate with other nations
> and international organizations to enforce any common aspects of
> their respective policies on the cloning of human beings.

>

>

>IV. The Commission also concludes that since different ethical and
>religious perspectives and traditions are divided on many of the
>important ethical issues that surround any attempt to create a child
>with somatic cell nuclear transfer techniques, we recommend that:

>

> The federal government and all the interested and concerned parties
> encourage widespread and continuing deliberation and thought on
> these issues in order to further our understanding of the ethical
> and social implications of this technology and to enable society to
> produce appropriate long-term policies regarding this technology
> should the time come when present concerns about safety have been
> met.

>
>
>V. Finally, since scientific knowledge is essential for all
citizens
>to participate in a full and informed fashion in the governance of our
>ever-more complex society, Federal departments and agencies concerned
>with science should cooperate in seeking out and supporting
>opportunities to provide information and education to the public in
>the area of genetics and on other developments in the biomedical
>sciences where these affect important cultural practices and
>commitments.

Carol Greider, Ph.D.
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Cold Spring Harbor, NY 11724

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Fax: (516) 367-8815
E-mail: greider@cshl.org

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: greider@cshl.org (greider@cshl.org [UNKNOWN])

CREATION DATE/TIME:20-MAY-1997 12:24:06.00

SUBJECT: Science section/determinism

TO: nbac-members@lists.Princeton.EDU (nbac-members@lists.Princeton.EDU [UNKNOWN])
READ:UNKNOWN

TEXT:
NBAC members:

Here is the draft that I have written for the science section to deal with the issue of genetic determinism.

David, Diane and Steve have all seen and commented on an earlier version.

Unless I hear back with comments by later today, i will give this text as is to Kathi to incorporated into the Science Section.

Carol

For the science section:

Cloning and genetic determinism

The recent announcement that a sheep had been generated through nuclear transfer from a somatic cell nucleus sparked widespread speculation about a human child being created in this manner. Much of the perceived fear that was reported regarding "Cloning" (Time Magazine March 10 1997, Newsweek Magazine March 10 1997) centered around the thought that a child or many children could be produced that are identical to an already existing person.

This fear reflects an erroneous belief that one's genes bear a simple relationship to the physical and psychological traits that compose an individual. This belief, that the genes alone determine all aspects of an individual, is called "genetic determinism." Although genes play an important role in physical and behavioral characteristics, each the individual is the result of a complex interaction between genes and the environment.

While the concept of complete genetic determinism is wrong, genes do play a major role in determining some biological characteristics. Genes that are involved in human disease provide one example. Yet even in this very productive field of study, results have revealed that the idea of having "the gene " for a disease is too simple. The recent efforts of the human genome project have led to the isolation of a large number of genes that are mutated in specific diseases, such as Duchenne Muscular Dystrophy, breast cancer and colon cancer. Pedigrees of families with each of these

diseases suggest that there is a single gene that is passed down with each generation that causes the disease. When such a disease gene is identified, scientists often say they have "cloned the gene for" breast cancer for instance, implying a direct cause and effect of gene and disease.

However, even in this relatively small list of genes associated with disease, knowing the complete DNA sequence of the gene does not allow a scientist to know if a given person will get the disease. For example, in Breast cancer there can be many different changes in the DNA, and for some specific mutations there is a calculated risk of developing the disease, while for other changes the risk is unknown. Even when a specific genetic change is identified that "causes" the disease in some people, others may be found who have the same change but do not get the disease. This is presumably because other factors, either genetic or environmental, are altered that mask or compensate for "the" disease gene. Thus even with the most sophisticated understanding of genes, we cannot determine with certainty what will happen to a given person with a single change in a single gene.

The reason ridged genetic determinism is false is that genes interact with each other and with the environment. For example, the likelihood of developing colon cancer, a disease with a strong hereditary component and for which researchers have identified a "causative" gene, is also strongly influenced by diet.

When one now considers a human trait that is determined by multiple genes, the situation becomes even more complex. The number of interactions between genes and environment increases dramatically. In fact, the ability to predict what a person will be like knowing only their genes becomes impossible because it is not possible to know how the environment and chance factor will influence the outcome.

Thus the idea that one could make a squad of Michael Jordans, a physics department of Einsteins, or an orchestra of Mozarts, is simply false. Knowing the complete genetic makeup of an individual would not tell you what kind of person that individual would become. Even identical twins who grow up together and thus share the same genes AND a similar home environment have different likes, dislikes and can have very different talents. The increasingly sophisticated studies coming out of human genetics research are showing that the better we understand gene function, the less likely it is we will be able to produce at will a person with any given complex trait.

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RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: rosemenz@arachne.princeton.edu (rosemenz@arachne.princeton.edu [UNKNOWN])

CREATION DATE/TIME:20-MAY-1997 10:03:53.00

SUBJECT: FINAL DRAFT RECOMMENDATIONS - DR. SHAPIRO

TO: nbac-members@lists.Princeton.EDU (nbac-members@lists.Princeton.EDU [UNKNOWN])

READ:UNKNOWN

TEXT:

The following memo and Final Draft version of the proposed recommendations are from Dr. Shapiro. Please note: when replying to the entire NBAC Commission, do NOT press reply as the message will only go to the owner of the list, R. Menz. Use the address:nbac-members@lists.Princeton.EDU. Thank you.

May 20, 1997

To: Members of NBAC
From: Harold T. Shapiro
Re: Rules of Engagement

+++++

1) As I indicated at our last meeting, we will have to meet once more before finally approving our report to the President. Because of logistical and other concerns (e.g., providing appropriate public notice), our next and final meeting with respect to the report will be on June 7. As you know, this meeting has been scheduled for some time. My expectation is that the time that we will devote to the report itself will be relatively brief, since I hope we will already have provided appropriate comments on the "final" drafts and that as many of these as possible will be reflected in the text that will be before us on June 7. Given our deadline, it will be very difficult to make major changes at that point.

2) When you receive a portion of the report marked "final draft," my presumption will be that if I do not hear from you within three days you find that draft adequate for our purposes. If, however, you do have substantive comments (I will make my best efforts to incorporate as many suggestions as I can, but as chair I will make the final decisions on issues of "style"), I would ask that you submit them to me and to Kathi in the form of written amendments to the draft text you have received.

3) Attached you will find a somewhat reformed set of recommendations. I know there are differences among us on the issue of just how to present these, but for the moment I would appreciate comments on the substance of these recommendations. As an experiment, I have entitled these "final draft" in order to test my three-day turnaround procedure.

I look forward to hearing from you and thank all members of the Commission for the many suggestions I have received in the last few days.

FINAL DRAFT

PROPOSED REVISED RECOMMENDATIONS - MAY 19, 1997

I. The Commission concludes that at this time it is morally unacceptable for anyone in the public or private sector, whether in a research or clinical setting, to attempt to create a child using the somatic cell nuclear transfer technique. We have reached a unanimous consensus on this point because of the total lack of adequate information on the safety and effectiveness of this method in humans. Indeed, we believe it would violate important ethical obligations were clinicians or researchers to attempt to create a child using these particular technologies, which are likely to involve such substantial risks of physical or mental harm to the potential child. Moreover, many additional serious ethical concerns have been identified which require a great deal more widespread careful deliberation and thought.

The Commission, therefore, recommends the following for immediate action:

A continuation of the current federal moratorium on attempts to create a child in this fashion. Thus, no federal funds should be used for any attempt to create a child by somatic cell nuclear transfer.

An immediate request to all firms, clinicians, investigators, and professional societies in the private sector to voluntarily comply with the intent of the federal moratorium. Professional and scientific societies should make clear that any attempt to create a child by somatic cell nuclear transfer to a woman's body would at this time be an irresponsible, unethical and unprofessional act.

II. The Commission further recommends that:

Federal legislation should be enacted to prohibit anyone from attempting to create a child through somatic cell nuclear transfer techniques. Such legislation, as well as similar state legislation, should include a sunset clause that would ensure that the body creating the prohibition will revisit the issue after a specified time period in order to decide whether the prohibition continues to be needed. Any such legislation or associated regulation ought also to require that at a specified point prior to the expiration of the sunset period an appropriate oversight body would be responsible for evaluating and reporting on the current status of somatic cell nuclear technology and on the ethical and social issues that its potential use with human beings would raise in light of contemporary public attitudes.

III. The Commission also concludes that:

Any regulatory or legislative restrictions on the cloning of human beings should be carefully written so as not to interfere inadvertently and unnecessarily with other important areas of scientific research. In particular the cloning of human DNA sequences and somatic cell lines does not raise either the scientific or ethical issues that arise from the possible creation of children through somatic cell cloning, and these fields of scientific study should be allowed to continue, subject to existing standards and regulations. Likewise, research on cloning of animals by somatic cell nuclear transfer does not raise the issues implicated in attempting to use this technique for human cloning, and its continuation should only be subject to existing regulations regarding the humane use of animals and review by institution-based animal protection committees.

The United States Government should cooperate with other nations and international organizations to enforce any common aspects of their respective policies on the cloning of human beings.

IV. The Commission also concludes that since different ethical and religious perspectives and traditions are divided on many of the important ethical issues that surround any attempt to create a child with somatic cell nuclear transfer techniques, we recommend that:

The federal government and all the interested and concerned parties encourage widespread and continuing deliberation and thought on these issues in order to further our understanding of the ethical and social implications of this technology and to enable society to produce appropriate long-term policies regarding this technology should the time come when present concerns about safety have been met.

V. Finally, since scientific knowledge is essential for all citizens to participate in a full and informed fashion in the governance of our ever-more complex society, Federal departments and agencies concerned

with science should cooperate in seeking out and supporting opportunities to provide information and education to the public in the area of genetics and on other developments in the biomedical sciences where these affect important cultural practices and commitments.

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: rlevinso@mail3.eop.gov (rlevinso@mail3.eop.gov [OSTP])

CREATION DATE/TIME:20-MAY-1997 14:34:17.00

SUBJECT: Re: Ethics, part II

TO: nbac-members@lists.Princeton.EDU (nbac-members@lists.Princeton.EDU [UNKNOWN])

READ:UNKNOWN

TEXT:

(Embedded image moved to file: PIC05094.PCX) Rachel E. Levinson @
EOP 05/20/97 02:30:54 PM

Record Type: Record

To: nbac-members @ lists.Princeton.EDU

cc:

bcc: Records Management

Subject: Re: Ethics, part II

See edits in brackets in very last paragraph

(Embedded
image moved bernie @ itsa.ucsf.edu
to file: 05/15/97 02:29:39 PM
PIC32382.PCX)

Please respond to nbac-members@lists.Princeton.EDU

Record Type: Record

To: nbac-members @ lists.Princeton.EDU

cc:

Subject: Ethics, part II

VIII. Cloning research involving human embryos.

Any research on cloning human beings through nuclear transfer from somatic cells would involve human embryo research. The fusion of a human somatic cell and a oocyte whose nucleus has been removed would produce a human embryo, with the potential to be implanted in utero and develop to delivery. Currently, federal funding for human embryo research is severely restricted. Congress has inserted restrictions on embryo research into the 1996 and 1997 Appropriations Bills. Congress forbids human embryo research that leads to the destruction or discarding of human embryos. Furthermore, research may not present more than minimal risk to the embryo. In addition, a 1994 Executive Order [delete Executive Order and insert "Presidential directive"] forbids federal funding for the creation of human embryos expressly for the purpose of research. Kathi, Rachel, is this an accurate description of current federal policy? Although federal support for human embryo research is heavily restricted, there are few restrictions of human embryo research carried out in the private sector, using nonfederal funds.

From a scientific viewpoint, progress in understanding molecular genetics and cellular differentiation currently can proceed through research using [human and] animal cells and animals. Far more animal research would be required before promising therapeutic ideas, such as embryonic stem cell transplantation for leukemia, liver failure, or diabetes, could be considered in humans. Thus cloning raises no pressing scientific reason to reconsider current restrictions on federal funding for human embryo research.

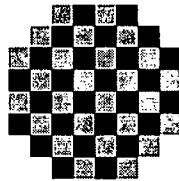
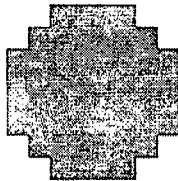
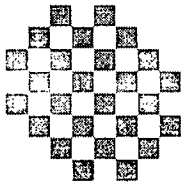
Bernard Lo, M.D.
521 Parnassus Ave.
Room C-126
University of California San Francisco
San Francisco, CA 94143-0903
Ph: 415-476-5370
Fax: 415-476-5020

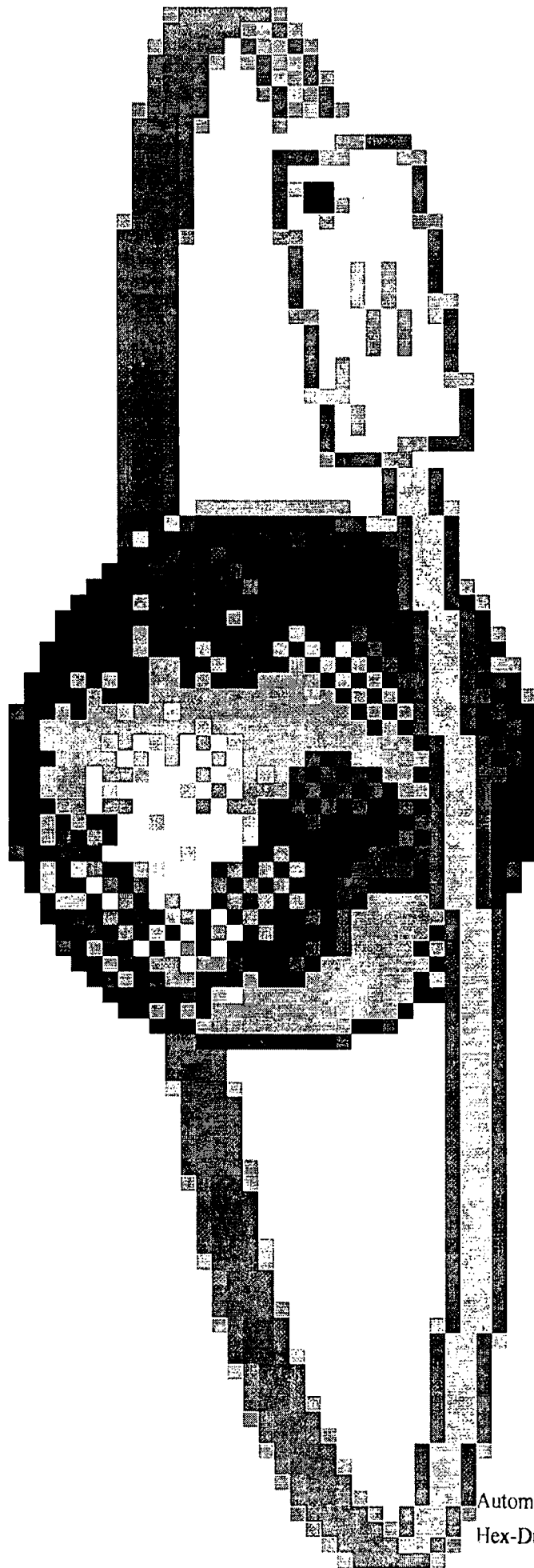
- PIC05094.PCX - PIC32382.PCX===== ATTACHMENT 1 =====
ATT CREATION TIME/DATE: 0 00:00:00.00

TEXT:

Unable to convert ARMS_EXT:[ATTACH.D39]MAIL41947604Y.116 to ASCII,
The following is a HEX DUMP:

===== END ATTACHMENT 2 =====





Automated Records Management System
Hex-Dump Conversion

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: bernie@itsa.ucsf.edu (bernie@itsa.ucsf.edu [UNKNOWN])

CREATION DATE/TIME:20-MAY-1997 14:42:21.00

SUBJECT: Carol's comments on the ethics chapter

TO: nbac-members@lists.Princeton.EDU (nbac-members@lists.Princeton.EDU [UNKNOWN])
READ:UNKNOWN

TEXT:

I wanted to thank Carol for timely, extensive and very thoughtful comments on the revised ethics chapter (sent out yesterday 5/19). She points out that many arguments suggested in favor of cloning depend on incorrect science and suggests cutting those passages from the ethics chapter that discuss those arguments, so as not to perpetrate false science. Diane has also suggested cutting material that presents arguments based on scientific misunderstandings.

This is an issue we need to resolve. Let me indicate why I think we need to give attention to arguments proposed in favor of cloning, even though they are based on false science.

First, I tried to indicate that the Commission thought these arguments were based on false science, but then go on to the ethical problems with those arguments. If this isn't working, is there rewording that will work as an alternative to cutting?

Second, I am reluctant to cut short the ethical analysis of the arguments that are there, as well as the counter-concerns about human dignity, valuing children like objects, etc.

Third, even the intention of trying to predetermine the qualities of the clone (although doomed to failure) is ethically problematic. Parental expectations, even if futile, can harm the child.

Fourth, don't think that the problem goes away if we say that scientifically, cloning will not achieve the goals of the persons trying to clone. Suppose a proponent then says, "Well, Carol and Diane et. al., I accept your points. I'll adjust my expectations. But I'm also going to try to create a family environment that nurtures that qualities I'm trying to foster -- artistic achievement, humanitarianism, whatever. If there is any genetic component, I'd like to take advantage of it. What is the problem with trying cloning in that context, as long as I also intend to love the child no matter what he or she becomes?" At one of the ethics bucket meetings, we had extensive discussion (without final agreement) on these issues.

Fifth, those who have a strong, comprehensive view of a right to procreative liberty would say that people have the right to do things that are stupid, silly, or doomed to failure. We can try to talk them out of it, but having a right means that no one can interfere with your exercise of it.

I'd like to hear comments from the other Commissioners on this. Thanks!

I agree with all Carol's suggestions about changing the phrase "cloning of children from somatic cell nuclear transfer." I also think the quotes are great, although I wonder if we can replace Rifkin. I think Harold's quote

about "repugnant" is good. Do we have any quotes favoring cloning, perhaps John Robertson?

Bernard Lo, M.D.
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RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: Rachel E. Levinson (CN=Rachel E. Levinson/OU=OSTP/O=EOP [OSTP])

CREATION DATE/TIME:20-MAY-1997 11:56:56.00

SUBJECT: cloning and plant genomes

TO: Sybil Francis (CN=Sybil Francis/OU=OSTP/O=EOP @ EOP [OSTP])

READ:UNKNOWN

TO: Clifford J. Gabriel (CN=Clifford J. Gabriel/OU=OSTP/O=EOP @ EOP [OSTP])

READ:UNKNOWN

TO: Holly L. Gwin (CN=Holly L. Gwin/OU=OSTP/O=EOP @ EOP [OSTP])

READ:UNKNOWN

TEXT:

see attachment===== ATTACHMENT 1 =====

ATT CREATION TIME/DATE: 0 00:00:00.00

TEXT:

Unable to convert ARMS_EXT:[ATTACH.D69]MAIL41841604Q.116 to ASCII,
The following is a HEX DUMP:

===== END ATTACHMENT 1 =====

Gene Mapping for Crops

In response to a request from Senators Bond, Kerrey and Harkin, I have established an interagency working group (IWG) to recommend to me and to the Senators how the Federal government should contribute to the development of gene maps for plants of agricultural significance, especially corn. This gene mapping effort would enhance existing work being done by the Department of Agriculture and complement work being conducted by the National Institutes of Health, Department of Energy, and National Science Foundation on humans and other plant and animal species. The IWG will report its preliminary finding by late June and complete its assessment in December.

Cloning

The National Bioethics Advisory Commission (NBAC) is due to submit its report to you in late May or early June on the legal and ethical issues associated with the use of cloning technology as applied to the cloning of human beings. The full Commission has met four times and several small groups have met informally to consider the scientific, legal, ethical, religious and policy issues attendant to the possible advent of technology that would enable the cloning of a person from a somatic cell derived from an existing adult. In public meetings, the Commission made it clear that they would focus on cloning techniques based on the transfer of a nucleus of an adult cell to an oocyte, with intent to implant a resulting embryo into a woman to achieve a pregnancy.

The Commission noted that it was not considering the legal or ethical ramifications of creation of a human embryo *without* intent to transfer to a woman for further development into an infant.

The Commission also discussed various policy options that could be applied to publicly or privately supported research to prevent, for the time being, the creation of a child through somatic cell nuclear transfer techniques. Commission members may propose that legislation be enacted to accomplish this goal.

The Commission will hold a meeting on Saturday, June 7, to finalize its recommendations, with transmittal of the final report to you the following week. I would strongly endorse your receipt of the report in person with the Commission present, as was done with the report of the Advisory Committee on Human Radiation Experiments.

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: racharo@facstaff.wisc.edu (racharo@facstaff.wisc.edu [UNKNOWN])

CREATION DATE/TIME:20-MAY-1997 10:41:37.00

SUBJECT: comments on proposed final recs

TO: nbac-members@lists.Princeton.EDU (nbac-members@lists.Princeton.EDU [UNKNOWN])
READ:UNKNOWN

TEXT:

i have inserted IN ALL CAPS a couple of comments on the text. they are aimed at:

1. not endorsing speculative psychological harms
2. not endorsing the proliferation of state legislation
3. trying out a new formulation of the human subjects review

PROPOSED REVISED RECOMMENDATIONS - MAY 19, 1997

1. The Commission concludes that at this time it is morally unacceptable for anyone in the public or private sector, whether in a research or clinical setting, to attempt to create a child using the somatic cell nuclear transfer technique. We have reached a unanimous consensus on this point because of the total lack of adequate information on the safety and effectiveness of this method in humans. Indeed, we believe it would violate important ethical obligations were clinicians or researchers to attempt to create a child using these particular technologies, which are likely to involve such substantial risks of physical or mental harm to the potential child.

IN THIS LAST SENTENCE, I WOULD PREFER TO DELETE THE WORDS "OR MENTAL HARM" SO AS TO AVOID ANY INFERENCE THAT WE ARE ENDORSING THE VIEW THAT HAVING THE SAME GENOME AS SOMEONE ALREADY ALIVE NECESSARILY REPRESENTS A SUBSTANTIAL RISK OF HARM. THIS IS A PREFERENCE ONLY, AND I COULD STILL VOTE FOR THE PROVISION AS DRAFTED.

Moreover,
many additional serious ethical concerns have been identified which require a great deal more widespread careful deliberation and thought.

The Commission, therefore, recommends the following for immediate action:

A continuation of the current federal moratorium on attempts to create a child in this fashion. Thus, no federal funds should be used for any attempt to create a child by somatic cell nuclear transfer.

An immediate request to all firms, clinicians, investigators, and professional societies in the private sector to voluntarily comply with the intent of the federal moratorium. Professional and scientific societies should make clear that any attempt to create a child by somatic cell nuclear transfer to a woman's body would at this time be an irresponsible, unethical and unprofessional act.

II. The Commission further recommends that:

Federal legislation should be enacted to prohibit anyone from attempting to create a child through somatic cell nuclear transfer techniques. Such legislation, as well as similar state legislation, should include a sunset clause that would ensure that the body creating the prohibition will revisit the issue after a specified time period in order to decide whether the prohibition continues to be needed.

I WOULD PREFER TO DELETE THE PHRASE "AS WELL AS SIMILAR STATE LEGISLATION" IN THE ABOVE SENTENCE, SO AS TO AVOID THE INFERENCE THAT WE ENDORSE STATE LEGISLATIVE EFFORTS. WE ARE PROPOSING FEDERAL LEGISLATION, AT LEAST IN PART, TO FORESTALL STATE LEGISLATIVE EFFORTS AND THUS ENSURE UNIFORMITY OF LAW ACROSS THE COUNTRY. I WOULD SUGGEST THAT WE RE-PHRASE HERE, AND ADD A SENTENCE THAT SAYS THAT "IF STATE LEGISLATION IS PASSED IN ADDITION TO THE FEDERAL LEGISLATION, IT SHOULD INCLUDE SIMILAR PROVISIONS FOR REVIEW AND REASSESSMENT OF THE PROHIBITION."

Any such legislation or associated regulation ought also to require that at a specified point prior to the expiration of the sunset period an appropriate oversight body would be responsible for evaluating and reporting on the current status of somatic cell nuclear technology and on the ethical and social issues that its potential use with human beings would raise in light of contemporary public attitudes.

HERE I WOULD PROPOSE ADDING THE FOLLOWING LANGUAGE:

"If, following this re-evaluation, the recommended prohibition should ever be lifted, then any clinical effort to use this technique to create children should be preceded by controlled research subject to the twin protections of independent safety review and appropriate informed consent."

III. The Commission also concludes that:

Any regulatory or legislative restrictions on the cloning of human beings should be carefully written so as not to interfere

inadvertently and unnecessarily with other important areas of scientific research. In particular the cloning of human DNA sequences and somatic cell lines does not raise either the scientific or ethical issues that arise from the possible creation of children through somatic cell cloning, and these fields of scientific study should be allowed to continue, subject to existing standards and regulations. Likewise, research on cloning of animals by somatic cell nuclear transfer does not raise the issues implicated in attempting to use this technique for human cloning, and its continuation should only be subject to existing regulations regarding the humane use of animals and review by institution-based animal protection committees.

The United States Government should cooperate with other nations and international organizations to enforce any common aspects of their respective policies on the cloning of human beings.

IV. The Commission also concludes that since different ethical and religious perspectives and traditions are divided on many of the important ethical issues that surround any attempt to create a child with somatic cell nuclear transfer techniques, we recommend that:

The federal government and all the interested and concerned parties encourage widespread and continuing deliberation and thought on these issues in order to further our understanding of the ethical and social implications of this technology and to enable society to produce appropriate long-term policies regarding this technology should the time come when present concerns about safety have been met.

V. Finally, since scientific knowledge is essential for all citizens to participate in a full and informed fashion in the governance of our ever-more complex society, Federal departments and agencies concerned with science should cooperate in seeking out and supporting opportunities to provide information and education to the public in the area of genetics and on other developments in the biomedical sciences where these affect important cultural practices and commitments.

r. alta charo, j.d.
associate professor, law & medical ethics
university of wisconsin law school & medical school

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RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: greider@cshl.org (greider@cshl.org [UNKNOWN])

CREATION DATE/TIME:20-MAY-1997 12:21:51.00

SUBJECT: For the introduction

TO: nbac-members@lists.Princeton.EDU (nbac-members@lists.Princeton.EDU [UNKNOWN])
READ:UNKNOWN

TEXT:
Harold,

I suggest this paragraph go in the introduction section:

For the introduction, page 2 in place of paragraph that reads" some of the objections...":

Many of the fears regarding the cloning of human beings stemmed from the incorrect idea that an exact copy, although much younger, of an existing person could be made. This fear reflects an erroneous belief that one's genes bear a simple relationship to the physical and psychological traits that compose an individual. Although genes provide the building blocks for an individual, it is the interactions between genes and the environment and the process of learning during the development of a child that result in each unique individual human. Thus the idea that nuclear transplantation cloning could be used to re-create exemplary people has no scientific basis and is simply false.

Carol Greider, Ph.D.
Cold Spring Harbor Laboratory
P.O. Box 100
Cold Spring Harbor, NY 11724

Phone: (516) 367-8808
Fax: (516) 367-8815
E-mail: greider@cshl.org

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: TRISH@NH1.NH.PDX.EDU (TRISH@NH1.NH.PDX.EDU [UNKNOWN])

CREATION DATE/TIME:20-MAY-1997 16:24:00.00

SUBJECT: genetics subcommittee meeting

TO: nbac-members@lists.Princeton.EDU (nbac-members@lists.Princeton.EDU [UNKNOWN])
READ:UNKNOWN

TEXT:

Tom:

I would be willing to meet on Sunday 8 June.

Trish

Trish@nh1.nh.pdx.edu

----- Forwarded Message Follows -----

Date sent: Tue, 20 May 1997 16:12:25 -0400 (EDT)
Send reply to: nbac-members@lists.Princeton.EDU
From: thm2@po.cwru.edu (Tom Murray)
To: NBAC Members E-list <nbac-members@lists.Princeton.EDU>
Subject: Genetics Subcommittee on 7 June .

Dear colleagues,

Although this message will go to the full NBAC list, my question is directed at members of the Genetics Subcommittee.

What do you want to do on 7 June? As I understand it, the morning will be taken up with finishing our business on cloning. The Human Subjects Subcommittee plans a session that afternoon, I believe, with one or more presentations on the topic of research on cognitively impaired subjects. (I hope I have that right.) At least one member of our subcommittee plans to attend that session.

Our options include:

- (1) Not holding a meeting of the Genetics Subcommittee, and permitting those of us able to stay for the afternoon session an opportunity to hear the discussions of the Human Subjects Subcommittee;
- (2) Scheduling a meeting for our subcommittee, which could provide an update on our work on the tissue sample report, and/or a discussion of our plans for the next 2 1/2 years, that is, beyond completion of the first report and on to the other two reports tentatively planned for us.

Some work towards our tissue sample report has been initiated, but there is not a great deal to report at the moment. On the other hand, I have no doubt that we could use our time fruitfully if we chose to meet as a subcommittee. Then again, (and this may be projection on my part), Commissioners may be weary and desirous of a little respite. Or they may

wish to participate in the session on cognitively impaired subjects.

The bottom line is: I am looking for guidance from the Genetics Subcommittee members. What would you like to do re the 7 June meeting?

Thanks,
Tom
Thomas H. Murray, Ph.D.
Center for Biomedical Ethics
School of Medicine
Case Western Reserve University
10900 Euclid Avenue
Cleveland, OH 44106-4976
Phone: 216/368-6206 Fax: 216/368-8713
thm2@po.cwru.edu

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: thm2@po.cwru.edu (thm2@po.cwru.edu [UNKNOWN])

CREATION DATE/TIME:21-MAY-1997 08:29:41.00

SUBJECT: Re: Carol's comments on the ethics chapter

TO: nbac-members@lists.Princeton.EDU (nbac-members@lists.Princeton.EDU [UNKNOWN])
READ:UNKNOWN

TEXT:

I fear that Bernie is correct in insisting that we deal with the arguments that are based in whole or in significant part on false or oversimplified views of the science. We should state firmly that the science behind these views is faulty; we may need to say this on several occasions. But I think we need to deal with the arguments that are out there.

TOm

> I wanted to thank Carol for timely, extensive and very thoughtful
> comments on the revised ethics chapter (sent out yesterday 5/19). She
> points out that many arguments suggested in favor of cloning depend on
> incorrect science and suggests cutting those passages from the ethics
> chapter that discuss those arguments, so as not to perpetrate false
> science. Diane has also suggested cutting material that presents
> arguments based on scientific misunderstandings.
> This is an issue we need to resolve. Let me indicate why I think
> we need to give attention to arguments proposed in favor of cloning, even
> though they are based on false science.
> First, I tried to indicate that the Commission thought these
> arguments were based on false science, but then go on to the ethical
> problems with those arguments. If this isn't working, is there rewording
> that will work as an alternative to cutting?
> Second, I am reluctant to cut short the ethical analysis of the
> arguments that are there, as well as the counter-concerns about human
> dignity, valuing children like objects, etc.
> Third, even the intention of trying to predetermine the qualities
> of the clone (although doomed to failure) is ethically problematic.
> Parental expectations, even if futile, can harm the child.
> Fourth, don't think that the problem goes away if we say that
> scientifically, cloning will not achieve the goals of the persons trying
> to
> clone. Suppose a proponent then says, "Well, Carol and Diane et. al., I
> accept your points. I'll adjust my expectations. But I'm also going to
> try to create a family environment that nurtures that qualities I'm trying
> to foster -- artistic achievement, humanitarianism, whatever. If there is
> any genetic component, I'd like to take advantage of it. What is the
> problem with trying cloning in that context, as long as I also intend to
> love the child no matter what he or she becomes?" At one of the ethics
> bucket meetings, we had extensive discussion (without final agreement) on
> these issues.
> Fifth, those who have a strong, comprehensive view of a right to

>procreative liberty would say that people have the right to do things that
>are stupid, silly, or doomed to failure. We can try to talk them out of
>it, but having a right means that no one can interfere with your exercise
>of it.

> I'd like to hear comments from the other Commissioners on this.

>Thanks!

>

> I agree with all Carol's suggestions about changing the phrase
>"cloning of children from somatic cell nuclear transfer." I also think
the

>quotes are great, although I wonder if we can replace Rifkin. I think

>Harold's quote about "repugnant" is good. Do we have any quotes favoring

>cloning, perhaps John Robertson?

>

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thm2@po.cwru.edu

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: lhmiike@mail.health.state.hi.us (lhmiike@mail.health.state.hi.us [UNKNOWN])

CREATION DATE/TIME:21-MAY-1997 17:21:09.00

SUBJECT: recommendations

TO: nbac-members@lists.Princeton.EDU (nbac-members@lists.Princeton.EDU [UNKNOWN])
READ:UNKNOWN

TEXT:

I have finally been able to review the conclusions and recommendations, as well as the suggestions by alta, carol, bernie, and eric (with endorsements so far from trish and steve).

I endorse the draft with the suggested amendments, with the following comments:

I still feel a little bit uncomfortable with the use of the phrase "at this time" in a couple of places of point #1 -- most prominently in the very first sentence. So I suggest that somewhere in the draft -- I would have placed it under the recommendation of a legislative ban with sunset clause -- we state something along the lines of: "While the Commission's review of the issues in the short time available nevertheless leaves us hard-pressed to anticipate any significant shift in the weight of the ethical concerns against such a method, we are not as sanguine in concluding how our society will respond in the future to this new and unsettling possibility of human reproduction."

Under #1, I agree with Alta on deleting the phrase "or mental harm," but my reason is different. We have no information on the safety and efficacy of the method in humans, so there is clearly substantial risk of physical harm. Mental harm is merely speculative at this point, and dependent on the actual birth (and growing up) of the child. Finally, under #1, I would delete "adequate" from the phrase "total lack of adequate information." we have a total lack, period; there is no issue of the degree of lackness.

I also agree with Alta's handling of state legislation.

The way point III deals with the animal cloning issue satisfies my previously expressed concern that we not unnecessarily raise it to the level of a recommendation.

On Eric's suggestion, I think subsuming international cooperation under III is okay. If it is raised to the level of a stand-alone point, then we need to add a little text to it. If so, I would suggest something Alta has written in the legal/policy chapter: "Since science and medicine are now transnational endeavors, the U.S. government should look for ways to cooperate with other nations to enforce any common policies. These could include agreement to enforce one another's prohibitory legislation where appropriate, as well as for the United States to affirm its commitment to some of the international documents being prepared."

larry miike

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: holtzman@mpi.com (holtzman@mpi.com [UNKNOWN])

CREATION DATE/TIME:21-MAY-1997 23:44:10.00

SUBJECT: Introduction: comments

TO: nbac-members@lists.Princeton.EDU (nbac-members@lists.Princeton.EDU [UNKNOWN])
READ:UNKNOWN

TEXT:
harold/kathi:
hats off to you.

only minor nits and gnats:
p.3, line 3, after "exemplary" insert "or evil"

p.5 line 5, delete "human genetic material" and insert "embryos"; o since the controversy you are discussing here over reproductive technology not, e.g., genetic testing or gene therapy, i think embryos is more appropriate.

p.6 first paragraph, line 2: should the colon (:) be a period (.)?

p.7 Opening thought: is it really true that the scientific community has enjoyed significant authority for centuries? I don't know the answer to this question; i can't help but think of instances of church and religiously motivated interference with scientific inquiry (Galileo) and scientific teaching (Scopes).

p 10, fourth full paragraph, line 6 (starts with "acceptable"): in sentence beginning, "In light..." i would delete "present" and insert "early"

p.11, line 2: do we want to use (as here) "the cloning of human beings..." or the preferred "creating children through somatic...."

p11. last paragraph, fourth sentence starting "While the members of...": i'm not a professional grammarian...so if there is one out there chime in: can the "it" used three times later in the sentence refer back to the "Commission" which is the object of the preposition "of", or does the "it" refer back to the subject of the sentence, "members", in which case we don't have agreement in number.

p.11, fourth line from end: Chapter Six should be capitalized i think.

...back to writing this business plan to raise capital around this new technology for cloning i just heard about...

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: eemanuel@NIH.gov (eemanuel@NIH.gov [UNKNOWN])

CREATION DATE/TIME:21-MAY-1997 19:18:47.00

SUBJECT: Ethics Chapter

TO: nbac-members@lists.Princeton.EDU (nbac-members@lists.Princeton.EDU [UNKNOWN])
READ:UNKNOWN

TEXT:

Dear NBAC members,

I again apologize for being so slow--they now think it is hepatitis A which I had/have and so a bit slower in all ways than usual. I have just been able to absorb the exchange between Carol and Bernie and others about genetic determinism.

My own view is that many people adhere to a kind of genetic determinism, crude and mistaken as it might be. And here the issue is not whether they have the right idea or wrong idea. The real issue is that they may be able to act on the wrong idea if we permit cloning. While this does not make their idea correct, it does have an effect on people. Thus we need to take account of practices and actions that might result even from mistaken ideas.

An analogy might help. Just because some people have clearly wrong political views--racist or anti-semitic--does not mean that we simply ignore their views or act because they are wrong action based on them will not occur.

Similarly, assume people act on the basis of genetic determinism and want a child with great musical talents and want to clone a great composer and do not get a musically talented child. This may only make them evaluate the worth of the child harshly not rethink their genetic determinism. And we have to take account of this possibility.

For this and the reasons others have mentioned I think we need to keep many of the arguments we have and if anything elaborate them a bit more.

zeke

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: greider@cshl.org (greider@cshl.org [UNKNOWN])

CREATION DATE/TIME:21-MAY-1997 06:52:00.00

SUBJECT: Carol replies to Bernie re ethics chapter

TO: nbac-members@lists.Princeton.EDU (nbac-members@lists.Princeton.EDU [UNKNOWN])
READ:UNKNOWN

TEXT:

Dear Bernie:

I would like to respond to your comments on my suggested changes to the ethics section.

> She

>points out that many arguments suggested in favor of cloning depend on
>incorrect science and suggests cutting those passages from the ethics
>chapter that discuss those arguments, so as not to perpetrate false
>science. Diane has also suggested cutting material that presents
arguments >based on scientific misunderstandings.

I feel that just because a misconception about science is widely shared by the public and discussed, it is not necessarily worth giving that view equal time. Many people might think that Europe is a State in the Union but we would not engage them in a serious public debate since their belief is not founded in fact.

> Let me indicate why I think

>we need to give attention to arguments proposed in favor of cloning, even
>though they are based on false science.
> First, I tried to indicate that the Commission thought these
>arguments were based on false science, but then go on to the ethical
>problems with those arguments. If this isn't working, is there rewording
>that will work as an alternative to cutting?

I agree that you did always state at the end of many sections that the idea that genes determine a human is based on false science. However simply by first making a declarative statement such as "Cloning would allow replication of an exemplary individual", you are giving a lot of weight to a misunderstanding that many people have about genetics. The fact that you later say that scientists think this might not have any basis, is not sufficient to counteract the strength of the initial declarative statement.

For many of the sections I have suggested alternative wording rather than simply cutting. In some cases however I feel that it not worth going into the details of an issue that is clearly false.

> Second, I am reluctant to cut short the ethical analysis of the
>arguments that are there, as well as the counter-concerns about human

>dignity, valuing children like objects, etc.

I agree very much that the issue of commodification is an important one. I was careful to leave much of that discussion in. However I do not feel that the ability to control a child by generating him or her through cloning is the issue with commodification. One can not control a child generated through cloning any more than one could control a child born in the usual way. A more complete analysis of the issue of commodification that does not rely on the false idea that cloning allows one to somehow control children would be welcome.

> Third, even the intention of trying to predetermine the qualities of the clone (although doomed to failure) is ethically problematic.
>Parental expectations, even if futile, can harm the child.

I agree and I left in much of the section about the problems of possible additional parental expectation. I thought the section where a child is created through cloning to serve as a bone marrow donor for his brother was a very nice example. Here there is a clear case where the parents might expect certain things from the second child. This discussion was very clear and makes your point very well. I left most of that text unchanged.

> Fourth, don't think that the problem goes away if we say that scientifically, cloning will not achieve the goals of the persons trying to clone.

I do not think the problem will go away. I think the strategy we need to take is to acknowledge the issue exists. I have suggested a paragraph in the Introduction on this issue, and I have written 2 pages for the science section on the issue. I had hoped to approach it in the ethics section by acknowledging that there is a misunderstanding and stating that many people's initial reactions were based on an erroneous assumption. Then go on to ONLY address the substantive issues not the ones based on misconception.

> Suppose a proponent then says, "Well, Carol and Diane et. al., I accept your points. I'll adjust my expectations. But I'm also going to try to create a family environment that nurtures the qualities I'm trying to foster -- artistic achievement, humanitarianism, whatever. If there is any genetic component, I'd like to take advantage of it. What is the problem with trying cloning in that context, as long as I also intend to love the child no matter what he or she becomes?" At one of the ethics bucket meetings, we had extensive discussion (without final agreement) on these issues.

As I try to make clear in the new section I wrote for the science chapter, genes DO play a role in determining human traits. It is the oversimplification of this fact and extrapolation to the idea that genes determine all or much of what we view as "human personality" that is erroneous. The scenario you paint above is of course a possibility. If it were to be included in the chapter, it would have to be worded in a very delicate manner, to make clear at the outset that one can not simply clone and produce a "replica".

> Fifth, those who have a strong, comprehensive view of a right to
>procreative liberty would say that people have the right to do things that
>are stupid, silly, or doomed to failure. We can try to talk them out of
>it, but having a right means that no one can interfere with your exercise
>of it.

This is true. But we do not need to write about these issues in the report
as if they are, in fact, possible.

Bernie, I truly think that you and I are very close to agreeing about what
we believe is true regarding genes and personality/behavior. However we
are mostly in disagreement about how to present these issues in a way that
represents the truth. I feel it is important to be simple and clear about
these issues so that the public will not feel that WE commissioners think
that one could "replicate an exemplary person"

I am happy to work with you on additional drafts of this chapter.
If you make the changes that you agree with in the draft I sent you, and
perhaps think about other ways to say some of the things that I crossed
out, we can go through the next draft and perhaps get to something that we
both are happy with.

Carol

Carol Greider, Ph.D.
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RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: subscriptions@washington-fax.com (subscriptions@washington-fax.com [UNKNOWN])

CREATION DATE/TIME:21-MAY-1997 06:43:01.00

SUBJECT: Life Science May 21, 1997

TO: subscriptions@washington-fax.com (subscriptions@washington-fax.com [UNKNOWN])
READ:UNKNOWN

TEXT:
Life Science
May 21 1997

PRESIDENT CLINTON SETS OUT FOUR MORAL PRINCIPALS TO GUIDE UNITED STATES IN THE "CENTURY OF BIOLOGY"

In a week-end commencement speech, President Clinton declared the 21st century the "century of biology" and called for development of an AIDS vaccine within the next ten years to be the century's first great triumph.

Speaking Sunday at Morgan State University Clinton devoted almost his entire address to issues in biomedical research, listing four ethical and moral principals to "guide us if we are to master the powerful forces of change in the new century."

"Science has no soul of its own," declared Clinton. "It is up to us to determine whether it will be used as a force for good or evil."

First, said Clinton, "science and its benefits must be directed toward making life better for all Americans--never just a privileged few."

He illustrated the point with issues in human subjects welfare: the Tuskegee syphilis experiment and Cold War radiation exposure experiments. He also reiterated his administration's promise to providing Internet access to all school children.

Second, he said, science should "honor our tradition of equal treatment under the law."

Referring to rapid advancements in genetic testing, Clinton called upon Congress to pass bipartisan legislation to prohibit insurance companies from using genetic screening information to determine the premium rates or eligibility of Americans for health insurance."

Third, he said, "technology should not be used to break down the wall of privacy and autonomy free citizens are guaranteed in a free society."

"As...we face the frightening prospect that private information--even medical records--could be made instantly available to the world, we must develop new protections for privacy in the face of new technological reality," said Clinton.

And fourth, said Clinton, "we must always remember that science is not God. Our deepest truths remain outside the realm of science. We must temper our euphoria over the recent breakthrough in animal cloning with sobering attention to our most cherished concepts of humanity and faith."

Continuing on the topic of cloning Clinton told the audience that he can "hardly wait" for a report advising him on issues raised by cloning due to be turned in to him by the National Bioethics Advisory Commission within the next few weeks.

Clinton's speech drew a Monday morning response from Biotechnology Industry Organization President Carl Feldbaum, who while supportive of the president's efforts to curb genetic discrimination and protect electronic information, was somewhat apprehensive of the statement that "science has no soul."

Feldbaum called upon the president to push further on the issue of genetic discrimination in two ways: First, "virtually all medical information should be safeguarded, not just genetic data," said Feldbaum. "Even a cholesterol test can be used to discriminate."

Second, said Feldbaum, "while the President focused on potential discrimination by the insurance industry, we should also be thinking about potential discrimination against individuals in education and employment as well."

Finally, said Feldbaum, "The President is also right to point out that science is not God and that it has no soul of its own. But he goes too far if he means to infer that scientists have no soul, or aren't deeply concerned or actively involved in addressing the ethical and moral issues associated with their work."

During his speech Clinton announced that the National Institutes of Health (NIH) will establish a new AIDS Vaccine research center and promised to "challenge America's pharmaceutical industry...to make the successful development of an AIDS vaccine part of its basic mission."

The \$10 million center, part of the administration's FY 98 budget proposal for NIH, is being established in participation with the NIH AIDS Vaccine Initiative, chaired by David Baltimore.

The Baltimore-led initiative evolved from a March 1996 task force report evaluating the NIH AIDS effort that, with the exception of the National Institute of Allergy and Infectious Diseases (NIAID) extramural program, found NIH efforts to develop a vaccine lacking. (see Washington Fax 12/16/97 and 12/17/97)

As part of the renewed initiative and in an effort to attract new researchers and new thinking to the problem, NIAID announced in March a \$6 million grant program called INNOVATION that offers scientists new to AIDS vaccine research awards of \$150,000 per year in direct costs.

CORRECTION

In the lead of our May 16 story about testimony by the American Society of Tropical Medicine and Hygiene, we misquoted that testimony. The sentence should read "between 1980 and 1992 the death rate from infectious disease in the United States increased by 58%" NOT "the death rate from tropical infectious disease...increased by 58%."

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RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: eemanuel@NIH.gov (eemanuel@NIH.gov [UNKNOWN])

CREATION DATE/TIME:21-MAY-1997 12:40:37.00

SUBJECT: Ethics Chapter

TO: nbac-members@lists.Princeton.EDU (nbac-members@lists.Princeton.EDU [UNKNOWN])
READ:UNKNOWN

TEXT:
To NBAC members

I apologize for not being at the commission meeting on Saturday and being out of the loop for a few days.

I attach some revisions to the ethics chapter. I am a bit worried that we have pared down the arguments so much they are getting a bit bloodless and muddled and hiding the argument in the process. I am worried those who hold a position will not recognize thier views and will thus think we have not presented the strongest perspective.

For instance, the section on excessive control has lost the ethical claims. I am not sure that there is more than one sentence that clearly states the nature of the ethical objection. In the attached I have followed Dr. Shapiro's suggestion--no comments without attempts at writing--I have tried to re-write this section. It may not be perfect but I think fleshes out the real nature of the objection. It is longer but what we have is too schematic. I would be glad if some other people would take the text and revise it in turn. Whatever the process I find what we have in this section insufficient.

I think other sections could also use work--eg. not treat children as full human beings, harms to social relationships, . etc.

We also still have the Commission stating how it evaluates the arguments--IB1 for instance. I thought we were going to withhold our evaluations in this chapter and just try to focus on delineating the arguments?

I wonder if we might not assign each of us ethics bucket members to re-write certian sections and send them to others for further revisions and them combine them.

The attached is in wordperfect.

zeke emanuel
- Introduction.docEzekiel J. Emanuel, M.D., Ph.D.
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===== ATTACHMENT 1 =====

ATT CREATION TIME/DATE: 0 00:00:00.00

TEXT:

COMMENT

AUTHOR : ezekiel emanuel

OPERATOR : ezekiel emanuel

COMMENT :

PRINTER FONT 12_POINT_HELVETICA

Introduction:

The cloning of Dolly provoked widespread public discussion. As these quotes reveal, concerns and fears as well as support for cloning of human beings were often expressed in intense and vehement phrases. Those in favor of cloning human beings, found it relatively easy to explain their views by appealing to notions of rights and interests in having children. By contrast, those opposed to cloning human beings found it difficult to explicate the moral considerations and reasons that justified their concerns; for them the horror or outrage of cloning seemed both visceral and obvious, the usual moral language of rights and balance of harms and benefits seemed wholly inadequate, to miss the point. Yet in order to forge and justify public policy, we must try to express our moral concerns as clearly and explicitly as possible so that others can understand them and consider their persuasiveness.

To this end, this chapter will articulate

In the first two sections of the chapter, we analyze the moral considerations that may be pertinent when an individual person judges whether a particular act of cloning is justified. We start by considering individual cases of cloning judging individual acts is familiar. In daily life, people are used to deliberating on whether an act is right or wrong; they often have clearer intuitions and more elaborated arguments when examining specific cases than debating abstract rules. Further, examining specific cases can often help articulate reasons that apply more widely and can be formulated as general rules for public policies. Furthermore, elucidating justifications for cases can suggest what restrictions and limits might be appropriate in refined public policies if there are neither unlimited permissions nor outright prohibitions.

IA1a

Insert after sentence ?before considering even the possibility of human cloning?

We would never consider using a drug or device on a human being after only one animal experiment.

IA1b Control

Cloning of human beings has troubled many people because it grants and endorses excessive control over children. And the problem with such control is that children are used to satisfy their parent's desires, they become even more instruments of their parents. Novels, plays, and movies dramatize this fear of excessive control by portraying evil dictators as making clones to serve as warriors or to work in factories. Even if such stories are fantastic, they illustrate the worry that cloning grants excessive control by granting both more and new kinds of control over children.

Many proponents of cloning regard the enhancement of control over children as the most essential and valuable aspect of cloning. Today parents can select a partner with desirable characteristics, avoid some undesirable and damaging genetic traits through genetic screening and abortion, control some of a child's environment and provide certain educational and other opportunities. Cloning offers even more control. Parents would have the chance of choosing all genetic traits, not just avoiding a few. Cloning allows positive selection of desirable genes, rather than negative avoidance of a few undesirable and damaging genes. And cloning provides virtually complete certainty regarding the genetic composition of the child. Indeed, 99.99% of the child's DNA would come from a chosen person. Precisely by overcoming the vagaries and chances of nature, by imposing human control to determine all the genetic characteristics of the child, cloning is quintessentially human. Indeed, utilizing science to impose this control is the human project, to be celebrated as the epitome of human progress. As Joseph Fletcher wrote:

Critics of cloning object to extending and enhancing this parental control. It endorses as acceptable and desirable precisely the domineering, interfering parent who uses a child to his or her own goals, the type we normally condemn.

Critics recognize that children are inherently subject to control by their parents. Children are brought into the world at the behest of people; initially they are totally dependent on adults for food, clothing, shelter, as well as love, affection, and stimulation. They only develop autonomy, moral judgment and independence over many years and through the persistent efforts of parents, relatives, teachers, and others. Inevitably, the opportunities children have, whether they are encouraged to read or exposed to sports or dance or music or raised in particular religious tradition, is under their parent's control. This dependence over years ensures extensive parental control.

But while parental control is inescapable, there is

recognition of a fine balance between too little and too much control, between stewardship and domination. Parents should exercise control for the sake of the child not over the child; parents exercise control not to impose or gratify their own desires but for the child to become an autonomous person, his or her own moral agent, leading and taking responsibility for his or her own life and life choices.

We praise parents who are devoted to their children, attend to their development and provide opportunities and advantages. But we also condemn parents who are excessively controlling over their children, who view children as instruments to fulfill the parent's desires. Parents who force children to pursue certain interests or activities, who restrict children from exploring their own interests and developing their own views and using their own judgment are commonly criticized as failing to fulfill the parental role. Because it is too controlling and imposes the parents wishes we have increasingly found arranged marriages, especially those which the child objects to, oppressive. Thus, part of a dominant, if not universal, ideal of the parental

-child

relationship is complex, a delicate balance between control and restraint, identification and unity with separateness and distinctiveness ultimately aimed at generating an autonomous moral subject.

Critics worry that cloning dangerously tips this intricate balance, by not only giving parents new powers of control over children, but also legitimating efforts to exercise of ever greater control. Cloning encourages the domineering parent as an ideal. It encourages an instrumental parent

-child relationship. One of the inseparable and inescapable facets of control is that it is the ends and goals of the person who has the control that are being fulfilled. To control means to be able to determine what aims and purposes will be pursued; he or she who controls defines the goal. Using cloning technology, to give a person or a couple more control over the characteristics of the child that will be produced is to make the child the ends of the person or couple who is cloning.

Some people say that anyone who wants to clone a human beings must be Anarssistic.@ In part, what they mean is

that the reasons all relate to fulfilling the parent's desires and wants. Parents who want a cloned child to replace a beloved dead child or to obtain a source of essential organs to save another ill child or to clone a musical genius are making the child to satisfy their own goals and ends. In this sense the child becomes a means or instrument for the satisfaction of the wants of the person or couple. Indeed the point of the control offered by cloning is to ensure the parent's wishes are fulfilled as far as

possible.

To many critics, accepting the vagaries of nature inherent in coital reproduction embodies the acceptance that parental control over children is and should be limited, done for the sake of the child. Conversely, striving to control as many traits and characteristics of the child through cloning embodies using the child to fulfill the parent's desires and goals. Permitting cloning, in the eyes of the critics, would sanction such instrumental control as acceptable and desirable, thereby undermining the ideal parent

-child relationship.

===== END ATTACHMENT 1 =====

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: bernie@itsa.ucsf.edu (bernie@itsa.ucsf.edu [UNKNOWN])

CREATION DATE/TIME:21-MAY-1997 17:39:11.00

SUBJECT: Re: ethics chapter

TO: nbac-members@lists.Princeton.EDU (nbac-members@lists.Princeton.EDU [UNKNOWN])
READ:UNKNOWN

TEXT:

Thanks, these are right on point. Bernie

>Bernie:

> A possible quote from Macklin's testimony:

> "If objectors to cloning can identify no greater harm than a
>supposed affront to the dignity of the human species, that is a
>flimsy basis on which to erect barriers to scientific research and its
>applications."

>

> A quote from Robertson's testimony:

> "Enough good uses can be imagined that it would be unwise to ban
>all cloning and cloning research because of vague and speculative
>fears."

>

> And a quote from Nacy Duff's testimony;

> "If research into human cloning does move forward we must ensure
>that it does not seek knowledge for its own sake or only to promote
>monetary gain or individual fame, but to serve and protect the common
>good."

>Trish

>trish@nhl.nh.pdx.edu

>

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RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: thm2@po.cwru.edu (thm2@po.cwru.edu [UNKNOWN])

CREATION DATE/TIME:21-MAY-1997 08:24:28.00

SUBJECT: Re: Science section/determinism

TO: nbac-members@lists.Princeton.EDU (nbac-members@lists.Princeton.EDU [UNKNOWN])

READ:UNKNOWN

TEXT:

Carol and friends,

Very nicely done. I noticed a couple of missing or odd words, but Kathi will surely catch them. I would say a "team" of Jordans. It is not common practice to refer to a professional basketball team as a "squad."

Thanks,
Tom

>NBAC members:

>

>Here is the draft that I have written for the science section to deal with >the issue of genetic determinism.

>

>David, Diane and Steve have all seen and commented on an earlier version.

>

>Unless I hear back with comments by later today, i will give this text as >is to Kathi to incorporated into the Science Section.

>

>Carol

>

>

>For the science section:

>

>Cloning and genetic determinism

>

>The recent announcement that a sheep had been generated through nuclear >transfer from a somatic cell nucleus sparked widespread speculation about a >human child being created in this manner. Much of the perceived fear that

>was reported regarding "Cloning" (Time Magazine March 10 1997, Newsweek >Magazine March 10 1997) centered around the thought that a child or many >children could be produced that are identical to an already existing >person.

>

>This fear reflects an erroneous belief that one's genes bear a simple >relationship to the physical and psychological traits that compose an >individual. This belief, that the genes alone determine all aspects of an >individual, is called "genetic determinism." Although genes play an >important role in physical and behavioral characteristics, each the >individual is the result of a complex interaction between genes and the

>environment.

>

>While the concept of complete genetic determinism is wrong, genes do play a >major role in determining some biological characteristics. Genes that are

>involved in human disease provide one example. Yet even in this very >productive field of study, results have revealed that the idea of having >"the gene " for a disease is too simple. The recent efforts of the human >genome project have led to the isolation of a large number of genes that >are mutated in specific diseases, such as Duchenne Muscular Dystrophy, >breast cancer and colon cancer. Pedigrees of families with each of these >diseases suggest that there is a single gene that is passed down with each >generation that causes the disease. When such a disease gene is >identified, scientists often say they have "cloned the gene for" breast >cancer for instance, implying a direct cause and effect of gene and >disease.

>

>However, even in this relatively small list of genes associated with >disease, knowing the complete DNA sequence of the gene does not allow a >scientist to know if a given person will get the disease. For example, in >Breast cancer there can be many different changes in the DNA, and for some >specific mutations there is a calculated risk of developing the disease, >while for other changes the risk is unknown. Even when a specific genetic >change is identified that "causes" the disease in some people, others may >be found who have the same change but do not get the disease. This is >presumably because other factors, either genetic or environmental, are >altered that mask or compensate for "the" disease gene. Thus even with the >most sophisticated understanding of genes, we cannot determine with >certainty what will happen to a given person with a single change in a >single gene.

>

>The reason ridged genetic determinism is false is that genes interact with >each other and with the environment. For example, the likelihood of >developing colon cancer, a disease with a strong hereditary component and >for which researchers have identified a "causative" gene, is also >strongly >influenced by diet.

>When one now considers a human trait that is determined by multiple >genes, >the situation becomes even more complex. The number of >interactions between

>genes and environment increases dramatically. In fact, the ability to >predict what a person will be like knowing only their genes becomes >impossible because it is not possible to know how the environment and >chance factor will influence the outcome.

>

>Thus the idea that one could make a squad of Michael Jordans, a physics >department of Einsteins, or an orchestra of Mozarts, is simply false.

>Knowing the complete genetic makeup of an individual would not tell you >what kind of person that individual would become. Even identical twins who >grow up together and thus share the same genes AND a similar home >environment have different likes, dislikes and can have very different >talents. The increasingly sophisticated studies coming out of human >genetics research are showing that the better we understand gene >function, >the less likely it is we will be able to produce at will a >person with any >given complex trait.

>
>*****
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RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: holtzman@mpi.com (holtzman@mpi.com [UNKNOWN])

CREATION DATE/TIME:21-MAY-1997 06:52:03.00

SUBJECT: Cloning/Ethics

TO: nbac-members@lists.Princeton.EDU (nbac-members@lists.Princeton.EDU [UNKNOWN])
READ:UNKNOWN

TEXT:

Bernie:

as we discussed by phone today, it took me a while to get together my thoughts on the arguments we have heard for and against cloning. since harold said, "No ideas without words", the attachment (reproduced also in the body of the e-mail) are the words to go with the thoughts.-as we further discussed, i do not expect to see ANY of this stuff in the NBAC's report...but, if it helps you (or any other commission member) to clarify any of your thoughts, or provides a sentence or phrase somewhere along the line, then it will have served a purpose.-my apologies for not having had this written earlier and for the crude form that results from limited time and abilities.

best regards,
steve

How we go about deciding to have, having and raising children are among those activities arguably most fundamental to our identities. A society's practices with respect to these activities are equally fundamental to a society's identity. Who we are and who as a people we are to become are, therefore, matters very much at stake when the potential for a startling possibility for change in such fundamental activities and practices enters the landscape. The fundamental nature of what is at stake, and the radicalness of the change, in and of themselves, do not tell us anything about the moral goodness or evil of the prospect with which we are confronted. But they do call upon us to engage in an unusual type of moral reflection and exercise our greatest powers of moral imagination.

Moral reasoning in our everyday lives is typically engaged in the judgment of this or that specific action. On infrequent occasions, however, we are asked to engage in a broader set of reflections: on what is a good life, on what are the characteristics of a virtuous society. Such occasions arise when we are confronted with an alternative - arising most often from an encounter with a radically foreign culture or a radically new technological development - that places in question an activity and the social practice of that activity that are constitutive of our identities. Emotions will run high and reason will seem to falter precisely because the form of life in which we make specific moral judgments about specific actions, the form of life which provides the bedrock on which we stand when we make these specific moral judgments and the background conditions only against which these specific judgments gain coherence, itself is the

subject of reflection and judgment.

So it is with the appearance of Dolly. Dolly says, "Asexual production of a new person essentially genetically identical to a person currently or previously alive is now a real possibility. You may now choose the genetic identity of your child based on an examination of the life history, accomplishments, strengths, weaknesses, intellectual and emotional characteristics, etc. of his or her genetic template." --Dolly does not merely move the goal posts ten yards or raise or lower the pitcher's mound six inches while leaving the game (otherwise) intact; Dolly changes (or poses the possibility of changing) the fundamental nature of the game, and the game at stake is (constitutive of) our self identities.

Understanding Dolly and her significance in the foregoing way begins to give us purchase on the depth of emotion and the categories of condemnation that greeted her arrival. Thus, we find religiously based condemnations employing terms such as "cloning is playing God", while counterpart secular condemnations get phrased in language such as "cloning violates man's intrinsic nature." These are the types of "reasons" that are invoked when reasons for this or that specific course of action have come to an end.

But reason we must. However, the form moral reasoning must take when the subject of our reasoning is who we are and who we wish to become, is the exercise of moral imagination. We can not simply engage in a deductive exercise in which we determine whether prohibiting or allowing the creation of a child by somatic-cell nuclear transfer will result in this or that harm or violate this or that right; we are being asked to evaluate and decide the nature of ourselves as the kinds of beings for whom certain events constitute harms and certain areas of action constitute rights.

So, how do we go about imagining the selves we would be in a world in which having children by somatic-cell nuclear transfer is as normal, as everyday as our current practices of procreation? Are the beings we would be in such a world fundamentally the same or different than we are now? And, if different, is that a change for the better or a tragic decline?

Fully imagining ourselves in such a world requires starting with an inventory of relevant features about ourselves as we are today. To name a few: we are discriminating beings in the matter of parentage. If we marry with the intent of having children by our intended spouse, we will assess (or find ourselves loving) our intended in part on the basis of whether he or she will be a good parent. With modern genetic testing technology, if I know myself to be the carrier of a deadly single gene defect, I may well consider if my intended is also a carrier. Further, with the availability of modern assisted reproductive techniques (ART), I may give little thought at all to my intended's family history of ease or difficulty of achieving conception.

Further items in the inventory: we are imperfect beings, driven more than we would like or care to admit by motivations of which we are not proud. To name but a few, economic avarice, narcissism and vanity based on physical attributes. We are also creatures of a social organization

deeply shaped by a market-oriented, consumerist economy and a corresponding political framework that maximizes the individual's rights to realize his or her (consumer) preferences.

This brief inventory of features provides a sufficient basis to understand and articulate ? without an appeal to divine law or man's immutable nature ? the argument of many who would stand most firmly against allowing ourselves and our society to become one in which we create children by somatic-cell nuclear transfer as a standard practice. The depiction of such a world as including the horror of designer catalogues of somatic-cell nuclei is not (or not simply) a prediction or speculation. Rather, it is an invitation to project ourselves as we are today ? with all of our frailties and a society/economic organization that arguably reinforces and preys upon those frailties ? into such a world.

Such a world is indeed one in which "replication" has attained equal status with (if it has not usurped) procreation. When you have ordered your child from a catalogue based on the description of the life and accomplishments of the genetic template, it is not merely a contingent matter that you will have expectations of and sources of disappointment with that child quite unlike those we now have of children.

To appreciate the force of this argument, it is critical to be clear on what is but also what is not being claimed. When I have ordered the blue turtleneck from LL Bean and receive the red, it is not logically necessary that I am disappointed; it can turn out that I am delighted ("I always thought red was too daring for me, but now I see a whole new side of me"). However, it is not merely contingent, or merely a matter of speculation requiring future empirical verification, that when, after due consideration, most people order blue, most of the time they will not be happy if they receive red. --We might say: it is part of the concept (and human activity) of "having made a considered selection" that most of the time you will not be happy with getting other than that for which you asked.

Thus, in the world we have imagined, a parent might indeed come to love and cherish the tone-deaf son whose DNA was selected because it was the DNA of a world class musician ("I thought musicality was so important, but now I see how it pales into insignificance when I consider my daughter's smile")

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: thm2@po.cwru.edu (thm2@po.cwru.edu [UNKNOWN])

CREATION DATE/TIME:21-MAY-1997 15:50:00.00

SUBJECT: Ethics chapter

TO: nbac-members@lists.Princeton.EDU (nbac-members@lists.Princeton.EDU [UNKNOWN])
READ:UNKNOWN

TEXT:

Dear colleagues,

I enclose a fairly lengthy set of comments about the ethics chapter, focused primarily on Carol's editing of Bernie's draft. My thanks to both of them for heroic work.

The text of my comments follows. As it is probably easier to follow the formatted version (in which I use italics to indicate my comments and normal font for proposed text) I urge you to try to read the attached file first, rather than the remainder of this email.

To Bernie, Carol and Kathi: I am faxing to each of you the pages on which I have suggested minor changes in language and the like. My comments in this email and attachment go more to substance, and I would like other Commissioners' responses.

Tom

Tom Murray's comments/editings re Carol's version of Bernie's draft.
(This is getting complicated!)

Page 2, top: We start by considering hypothetical cases in which a baby is produced through nuclear transfer cloning. In daily life, people are accustomed to deliberating on whether an individual act is right or wrong. Examining specific cases helps us to understand the moral dimensions of an issue and to articulate the reasons for our judgments. In addition, careful reflection on particular cases can suggest what general restrictions and limits might be appropriate if public policy does not create an outright prohibition.

Page 4, Section IA1b, 1st para: People will want to know something about mitochondrial DNA. There should be a mention of it in the science chapter. Here I propose the following sentence:

Except for the .01% of a cell's DNA contained in the oocyte's mitochondria, all of the child's DNA would come from one parent.

General comments about sections IA1b,c, and d: Carol has called our

attention to the need to assure that each of the ethics subsections has a distinct point to make, and does not merely repeat a prior point. Let me try to state succinctly the point of each of these 3 subsections:

b. that parents may be more likely to attempt to control the child's genetic makeup in the false belief that by doing so they control the child's characteristics. The moral concern is not for the parents' disappointment, but rather for the harm that efforts to exercise excessive control over the child, even fruitless efforts, will harm the child.

c. that parents and others will be more likely to have very detailed and specific expectations about the child's talents, interests, and other characteristics, and that such expectations are likely to interfere with the child's freedom to develop her or his own talents, interests, etc. Such an interference is a harm to the child in that it unnecessarily constricts the possible futures open to the child.

d. that parents will attempt to choose children whom they believe will have specific characteristics. Like the two previous arguments this one depends heavily on a fairly crude and scientifically invalid notion of genetic determinism. Nevertheless, if parents did believe that nuclear transfer cloning could produce a child to their specifications, the result could be a child loved not for herself or himself, but for their ability to match their "design specifications." The child, that is, would be valued not for itself, but for specific characteristics chosen prior to the child's very conception.

We could call these three arguments, respectively, the concern about attempts at excessive control, the concern about constraining expectations, and the concern that children will be valued for their correspondence with particular, pre-selected, characteristics. I think these are three distinguishable, though clearly related, arguments. If other Commissioners agree, we should put back some of the text which Carol had proposed we delete.

Section IB: Bernie's original language is better. The distinction between the concerns in Part A and those in Part B is just as the original describes it: between harms, per se, and those things that are regarded as wrong in themselves, even if no one is harmed, or if the consequences are desirable. Avoiding harm is just as fundamental a moral principle as the ones described in Part B.

IB1: I believe that scholars such as Peggy Radin distinguish objectification from commodification. We need to provide more of an argument for this subsection. I am willing to work on it a bit. Perhaps Zeke would also want to suggest some text, (or have you already done that, Zeke?)

IB2: The argument in this section does not match precisely its heading. The heading, "Claims that cloning undermines human dignity," would suggest some wrong done to the child. If we mean that, we should say something about it. The text, which is fine in its own right, is about informed consent of the person whose DNA is used. That deserves mention, but under a different heading, for example:

Claims that, without the consent of the person whose DNA was used, cloning

would be wrong.

IIA4: Despite liking the passage describing other objections to cloning exemplary individuals, I agree with Carol that we have probably rendered it moot by our rejection of genetic determinism. The only way to salvage it

would be to segue into it with a passage like the following:

Some individuals may be reluctant to abandon their faith in genetic determinism. For them, it may be useful to point out a number of other objections to efforts, however scientifically misconceived, to clone exemplary persons. Those considerations include:...

Section IV, 5th para: Try this alternative to the current paragraph:

On this question the Commission was divided. Some Commissioners were persuaded that various of the harms and wrongs described earlier in this chapter were ethically compelling, and would be decisive reasons never to permit nuclear transfer cloning. Other Commissioners were less certain about the significance of the arguments, and were unwilling to conclude that nuclear transfer cloning would be ethically impermissible, if and when the risks could be shown to be minimal. It should be noted that a comparable range of views is reflected in the testimony, letters, and commissioned papers we have reviewed.

I was interested and somewhat surprised to see Carol's proposal that we drop the enumerated summary of our conclusions, as well as the final two sections. I am reluctant to drop these materials. I think the summary is likely to be helpful to readers of the report. And I think that our comments about cloning DNA sequences and cell lines, and on the creation of human embryos are necessary to have somewhere in the report. I would not be opposed to including them as appendices, rather than as part of this chapter, if other Commissioners felt that were appropriate.

- ETHICS~2.DOC - ETHICS~1.DOC Thomas H. Murray, Ph.D.

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thm2@po.cwru.edu

===== ATTACHMENT 1 =====

ATT CREATION TIME/DATE: 0 00:00:00.00

TEXT:

COMMENT

AUTHOR : Tom Murray

OPERATOR : Tom Murray

COMMENT :

PRINTER FONT 12_POINT_ROMAN

Tom Murray's comments/editings re Carol's version of Bernie's draft. (This is getting complicated!)

Page 2, top: We start by considering hypothetical cases in which a baby is produced through nuclear transfer cloning.

In daily life, people are accustomed to deliberating on

whether an individual act is right or wrong. Examining specific cases helps us to understand the moral dimensions of an issue and to articulate the reasons for our judgments. In addition, careful reflection on particular cases can suggest what general restrictions and limits might be appropriate if public policy does not create an outright prohibition.

Page 4, Section IA1b, 1st para: People will want to know something about mitochondrial DNA. There should be a mention of it in the science chapter. Here I propose the following sentence:

Except for the .01% of a cell's DNA contained in the oocyte's mitochondria, all of the child's DNA would come from one parent.

PRINTER FONT 12_POINT_ROMAN_ITALIC

General comments about sections IA1b,c, and d: Carol has called our attention to the need to assure that each of the ethics subsections has a distinct point to make, and does not merely repeat a prior point. Let me try to state succinctly the point of each of these 3 subsections:

PRINTER FONT 12_POINT_ROMAN

that parents may be more likely to attempt to control the child's genetic makeup in the false belief that by doing so they control the child's characteristics. The moral concern is not for the parents' disappointment, but rather for the harm that efforts to exercise excessive control over the child, even fruitless efforts, will harm the child.

PRINTER FONT 12_POINT_ROMAN_ITALIC

I that parents and others will be more likely to have very detailed and specific expectations about the child's talents, interests, and other characteristics, and that such expectations are likely to interfere with the child's freedom to develop her or his own talents, interests, etc. Such an interference is a harm to the child in that it unnecessarily constricts the possible futures open

to the child.

I that parents will attempt to choose children whom they believe will have specific characteristics. Like the two previous arguments this one depends heavily on a fairly crude and scientifically invalid notion of genetic determinism. Nevertheless,

if parents did believe that nuclear transfer cloning could produce a child to their specifications, the result could be a child loved not for herself or himself, but for their ability to match their ?design specifications.? The child, that is, would be valued not for itself, but for specific characteristics chosen prior to the child?s very conception.

We could call these three arguments, respectively, the concern about attempts at excessive control, the concern about constraining expectations, and the concern that children will be valued for their correspondence with particular, pre

-selected, characteristics. I think these are three distinguishable, though clearly related, arguments. If other Commissioners agree, we should put back some of the text which Carol had proposed we delete.

PRINTER FONT 12_POINT_ROMAN

Section IB: Bernie?s original language is better. The distinction between the concerns in Part A and those in Part B is just as the original describes it: between harms, per se , and those things that are regarded as wrong in themselves, even if no one is harmed, or if the consequences are desirable. Avoiding harm is just as fundamental a moral principle as the ones described in Part B.

IB1: I believe that scholars such as Peggy Radin distinguish objectification from commodification. We need to provide more of an argument for this subsection. I am willing to work on it a bit. Perhaps Zeke would also want to suggest some text, (or have you already done that, Zeke?)

IB2: The argument in this section does not match precisely its heading. The heading, ?Claims that cloning undermines human dignity,? would suggest some wrong done to the child. If we mean that, we should say something about it. The text, which is fine in its own right, is about informed consent of the person whose DNA is used. That deserves mention, but under a different heading, for example:

Claims that, without the consent of the person whose DNA was used, cloning would be wrong.

IIA4: Despite liking the passage describing other

objections to cloning exemplary individuals, I agree with Carol that we have probably rendered it moot by our rejection of genetic determinism. The only way to salvage it would be to segue into it with a passage like the following:
Some individuals may be reluctant to abandon their faith in

genetic determinism. For them, it may be useful to point out a number of other objections to efforts, however scientifically misconceived, to clone exemplary persons.

Those considerations include:...

Section IV, 5th para: Try this alternative to the current paragraph:

On this question the Commission was divided. Some Commissioners were persuaded that various of the harms and wrongs described earlier in this chapter were ethically compelling, and would be decisive reasons never to permit nuclear transfer cloning. Other Commissioners were less certain about the significance of the arguments, and were unwilling to conclude that nuclear transfer cloning would be ethically impermissible, if and when the risks could be shown to be minimal. It should be noted that a comparable range of views is reflected in the testimony, letters, and commissioned papers we have reviewed.

PRINTER FONT 12_POINT_ROMAN_ITALIC

I was interested and somewhat surprised to see Carol's proposal that we drop the enumerated summary of our conclusions, as well as the final two sections. I am reluctant to drop these materials. I think the summary is likely to be helpful to readers of the report. And I think that our comments about cloning DNA sequences and cell lines, and on the creation of human embryos are necessary to have somewhere in the report. I would not be opposed to including them as appendices, rather than as part of this chapter, if other Commissioners felt that were appropriate.

===== END ATTACHMENT 1 =====

===== ATTACHMENT 2 =====

ATT CREATION TIME/DATE: 0 00:00:00.00

TEXT:

Unable to convert ARMS_EXT:[ATTACH.D93]MAIL47660314A.116 to ASCII,
The following is a HEX DUMP:

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General comments about sections IA1b,c, and d: Carol has called our attention to the need to assure that each of the ethics subsections has a distinct point to make, and does not merely repeat a prior point. Let me try to state succinctly the point of each of these 3 subsections:

- b.* that parents may be more likely to attempt to control the child's genetic makeup in the false belief that by doing so they control the child's characteristics. The moral concern is not for the parents' disappointment, but rather for the harm that efforts to exercise excessive control over the child, even fruitless efforts, will harm the child.
- c.* that parents and others will be more likely to have very detailed and specific expectations about the child's talents, interests, and other characteristics, and that such expectations are likely to interfere with the child's freedom to develop her or his own talents, interests, etc. Such an interference is a harm to the child in that it unnecessarily constricts the possible futures open to the child.
- d.* that parents will attempt to choose children whom they believe will have specific characteristics. Like the two previous arguments this one depends heavily on a fairly crude and scientifically invalid notion of genetic determinism. Nevertheless, if parents did believe that nuclear transfer cloning could produce a child to their specifications, the result could be a child loved not for herself or himself, but for their ability to match their "design specifications." The child, that is, would be valued not for itself, but for specific characteristics chosen prior to the child's very conception.

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on the creation of human embryos are necessary to have somewhere in the report. I would not be opposed to including them as appendices, rather than as part of this chapter, if other Commissioners felt that were appropriate.

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: TRISH@NH1.NH.PDX.EDU (TRISH@NH1.NH.PDX.EDU [UNKNOWN])

CREATION DATE/TIME:21-MAY-1997 17:42:57.00

SUBJECT: comments on Tom's ethics suggestions

TO: nbac-members@lists.Princeton.EDU (nbac-members@lists.Princeton.EDU [UNKNOWN])
READ:UNKNOWN

TEXT:

Tom, thank you for giving some structure to this discussion. Bernie, as I said before, you have done a yoeman's job with a difficult chapter. And Carol, we are indebted to you for your clear thinking and forcing us to think through--again--these difficult issues.

I think Tom's suggestions are very helpful. Unfortunately, I inadvertently deleted his message so will try to respond in a way that is understandable (this is NOT my day with email, Steve's message persistently keeps cloning itself and no one at my University has yet figured out how to make it go away).

page 2, top --yes, good paragraph

page 4, --yes, agree about needing to mention the mitochondria

IA1b,c,d --agree with the Tom's suggestions and that we should put back some of the text that Carol suggested deleting (interesting and apropos articles--particularly in regard to Feinberg's writing on 'child's right to an open future' in this issue of the Hastings Report by Dena Davis and Glen McCee).

IB1 --It would be very peculiar if we did not address this issue (objectification and commodification) and actually I thought that Bernie handled this very well. In our discussions in SF we agreed it was better to talk about this under the heading of people as objects--as Bernie did.

IIA4: again I don't think the ethics chapter can ignore this issue (cloning exemplary persons) even though it is the product of fevered imaginations. And yes, Tom your intro sets it in that perspective.

IV, 5th para. Tom's words work well here

As to the ending, I probably sit on the fence. However, as my views are much closer to Ruth Macklin's (you are going to have to show me good reasons not to clone--other than physical harm), if you list no. 4., please put "some" in the first sentence.

Trish

Trish@nhl.nh.pdx.edu

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: Rachel E. Levinson (CN=Rachel E. Levinson/OU=OSTP/O=EOP [OSTP])

CREATION DATE/TIME:21-MAY-1997 14:32:02.00

SUBJECT: scheduling request

TO: Jeffrey M. Smith (CN=Jeffrey M. Smith/OU=OSTP/O=EOP @ EOP [OSTP])
READ:UNKNOWN

TO: Clifford J. Gabriel (CN=Clifford J. Gabriel/OU=OSTP/O=EOP @ EOP [OSTP])
READ:UNKNOWN

TO: Jonathan Foster (CN=Jonathan Foster/OU=OSTP/O=EOP @ EOP [OSTP])
READ:UNKNOWN

TO: Holly L. Gwin (CN=Holly L. Gwin/OU=OSTP/O=EOP @ EOP [OSTP])
READ:UNKNOWN

TEXT:

The National Bioethics Advisory Commission is nearing completion of its report on the ethical and legal implications of cloning human beings. They will meet on Saturday, June 7 in Washington to finalize recommendations, after which the report will be ready to transmit to the President. DPC is following this issue with us (via Elizabeth Drye) and anticipates an event the week of June 9. I would strongly endorse a face-to-face meeting to receive the report, as was done with the release of the report of the Advisory Committee on Human Radiation Experiments, October 3, 1995. Because the recommendations will be discussed in an open session on June 7, delaying the release for any length of time beyond that might be difficult.

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: holtzman@mpi.com (holtzman@mpi.com [UNKNOWN])

CREATION DATE/TIME:21-MAY-1997 21:47:11.00

SUBJECT: RECS: SUGGESTED EDITS

TO: nbac-members@lists.Princeton.EDU (nbac-members@lists.Princeton.EDU [UNKNOWN])
READ:UNKNOWN

TEXT:

>>>> harold:

just noticed that when earlier i sent the attached suggested edits that i left out the following (a variation on something suggested by Carol Greider):{this new proposed deletion and addition are bracketed by **stars**).

An implication of this suggestion is that i do believe (contra alex)that the commission has a responsibility to acknowledge the importance of rDNA/cellular cloning, indeed endorse it as well as animal research, because we are, by our recommendation of prohibitory legislation, potentially opening a pandora's box that could harm these endeavors.

III. The Commission also [concludes] STRONGLY ENCOURAGES that:

Any regulatory ...

In particular, the cloning of human DNA sequences and somatic cell lines [does not] raiseS NEITHER{either} the scientific NOR {or} ethical issues that arise from the possible creation of children through somatic cell cloning, and these fields of **{scientific}** study**,WHICH ARE ALREADY PROVIDING SIGNIFICANT SCIENTIFIC AND BIOMEDICAL ADVANCES,**should be allowed to continue,...

>>>>

>>>>

Date: Wed, 21 May 1997 16:22:28 -0400
To: NBAC Members, KHANNA5102@AOL.COM
From: Steve Holtzman <holtzman@mpi.com>
Subject: RECS: SUGGESTED EDITS

HAROLD:

Proposed revisions to the final draft recommendations; deletes in brackets; additions in CAPS

I. The Commission concludes that at this time it is morally unacceptable for anyone in the public or private sector, whether in a research or clinical setting, to attempt to create a child using the somatic cell nuclear transfer technique. We have reached a unanimous

consensus on this point because of the total lack of adequate
>>information on the safety and effectiveness of this method in humans.
Indeed, we believe it would violate important ethical obligations were
clinicians or researchers to attempt to create a child using these
particular technologies, which are likely to involve such substantial
risks of [physical or mental] harm to the potential child. Moreover,
IN ADDITION TO SAFETY CONCERNS, many additional serious ethical concerns
have been identified which require THE OPPORTUNITY FOR a great deal more
widespread careful [deliberation and thought] THOUGHT AND PUBLIC
DELIBERATION BEFORE THE TECHNOLOGY SHOULD BE ALLOWED TO BE PRACTICED.

The Commission, therefore, recommends the following for immediate
action:

A continuation of the current [federal] moratorium on [attempts to]
FEDERAL FUNDING IN SUPPORT OF ANY ATTEMPT TO create a child [in this
fashion. Thus, no federal funds should be used for any attempt to create
a child] by somatic cell nuclear transfer.

An immediate request to all firms, clinicians, investigators, and
professional societies in the private sector to voluntarily comply
with the intent of the federal moratorium. Professional and
scientific societies should make clear that any attempt to create a
child by somatic cell nuclear transfer [to] AND IMPLANTATION INTO a
woman's body, WHETHER IN A RESEARCH OR CLINICAL SETTING, would at this
time be an irresponsible, unethical and unprofessional act.

II. The Commission further recommends that:

Federal legislation should be enacted to prohibit anyone from
attempting, WHETHER IN A RESEARCH OR CLINICAL SETTING, to create a child
through somatic cell nuclear transfer
techniques. Such legislation[, as well as similar state legislation,]
should include a sunset clause that would ensure that the CONGRESS [body
creating the prohibition] will revisit the issue after a specified time
period in order to decide whether the prohibition continues to be needed.
IF STATE LEGISLATION IS PASSED IN ADDITION TO THIS RECOMMENDED FEDERAL
LEGISLATION, IT SHOULD INCLUDE SIMILAR PROVISIONS FOR REVIEW AND
REASSESSMENT. Any such legislation or associated regulation ought also to
require that at a specified point prior to the expiration of the sunset
period an appropriate oversight body would be responsible for evaluating
and reporting on the current status of somatic cell nuclear technology and
on the ethical and social issues that its potential use [with human beings]
TO CREATE CHILDREN would raise in light of contemporary public attitudes.
INSERT ALTA'S LANGUAGE ON COMMON RULE RESEARCH FIRST.

III. The Commission also [concludes] STRONGLY ENCOURAGES that:

Any regulatory or legislative [restrictions] ACTIONS UNDERTAKEN TO EFFECT
THE FOREGOING PROHIBITION ON CREATING CHILDREN BY SOMATIC-CELL NUCLEAR
TRANSFER [on the cloning of human beings] should be carefully written so
as not to interfere
inadvertently and unnecessarily with other important [areas of

scientific research] APPLICATIONS OF CLONING TECHNOLOGIES. In particular, the cloning of human DNA sequences and somatic cell lines [does not] raiseS NEITHER{either} the scientific NOR {or} ethical issues that arise from the possible creation of children through somatic cell cloning, and these fields of scientific study should be allowed to continue, [subject to] WITH NO ADDITIONAL REGULATION BEYOND existing standards and regulations. Likewise, research on cloning of animals by somatic cell nuclear transfer does not raise the issues implicated in attempting to use this technique for human cloning, and its continuation should [only] NOT be subject to ADDITIONAL REGULATION BEYOND existing regulations regarding the humane use of animals and review by institution-based The United States Government should cooperate with other nations and international organizations to enforce any common aspects of their respective policies on the cloning of human beings.

IV. The Commission also concludes that since different ethical and religious perspectives and traditions are divided on many of the important ethical issues that surround any attempt to create a child [with] BY somatic cell nuclear transfer techniques, we recommend that:

The federal government and all the interested and concerned parties encourage widespread and continuing deliberation and thought on these issues in order to further our understanding of the ethical and social implications of this technology and to enable society to produce appropriate long-term policies regarding this technology should the time come when present concerns about safety have been met.

V. Finally, since scientific knowledge is essential for all citizens to participate in a full and informed fashion in the governance of our ever-more complex society, Federal departments and agencies concerned with science should cooperate in seeking out and supporting opportunities to provide information and education to the public in the area of genetics and on other developments in the biomedical sciences where these affect important cultural practices and commitments.

<<<<<

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: bernie@itsa.ucsf.edu (bernie@itsa.ucsf.edu [UNKNOWN])

CREATION DATE/TIME:21-MAY-1997 18:28:44.00

SUBJECT: Re: comments on Tom's ethics suggestions

TO: nbac-members@lists.Princeton.EDU (nbac-members@lists.Princeton.EDU [UNKNOWN])
READ:UNKNOWN

TEXT:

Thanks. I also wholeheartedly agree with thanks to Tom for his suggestions and for Carol for asking the hard questions that make us think through these difficult issues. Bernie

>Tom, thank you for giving some structure to this discussion.

>Bernie, as I said before, you have done a yoeman's job with a
>difficult chapter. And Carol, we are indebted to you for your clear
>thinking and forcing us to think through--again--these difficult
>issues.

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>I think Tom's suggestions are very helpful. Unfortunately, I
>inadvertantly deleted his message so will try to respond in a way
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>Trish@nhl.nh.pdx.edu

Bernard Lo, M.D.
521 Parnassus Ave.
Room C-126
University of California San Francisco
San Francisco, CA 94143-0903
Ph: 415-476-5370
Fax: 415-476-5020

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: holtzman@mpi.com (holtzman@mpi.com [UNKNOWN])

CREATION DATE/TIME:21-MAY-1997 07:22:22.00

SUBJECT: Cloning/Ethics

TO: nbac-members@lists.Princeton.EDU (nbac-members@lists.Princeton.EDU [UNKNOWN])
READ:UNKNOWN

TEXT:

Note: i received word from bernie that my long e-mail of yesterday got truncated. herewith, i delete the long text, and attach 3 version of the document: in rich text, word for windows 2.0, and word for macintosh

>Bernie:

>as we discussed by phone today, it took me a while to get together my thoughts on the arguments we have heard for and against cloning. since harold said, "No ideas without words", the attachment (reproduced also in the body of the e-mail) are the words to go with the thoughts.

>-as we further discussed, i do not expect to see ANY of this stuff in the NBAC's report...but, if it helps you (or any other commission member) to clarify any of your thoughts, or provides a sentence or phrase somewhere along the line, then it will have served a purpose.

>-my apologies for not having had this written earlier and for the crude form that results from limited time and abilities.

>

>best regards,

>steve

>

- HoltzClone1Rich.rtf - HoltzClone1word2.doc - HoltzClone1word2.mcw=====

ATTACHMENT 1 =====

ATT CREATION TIME/DATE: 0 00:00:00.00

TEXT:

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\par How we go about deciding to have, having and raising children are among those activities arguably most fundamental to our identities. A society's practices with respect to these activities are equally fundamental to a society's identity. Who we are and who as a people we are to become are, therefore, matters very much at stake when the potential for a startling possibility for change in such fundamental activities and practices enters the landscape. The fundamental nature of what is at stake, and the radicalness of the change, in and of themselves, do not tell us anything about the moral goodness or evil of the prospect with which we are confronted. But they do call upon us to engage in an unusual type of moral reflection and exercise our greatest powers of moral imagination.

\par Moral reasoning in our everyday lives is typically engaged in the judgment of this or that specific action. On infrequent occasions, however, we are asked to engage in a broader set of reflections: on what is a good life, on what are the characteristics of a virtuous society. Such occasions arise when we are confronted with an alternative - arising most often from an encounter with a radically foreign culture or a radically new technological development - that places in question an activity and the social practice of that activity that are constitutive of our identities. Emotions will run high and reason will seem to falter precisely because the form of life in which we make specific moral judgments about actions, the form of life which provides the bedrock on which we stand when we make these specific moral judgments and the background conditions only against which these specific judgments gain coherence, itself is the subject of reflection and judgment.

\par So it is with the appearance of Dolly. Dolly says, "Asexual production of a new person essentially genetically identical to a person currently or previously alive is now a real possibility. You may now choose the genetic identity of your child based on an examination of the life history, accomplishments, strengths, weaknesses, intellectual and emotional characteristics, etc. of his or her genetic template." --Dolly does not merely move the goal posts ten yards or raise or lower the pitcher's mound six inches while leaving the game (otherwise) intact; Dolly changes (or poses the possibility of changing) the fundamental nature of the game, and the

game at stake is (constitutive of) our self identities.

\par

\par Understanding Dolly and her significance in the foregoing way begins to give us purchase on the depth of emotion and the categories of condemnation that greeted her arrival. Thus, we find religiously based condemnations employing terms such as

\ldblquote cloning is playing God\rdblquote, while counterpart secular condemnations get phrased in language such as \ldblquote cloning violates man\rsquote s intrinsic nature.\rdblquote These are the types of \ldblquote reasons\rdblquote

ote

that are invoked when reasons for this or that specific course of action have come to an end.

\par

\par But reason we must. However, the form moral reasoning must take when the subject of our reasoning is who we are and who we wish to become, is the exercise of moral imagination. We can not simply engage in a deductive exercise in which we determine whether

prohibiting or allowing the creation of a child by somatic-cell

nuclear transfer will result in this or that harm or violate this or that right

; we are being asked to evaluate and decide the nature of ourselves as the kinds of beings for whom certain events constitute harms and certain areas of action constitute right

s.

\par

\par So, how do we go about imagining the selves we would be in a world in which having children by somatic-cell nuclear transfer is as normal, as everyday as our current practices of procreation? Are the beings we would be in such a world fundamentally

the same or different than we are now? And, if different, is that a change for the better or a tragic decline?

\par

\par Fully imagining ourselves in such a world requires starting with an inventory of relevant features about ourselves as we are today. To name a few: we are discriminating beings in the matter of parentage. If we marry with the intent of having children by

our intended spouse, we will assess (or find ourselves loving) our intended in part on the basis of whether he or she will be a good parent. With

modern genetic testing technology, if I know myself to be the carrier of a deadly single gene defect, I may well consider if my intended is also a carrier.

Further, with the availability of modern assisted reproductive techniques (ART), I may give little

thought at all to my intended\rsquote s family history of ease or difficulty of achieving conception.

\par

\par Further items in the inventory: we are imperfect beings, driven more than we would like or care to admit by motivations of which we are not proud. To name but

a few, economic avarice, narcissism and vanity based on physical attributes.

We are also creatures of a social organization deeply shaped by a market-oriented, consumerist economy and a corresponding political framework that maximizes the individual

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\par This brief inventory of features provides a sufficient basis to understand

and articulate — without an appeal to divine law or man's immutable nature — the argument of many who would stand most firmly against allowing ourselves and our society to become one in which we create children by somatic-cell nuclear transfer as a standard practice. The depiction of such a world as including the horror of designer catalogues of somatic-cell nuclei is not (or not simply) a prediction or speculation. Rather, it is an invitation to project ourselves as we are today — with all of our frailties and a society/economic organization that arguably reinforces and preys upon those frailties — into such a world.

¶ Such a world is indeed one in which "replication" has attained equal status with (if it has not usurped) procreation. When you have ordered your child from a catalogue based on the description of the life and accomplishments of the genetic template, it is not merely a contingent matter that you will have expectations of and sources of disappointment with that child quite unlike those we now have of children.

¶ To appreciate the force of this argument, it is critical to be clear on what is but also what is not being claimed. When I have ordered the blue turtleneck from LL Bean and receive the red, it is not logically necessary that I am disappointed; it can turn out that I am delighted ("I always thought red was too daring for me, but now I see a whole new side of me"). However, it is not merely contingent, or merely a matter of speculation requiring future empirical verification, that when, after due consideration, most people order blue, most of the time they will not be happy if they receive red. --We might say: it is part of the concept (and human activity) of "having made a considered selection" that most of the time you will not be happy with getting other than that for which you asked.

¶ Thus, in the world we have imagined, a parent might indeed come to love and cherish the tone-deaf son whose DNA was selected because it was the DNA of a world class musician ("I thought musicality was so important, but now I see how it pales into insignificance when I consider my daughter's smile"). But, in that world, parents in general cannot in general

value their children for the individuals who, as it so happens, they turn out to be, regardless of the similitude these children bear to their genetic templates. To imagine otherwise is to imagine a different world, one in which the practice of bearing children by somatic-cell nuclear transfer is non-existent or rare; the practice could never have got going because, if we posit parents' general indifference to the fidelity of cloning's outcome, we have imagined away the motivation from which the practice arose in the first place.

¶ Thus, those who extend to us the invitation to engage in the foregoing act of moral imagination are asking us to see how cloning to create children may disrupt the interconnected web of social understanding, practices, and institutions that support, for e

example, the healthy growth of children as well as the well-being of their parents. These intertwined aspects of our culture do change and evolve, to be sure. But, we are asked to consider that not all change may be good. Certain values are at the heart of families and the relationships between parents and children as we know them today, values such as non-contingent, unconditioned love, loyalty, steadfastness, compassion, openness, generosity, and forgiveness. Changes in our shared understandings, practices, and institutions that could undermine or otherwise threaten those deeply prized values are therefore to be avoided if at all possible. At a minimum, they should not be fostered by our public policies. Cloning to create children, to the extent that it disrupts those valuable understandings, practices, and institutions, and thereby undermines those values, therefore ought to be discouraged.

Importantly, the foregoing line of thought leaves scope for a view in which exceptional cases of cloning would be perfectly consistent with the beings we are and wish to become. More strongly, it provides a framework in which to understand why, against the background of a general repugnance with the prospect of cloning, we find ourselves (consistent with our values) sympathetically engaged by certain acts of cloning.

The scenario of the Holocaust victim who is the last surviving family member is one such case, the child who will act as a bone marrow donor for his two year old, dying sibling is another. In both instances, we are asked to imagine a situation in which individuals are, as it were, driven to cloning as a means of procreation of last resort. In the latter case, it is a further important feature that the genetic template is only two years old (the load of expectations on the new child for similitude to the original will be low) and that the characteristics that form the basis for selection only extend to a match in the major histocompatibility complex, not to characteristics such as intelligence, likes, dislikes, goals, accomplishments, etc. in terms of which we identify a person's individuality.

In a related fashion, the argument for making cloning available to gay couples engages our sympathies. A heterosexual couple, in the absence of infertility problems, has available to it the prospect of parentage without a biological/genetic contribution by a third party. This prospect has a very different role in our lives than, say, the prospect of buying a new car vs. one previously owned by a third party. The prospect is deeply defining of our understanding of ourselves and of procreation in the context of marriage and a family—human relations and institutions to whose value appeal is made in opposition to a general practice of cloning. In contrast, the gay community is composed of individuals for whom, under present circumstances, this prospect for biological parentage, without a biological contribution from a third party, is not available. In seeking to avail themselves of procreation by cloning, the gay couple appeals to, supports, reinforces and seeks to live those very same values.

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par Summarizing: these exceptional cases of cloning make appeal to the same interconnected web of social understanding, practices, and institutions (e.g., that support the healthy growth of children as well as the well-being of their parents) the preservation of which is invoked in opposition to our allowing or promoting a world in which we have become a people who engage in a general practice of creating children by somatic-cell nuclear transfer. The very same motivations, intentions and goals characteristic of actions supportive of, e.g., the healthy growth of children, are present in these exceptional cases. None of the motivations that are the source of concern (avarice, vanity, narcissism) are to be found.

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\par If the source of opposition to cloning is truly the desire to preserve and protect our identities as people for whom these are defining values, if the opponent truly is to mean these reasons which he cites for his opposition, then he cannot

(with any consistency) fail to feel sympathy in these exceptional cases . Failure to feel that sympathy signifies that the source of his opposition }{ \ul must}{

lie elsewhere than where he has located it: perhaps in a an unarticulated dogma, an ideology, or repressed fear.

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Such a failure to fully and successfully mean what one has said, to have failed to have located correctly the source of one's feelings and the bases of one's arguments, can be seen on the other side of the cloning debate; namely, in arguments presented to the Commission by Robertson and Macklin, which state that creating children by somatic-cell nuclear transfer should be viewed exclusively as a nonprocreative exercise of one's procreative freedom and reproductive rights. To be sure, they acknowledge, cloning involves more technological intervention than coitus, and can introduce complexity into categorizing the relationships among the participants (re: nucl

ear-donor parent, oocyte-donor parent, gestational parent, rearing parent, parent-of-the-nuclear-donor-parent, etc.). But this is a development for which we have been prepared (emotionally?, intellectually?, societally?) by recent developments in ART.

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But when asked: "What if in the exercise of these reproductive rights, a person were to choose to clone 10, 15, 25 or 50 genetically identical individuals?" both Robertson and Macklin demur. This, they acknowledge, would be problematic.

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\par But why? Why isn't their response, "Some people like big families, that is their right."

--In fact, that $\mathcal{U}$ must be their response; they $\mathcal{U}$ cannot (with any consistency) answer otherwise.

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dom necessary for each individual to realize their individuality. A society which, in the name of procreative liberty, sees no qualitative difference between having a baby with the motivations most often associated with that practice to day, and a practic

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, will have obliterated a fundamental source of the concept of individuality that is the wellspring of individual rights, including procreative rights.

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their acceptance of a certain disquietude with an unfettered reproductive right to clone, is a far more subtle and accurate picture of the complex interplay between the diverse sources (in our families, in our societal practices) of our identities and ho

w these contribute to our understanding and realization of our individuality.

Their position can then also be understood as an invitation for us to engage in an act of moral imagination. The inven

tory of features they will start with can include everything included in the inventory of the opponent of cloning. But they will further include a recitation of the struggle for the general recognition of individual rights and how it is not that long ago

that for many (and still for some) that with whom and under what conditions to have a child was not a matter of individual choice. They will point to the fact that persons in power have throughout history sought control over the reproductive decisions o

f those less powerful, and they will question whether a society which allows the powerful control over an activity which even looks like procreation (namely, cloning) is a society which will not, ineluctably, grant to the powerful broad power over this area

of our lives. \endash

Faced with this choice, they accept (and ask us to accept) the potential prospect of acts that are repugnant and detrimental to the preservation of human rights (viz. creating 25 genetically identical individuals) as the far lesser of two evils.

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How we go about deciding to have, having and raising children are among those activities arguably most fundamental to our identities. A society's practices with respect to these activities are equally fundamental to a society's identity.

Who we are and who as a people we are to become are, therefore, matters very much at stake when the potential for a startling possibility for change in such fundamental activities and practices enters the landscape. The fundamental nature of what is at stake, and the radicalness of the change, in and of themselves, do not tell us anything about the moral goodness or evil of the prospect with which we are confronted. But they do call upon us to engage in an unusual type of moral reflection and exercise our greatest powers of moral imagination.

Moral reasoning in our everyday lives is typically engaged in the judgment of this or that specific action. On infrequent occasions, however, we are asked to engage in a broader set of reflections: on what is a good life, on what are the characteristics of a virtuous society. Such occasions arise when we are confronted with an alternative - arising most often from an encounter with a radically foreign culture or a radically new technological development - that places in question an activity and the social practice of that activity that are constitutive of our identities. Emotions will run high and reason will seem to falter precisely because the form of life in which we make specific moral judgments about specific actions, the form of life which provides the bedrock on which we stand when we make these specific moral judgments and the background conditions only against which these specific judgments gain coherence, itself is the subject of reflection and judgment.

So it is with the appearance of Dolly. Dolly says, Asexual production of a new person essentially genetically identical to a person currently or previously alive is now a real possibility. You may now choose the genetic identity of your child based on an examination of the life history, accomplishments, strengths, weaknesses, intellectual and emotional characteristics, etc. of his or her genetic template. --Dolly does not merely move the goal posts ten yards or raise or lower the pitcher's mound six inches while leaving the game (otherwise) intact; Dolly changes (or poses the possibility of changing) the fundamental nature of the game, and the game at stake is (constitutive of) our self identities.

Understanding Dolly and her significance in the foregoing way begins to give us purchase on the depth of emotion and the categories of condemnation that greeted her arrival. Thus, we find religiously based condemnations employing terms such as cloning is playing God, while counterpart secular condemnations get phrased in language such as cloning violates man's intrinsic nature. These are the types of reasons that are invoked when reasons for this or that specific course of action have come to an end.

But reason we must. However, the form moral reasoning must take when the subject of our reasoning is who we are and who we wish to become, is the exercise of

moral imagination. We can not simply engage in a deductive exercise in which we determine whether prohibiting or allowing the creation of a child by somatic-cell nuclear transfer will result in this or that harm or violate this or that right; we are being asked to evaluate and decide the nature of ourselves as the kinds of beings for whom certain events constitute harms and certain areas of action constitute rights.

So, how do we go about imagining the selves we would be in a world in which having children by somatic-cell nuclear transfer is as normal, as everyday as our current practices of procreation? Are the beings we would be in such a world fundamentally the same or different than we are now? And, if different, is that a change for the better or a tragic decline?

Fully imagining ourselves in such a world requires starting with an inventory of relevant features about ourselves as we are today. To name a few: we are discriminating beings in the matter of parentage. If we marry with the intent of having children by our intended spouse, we will assess (or find ourselves loving) our intended in part on the basis of whether he or she will be a good parent.

With modern genetic testing technology, if I know myself to be the carrier of a deadly single gene defect, I may well consider if my intended is also a carrier. Further, with the availability of modern assisted reproductive techniques (ART), I may give little thought at all to my intendeds family history of ease or difficulty of achieving conception.

Further items in the inventory: we are imperfect beings, driven more than we would like or care to admit by motivations of which we are not proud. To name but a few, economic avarice, narcissism and vanity based on physical attributes.

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This brief inventory of features provides a sufficient basis to understand and articulate without an appeal to divine law or mans immutable nature the argument of many who would stand most firmly against allowing ourselves and our society to become one in which we create children by somatic-cell nuclear transfer as a standard practice. The depiction of such a world as including the horror of designer catalogues of somatic-cell nuclei is not (or not simply) a prediction or speculation. Rather, it is an invitation to project ourselves as we are today with all of our frailties and a society/economic organization that arguably reinforces and preys upon those frailties into such a world.

Such a world is indeed one in which replication has attained equal status with (if it has not usurped) procreation. When you have ordered your child from a catalogue based on the description of the life and accomplishments of the genetic template, it is not merely a contingent matter that you will have expectations of and sources of disappointment with that child quite unlike those we now have of children.

To appreciate the force of this argument, it is critical to be clear on what is but also what is not being claimed. When I have ordered the blue turtleneck from LL Bean and receive the red, it is not logically necessary that I am disappointed; it can turn out that I am delighted (I always thought red was too daring for me, but now I see a whole new side of me). However, it is not merely contingent, or merely a matter of speculation requiring future empirical verification.

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Thus, those who extend to us the invitation to engage in the foregoing act of moral imagination are asking us to see how cloning to create children may disrupt the interconnected web of social understanding, practices, and institutions that support, for example, the healthy growth of children as well as the well-being of their parents. These intertwined aspects of our culture do change and evolve, to be sure. But, we are asked to consider that not all change may be good. Certain values are at the heart of families and the relationships between parents and children as we know them today, values such as non-contingent, unconditioned love, loyalty, steadfastness, compassion, openness, generosity, and forgiveness. Changes in our shared understandings, practices, and institutions that could undermine or otherwise threaten those deeply prized values are therefore to be avoided if at all possible. At a minimum, they should not be fostered by our public policies. Cloning to create children, to the extent that it disrupts those valuable understandings, practices, and institutions, and thereby undermines those values, therefore ought to be discouraged.

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Summarizing: these exceptional cases of cloning make appeal to precisely the same interconnected web of social understanding, practices, and institutions (e.g., that support the healthy growth of children as well as the well-being of their parents) the preservation of which is invoked in opposition to our allowing or promoting a world in which we have become a people who engage in a general practice of creating children by somatic-cell nuclear transfer. The very same motivations, intentions and goals characteristic of actions supportive of, e.g., the healthy growth of children, are present in these exceptional cases. None of the motivations that are the source of concern (avarice, vanity, narcissism) are to be found.

If the source of opposition to cloning is truly the desire to preserve and protect our identities as people for whom these are defining values, if the opponent truly is to mean these reasons which he cites for his opposition, then he cannot (with any consistency) fail to feel sympathy in these exceptional cases. Failure to feel that sympathy signifies that the source of his opposition must lie elsewhere than where he has located it: perhaps in an unarticulated dogma, ideology, or repressed fear.

Such a failure to fully and successfully mean what one has said, to have failed to have located correctly the source of one's feelings and the bases of one's arguments, can be seen on the other side of the cloning debate; namely, in arguments presented to the Commission by Robertson and Macklin, which state that creating children by somatic-cell nuclear transfer should be viewed exclusively as an exercise of one's procreative freedom and reproductive rights. To be sure, they acknowledge, cloning involves more technological intervention than coitus, and can introduce complexity into categorizing the relationships among the participants (re: nuclear-donor parent, oocyte-donor parent, gestational parent, rearing parent, parent-of-the-nuclear-donor-parent, etc.). But this is a development for which we have been prepared (emotionally?, intellectually?, societally?) by recent developments in ART.

But when asked: What if in the exercise of these reproductive rights, a person were to choose to clone 10, 15, 25 or 50 genetically identical individuals?, both Robertson and Macklin demur. This, they acknowledge, would be problematic.

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All too briefly: reproductive rights are embedded in, take their start from, a broader deeper understanding of the value and dignity of each individual qua individual and what are the necessary degrees of liberty and areas of personal freedom necessary for each individual to realize their individuality. A society which, in the name of procreative liberty, sees no qualitative difference between having a baby with the motivations most often associated with that practice today, and a practice of procreation in which the motivating thought is of the form: I like that one so much, I'll take 25 more, will have obliterated a fundamental source of the concept of individuality that is the wellspring of individual rights, including procreative rights.

Thus, the Robertson/Macklin position, when we include their acceptance of a certain disquietude with an unfettered reproductive right to clone, is a far more subtle and accurate picture of the complex interplay between the diverse sources (in our families, in our societal practices) of our identities and how these contribute to our understanding and realization of our individuality. Their position can then also be understood as an invitation for us to engage in an act of moral imagination. The inventory of features they will start with can include everything included in the inventory of the opponent of cloning. But they will further include a recitation of the struggle for the general recognition of individual rights and how it is not that long ago that for many (and still for some) that with whom and under what conditions to have a child was not a matter of individual choice. They will point to the fact that persons in power have throughout history sought control over the reproductive decisions of those less powerful, and they will question whether a society which allows the powerful control over an activity which even looks like procreation (namely, cloning) is a society which will not, ineluctably, grant to the powerful broad power over this area of our lives. Faced with this choice, they accept (and ask us to accept) the potential prospect of acts that are repugnant and detrimental to the preservation of human rights (viz. creating 25 genetically identical individuals) as the far lesser of two evils.

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Thus, those who extend to us the invitation to engage in the foregoing act of moral imagination are asking us to see how cloning to create children may disrupt the interconnected web of social understanding, practices, and institutions that support, for example, the healthy growth of children as well as the well-being of their parents. These intertwined aspects of our culture do change and evolve, to be sure. But, we are asked to consider that not all change may be good. Certain values are at the heart of families and the relationships between parents and children as we know them today, values such as non-contingent, unconditioned love, loyalty, steadfastness, compassion, openness, generosity, and forgiveness. Changes in our shared understandings, practices, and institutions that could undermine or otherwise threaten those deeply prized values are therefore to be avoided if at all possible. At a minimum, they should not be fostered by our public policies. Cloning to create children, to the extent that it disrupts those valuable understandings, practices, and institutions, and thereby undermines those values, therefore ought to be discouraged.

Importantly

, the foregoing line of thought leaves scope for a view in which exceptional cases of cloning would be perfectly consistent with the beings we are and wish to become. More strongly, it provides a framework in which to understand why, against the background of a general repugnance with the prospect of cloning, we find ourselves (consistent with our values) sympathetically engaged by certain acts of cloning.

The scenario of the Holocaust victim who is the last surviving family member is one such case, the child who will act as a bone marrow donor for his two year old, dying sibling is another. In both instances, we are asked to imagine a situation in which individuals are, as it were, driven to cloning as a means of procreation of last resort. In the latter case, it is a further important feature that the genetic template is only two years old (the load of expectations on the new child for similitude to the original will be low) and that the characteristics that form the basis for selection only extend to a match in the major histocompatibility complex, not to characteristics such as intelligence, likes, dislikes, goals, accomplishments, etc. in terms of which we identify a person's individuality.

In a related fashion, the argument for making cloning available to gay couples engages our sympathies. A heterosexual couple, in the absence of infertility problems, has available to it the prospect of parentage without a biological/genetic contribution by a third party. This prospect has a very different role in our lives than, say, the prospect of buying a new car vs. one previously owned by a third party. The prospect is deeply defining of our understanding of ourselves and of procreation in the context of marriage and a family human relations and institutions to whose value appeal is made in opposition to a general practice of cloning. In contrast, the gay community is composed of individuals for whom, under present circumstances, this prospect for biological parentage, without a biological contribution from a third party, is not available. In seeking to avail themselves of procreation by cloning, the gay couple appeals to, supports, reinforces and seeks to live those very same values.

Summarizing: these exceptional cases of cloning make appeal to precisely the same interconnected web of social understanding, practices, and institutions (e.g., that support the healthy growth of children as well as the well-being of their parents) the preservation of which is invoked in opposition to our allowing or promoting a world in which we have become a people who engage in a general practice of creating children by somatic-cell nuclear transfer. The very same motivations, intentions and goals characteristic of actions supportive of, e.g., the healthy growth of children, are present in these exceptional cases. None of the motivations that are the source of concern (avarice, vanity, narcissism) are to be found.

If the source of opposition to cloning is truly the desire to preserve and protect our identities as people for whom these are defining values, if the opponent truly is to mean these reasons which he cites for his opposition, then he cannot (with any consistency) fail to feel sympathy in these exceptional cases. Failure to feel that sympathy signifies that the source of his opposition must lie elsewhere than where he has located it: perhaps in an unarticulated dogma, ideology, or repressed fear.

Such a failure to fully and successfully mean what one has said, to have failed to have located correctly the source of one's feelings and the bases of one's arguments, can be seen on the other side of the cloning debate; namely, in arguments presented to the Commission by Robertson and Macklin, which state that creating children by somatic-cell nuclear transfer should be viewed exclusively as an exercise of one's procreative freedom and reproductive rights. To be sure, they acknowledge, cloning involves more technological intervention than coitus, and can introduce complexity into categorizing the relationships among the participants (re: nuclear-donor parent, oocyte-donor parent, gestational parent, rearing parent, parent-of-the-nuclear-donor-parent, etc.). But this is a development for which we have been prepared (emotionally?, intellectually?, societally?) by recent developments in ART.

But when asked: What if in the exercise of these reproductive rights, a person were to choose to clone 10, 15, 25 or 50 genetically identical individuals?, both Robertson and Macklin demur. This, they acknowledge, would be problematic.

But why? Why isn't their response, Some people like big families, that is their right. --In fact, that must be their response; they cannot (with any consistency) answer otherwise.

But they do answer otherwise; and that they do signifies that, at some level, they know that creating children by somatic-cell nuclear creates prospects of a wholly new kind than are possible in the current practice of the human activity of reproduction, prospects that affect the (the basis of the) rights we ascribe to individuals over that activity.

All too briefly: reproductive rights are embedded in, take their start from, a broader deeper understanding of the value and dignity of each individual qua individual and what are the necessary degrees of liberty and areas of personal freedom necessary for each individual to realize their individuality. A society which, in the name of procreative liberty, sees no qualitative difference between having a baby with the motivations most often associated with that practice today, and a practice of procreation in which the motivating thought is of the form: I like that one so much, I'll take 25 more, will have obliterated a fundamental source of the concept of individuality that is the wellspring of individual rights, including procreative rights.

Thus, the Robertson/Macklin position, when we include their acceptance of a certain disquietude with an unfettered reproductive right to clone, is a far more subtle and accurate picture of the complex interplay between the diverse sources (in our families, in our societal practices) of our identities and how these contribute to our understanding and realization of our individuality. Their position can then also be understood as an invitation for us to engage in an act of moral imagination. The inventory of features they will start with can include everything included in the inventory of the opponent of cloning. But they will further include a recitation of the struggle for the general recognition of individual rights and how it is not that long ago that for many (and still for some) that with whom and under what conditions to have a child was not a matter of

individual choice. They will point to the fact that persons in power have throughout history sought control over the reproductive decisions of those less powerful, and they will question whether a society which allows the powerful control over an activity which even looks like procreation (namely, cloning) is a society which will not, ineluctably, grant to the powerful broad power over this area of our lives. Faced with this choice, they accept (and ask us to accept) the potential prospect of acts that are repugnant and detrimental to the preservation of human rights (viz. creating 25 genetically identical individuals) as the far lesser of two evils.

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op_`34!9!:%%'t'u**..1u1v3q3r66778L88::==CCC4
ACC"C#=/B===== END ATTACHMENT 3 =====

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: bernie@itsa.ucsf.edu (bernie@itsa.ucsf.edu [UNKNOWN])

CREATION DATE/TIME:21-MAY-1997 06:51:55.00

SUBJECT: Re: Cloning/Ethics

TO: nbac-members@lists.Princeton.EDU (nbac-members@lists.Princeton.EDU [UNKNOWN])
READ:UNKNOWN

TEXT:

Steve, Thanks for sending me your section. I haven't had a chance to read it carefully, but I wonder if the end of the passage got truncated. Also, I wonder if you could respond to Carol's comments that it's a scientific fallacy to think that we could order our child from a cloning catalogue and that we shouldn't discuss scenarios based on scientific error, lest we give credence to those misunderstandings. Thanks, Bernie

>Bernie:

>as we discussed by phone today, it took me a while to get together my
>thoughts on the arguments we have heard for and against cloning. since
>harold said, "No ideas without words", the attachment (reproduced also in
>the body of the e-mail) are the words to go with the thoughts.

>-as we further discussed, i do not expect to see ANY of this stuff in the
>NBAC's report...but, if it helps you (or any other commission member) to
>clarify any of your thoughts, or provides a sentence or phrase somewhere
>along the line, then it will have served a purpose.

>-my apologies for not having had this written earlier and for the crude
>form that results from limited time and abilities.

>

>best regards,

>steve

>

>_=====

>

>How we go about deciding to have, having and raising children are among
>those activities arguably most fundamental to our identities. A
society?s

>practices with respect to these activities are equally fundamental to a
>society?s identity. Who we are and who as a people we are to become are,
>therefore, matters very much at stake when the potential for a startling
>possibility for change in such fundamental activities and practices enters
>the landscape. The fundamental nature of what is at stake, and the
>radicalness of the change, in and of themselves, do not tell us anything
>about the moral goodness or evil of the prospect with which we are
>confronted. But they do call upon us to engage in an unusual type of
moral >reflection and exercise our greatest powers of moral imagination.

>

>Moral reasoning in our everyday lives is typically engaged in the
judgment >of this or that specific action. On infrequent occasions,
however, we are >asked to engage in a broader set of reflections: on what
is a good life, on >what are the characteristics of a virtuous society.

Such occasions arise

>when we are confronted with an alternative - arising most often from an

>encounter with a radically foreign culture or a radically new technological >development - that places in question an activity and the social practice

>of that activity that are constitutive of our identities. Emotions will

>run high and reason will seem to falter precisely because the form of

life >in which we make specific moral judgments about specific actions, the form

>of life which provides the bedrock on which we stand when we make these

>specific moral judgments and the background conditions only against which

>these specific judgments gain coherence, itself is the subject of

>reflection and judgment.

>

>So it is with the appearance of Dolly. Dolly says, "Asexual production of

>a new person essentially genetically identical to a person currently or

>previously alive is now a real possibility. You may now choose the genetic

>identity of your child based on an examination of the life history,

>accomplishments, strengths, weaknesses, intellectual and emotional

>characteristics, etc. of his or her genetic template." --Dolly does not

>merely move the goal posts ten yards or raise or lower the pitcher's mound

>six inches while leaving the game (otherwise) intact; Dolly changes (or

>poses the possibility of changing) the fundamental nature of the game,

and >the game at stake is (constitutive of) our self identities.

>

>Understanding Dolly and her significance in the foregoing way begins to

>give us purchase on the depth of emotion and the categories of condemnation

>that greeted her arrival. Thus, we find religiously based condemnations

>employing terms such as "cloning is playing God", while counterpart secular

>condemnations get phrased in language such as "cloning violates man's

>intrinsic nature." These are the types of "reasons" that are invoked

when >reasons for this or that specific course of action have come to an end.

>

>But reason we must. However, the form moral reasoning must take when the

>subject of our reasoning is who we are and who we wish to become, is the

>exercise of moral imagination. We can not simply engage in a deductive

>exercise in which we determine whether prohibiting or allowing the creation

>of a child by somatic-cell nuclear transfer will result in this or that

>harm or violate this or that right; we are being asked to evaluate and

>decide the nature of ourselves as the kinds of beings for whom certain

>events constitute harms and certain areas of action constitute rights.

>

>So, how do we go about imagining the selves we would be in a world in

which >having children by somatic-cell nuclear transfer is as normal, as everyday

>as our current practices of procreation? Are the beings we would be in

>such a world fundamentally the same or different than we are now? And, if >different, is that a change for the better or a tragic decline?

>

>Fully imagining ourselves in such a world requires starting with an
>inventory of relevant features about ourselves as we are today. To name a
>few: we are discriminating beings in the matter of parentage. If we
marry >with the intent of having children by our intended spouse, we will
assess >(or find ourselves loving) our intended in part on the basis of
whether he >or she will be a good parent. With modern genetic testing
technology, if I

>know myself to be the carrier of a deadly single gene defect, I may well
>consider if my intended is also a carrier. Further, with the
availability >of modern assisted reproductive techniques (ART), I may give
little thought >at all to my intended's family history of ease or
difficulty of achieving >conception.

>

>Further items in the inventory: we are imperfect beings, driven more
than >we would like or care to admit by motivations of which we are not
proud.

>To name but a few, economic avarice, narcissism and vanity based on
>physical attributes. We are also creatures of a social organization
deeply

>shaped by a market-oriented, consumerist economy and a corresponding
>political framework that maximizes the individual's rights to realize
his >or her (consumer) preferences.

>

>This brief inventory of features provides a sufficient basis to
understand >and articulate ? without an appeal to divine law or man's
immutable nature

>? the argument of many who would stand most firmly against allowing
>ourselves and our society to become one in which we create children by
>somatic-cell nuclear transfer as a standard practice. The depiction of
>such a world as including the horror of designer catalogues of
somatic-cell >nuclei is not (or not simply) a prediction or speculation.
Rather, it is

>an invitation to project ourselves as we are today ? with all of our
>frailties and a society/economic organization that arguably reinforces
and >preys upon those frailties ? into such a world.

>

>Such a world is indeed one in which "replication" has attained equal
status >with (if it has not usurped) procreation. When you have ordered
your child >from a catalogue based on the description of the life and
accomplishments >of the genetic template, it is not merely a contingent
matter that you will

>have expectations of and sources of disappointment with that child quite
>unlike those we now have of children.

>

>To appreciate the force of this argument, it is critical to be clear on
>what is but also what is not being claimed. When I have ordered the blue
>turtleneck from LL Bean and receive the red, it is not logically necessary
>that I am disappointed; it can turn out that I am delighted ("I always
>thought red was too daring for me, but now I see a whole new side of me").
>However, it is not merely contingent, or merely a matter of speculation
>requiring future empirical verification, that when, after due
>consideration, most people order blue, most of the time they will not be
>happy if they receive red. --We might say: it is part of the concept

(and
>human activity) of "having made a considered selection" that most of the
>time you will not be happy with getting other than that for which you
asked..
>
>Thus, in the world we have imagined, a parent might indeed come to love
and >cherish the tone-deaf son whose DNA was selected because it was the
DNA of >a world class musician ("I thought musicality was so important,
but now I >see how it pales into insignificance when I consider my
daughter?s smile")

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RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: subscriptions@washington-fax.com (subscriptions@washington-fax.com [UNKNOWN])

CREATION DATE/TIME:21-MAY-1997 06:52:08.00

SUBJECT: Life Science May 21, 1997

TO: subscriptions@washington-fax.com (subscriptions@washington-fax.com [UNKNOWN])
READ:UNKNOWN

TEXT:
Life Science
May 21 1997

PRESIDENT CLINTON SETS OUT FOUR MORAL PRINCIPALS TO GUIDE UNITED STATES IN THE "CENTURY OF BIOLOGY"

In a week-end commencement speech, President Clinton declared the 21st century the "century of biology" and called for development of an AIDS vaccine within the next ten years to be the century's first great triumph.

Speaking Sunday at Morgan State University Clinton devoted almost his entire address to issues in biomedical research, listing four ethical and moral principals to "guide us if we are to master the powerful forces of change in the new century."

"Science has no soul of its own," declared Clinton. "It is up to us to determine whether it will be used as a force for good or evil."

First, said Clinton, "science and its benefits must be directed toward making life better for all Americans--never just a privileged few."

He illustrated the point with issues in human subjects welfare: the Tuskegee syphilis experiment and Cold War radiation exposure experiments. He also reiterated his administration's promise to providing Internet access to all school children.

Second, he said, science should "honor our tradition of equal treatment under the law."

Referring to rapid advancements in genetic testing, Clinton called upon Congress to pass bipartisan legislation to prohibit insurance companies from using genetic screening information to determine the premium rates or eligibility of Americans for health insurance."

Third, he said, "technology should not be used to break down the wall of privacy and autonomy free citizens are guaranteed in a free society."

"As...we face the frightening prospect that private information--even medical records--could be made instantly available to the world, we must develop new protections for privacy in the face of new technological reality," said Clinton.

And fourth, said Clinton, "we must always remember that science is not God. Our deepest truths remain outside the realm of science. We must temper our euphoria over the recent breakthrough in animal cloning with sobering attention to our most cherished concepts of humanity and faith."

Continuing on the topic of cloning Clinton told the audience that he can "hardly wait" for a report advising him on issues raised by cloning due to be turned in to him by the National Bioethics Advisory Commission within the next few weeks.

Clinton's speech drew a Monday morning response from Biotechnology Industry Organization President Carl Feldbaum, who while supportive of the president's efforts to curb genetic discrimination and protect electronic information, was somewhat apprehensive of the statement that "science has no soul."

Feldbaum called upon the president to push further on the issue of genetic discrimination in two ways: First, "virtually all medical information should be safeguarded, not just genetic data," said Feldbaum. "Even a cholesterol test can be used to discriminate."

Second, said Feldbaum, "while the President focused on potential discrimination by the insurance industry, we should also be thinking about potential discrimination against individuals in education and employment as well."

Finally, said Feldbaum, "The President is also right to point out that science is not God and that it has no soul of its own. But he goes too far if he means to infer that scientists have no soul, or aren't deeply concerned or actively involved in addressing the ethical and moral issues associated with their work."

During his speech Clinton announced that the National Institutes of Health (NIH) will establish a new AIDS Vaccine research center and promised to "challenge America's pharmaceutical industry...to make the successful development of an AIDS vaccine part of its basic mission."

The \$10 million center, part of the administration's FY 98 budget proposal for NIH, is being established in participation with the NIH AIDS Vaccine Initiative, chaired by David Baltimore.

The Baltimore-led initiative evolved from a March 1996 task force report evaluating the NIH AIDS effort that, with the exception of the National Institute of Allergy and Infectious Diseases (NIAID) extramural program, found NIH efforts to develop a vaccine lacking. (see Washington Fax 12/16/97 and 12/17/97)

As part of the renewed initiative and in an effort to attract new researchers and new thinking to the problem, NIAID announced in March a \$6 million grant program called INNOVATION that offers scientists new to AIDS vaccine research awards of \$150,000 per year in direct costs.

CORRECTION

In the lead of our May 16 story about testimony by the American Society of Tropical Medicine and Hygiene, we misquoted that testimony. The sentence should read "between 1980 and 1992 the death rate from infectious disease in the United States increased by 58%" NOT "the death rate from tropical infectious disease...increased by 58%."

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RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: Donna I. Coleman (CN=Donna I. Coleman/OU=OSTP/O=EOP [OSTP])

CREATION DATE/TIME:21-MAY-1997 15:47:01.00

SUBJECT: Phone Message from Denise Li

TO: Rachel E. Levinson (CN=Rachel E. Levinson/OU=OSTP/O=EOP @ EOP [OSTP])

READ:UNKNOWN

TEXT:

Contact: Denise LiCompany: CBSPhone: 202/457-4481FAX: Message: She would like a list of people who testified on Cloning.

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: holtzman@mpi.com (holtzman@mpi.com [UNKNOWN])

CREATION DATE/TIME:21-MAY-1997 22:18:00.00

SUBJECT: Recs: last suggested edit

TO: nbac-members@lists.Princeton.EDU (nbac-members@lists.Princeton.EDU [UNKNOWN])
READ:UNKNOWN

TEXT:

Rec # 3 says that, "the cloning of human DNA sequences and SOMATIC cell lines" (my emphasis) does not raise the same issues as babymaking cloning; hence the need to ensure that these activities are not caught up in legislation prohibiting babymaking cloning.

I have, in response to a couple of earlier drafts, encouraged Harold and Kathi to delete the word SOMATIC in this sentence (so it would read, "the cloning of human DNA sequences and cell lines"), because I do not believe that the cloning of human embryonic cell lines, w/o reimplantation, raises the same issues as babymaking cloning (it raises other issues pertinent to the embryo research debate).

Now, we have all agreed not to get involved in the embryo research debate. I do not think the suggested deletion of the word "somatic" here does involve us in that debate. We would just be drawing the bright line between babymaking-cloning (the primary object of our attention) and every other kind of cloning.

Moreover, my concern is that if we leave in the word "somatic" in that sentence, it would not be unreasonable for one to conclude that it would be consistent with the Commission's recommendation to pass legislation that prohibited ALL embryo research, with or w/o reimplantation, so long as molecular (human DNA) cloning and human SOMATIC cell cloning were safeguarded. I DO NOT BELIEVE THAT IS WHAT WE HAVE CONCLUDED.

-steven

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: acapron@law.usc.edu (acapron@law.usc.edu [UNKNOWN])

CREATION DATE/TIME:21-MAY-1997 18:06:11.00

SUBJECT: Re: Carol's comments on the ethics chapter

TO: nbac-members@lists.Princeton.EDU (nbac-members@lists.Princeton.EDU [UNKNOWN])

READ:UNKNOWN

TEXT:

Bernie:

I strongly agree that--while making clear (per language from Carol) that cloning will not produce a true replica of the person whose DNA is copied--the ethics chapter ought to talk about the issues that are raised by people trying to use cloning in this fashion. As I understand it, you raise two reasons for addressing these issues. First, if the hopes or expectations on which people are acting will be disappointed, that has (negative) implications for the resulting child. Second, we cannot deny that genetics has SOME effect (in terms of propensities if not of prediction), and that may be all a potential parent who takes a "flexible" view of genetics, rather than the rigid determinism criticized by Carol, intends to rely on. This was the "good start in life" argument that Dan Brock pressed at the ethics bucket session on May 2.

I would add a third point, connected to the latter, and that is the eugenics argument, which also already appears in the chapter: that some people may want to push the genome of a population in a particular direction even if they recognize that a particular set of genes can be expressed in a range of ways. Such efforts--connected in history to such great scientific figures as HJ Muller--are instances of positive eugenics. Cloning, if it turns out to be possible, would be favored by such persons as a powerful way to accomplish their ends, since it delivers a more predictable GENETIC product than sexual reproduction (per GB Shaw's famous quip about "my looks and your intelligence"). We MUST talk about the ethics of such thinking.

Alex

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: bernie@itsa.ucsf.edu (bernie@itsa.ucsf.edu [UNKNOWN])

CREATION DATE/TIME:21-MAY-1997 18:27:40.00

SUBJECT: Re: Carol's comments on the ethics chapter

TO: nbac-members@lists.Princeton.EDU (nbac-members@lists.Princeton.EDU [UNKNOWN])
READ:UNKNOWN

TEXT:

Thanks for your comments. Can I ask you to write a few paragraphs on the third point, which would be an argument in favor of acts of cloning in order to provide benefits to society, and also an appropriate critique/rebuttal. Thanks.

>Bernie:

>

>I strongly agree that--while making clear (per language from Carol) that
>cloning will not produce a true replica of the person whose DNA is
>copied--the ethics chapter ought to talk about the issues that are raised
>by people trying to use cloning in this fashion. As I understand it, you
>raise two reasons for addressing these issues. First, if the hopes or
>expectations on which people are acting will be disappointed, that has
>(negative) implications for the resulting child. Second, we cannot deny
>that genetics has SOME effect (in terms of propensities if not of
>prediction), and that may be all a potential parent who takes a "flexible"
>view of genetics, rather than the rigid determinism criticized by Carol,
>intends to rely on. This was the "good start in life" argument that Dan
>Brock pressed at the ethics bucket session on May 2.

>

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>eugenics argument, which also already appears in the chapter: that some
>people may want to push the genome of a population in a particular
>direction even if they recognize that a particular set of genes can be
>expressed in a range of ways. Such efforts--connected in history to such
>great scientific figures as HJ Muller--are instances of positive eugenics.
>Cloning, if it turns out to be possible, would be favored by such
>persons as a powerful way to accomplish their ends, since it delivers a
>more predictable GENETIC product than sexual reproduction (per GB Shaw's
>famous quip about "my looks and your intelligence"). We MUST talk about
>the ethics of such thinking.

>

>Alex

>

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RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: holtzman@mpi.com (holtzman@mpi.com [UNKNOWN])

CREATION DATE/TIME:21-MAY-1997 16:21:35.00

SUBJECT: RECS: SUGGESTED EDITS

TO: nbac-members@lists.Princeton.EDU (nbac-members@lists.Princeton.EDU [UNKNOWN])
READ:UNKNOWN

TEXT:

HAROLD:

Proposed revisions to the final draft recommendations; deletes in brackets; additions in CAPS

I. The Commission concludes that at this time it is morally unacceptable for anyone in the public or private sector, whether in a research or clinical setting, to attempt to create a child using the somatic cell nuclear transfer technique. We have reached a unanimous consensus on this point because of the total lack of adequate >>information on the safety and effectiveness of this method in humans. Indeed, we believe it would violate important ethical obligations were clinicians or researchers to attempt to create a child using these particular technologies, which are likely to involve such substantial risks of [physical or mental] harm to the potential child. Moreover, IN ADDITION TO SAFETY CONCERNS, many additional serious ethical concerns have been identified which require THE OPPORTUNITY FOR a great deal more widespread careful [deliberation and thought] THOUGHT AND PUBLIC DELIBERATION BEFORE THE TECHNOLOGY SHOULD BE ALLOWED TO BE PRACTICED.

The Commission, therefore, recommends the following for immediate action:

A continuation of the current [federal] moratorium on [attempts to] FEDERAL FUNDING IN SUPPORT OF ANY ATTEMPT TO create a child [in this fashion. Thus, no federal funds should be used for any attempt to create a child] by somatic cell nuclear transfer.

An immediate request to all firms, clinicians, investigators, and professional societies in the private sector to voluntarily comply with the intent of the federal moratorium. Professional and scientific societies should make clear that any attempt to create a child by somatic cell nuclear transfer [to] AND IMPLANTATION INTO a woman's body, WHETHER IN A RESEARCH OR CLINICAL SETTING, would at this time be an irresponsible, unethical and unprofessional act.

II. The Commission further recommends that:

Federal legislation should be enacted to prohibit anyone from attempting, WHETHER IN A RESEARCH OR CLINICAL SETTING, to create a child

through somatic cell nuclear transfer techniques. Such legislation[, as well as similar state legislation,] should include a sunset clause that would ensure that the CONGRESS [body creating the prohibition] will revisit the issue after a specified time period in order to decide whether the prohibition continues to be needed. IF STATE LEGISLATION IS PASSED IN ADDITION TO THIS RECOMMENDED FEDERAL LEGISLATION, IT SHOULD INCLUDE SIMILAR PROVISIONS FOR REVIEW AND REASSESSMENT. Any such legislation or associated regulation ought also to require that at a specified point prior to the expiration of the sunset period an appropriate oversight body would be responsible for evaluating and reporting on the current status of somatic cell nuclear technology and on the ethical and social issues that its potential use [with human beings] TO CREATE CHILDREN would raise in light of contemporary public attitudes. INSERT ALTA'S LANGUAGE ON COMMON RULE RESEARCH FIRST.

III. The Commission also [concludes] STRONGLY ENCOURAGES that:

Any regulatory or legislative [restrictions] ACTIONS UNDERTAKEN TO EFFECT THE FOREGOING PROHIBITION ON CREATING CHILDREN BY SOMATIC-CELL NUCLEAR TRANSFER [on the cloning of human beings] should be carefully written so as not to interfere inadvertently and unnecessarily with other important [areas of scientific research] APPLICATIONS OF CLONING TECHNOLOGIES. In particular, the cloning of human DNA sequences and somatic cell lines [does not] raiseS NEITHER{either} the scientific NOR {or} ethical issues that arise from the possible creation of children through somatic cell cloning, and these fields of scientific study should be allowed to continue, [subject to] WITH NO ADDITIONAL REGULATION BEYOND existing standards and regulations. Likewise, research on cloning of animals by somatic cell nuclear transfer does not raise the issues implicated in attempting to use this technique for human cloning, and its continuation should [only] NOT be subject to ADDITIONAL REGULATION BEYOND existing regulations regarding the humane use of animals and review by institution-based The United States Government should cooperate with other nations and international organizations to enforce any common aspects of their respective policies on the cloning of human beings.

IV. The Commission also concludes that since different ethical and religious perspectives and traditions are divided on many of the important ethical issues that surround any attempt to create a child [with] BY somatic cell nuclear transfer techniques, we recommend that:

The federal government and all the interested and concerned parties encourage widespread and continuing deliberation and thought on these issues in order to further our understanding of the ethical and social implications of this technology and to enable society to produce appropriate long-term policies regarding this technology should the time come when present concerns about safety have been met.

V. Finally, since scientific knowledge is essential for all citizens

to participate in a full and informed fashion in the governance of our ever-more complex society, Federal departments and agencies concerned with science should cooperate in seeking out and supporting opportunities to provide information and education to the public in the area of genetics and on other developments in the biomedical sciences where these affect important cultural practices and commitments.

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: bernie@itsa.ucsf.edu (bernie@itsa.ucsf.edu [UNKNOWN])

CREATION DATE/TIME:21-MAY-1997 06:51:56.00

SUBJECT: Re: Genetics Subcommittee on 7 June

TO: nbac-members@lists.Princeton.EDU (nbac-members@lists.Princeton.EDU [UNKNOWN])
READ:UNKNOWN

TEXT:

Tom, much as I love NBAC meetings, my family would love me even more if I were home more often on the weekends.

>Dear colleagues,

>

>Although this message will go to the full NBAC list, my question is directed >at members of the Genetics Subcommittee.

>

>What do you want to do on 7 June? As I understand it, the morning will be >taken up with finishing our business on cloning. The Human Subjects >Subcommittee plans a session that afternoon, I believe, with one or more >presentations on the topic of research on cognitively impaired subjects. (I >hope I have that right.) At least one member of our subcommittee plans to >attend that session.

>

>Our options include:

>(1) Not holding a meeting of the Genetics Subcommittee, and permitting those

>of us able to stay for the afternoon session an opportunity to hear the >discussions of the Human Subjects Subcommittee;

>(2) Scheduling a meeting for our subcommittee, which could provide an update >on our work on the tissue sample report, and/or a discussion of our plans >for the next 2 1/2 years, that is, beyond completion of the first report and >on to the other two reports tentatively planned for us.

>

>Some work towards our tissue sample report has been initiated, but there is

>not a great deal to report at the moment. On the other hand, I have no >doubt that we could use our time fruitfully if we chose to meet as a >subcommittee. Then again, (and this may be projection on my part), >Commissioners may be weary and desirous of a little respite. Or they may >wish to participate in the session on cognitively impaired subjects.

>

>The bottom line is: I am looking for guidance from the Genetics >Subcommittee members. What would you like to do re the 7 June meeting?

>

>Thanks,

>Tom

>Thomas H. Murray, Ph.D.

>Center for Biomedical Ethics

>School of Medicine

>Case Western Reserve University
>10900 Euclid Avenue
>Cleveland, OH 44106-4976
>Phone: 216/368-6206 Fax: 216/368-8713
>thm2@po.cwru.edu

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University of California San Francisco
San Francisco, CA 94143-0903
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RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: TRISH@NH1.NH.PDX.EDU (TRISH@NH1.NH.PDX.EDU [UNKNOWN])

CREATION DATE/TIME:21-MAY-1997 13:26:43.00

SUBJECT: ethics chapter

TO: nbac-members@lists.Princeton.EDU (nbac-members@lists.Princeton.EDU [UNKNOWN])

READ:UNKNOWN

TEXT:

Bernie:

A possible quote from Macklin's testimony:

"If objectors to cloning can identify no greater harm than a supposed affront to the dignity of the human species, that is a flimsy basis on which to erect barriers to scientific research and its applications."

A quote from Robertson's testimony:

"Enough good uses can be imagined that it would be unwise to ban all cloning and cloning research because of vague and speculative fears."

And a quote from Nacy Duff's testimony;

"If research into human cloning does move forward we must ensure that it does not seek knowledge for its own sake or only to promote monetary gain or individual fame, but to serve and protect the common good."

Trish

trish@nh1.nh.pdx.edu

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: acapron@law.usc.edu (acapron@law.usc.edu [UNKNOWN])

CREATION DATE/TIME:21-MAY-1997 19:48:51.00

SUBJECT: Re: Ethics Chapter

TO: nbac-members@lists.Princeton.EDU (nbac-members@lists.Princeton.EDU [UNKNOWN])
READ:UNKNOWN

TEXT:

On Wed, 21 May 1997, Ezekiel Emanuel wrote:

> My own view is that many people adhere to a kind of genetic determinism,

> crude and mistaken as it might be. And here the issue is not whether they

> have the right idea or wrong idea. The real issue is that they may be able > to act on the wrong idea if we permit cloning. While this does not make > their idea correct, it does have an effect on people. Thus we need to take > account of practices and actions that might result even from mistaken ideas.

>

> An analogy might help. Just because some people have clearly wrong > political views--racist or anti-semitic--does not mean that we simply > ignore their views or act because they are wrong action based on them will > not occur.

> Similarly, assume people act on the basis of genetic determinism and want a

> child with great musical talents and want to clone a great composer and do > not get a musically talented child. This may only make them evaluate the > worth of the child harshly not rethink their genetic determinism. And we > have to take account of this possibility.

>

> For this and the reasons others have mentioned I think we need to keep many > of the arguments we have and if anything elaborate them a bit more.

Zeke,

As I have already noted, I agree with you on this. Even if we thought Carol's points (which have been made repeatedly by some people--like Lewontin--for years, as often to counter the impressions created by their SCIENTIFIC COLLEAGUES as to argue with uneducated laypersons--a point that Carol might make clearer in the science chapter when she talks about people announcing "the gene for X"--such clarity would be fitting since we are calling for education on this point, which has the tone of "uneducated people, listen to what you don't understand") were 100% right and not subject to argument as more information is accumulated about gene function and environmental interaction, the fact remains that this view is so widely held that it will lead people (from the individual level up through the collective level) to make decisions...and we have to take account of the arguments about what is wrong with those potential decisions which may

be that they are factually mistaken but also that they are ethically misguided. It isn't enough to say "you're wrong on your science, so anything you have to say isn't worth discussing."

I gather from Carol's further e-mail that a revision she has made of the ethics chapter (which I have to decode, download, print, and read) retains much of what was in question--just edited to remove the suggestion that the Commission endorses genetic determinism--and hence the ultimate question of whether the chapter is OK is more a matter of emphasis and tone. When I get done with this all-consuming medical school course tomorrow and have finished the exam (given next week) I expect to find that all the necessary points are included in the draft, so Zeke, you, Bernie and I don't have to worry!

Alex

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: acapron@law.usc.edu (acapron@law.usc.edu [UNKNOWN])

CREATION DATE/TIME:21-MAY-1997 17:51:54.00

SUBJECT: Re: FINAL DRAFT RECOMMENDATIONS - DR. SHAPIRO

TO: nbac-members@lists.Princeton.EDU (nbac-members@lists.Princeton.EDU [UNKNOWN])
READ:UNKNOWN

TEXT:

I am NOT in favor of our endorsing the potential advances of DNA or cell line cloning, as Carol suggests in an amendment to the draft recommendations. It is not that I doubt that they may contribute (perhaps even significantly, as Carol writes), it is just that this falls outside of our mandate and has not been subject to any discussion or comparative analysis...to say nothing of any detriments that might arise from this work (again, not saying these are notable, just that every development in science has the potential and we haven't taken testimony on what may happen here).

I hope this addition is not made.

Alex

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: greider@cshl.org (greider@cshl.org [UNKNOWN])

CREATION DATE/TIME:22-MAY-1997 09:50:55.00

SUBJECT: Steves language on Recommendations

TO: nbac-members@lists.Princeton.EDU (nbac-members@lists.Princeton.EDU [UNKNOWN])
READ:UNKNOWN

TEXT:

I agree with Steve that we should delete the word somatic:

>Rec # 3 says that, "the cloning of human DNA sequences and SOMATIC cell
>lines" (my emphasis) does not raise the same issues as babymaking cloning;
>hence the need to ensure that these activities are not caught up in
>legislation prohibiting babymaking cloning.

>I have, in response to a couple of earlier drafts, encouraged Harold and
>Kathi to delete the word SOMATIC in this sentence (so it would read, "the
>cloning of human DNA sequences and cell lines"), because I do not believe
>that the cloning of human embryonic cell lines, w/o reimplantation,
raises >the same issues as babymaking cloning (it raises other issues
pertinent to >the embryo research debate).
>

Further, I again suggest that the ethics chapter NOT discuss Embryo
research and cloning of DNA and Cell lines.

We agreed at our full Commission meetings that we were not going to go
into these issues. I have not participated in any ethical discussions of
embryo research and of DNA cloning. Thus I do not feel that it would
represent what the comission did to include these in the ethics chapter.
The introduction already points to the Embryo Panal report. I think that
is all we should do on this issue.

Carol

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Fax: (516) 367-8815
E-mail: greider@cshl.org

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: acapron@law.usc.edu (acapron@law.usc.edu [UNKNOWN])

CREATION DATE/TIME:22-MAY-1997 19:36:38.00

SUBJECT: Re: RECS: SUGGESTED EDITS

TO: nbac-members@lists.Princeton.EDU (nbac-members@lists.Princeton.EDU [UNKNOWN])
READ:UNKNOWN

TEXT:

On Wed, 21 May 1997, Steve Holtzman wrote:

> III. The Commission also *[concludes]* STRONGLY
ENCOURAGES

> that:

>

>

> *[left]*Any regulatory ...

>

> In particular, the cloning of human DNA sequences and somatic cell lines

> *[does not]* raiseS NEITHER{either} the scientific NOR

> {or} ethical issues that arise from the possible creation

>

> of children through somatic cell cloning, and these fields of

>

> *[right]***{scientific}** study**,WHICH ARE ALREADY PROVIDING

> SIGNIFICANT SCIENTIFIC AND BIOMEDICAL ADVANCES,**should be allowed to

> continue,...

Steve:

I agree with the first part of the editing but not with the addition of the "which..." clause. Indeed, I would ask that you read it over again and ask yourself whether the "hands off" argument isn't stronger without the "which" clause in that it says that these fields should be allowed to continue BECAUSE they raise neither the scientific nor the ethical issues that would arise from the possible creation of children. For some people the "which" clause could become a LIMITATION that creates a condition: that is, those areas of cloning research that are "providing significant scientific and biomedical advances" should be allowed to continue... whereas those that don't provide such significant advances should not. That would be a more restrictive view than the one we favor.

Let's stick to our knitting (an ethical judgment on creating human beings through cloning) and get into other areas (such as DNA and cell cloning) only to the extent necessary to say that our proposed moratorium is not intended to restrict or prohibit that work.

Alex

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: jfc7c@virginia.edu (jfc7c@virginia.edu [UNKNOWN])

CREATION DATE/TIME:22-MAY-1997 21:17:19.00

SUBJECT: Re: Jim's chapter on religious perspectives

TO: nbac-members@lists.Princeton.EDU (nbac-members@lists.Princeton.EDU [UNKNOWN])
READ:UNKNOWN

TEXT:
Diane--

Thanks for your helpful suggestions, which I'll incorporate tomorrow. I expect a few more suggestions tomorrow and will send the chapter to Kathi and Harold late tomorrow.

Regarding placement, I'm not sure that this has been determined. I have thought that it would probably go between the science and the ethics chapters, and I have tried to provide some bridges (and I am building some others) to the ethics chapter.

jim

>Hi Jim, I really enjoyed reading the religion chapter. I think it is a very >useful discussion of religious perspectives.

>

>I read Tom's comments; I had reactions similar to his second and third points.

>

>I wondered about the placement of this chapter in our report. Will it come before the Ethics chapter?

>

>P. 3, line 1. Could the phrase "deleterious genes" be replaced -- perhaps with ">genes linked to deleterious outcomes"? (Rationale -- genes deleterious in one >context may not be in another; if a gene is genuinely "deleterious", the organi

>sm would not be likely to live to reproduce and pass on its genes.)

>

>The phrase "human cloning for baby-making" (p. 8, 3 lines from bottom; p. 15, >1st full para., line 5) seems different in tone from the other writing. Also, >you indicate on p. 14 (1st full para.) that "making" is is not favored in some >theological interpretations. Should we aim to use one or a few phrases through >out our report?

>

>P. 10, p. 17. Could these listings be condensed? The content is great but, >presented as a series of short paragraphs, these disturb the flow of the prose.

>

>p. 23, 4th line from bottom, "the full and equal status of clones". Could we >substitute "persons (or human beings, children, babies, as

appropriate) created > by cloning technology"? (Rationale -- avoid
creating a separate category of p
>ersons.)
>
>Thanks again for your hard work.
>Diane
>

>+++++
>|
>| DIANE SCOTT-JONES, PH.D. | DIANESJ@VM.TEMPLE.EDU |
>| DEPARTMENT OF PSYCHOLOGY 215 204-1559 PHONE |
>| TEMPLE UNIVERSITY 215 204-5539 FAX |
>| PHILADELPHIA, PA 19122 |
>+++++

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e-mail: jfc7c@virginia.edu

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: jfc7c@virginia.edu (jfc7c@virginia.edu [UNKNOWN])

CREATION DATE/TIME:22-MAY-1997 14:55:50.00

SUBJECT: Re: Carol's response on Tom's response on Carols comments to Bernie

TO: nbac-members@lists.Princeton.EDU (nbac-members@lists.Princeton.EDU [UNKNOWN])

READ:UNKNOWN

TEXT:

I like Carol's suggestions here. jim

>Tom,

>

>Thanks for your thoughtful response to my suggested revisions to the ethics >chapter.

>

>My comments are in ALL CAPS

>

>>

>>Tom Murray's comments/editings re Carol's version of Bernie's draft.
(This >>is getting complicated!)

>

>NOW IT IS EVEN MORE COMPLICATED!! (WHO IS KEEPING TRACK?)

>

>>

>>Page 2, top: We start by considering hypothetical cases in which a baby is

>>produced through nuclear transfer cloning. In daily life, people are
>>accustomed to deliberating on whether an individual act is right or
wrong. >>Examining specific cases helps us to understand the moral
dimensions of an >>issue and to articulate the reasons for our judgments.
In addition, careful >>reflection on particular cases can suggest what
general restrictions and >>limits might be appropriate if public policy
does not create an outright >>prohibition.

>

>THE ABOVE SOUNDS GOOD TO ME.

>

>>Page 4, Section IA1b, 1st para: People will want to know something about
>>mitochondrial DNA. There should be a mention of it in the science
chapter.

>>Here I propose the following sentence:

>>

>>Except for the .01% of a cell's DNA contained in the oocyte's
mitochondria, >>all of the child's DNA would come from one parent.

>

>INSTEAD I SUGGEST THE FOLLOWING:

>

>ALL OF THE NUCLEAR GENES IN A CHILD GENERATED THROUGH NUCLEAR TRANSFER
>CLONING WOULD BE DERIVED FROM ONE PARENT. HOWEVER, THE MITOCHONDRIA,
WHICH

>ARE THE ENERGY PRODUCING ORGANELLE IN THE CELL, HAVE THEIR OWN SET OF
>GENES. USING CURRENT TECHNIQUES (SEE SCIENCE CHAPTER), THE MITOCHNDRIA
>WOULD BE DERIVED FROM BOTH THE DONOR CELL AND THE RECIPIENT EGG. BECAME
>MITOCHONDRIA REPRESENT AN EXTREMELY SMALL PROPORTION OF GENES MIXING OF
>MITOCHONDRIA IS NOT EXPECTED TO HAVE ANY MAJOR EFFECT. THUS, IN PRACTICE,
>THE GENES TRANSMITTED IN A CLONING EXPERIMENT WOULD COME FROM JUST ONE
>PARENT.

>

>>

>>General comments about sections IA1b,c, and d: Carol has called our
>>attention to the need to assure that each of the ethics subsections has
a >>distinct point to make, and does not merely repeat a prior point. Let
me

>>try to state succinctly the point of each of these 3 subsections:

>>b. that parents may be more likely to attempt to control the child's
>>genetic makeup in the false belief that by doing so they control the
child's >>characteristics. The moral concern is not for the parents'
disappointment, >>but rather for the harm that efforts to exercise
excessive control over the >>child, even fruitless efforts, will harm the
child.

>

>MY ONLY PROBLEM WITH THE ABOVE IS IN THE LAST SENTENCE. THE PHRASE
>'EXCESSIVE CONTROL OVER THE CHILD' SHOULD NOT BE USED. THIS IMPLIES THAT
>THERE IS SOMEHOW INHERENTLY MORE CONTROL OVER A CHILD WHOSE GENES YOU
KNOW >AHEAD OF TIME. IF THIS IS CAREFULLY RE-WORDED TO SAY ONLY THAT THE
PARENTS >WOULD HAVE EXTRA CONTROL OVER THE GENES THAT THE CHILD INHERITS,
I CAN LIVE >WITH THAT.

>

>>c. that parents and others will be more likely to have very detailed and
>>specific expectations about the child's talents, interests, and other
>>characteristics, and that such expectations are likely to interfere with
the >>child's freedom to develop her or his own talents, interests, etc.
Such an >>interference is a harm to the child in that it [unnecessarily
constricts]

>>MIGHT LIMIT the

>>possible futures open to the child.

>

>

>>d. that parents will attempt to choose children whom they believe will
have >>specific characteristics. Like the two previous arguments this one
depends

>>heavily on a fairly crude and scientifically invalid notion of genetic
>>determinism. Nevertheless, if parents did believe that nuclear transfer
>>cloning could produce a child to their specifications, the result could
be a >>child loved not for herself or himself, but for their ability to
match their

>>"design specifications." The child, that is, would be valued not for
>>itself, but for specific characteristics chosen prior to the child's
very >>conception.

>>

>

>HOW IS THIS DIFFERENT FROM b. ABOVE?

>IF WE AGREE THAT KNOWING THE GENES DOES NOT GIVE PARENTS CONTROL OVER THE
>CHILD, BUT RATHER GIVES THEM CONTROL OVER THE GENES THE CHILD INHERITS,

>THEN I SEE THIS ARGUMENT IS JUST PART OF THE ARGUMENT MADE IN b.

>

>>We could call these three arguments, respectively, the concern about
>>attempts at excessive control, the concern about constraining
expectations, >>and the concern that children will be valued for their
correspondence with
>>particular, pre-selected, characteristics. I think these are three
>>distinguishable, though clearly related, arguments. If other
Commissioners >>agree, we should put back some of the text which Carol had
proposed we delete.

>>

>>

>>Section IB: Bernie's original language is better. The distinction
between >>the concerns in Part A and those in Part B is just as the
original describes >>it: between harms, per se , and those things that are
regarded as wrong in >>themselves, even if no one is harmed, or if the
consequences are desirable. >>Avoiding harm is just as fundamental a moral
principle as the ones described >>in Part B.

>>

>>IB1: I believe that scholars such as Peggy Radin distinguish
>>objectification from commodification. We need to provide more of an
>>argument for this subsection. I am willing to work on it a bit.
Perhaps >>Zeke would also want to suggest some text, (or have you already
done that, >>Zeke?)

>>

>>IB2: The argument in this section does not match precisely its heading.
>>The heading, "Claims that cloning undermines human dignity," would
suggest
>>some wrong done to the child. If we mean that, we should say something
>>about it. The text, which is fine in its own right, is about informed
>>consent of the person whose DNA is used. That deserves mention, but
under a
>>different heading, for example:

>>

>>Claims that, without the consent of the person whose DNA was used,
cloning >>would be wrong.

>>

>>IIA4: Despite liking the passage describing other objections to cloning
>>exemplary individuals, I agree with Carol that we have probably rendered
it >>moot by our rejection of genetic determinism. The only way to
salvage it

>>would be to segue into it with a passage like the following:
>>Some individuals may be reluctant to abandon their faith in genetic
>>determinism. For them, it may be useful to point out a number of other
>>objections to efforts, however scientifically misconceived, to clone
>>exemplary persons. Those considerations include:...

>

>SINCE NUCLEAR TRANSFER CLONING DOES NOT ALLOW A COPY OF AN INDIVIDUAL TO
BE

>MADE, WHETHER OR NOT SOME PEOPLE THINK IT, I BELIEVE WE SHOULD DELETE
>REFERENCE TO MAKING COPIES OF EXEMPLARY INDIVIDUALS. THE INTRODUCTION
>MENTIONS THAT THIS IS AN INCORRECT NOTION, I DO NOT THINK WE NEED TO GIVE
>IT MORE WEIGHT.

>

>
>>Section IV, 5th para: Try this alternative to the current paragraph:
>>
>>On this question the Commission was divided. Some Commissioners were
>>persuaded that various of the harms and wrongs described earlier in this
>>chapter were ethically compelling, and would be decisive reasons never to
>>permit nuclear transfer cloning. Other Commissioners were less certain
>>about the significance of the arguments, and were unwilling to conclude
that >>nuclear transfer cloning would be ethically impermissible, if and
when the >>risks could be shown to be minimal. It should be noted that a
comparable
>>range of views is reflected in the testimony, letters, and commissioned
>>papers we have reviewed.
>>
>>I was interested and somewhat surprised to see Carol's proposal that we
drop
>>the enumerated summary of our conclusions,
>
>I THOUGHT THEY WERE UNNECESSARY GIVEN THAT WE HAVE A WHOLE SET OF
>RECOMMENDATIONS. I UNDERSTOOD THE ETHIC CHAPTER WOULD TRY TO LAY OUT THE
>ETHICAL ARGUMENTS THAT HAVE BEEN MADE. HOW MANY OF THE COMMISSIONERS
AGREED
>WITH EACH ISSUE IS NOT THAT IMPORTANT. AS I UNDERSTAND IT ETHICS IS NOT
>DONE BY A VOTE.
>
>HOWEVER I DO NOT FEEL STRONGLY ABOUT DROPPING THESE. IF THEY ARE RETAINED
I >THINK EACH POINT SHOULD JUST SAY "SOME COMMISSIONERS" TRYING TO PUT A
ROUGH
>NUMBER ON IT BY HAVING SOME POINTS SAY 'MANY' AND OTHERS SAY 'A FEW' AND
>OTHER 'SOME' IS LIKELY TO START ANOTHER DEBATE, SINCE I WOULD WANT TO BE
>HOW MANY IS 'MANY' ETC.
>
>
>> as well as the final two
>>sections. I am reluctant to drop these materials. I think the summary
is
>>likely to be helpful to readers of the report. And I think that our
>>comments about cloning DNA sequences and cell lines, and on the creation
of >>human embryos are necessary to have somewhere in the report.
>
>AS I SAID IN AN EARLIER E-MAIL. I FEEL STRONGLY THAT WE HAVE NOT
DISCUSSED >THE ISSUE OF EMBRYO RESEARCH AND CLONING DNA AND CELL LINES.
THUS I FEEL IT >IS INAPPROPRIATE TO INCLUDE HERE, AS IT SUGGESTS THAT WE
DID DISCUSS THESE >ISSUES TO SOME EXTENT.
>
>
>*****
>
>I hope the above comments are clear.
>I'm sure by the time I have sent this off there will be 10 other messages
>on this subject waiting for me!
>
>Whew!
>you guys work HARD.

>
>Carol
>
>*****
>Carol Greider, Ph.D.
>Cold Spring Harbor Laboratory
>P.O. Box 100
>Cold Spring Harbor, NY 11724
>
>Phone: (516) 367-8808
>Fax: (516) 367-8815
>E-mail: greider@cshl.org
>*****
>

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RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: eemanuel@NIH.gov (eemanuel@NIH.gov [UNKNOWN])

CREATION DATE/TIME:22-MAY-1997 16:36:44.00

SUBJECT: Re: Carol's response on Tom's response on Carols comments to Berni

TO: nbac-members@lists.Princeton.EDU (nbac-members@lists.Princeton.EDU [UNKNOWN])
READ:UNKNOWN

TEXT:

In response to Tom's responses I am willing to work on IB1 in the ethics chapter if that is deemed valuable.

zeke emanuel

At 12:51 PM 5/22/97 GMT, you wrote:

>FROM too long. Original FROM is 'Carol Greider at Cold Spring Harbor Laboratory <greider@cshl.org>'

>SUBJECT too long. Original SUBJECT is 'Carol's response on Tom's response on Carols comments to Bernie'

>

>----- Original Message Follows -----

>

>

>Tom,

>

>Thanks for your thoughtful response to my suggested revisions to the ethics >chapter.

>

>My comments are in ALL CAPS

>

>>

>>Tom Murray's comments/editings re Carol's version of Bernie's draft.
(This >>is getting complicated!)

>

>NOW IT IS EVEN MORE COMPLICATED!! (WHO IS KEEPING TRACK?)

>

>>

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>

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>>mitochondrial DNA. There should be a mention of it in the science
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>>

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>WOULD BE DERIVED FROM BOTH THE DONOR CELL AND THE RECIPIENT EGG. BECAUSE
>MITOCHONDRIA REPRESENT AN EXTREMELY SMALL PROPORTION OF GENES MIXING OF
>MITOCHONDRIA IS NOT EXPECTED TO HAVE ANY MAJOR EFFECT. THUS, IN PRACTICE,
>THE GENES TRANSMITTED IN A CLONING EXPERIMENT WOULD COME FROM JUST ONE
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>

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>>General comments about sections IA1b,c, and d: Carol has called our
>>attention to the need to assure that each of the ethics subsections has
a >>distinct point to make, and does not merely repeat a prior point. Let
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>>try to state succinctly the point of each of these 3 subsections:

>>b. that parents may be more likely to attempt to control the child's
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>'EXCESSIVE CONTROL OVER THE CHILD' SHOULD NOT BE USED. THIS IMPLIES THAT
>THERE IS SOMEHOW INHERENTLY MORE CONTROL OVER A CHILD WHOSE GENES YOU
KNOW >AHEAD OF TIME. IF THIS IS CAREFULLY RE-WORDED TO SAY ONLY THAT THE
PARENTS >WOULD HAVE EXTRA CONTROL OVER THE GENES THAT THE CHILD INHERITS,
I CAN LIVE >WITH THAT.

>

>>c. that parents and others will be more likely to have very detailed and
>>specific expectations about the child's talents, interests, and other
>>characteristics, and that such expectations are likely to interfere with
the >>child's freedom to develop her or his own talents, interests, etc.
Such an >>interference is a harm to the child in that it [unnecessarily
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>>d. that parents will attempt to choose children whom they believe will
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>>determinism. Nevertheless, if parents did believe that nuclear transfer
>>cloning could produce a child to their specifications, the result could
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>>"design specifications." The child, that is, would be valued not for
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>HOW IS THIS DIFFERENT FROM b. ABOVE?

>IF WE AGREE THAT KNOWING THE GENES DOES NOT GIVE PARENTS CONTROL OVER THE
>CHILD, BUT RATHER GIVES THEM CONTROL OVER THE GENES THE CHILD INHERITS,
>THEN I SEE THIS ARGUMENT IS JUST PART OF THE ARGUMENT MADE IN b.

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>>We could call these three arguments, respectively, the concern about
>>attempts at excessive control, the concern about constraining
expectations, >>and the concern that children will be valued for their
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>>particular, pre-selected, characteristics. I think these are three
>>distinguishable, though clearly related, arguments. If other
Commissioners >>agree, we should put back some of the text which Carol had
proposed we delete.

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>>Section IB: Bernie's original language is better. The distinction
between >>the concerns in Part A and those in Part B is just as the
original describes >>it: between harms, per se, and those things that are
regarded as wrong in >>themselves, even if no one is harmed, or if the
consequences are desirable. >>Avoiding harm is just as fundamental a moral
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>>objectification from commodification. We need to provide more of an
>>argument for this subsection. I am willing to work on it a bit.
Perhaps >>Zeke would also want to suggest some text, (or have you already
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>>IIA4: Despite liking the passage describing other objections to cloning
>>exemplary individuals, I agree with Carol that we have probably rendered
it >>moot by our rejection of genetic determinism. The only way to

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>>would be to segue into it with a passage like the following:

>>Some individuals may be reluctant to abandon their faith in genetic

>>determinism. For them, it may be useful to point out a number of other

>>objections to efforts, however scientifically misconceived, to clone

>>exemplary persons. Those considerations include:...

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>REFERENCE TO MAKING COPIES OF EXEMPLARY INDIVIDUALS. THE INTRODUCTION

>MENTIONS THAT THIS IS AN INCORRECT NOTION, I DO NOT THINK WE NEED TO GIVE

>IT MORE WEIGHT.

>

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>>Section IV, 5th para: Try this alternative to the current paragraph:

>>

>>On this question the Commission was divided. Some Commissioners were

>>persuaded that various of the harms and wrongs described earlier in this

>>chapter were ethically compelling, and would be decisive reasons never to

>>permit nuclear transfer cloning. Other Commissioners were less certain

>>about the significance of the arguments, and were unwilling to conclude

that >>nuclear transfer cloning would be ethically impermissible, if and

when the >>risks could be shown to be minimal. It should be noted that a

comparable

>>range of views is reflected in the testimony, letters, and commissioned

>>papers we have reviewed.

>>

>>I was interested and somewhat surprised to see Carol's proposal that we

drop

>>the enumerated summary of our conclusions,

>

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>OTHER 'SOME' IS LIKELY TO START ANOTHER DEBATE, SINCE I WOULD WANT TO BE

>HOW MANY IS 'MANY' ETC.

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>>sections. I am reluctant to drop these materials. I think the summary

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>>comments about cloning DNA sequences and cell lines, and on the creation

of >>human embryos are necessary to have somewhere in the report.

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>AS I SAID IN AN EARLIER E-MAIL. I FEEL STRONGLY THAT WE HAVE NOT
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>THUS I FEEL IT >IS INAPPROPRIATE TO INCLUDE HERE, AS IT SUGGESTS THAT WE
>DID DISCUSS THESE >ISSUES TO SOME EXTENT.

>

>

>*****

>

>I hope the above comments are clear.

>I'm sure by the time I have sent this off there will be 10 other messages

>on this subject waiting for me!

>

>Whew!

>you guys work HARD.

>

>Carol

>

>*****

>Carol Greider, Ph.D.

>Cold Spring Harbor Laboratory

>P.O. Box 100

>Cold Spring Harbor, NY 11724

>

>Phone: (516) 367-8808

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>E-mail: greider@cshl.org

>*****

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>

>

>

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: jfc7c@virginia.edu (jfc7c@virginia.edu [UNKNOWN])

CREATION DATE/TIME:22-MAY-1997 09:46:10.00

SUBJECT: Re: Jim's hchapter on religious perspectives

TO: nbac-members@lists.Princeton.EDU (nbac-members@lists.Princeton.EDU [UNKNOWN])
READ:UNKNOWN

TEXT:
Tom--

Many thanks for your very helpful comments, both below and in your fax. I'm working on the revisions today, and I'll incorporate them. I'll call if we need to discuss any points at greater length. I have received valuable suggestions from both Tom and Alta this week, and from several others prior to last meeting and thus prior to the current draft. IF OTHER NABCers HAVE ANY SUGGESTED REVISIONS FOR THE CURRENT DRAFT CHAPTER ON RELIGIOUS PERSPECTIVES, PLEASE GET THOSE TO ME TODAY SO THAT I CAN INCORPORATE THEM.

Many thanks.

jim

>Dear Jim and colleagues,

>

>First of all, kudos to Jim for a fine piece of work. I believe that the
>appropriate test for this chapter, and for most of the ethics chapter, is
>whether most Americans will find their concerns fairly represented in the
>text. We are not and need not be in the position of declaring "winners"
and >"losers" among the various traditions and arguments, in order to do
complete

>our task. Jim's chapter does what seems to me to be a terrific job of
>laying out a range of many of the most important sources of religious
>responses to cloning. It is well-organized and appropriately modest, its
>aims are stated clearly, and the views of different traditions and
scholars

>are presented respectfully. It also makes clear the range of religious
>responses, and both the importance and the complexity of integrating
respect >for religious beliefs in a pluralistic nation into good public
policy which >is also consistent with our political and constitutional
traditions.

>

>I will fax to Jim and to Kathi the pages on which minor editing
suggestions >are made. What follows are brief comments about possibly
more substantive

>matters:

>

>Page 3, second full paragraph: the first line says "...human freedom

>(autonomy)..." as if the concepts were identical (clones?). It may be too >fine a point to make in the context of such a report, but I am not certain >that Fletcher regarded the two related concepts as essentially the same. I >will go with Jim's judgment on this point.

>

>Page 21, last full paragraph: The last sentence addresses "The ethics of >cloning..." The context implies a parallel between theoretical/applied >research and bari/khaliq. I am not certain if that is what is intended.

If

>it is, then I am not certain the comparison holds. Could not both >theoretical and applied research be seen as instances of khaliq? In either >case, we should either clarify the comparison, or we could simply drop the >sentence.

>

>Page 25: I like very much what is in the concluding section of the chapter. >What would you think of adding one more paragraph calling for dialogue among >faith traditions, as well as conversation with those not in any particular >faith tradition? It would tie into our call for public conversation about >the ethics of cloning.

>

>Tom

>Thomas H. Murray, Ph.D.

>Center for Biomedical Ethics

>School of Medicine

>Case Western Reserve University

>10900 Euclid Avenue

>Cleveland, OH 44106-4976

>Phone: 216/368-6206 Fax: 216/368-8713

>thm2@po.cwru.edu

James F. Childress

Kyle Professor of Religious Studies &

Professor of Medical Education

University of Virginia

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Tel. (804) 924-3741

Fax (804) 924-1467

e-mail: jfc7c@virginia.edu

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: greider@cshl.org (greider@cshl.org [UNKNOWN])

CREATION DATE/TIME:22-MAY-1997 13:16:24.00

SUBJECT: Re: Introduction: MORE comments

TO: nbac-members@lists.Princeton.EDU (nbac-members@lists.Princeton.EDU [UNKNOWN])
READ:UNKNOWN

TEXT:
Dear Harold and Kathi

The 'FINAL' draft of Chapter 1 (introduction) is great.

One overall question:
the term "human cloning" is used throughout.
I thought we were going to say "the generation of a child through nuclear transfer cloning". Should this be defined in the intro?

minor suggestions.

1) page 1 omit (non-reproductive). Somatic is already defined in the footnote.

2) page 1 footnote 1. delete 'sex cell' substitute "germ cell" as this is the term used throughout science chapter

3) page 6 add word in ALL CAPS to paragraph "
"The POSSIBILITY OF cloning of human beings in this new fashion appears to raise concerns about direct physical harms to the children who may result. This in itself is sufficient to justify a prohibition on such attempts at this time, even if such efforts were to be characterized as the exercise of a fundamental right to procreate.

Carol Greider, Ph.D.
Cold Spring Harbor Laboratory
P.O. Box 100
Cold Spring Harbor, NY 11724

Phone: (516) 367-8808
Fax: (516) 367-8815
E-mail: greider@cshl.org

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: greider@cshl.org (greider@cshl.org [UNKNOWN])

CREATION DATE/TIME:22-MAY-1997 12:53:18.00

SUBJECT: Carol's response on Tom's response on Carols comments to Bernie

TO: nbac-members@lists.Princeton.EDU (nbac-members@lists.Princeton.EDU [UNKNOWN])

READ:UNKNOWN

TEXT:

Tom,

Thanks for your thoughtful response to my suggested revisions to the ethics chapter.

My comments are in ALL CAPS

>

>Tom Murray's comments/editings re Carol's version of Bernie's draft.
(This >is getting complicated!)

NOW IT IS EVEN MORE COMPLICATED!! (WHO IS KEEPING TRACK?)

>

>Page 2, top: We start by considering hypothetical cases in which a baby is

>produced through nuclear transfer cloning. In daily life, people are
>accustomed to deliberating on whether an individual act is right or
wrong. >Examining specific cases helps us to understand the moral
dimensions of an >issue and to articulate the reasons for our judgments.

In addition, careful

>reflection on particular cases can suggest what general restrictions and
>limits might be appropriate if public policy does not create an outright
>prohibition.

THE ABOVE SOUNDS GOOD TO ME.

>Page 4, Section 1A1b, 1st para: People will want to know something about
>mitochondrial DNA. There should be a mention of it in the science
chapter.

>Here I propose the following sentence:

>

>Except for the .01% of a cell's DNA contained in the oocyte's
mitochondria, >all of the child's DNA would come from one parent.

INSTEAD I SUGGEST THE FOLLOWING:

ALL OF THE NUCLEAR GENES IN A CHILD GENERATED THROUGH NUCLEAR TRANSFER
CLONING WOULD BE DERIVED FROM ONE PARENT. HOWEVER, THE MITOCHONDRIA,
WHICH ARE THE ENERGY PRODUCING ORGANELLE IN THE CELL, HAVE THEIR OWN SET
OF GENES. USING CURRENT TECHNIQUES (SEE SCIENCE CHAPTER), THE MITOCHNDRIA

WOULD BE DERIVED FROM BOTH THE DONOR CELL AND THE RECIPIENT EGG. BECAUSE MITOCHONDRIA REPRESENT AN EXTREMELY SMALL PROPORTION OF GENES MIXING OF MITOCHONDRIA IS NOT EXPECTED TO HAVE ANY MAJOR EFFECT. THUS, IN PRACTICE, THE GENES TRANSMITTED IN A CLONING EXPERIMENT WOULD COME FROM JUST ONE PARENT.

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>General comments about sections IA1b,c, and d: Carol has called our
>attention to the need to assure that each of the ethics subsections has a
>distinct point to make, and does not merely repeat a prior point. Let me
>try to state succinctly the point of each of these 3 subsections:
>b. that parents may be more likely to attempt to control the child's
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child's >characteristics. The moral concern is not for the parents'
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THEN I SEE THIS ARGUMENT IS JUST PART OF THE ARGUMENT MADE IN b.

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>On this question the Commission was divided. Some Commissioners were >persuaded that various of the harms and wrongs described earlier in this

>chapter were ethically compelling, and would be decisive reasons never to
>permit nuclear transfer cloning. Other Commissioners were less certain
>about the significance of the arguments, and were unwilling to conclude
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THESE ISSUES TO SOME EXTENT.

I hope the above comments are clear.
I'm sure by the time I have sent this off there will be 10 other messages
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Whew!
you guys work HARD.

Carol

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RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: DIANESJ@VM.TEMPLE.EDU (DIANESJ@VM.TEMPLE.EDU [UNKNOWN])

CREATION DATE/TIME:22-MAY-1997 20:41:18.00

SUBJECT: Re: Jim's hchapter on religious perspectives

TO: nbac-members@lists.Princeton.EDU (nbac-members@lists.Princeton.EDU [UNKNOWN])

READ:UNKNOWN

TEXT:

Hi Jim, I really enjoyed reading the religion chapter. I think it is a very useful discussion of religious perspectives.

I read Tom's comments; I had reactions similar to his second and third points.

I wondered about the placement of this chapter in our report. Will it come before the Ethics chapter?

P. 3, line 1. Could the phrase "deleterious genes" be replaced -- perhaps with "genes linked to deleterious outcomes"? (Rationale -- genes deleterious in one context may not be in another; if a gene is genuinely "deleterious", the organism would not be likely to live to reproduce and pass on its genes.)

The phrase "human cloning for baby-making" (p. 8, 3 lines from bottom; p. 15, 1st full para., line 5) seems different in tone from the other writing. Also, you indicate on p. 14 (1st full para.) that "making" is not favored in some theological interpretations. Should we aim to use one or a few phrases throughout our report?

P. 10, p. 17. Could these listings be condensed? The content is great but, presented as a series of short paragraphs, these disturb the flow of the prose.

p. 23, 4th line from bottom, "the full and equal status of clones". Could we substitute "persons (or human beings, children, babies, as appropriate) created by cloning technology"? (Rationale -- avoid creating a separate category of persons.)

Thanks again for your hard work.
Diane

+++++

DIANE SCOTT-JONES, PH.D.	DIANESJ@VM.TEMPLE.EDU
DEPARTMENT OF PSYCHOLOGY	215 204-1559 PHONE
TEMPLE UNIVERSITY	215 204-5539 FAX
PHILADELPHIA, PA 19122	

+++++

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: jfc7c@virginia.edu (jfc7c@virginia.edu [UNKNOWN])

CREATION DATE/TIME:22-MAY-1997 11:30:07.00

SUBJECT: Introduction & Recs

TO: nbac-members@lists.Princeton.EDU (nbac-members@lists.Princeton.EDU [UNKNOWN])
READ:UNKNOWN

TEXT:

Colleagues -- I very much like the Recommendations and Introduction as they have evolved. jim

I. RECOMMENDATIONS. The recommendations, as Alta, Carol, Steve, and others have amended them, are fine, and I gladly endorse them. More specifically: Bernie's modification to Alta's proposal is fine. Carol's proposal re DNA sequences (as modified by Steve) is good. I agree with Steve re deletion of "somatic." I agree with Larry and Alta re deletion of mental harm. Contra Larry, I would prefer to retain "at this time," because I believe we need to emphasize that this is where we found our consensus.

II. INTRODUCTION. The introduction is excellent, and I have only modest verbal changes to suggest in addition to the ones others have suggested.

Following are the relevant paragraphs with the changes marked in CAPS and BRACKETS.

Although some religious responses to the cloning of human beings through somatic cell nuclear transfer are tied tightly to particular scriptural texts or other faith COMMITMENTS [DELETE: communities], often these ideas can be stated forcefully in terms understandable and persuasive to all persons, irrespective of specific religious beliefs. For example, appeal may be made to a view of human nature or of human reason, rather than exclusively to a religious source of knowledge such as scripture or revelation.

NBAC also wanted to determine whether various religious traditions, despite their distinctive sources of authority and argumentation, reach similar conclusions about this type of human cloning. A convergence of views across these traditions, as well as across secular traditions, would be instructive, even if not necessarily determinative, for public policy.

While many Americans look to their religious faiths for moral guidance on issues, other sources of moral knowledge and insight are also important. Many moral considerations that would be widely acknowledged as legitimate do not depend for their force on particular religious commitments or a specific philosophical outlook. For example, the conviction that it is wrong to harm a child is broadly shared among Americans. If you inquire

why it is wrong to harm a child, people may give different answers. Some may refer to their religious [DELETE: or philosophical] conviction that a child is a gift from God. Others may say that it is always wrong to harm an innocent person without some compelling reason. To many people, this is a bedrock principle of ethics, even if it has no single, universally acknowledged foundation [DELTE: in a specific religious tradition]. Rather, it finds its foundation in many different understandings of morality, some religious, some secular. Moral ideas such as the obligation not to inflict harm on others are accessible to all Americans and, therefore, can provide a robust foundation for public policy where THEY ARE [DELETE: it is] relevant.

America has a vibrant tradition of ethical dialogue in which all are invited to participate. What moral considerations deserve our attention and which are the most important in responding to a particular issue? These are questions that arise with every new controversy. Whether one's ethical beliefs come from theological commitments, philosophical ARGUMENTS [DELETE: study and debate], or from hard-won life experience, all voices should be welcome to the conversation, and all thoughtful views are entitled to a respectful hearing.

IN ADDITION, in several places it would be preferable, I believe, to use the phrase "cloning human beings" rather than "the cloning of human beings," which is more cumbersome.

jim

James F. Childress
Kyle Professor of Religious Studies &
Professor of Medical Education
University of Virginia
Cocke Hall
Charlottesville, VA 22903
Tel. (804) 924-3741
Fax (804) 924-1467
e-mail: jfc7c@virginia.edu

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: acapron@law.usc.edu (acapron@law.usc.edu [UNKNOWN])

CREATION DATE/TIME:22-MAY-1997 19:22:38.00

SUBJECT: Re: proposed recommendations

TO: nbac-members@lists.Princeton.EDU (nbac-members@lists.Princeton.EDU [UNKNOWN])
READ:UNKNOWN

TEXT:

On Wed, 21 May 1997, r. alta charo wrote:

> alex opposed carol's minor language changes, writing:
>
> "every
>
> development in science has the potential and we haven't taken testimony
>
> on what may happen here)."
>
>
> i disagree. we did hear from scientists about the basic science and we
have material in the science chapter on this point. i got the impression
there was consensus in favor of protecting the basic science from
legislation that might forbid it. i still favor carol's language, and
think steve holtzman's re-draft continues to capture it, as well as
capturing other comments on the recs.
>

Sorry to be unclear on this point. Let me try again. I agree with the
statements that we discussed last Saturday and that Harold included in
his draft recommendations that the moratorium on creating children
through cloning ought not to be allowed to interfere with research in
other areas that are also denominated "human cloning" in the sense of DNA
and somatic cell lines. What I disagreed with was our going beyond our
competence--once we admit that it is not an ethical issue--and opining on
the potential value of science and how it ought to be continued. We
should simply say that it ought not to be restricted on the grounds that
creating babies should be restricted (namely risk to those potential
babies); whether it blazes ahead or turns out not to be as promising as
other areas of science or turns out to create other cost/benefit
questions is something we weren't asked to address and, in any serious
sense, have not addressed. The material in the science chapter is
appropriate simply to allow the reader to understand what work has led up
to the Dolly technique and why people have pursued the creation of
"clones" of cells, etc.

On a number of other topics that come much closer to our mandate Alta has
argued, and a majority (all?) of us have agreed, "we weren't asked for
our opinion, and we shouldn't give it." To me this is an even clearer
example of that and I would avoid the obiter dictum.

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: lhmiike@mail.health.state.hi.us (lhmiike@mail.health.state.hi.us [UNKNOWN])

CREATION DATE/TIME:23-MAY-1997 18:37:50.00

SUBJECT: ethics ch. (5/22 version)

TO: nbac-members@lists.Princeton.EDU (nbac-members@lists.Princeton.EDU [UNKNOWN])
READ:UNKNOWN

TEXT:

I have had an opportunity to review the 5/22 version. My comments are as follows:

I do not support including the last two sections on "cloning of dna sequences and cell lines," and "cloning research involve human embryos." It is not necessary to address these topics in the ethics chapter, even in a prefuntory manner. It's touched on elsewhere.

I do not like the references to "the Commission", particularly those places that state explicitly that the commission supports this or that, or that some or all of the commissioners support or oppose a particular policy. These statements should be neutral; we make our opinions known in the conclusions and recommendations chapter. nowhere else in the other chapters do we make similar statements. Two examples of how the language can be changed are in summary points 4 and 5 (I changed all of them, but that can be easily done by Kathi): "4. Cloning may always be unethical because it indermines important social values and causes harms to the child born after cloning. On the other hand, many objections to cloning are not persuasive because people are likely to adapt to new reproductive technologies and because cloning is unlikely to be widespread." "5. Certain individual acts of cloning might be justified. However, many scenarios proposed for cloning are not compelling, and some scenarios seemed clearly unethical." Other places that have references to the Commission, which should be deleted are in section I.A.1.a., I.A.1.f., II.A.1., and IV. Moreover, I would delete any references to such phrases as "the Commission believes," etc.

Section III.A., on "moral deliberation about public policies differs from moral deliberation about individual actions," is pretty inconsistent. For example, it states that strict enforcement may be burdensome or ineffective, and that policies that cannot be strictly enforced invites hypocrisy, etc. Yet, it is immediately followed by statements that the likelihood that a prohibition will be violated is no reason to eliminate it, and that public policy should be crafted that provides a strong deterrent to even a single attempt of such cloning.

III.B., "framework for moral deliberation about public policies," really does not offer such a framework. It's just a commentary.

Under I.A.1., point "f" seems out of place. everything preceding

relates to the children, while "f" relates to the gestational mother. It is not an important point, so I would simply drop it. I have the same problem with I.B.2., "claims that cloning may violate informed consent." 1 and 2 are about human dignity and moral boundaries, and informed consent seems too specific compared to these large issues.

The rest of my comments are more specific, including editing:

p. 1, par. beginning with "Many people..."; delete "because" before "the First Amendment...".

p. 2, par. beginning with "This report..."; change to "This report addresses the use of somatic cell nuclei transfer cloning to produce children, and does not include cloning of DNA sequences and cell lines and cloning research involving human embryos."

p. 3, first line: replace "than" for "that"; first paragraph, delete last sentence on the Commission; last sentence in par. beginning with "Novels and plays...": change to "...have only the genes, and not have duplicative characteristics and behaviors of the nuclear donor.

I.B.1.: delete word after "cell"; in par. beginning "In certain situations...": add "be" before "morally unacceptable. Also, why can't we just say that destroying a cloned child for its organs is murder, and not just say it is ethically unacceptable?

I.B.3.: replace "the" for "this" in "...to respect this place of mankind in the universe..."

II.A.2.: delete "argument" after "argument"; same paragraph, delete "as" after "nevertheless is".

II.A.4.: "these" for "tehse"; add "the" after "false assumptions about".

II.B.1.: par. beginning "However..."; replace "because passes on" with "because it bypasses".

III.A.: second par., last word: replace "accessible" with "understandable to others."; second to last par.: "cloning" for "cloining"; III.B, "policies" for "polices"

IV.: I have already stated my concerns on the use of "the Commission," "all of the Commissioners," "some of the...", etc. I can suggest specific deletions/modifications if needed.

Summary point 2: i think the specific points identified are kind of stupid. I don't see why we have to identify specific circumstances where we would still prohibit, if/after safety issues are resolved.

larry miike

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: acapron@law.usc.edu (acapron@law.usc.edu [UNKNOWN])

CREATION DATE/TIME:23-MAY-1997 12:49:37.00

SUBJECT: Re: Recs: last suggested edit

TO: nbac-members@lists.Princeton.EDU (nbac-members@lists.Princeton.EDU [UNKNOWN])
READ:UNKNOWN

TEXT:

Steve:

I will support the change you propose here (dropping "somatic") if you agree that we not add Carol's "which" clause (about the significant benefit of such research). I won't repeat my two arguments why I think the "which" clause is trouble, but I would note that if we drop somatic and thereby implicitly say embryo research can go forward (as you suggest) we need not complicate matters by talking about the advances that work would provide while failing to say a word about how troubling it is to a lot of people (including the President).

Alex

On Wed, 21 May 1997, Steve Holtzman wrote:

> Rec # 3 says that, "the cloning of human DNA sequences and SOMATIC cell
> lines" (my emphasis) does not raise the same issues as babymaking
> cloning;
> hence the need to ensure that these activities are not caught up in
> legislation prohibiting babymaking cloning.
>
> I have, in response to a couple of earlier drafts, encouraged Harold and
> Kathi to delete the word SOMATIC in this sentence (so it would read,
> "the > cloning of human DNA sequences and cell lines"), because I do not
> believe > that the cloning of human embryonic cell lines, w/o
> reimplantation, raises > the same issues as babymaking cloning (it raises
> other issues pertinent to > the embryo research debate).
>
> Now, we have all agreed not to get involved in the embryo research
> debate.
> I do not think the suggested deletion of the word "somatic" here does
> involve us in that debate. We would just be drawing the bright line
> between babymaking-cloning (the primary object of our attention) and
> every > other kind of cloning.
>
> Moreover, my concern is that if we leave in the word "somatic" in that
> sentence, it would not be unreasonable for one to conclude that it
> would > be consistent with the Commission's recommendation to pass
> legislation that
> prohibited ALL embryo research, with or w/o reimplantation, so long as
> molecular (human DNA) cloning and human SOMATIC cell cloning were
> safeguarded. I DO NOT BELIEVE THAT IS WHAT WE HAVE CONCLUDED.
>

> -steven
>

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: bernie@itsa.ucsf.edu (bernie@itsa.ucsf.edu [UNKNOWN])

CREATION DATE/TIME:23-MAY-1997 00:18:59.00

SUBJECT: Ethics chap, part 2

TO: nbac-members@lists.Princeton.EDU (nbac-members@lists.Princeton.EDU [UNKNOWN])
READ:UNKNOWN

TEXT:

II.B. Arguments based on moral rights.

Other arguments in favor of cloning children through nuclear transfer claim that people have a moral right to use cloning. This alleged right can be characterized in various ways.

II.B.1. Claims of a moral right to make decisions about having children free from government interference.

Decisions to choose a spouse or partner and to have children through coital reproduction are intimate personal decisions. Many people support a right to make such decisions free of government interference. Such a moral right has been claimed to include the right to marry, the right to marital privacy, the right to contraception, the right to abortion, and the right to be free of forced sterilization by the state. Some argue that people also have a moral right to use assisted reproductive technologies or to avoid serious genetic anomalies through prenatal testing.

Proponents of cloning claim that there is a similar right to use this technique.

In some circumstances, a person or couple may want to reproduce by cloning. For some infertile couples, cloning may be the only means for them to have a child that has a genetic link to one of them. Genetic lineage may be particularly important, for example to an infertile person whose relatives were all killed in the Holocaust. In these circumstances, the options of adoption or sperm or egg donation may seem undesirable. For other couples, cloning may offer an opportunity to have genetically related offspring who are free of a serious genetic illness. For instance, a couple may both be carriers for Tay Sachs disease. They have a 25% chance of conceiving a child with a genetic illness that is usually fatal within one or two years. DAVE COX, ARTURO BRITO CAN YOU COMMENT ON THE CLINICAL PROGNOSIS HERE? DO WE NEED A BETTER EXAMPLE? Furthermore, suppose the couple is opposed to pre-implantation genetic diagnosis or selective abortion after prenatal genetic testing. They may wish to be spared the anguish of terminating a pregnancy, or they may be morally opposed to abortion under these circumstances. Furthermore, the couple may reject the option of sperm or egg donation from someone who is not a Tay Sachs carrier. In these circumstances, cloning may be the only means to achieve their reproductive goals.

Proponents of a right to make decisions about having children may believe that people may exercise that right even if others think they are wrong or misguided. In the extreme, proponents believe that people should have a right to make decisions based on views of genetic determinism that scientific "experts" believe are mistaken.

However, many people deny that there is a right to cloning.

Critics argue that cloning through nuclear transfer from a somatic cell is essentially different from procreation or reproduction. In their view, cloning can be distinguished clearly from coital reproduction or assisted reproductive technologies because it passes on all the genes of one parent and thus does not involve equal genetic input from a male and female progenitor. Furthermore, critics point out that policies that restrict or prohibit creation of a child through nuclear transplantation would not implicate any rights that are strongly recognized, such as the right to marry or have access to contraception.

II.B.2. Claims of a moral right to rear children.

In the U.S., parents have the freedom to raise their children according to their values and aspirations, without government interference.

Moreover, it is considered appropriate and morally desirable for parents to rear their children to try to meet certain expectations. In this line of argument, parents should be free to try to have a child with a specific set of genes, if they hope that this will give the child a predisposition to develop in certain ways.

Critics point out that parental rights are not absolute and may be restricted to protect the best interests of the child or important social values. Critics believe that the alleged harms of cloning, discussed previously in the Chapter, justify restriction on parental rights.

II.B.3. Claims of a moral right to free scientific inquiry

Permitting free scientific inquiry shows respect for human achievement and flourishing. Allowing researchers to advance scientific knowledge may also lead to beneficial applications. However, scientific inquiry must respect other ethical values. For example, experimentation with human subjects is regulated by society, and there are several precedents for moratoria or bans on certain types of biomedical research out of concern for health, safety, or human dignity.

III. Framework for moral deliberation about public policies regarding cloning of children through nuclear transfer of somatic cells.

In this section we first discuss the differences between the ethical analysis of individual acts and ethical analysis of public policies.

Subsequently we develop a framework for moral deliberation about public policies. Finally, we indicate what ethical considerations the Commission believes should guide public policy regarding cloning of children through nuclear transfer of somatic cells.

III.A. Moral deliberation about public policies differs from moral deliberation about individual actions

Moral deliberation about public policy to allow, prohibit or regulate generation of children through nuclear transfer cloning differs from moral reasoning about individual cases of cloning. When individuals make moral judgments, they may rely on many sources of moral wisdom and knowledge, including their religious faith and moral intuitions. People will use their understandings of morality to decide what they should and should not do, as well as judge the actions of others.

In moral discourse about public policy, we try to provide reasons that will persuade our fellow citizens. In deciding upon public policy, we must balance respect for moral beliefs that may be held by a minority, with moral considerations that are broadly accepted by the American people. Generally moral convictions can be formulated in ways that most people can understand and reflect upon. We have tried throughout this report both to respect moral beliefs in their original form, and also to

reframe them if necessary in order to make them more accessible. Some moral considerations will have more weight in public policy debate than in judgments about individual cases. The burdens of enforcing public policies must be considered. It is extremely intrusive to monitor reproductive decisions by individuals and couples. This has several policy implications. First, it is impractical to have a policy that allows some reasons for cloning, while prohibiting others, even though we make such judgments privately about individual actions. On the policy level, attempts to distinguish acceptable from unacceptable reasons will be intrusive and will lead people to misrepresent their true reasons to fit the acceptable criteria. Second, strict enforcement of restrictions or bans on cloning of children may be burdensome or ineffective. Some people fear that establishing policies that cannot be consistently enforced invites hypocrisy, cynicism about the law, and selective or unfair enforcement. Third, the likelihood that a prohibition will be violated is no reason to eliminate it. For example, violent crimes like murder continue to be perpetrated, yet no one argues that laws against murder should not be enacted. Finally, and most important, because the Commission strongly believes that generation of children through nuclear transfer from somatic cells would be unethical at this time because of unacceptable physical risks, public policy should be crafted that provides a strong deterrent to even a single attempt of such cloning.

Ethical issues regarding research on human subjects also need to be considered in policy discussions. If generation of children through nuclear transfer of somatic cells were ever attempted, it would be such a radical departure from usual clinical practice that it would need to be considered research. Informed consent would be required from donor of transferred nucleus, oocyte donor, and gestational mother. Indeed, informed consent for such cloning would need to be stricter than usual in clinical research. Several questions of research ethics would need to be resolved before cloning could be considered: What level of risk should be permitted when research is carried out on an embryo that will be implanted, carried to term, and become a child? What level of oversight should be applied to such innovative research? Is approval by a local IRB sufficient, or should stricter review from a national committee with more expertise be required?

Finally, pragmatic considerations may carry great weight in determining public policies. Widespread, strong opposition to a practice after full elaboration of opposing views, education about the scientific aspects, and deliberation carries great weight in policy decisions. In a democracy, public opinion about generation of children through nuclear transfer cloning is one indication of what arguments and reasons are persuasive. Furthermore, opponents of a controversial policy may link it to other issues in the political process; continued advocacy of that policy may lead overall to more harm than good, if other desirable policies are thwarted. For example, opponents of generation of children through nuclear transfer cloning might link a ban on cloning to continued public support for unrelated basic scientific and clinical research.

III.B. Framework for moral deliberation about public policies.

The Commission was asked to consider whether public policy should permit, regulate, or prohibit generation of children through nuclear transfer cloning from a somatic cell. In the U.S., governmental policies that prohibit or regulate human actions require justification because of a

general presumption against governmental interference in individual activities. Obviously, this presumption can be rebutted under various circumstances for a variety of reasons. Governmental interference may be warranted, for example, to prevent individuals from harming others and to protect important social institutions and values. Many critics of generation of children through nuclear transfer cloning are concerned that this initial presumption of no interference with individual actions will lead to unwise policies regarding cloning. Indirect and long-term harms may be discounted, because they are difficult to detect or measure.

There is no easy way to determine when and which governmental interventions are warranted. No algorithm clearly indicates whether the moral arguments for governmental interventions in a particular situation are stronger than the moral arguments against such interventions.

Instead, we must engage in moral discourse, debate, and argument in a process of public deliberation. Closure must be reached, and decisions made, even if there is no consensus.

Moral deliberation about governmental policies can only proceed by critically examining (1) how to characterize the reasons why some people might clone themselves or others and the moral values that might be threatened by such cloning, and (2) how much weight to assign to these different interests and values.

There is a close connection between how we characterize various interests and values and how much weight we assign to them. For instance, in our society, decisions about procreation are generally shielded from governmental intervention. Much of the argument about whether to allow or prohibit cloning of children may thus depend on whether genetic replication through cloning falls within the sphere of reproductive or procreative freedom. The issue is whether generation of children through nuclear transfer cloning is similar, in morally relevant ways, to reproduction or procreation, with or without technological assistance. However, even if society recognizes and assigns considerable weight to procreative freedom, it is not absolute. It may be justifiably overridden or outweighed in some circumstances in order to protect other important moral values. The difficult task is to determine when those conditions are met.

Our society has only just begun to reflect seriously on the possibility of generation of children through nuclear transfer cloning and its implications -- it was hard to sustain serious moral reflection when human cloning was deemed possible only in science fiction or in the very distant future. It may be premature to come to closure on some issues because so little time has been devoted to the issue. Our society will need to continue to reflect on the moral issues surrounding human cloning in order to formulate defensible policies as the science develops. One goal of this chapter is to help build a framework for sustained moral reflection and deliberation.

IV. Which ethical considerations should guide public policies regarding generation of children through nuclear transfer cloning from somatic cells.

We now discuss which ethical considerations should guide public regarding cloning of children using nuclear transfer from somatic cells. We need to answer a series of three questions.

The first question is how strong are the objections to a policy allowing generation of children through nuclear transfer cloning. In the context

of public policy, we need to reconsider the ethical concerns discussed previously regarding individual acts of cloning.

The Commissioners strongly agree that the unacceptable risks of physical harms to the child and to the women undergoing oocyte donation and gestation justify a moratorium or ban on such cloning at the present time. Indeed, these possible physical risks are currently so unacceptable that the Commission believes public policy must offer a strong deterrent to even a single attempt at such nuclear transfer cloning.

If we consider whether a policy permitting such nuclear transfer cloning might ever be acceptable at some future time, deliberations are more controversial. Let us assume for the sake of argument that research on nuclear transfer cloning of animals suggests that the risk of using such techniques on human beings is comparable to accepted risks of assisted reproductive technologies. Under this assumption, are there moral concerns that would justify a public policy prohibiting cloning?

On this question the Commission was divided. Some Commissioners were persuaded that various of the harms and wrongs described earlier in this chapter were ethically compelling, and would be decisive reasons never to permit nuclear transfer cloning. Other Commissioners were less certain about the significance of the objections, and were unwilling to conclude that nuclear transfer cloning would be ethically impermissible, if and when the risks could be shown to be minimal. A comparable range of views is reflected in the testimony, letters, and commissioned papers we have reviewed.

People's views on nuclear transfer cloning cannot be separated from their world view, a web of values regarding human nature, families, and the good society. There are several contrasting positions. One view holds that moral attitudes toward the challenges posed by modern biology -- of which nuclear transfer cloning is only one example -- should be rooted in traditional values regarding life, interpersonal relations, the family, and the natural order. This position, while evolving to remain consistent with a changing world, is also based in deeply held conceptions about what is natural. These conceptions are believed to provide a bulwark against shifting trends or untried ideas. As an example are the views of many Roman Catholic and Protestant theologians about the need to engage in reproduction within the context of what is natural and ordained (intercourse within a monogamous, heterosexual marriage). A second view believes in the flexibility of social structures and the mutability of persons. In this perspective, change is not merely something that happens in the face of events such as nuclear transfer cloning, but desirable because of the potential for human improvement or perfectibility. Yet a third view is a pragmatic perspective arising from the acceptance of modern life. In this view, the social impact of scientific developments can be something to be absorbed into life -- lived around, one might say. Many technological innovations were feared at the onset as undermining traditional moral values, yet have been absorbed into modern culture. These conflicting views of the issues in cloning by nuclear transfer rest on fundamentally different perspectives that have been in opposition for centuries.

The second question to address in moral deliberations about public policy is how to weigh these objections and concerns against restrictions on the freedom of individuals to make decisions about having children without government interference. Those who regard nuclear transfer cloning as a form of reproduction believe it should be strongly protected, like other

forms of reproductive freedom. On the other hand, those who regard nuclear transfer cloning as essentially different from reproduction would grant it no more protection than other human actions. Again, these differences cannot be decided at this time, and further deliberation is surely needed.

The third policy-relevant question is whether there are countervailing ethical considerations that favor a policy of allowing creation of children through nuclear transfer of somatic cells. There are exceptional scenarios of cloning, as described previously, that evoke sympathy. However, people disagree on whether these unusual situations outweigh the potential harms of a policy allowing nuclear transfer cloning. The Commission believes that many arguments offered in support of nuclear transfer cloning, such as benefiting children and society by cloning exemplary individuals, are based on a seriously mistaken belief that replicating a person's genes will lead to duplication of the person's traits or accomplishments. Again, further public discussion is needed to clarify our understanding of how genes interact with environment and education in shaping human behavior. The Commission believes that it is essential that public deliberations be based on a sound science. As citizens, we must understand not only how some newly discovered genes are strongly associated with certain serious inherited diseases but also how complex human behaviors depend on much more than our genetic inheritance.

In summary, Commissioners reached several conclusions on ethical considerations to guide public policy regarding generating children through nuclear transfer from somatic cells:

1. All Commissioners agree that generating children through nuclear transfer from somatic cells is unethical at this time because of insufficient evidence that it is effective and safe.
2. All Commissioners agree that even if concerns about safety could be resolved, cloning should be prohibited in certain circumstances. These include paying people to be cloned and cloning a person without his or her informed consent. Furthermore, the Commission agrees that any children born after cloning need to be treated as full persons. They could not be used as slaves or killed as sources of organs for transplantation.

ALTHOUGH WE DID NOT VOTE ON THESE, ARE THEY NOT POINTS OF AGREEMENT? DOES ANYONE DISAGREE?? I WE SHOULD TRY TO ARTICULATE ANY SITUATIONS IN WHICH WE BELIEVE CLONING WOULD BE WRONG EVEN IF SAFETY ISSUES ARE RESOLVED.

3. All Commissioners agreed that many scenarios of cloning human beings through nuclear transfer from somatic cells were based on the serious misconception that selecting a child's genetic makeup would be equivalent to selecting the child's traits or accomplishments. A benefit of widespread discussion of cloning would be a clearer recognition that a person's traits and achievements depend heavily on education, training, and the social environment, as well as on genes.
4. Some Commissioners believe that cloning would always be unethical because it undermines important social values and causes harms to the child born after cloning. On the other hand, other Commissioners found that many objections to cloning were not persuasive because people were likely to adapt to new reproductive technologies and because cloning was unlikely to be widespread.
5. Some Commissioners thought that certain individual acts of cloning might be justified. However, no Commissioners believed that many scenarios proposed for cloning to be compelling. Moreover, some

scenarios seemed clearly unethical.

6. All Commissioners believe that deep public opposition to cloning through nuclear transfer from somatic cells should be given great weight, even though they might not personally share all those concerns. Attempts to achieve a policy allowing cloning may cause more overall harm than good, by putting at risk public support for important, unrelated scientific research.

7. All Commissioners agree on the need for further public deliberation on the serious moral concerns about cloning. As we proceeded in our work, we learned from listening to members of the public who addressed us and from each other. Many important issues remain unclear or unresolved, such as whether there is a moral right to freedom to make decisions about procreation that includes a right to cloning. The Commission believes that it is essential to try to understand the diverse reactions to cloning and the ethical arguments for and against various policies regarding cloning human beings. Our work is only the beginning of moral deliberation about the impact of this new technology. We urge that during the moratorium or ban on cloning, the public continue to discuss the ethical issues we have sketched in this chapter.

V. Cloning of DNA sequences and cell lines.

The Commission was charged with examining the ethical issues regarding cloning of human beings through nuclear transfer from somatic cells. However, because the term "cloning" is used in various ways, it is important to comment briefly on other uses of the term.

Cloning of DNA sequences and somatic cell lines are well-established scientific techniques that are widely used in basic scientific research. These techniques do not lead to embryos that have the potential to develop into human beings. These research tools have already led to important new treatments, such as improved forms of insulin for the treatment of diabetes, vaccines against hepatitis, new drugs for the treatment of heart attack and stroke (recombinant TPA), as well as better diagnostic tests for such conditions such as tuberculosis and cystic fibrosis. CAROL GREIDER, STEVE HOLTZMAN, AND DAVID COX, CAN WE GIVE SOME EXAMPLES OF CLINICAL ADVANCES DUE TO CELL CLONING? Further progress in medical research will require continued use of these techniques, subject to existing requirements for peer review for federal funding of research and regulations about biosafety.

Cloning of animals, as in the Dolly experiment, offers the promise of increasing our understanding of fundamental biologic processes, such as the growth, development, and differentiation of cells into specialized organs. Such knowledge also holds the promise of important medical advances that will relieve human suffering, as discussed in Chapter 00, Scientific Issues. Like all animal research, cloning of animals must be carried out in a humane manner, in accordance with established federal and state regulations, and with review and approval by institutional animal welfare committees.

In view of the important benefits of this research, the Commission strongly recommends that research using cloning of DNA sequences, somatic cell lines, and animals continue to be permitted and receive federal funding, subject to existing regulations and peer review for scientific merit. Any moratoria, regulations, or prohibitions that might be proposed or enacted with regard to the cloning of human beings or cloning research involving human embryos must not restrict cloning research on DNA

sequences, cells, and animals.

VI. Cloning research involving human embryos.

Any research on cloning human beings through nuclear transfer from somatic cells would involve human embryo research. The fusion of a human somatic cell and a oocyte whose nucleus has been removed would produce a human embryo, with the potential to be implanted in utero and develop to delivery. Currently, federal funding for human embryo research is severely restricted. Congress has inserted restrictions on embryo research into the 1996 and 1997 Appropriations Bills. Congress forbids human embryo research that leads to the destruction or discarding of human embryos. Furthermore, research may not present more than minimal risk to the embryo. In addition, a 1994 Presidential directive forbids federal funding for the creation of human embryos expressly for the purpose of research. Although federal support for human embryo research is heavily restricted, there are few restrictions of human embryo research carried out in the private sector, using nonfederal funds.

From a scientific viewpoint, progress in understanding molecular genetics and cellular differentiation currently can proceed through research using animal cells, human somatic cells, and animals. Far more animal research would be required before promising therapeutic ideas, such as embryonic stem cell transplantation for leukemia, liver failure, or diabetes, could be considered in humans. Thus cloning raises no pressing scientific reason to reconsider current restrictions on federal funding for human embryo research.

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: bernie@itsa.ucsf.edu (bernie@itsa.ucsf.edu [UNKNOWN])

CREATION DATE/TIME:23-MAY-1997 00:15:29.00

SUBJECT: Ethics chapter, part 1

TO: nbac-members@lists.Princeton.EDU (nbac-members@lists.Princeton.EDU [UNKNOWN])
READ:UNKNOWN

TEXT:
previously sent in Word for Mac, Word Perf for Windows, rich text.

Need quote from RTL group

"Science is close to crossing some horrendous boundaries" Leon Kass in
Time Magazine March 10, 1997

"If objectors to cloning can identify no greater harm than a supposed
affront to the dignity of the human species, that is a flimsy basis on
which to erect barriers to scientific research and its applications."
Ruth Macklin, testimony.

"Enough good uses can be imagined that it would be unwise to ban all
cloning and cloning research because of vague and speculative fears." John
Robertson, testimony.

"It's a horrendous crime to make a Xerox of someone" Jeremy Rifkin, Time
Magazine March 10, 1997

"A person who would want to clone himself is overwhelmingly self
centered"
Richard McCormick Newsweek Magazine March 10, 1997

"If research into human cloning does move forward we must ensure that it
does not seek knowledge for its own sake or only to promote monetary gain
or individual fame, but to serve and protect the common good. Nancy Duff
testimony.

As these quotes illustrate, the birth of Dolly through nuclear transfer
cloning technology, evoked widespread public discussion. Many people
expressed concerns and fears about the generation of children using this
technology, while others suggested that cloning may be acceptable under
some circumstances. In its deliberations, NBAC attempted to understand
these diverse reactions.

Many people resort to self-evident philosophical principles, scriptural
passages, or religious doctrine to justify their views on cloning. Often
it is hard to articulate the precise nature of ethical concerns or
objections about nuclear transfer cloning. Yet in order to form public
policy, we must try to express our moral concerns as clearly and
explicitly as possible, so that others can understand them and consider

whether they are persuasive. We must realize that in a pluralistic society, other people may not share our starting points. Furthermore, we must appreciate that even though our religious beliefs may be crucial in shaping our personal views, because the First Amendment requires separation of church and state and does not permit public policy to be based solely on explicitly religious beliefs.

This chapter has three goals. The first is to articulate and analyze the moral arguments that have been offered regarding generation of children through nuclear transfer of somatic cells. Our second goal is to offer a framework for further deliberation of the moral issues pertinent to public policies regarding such cloning. The third goal is to clarify which ethical considerations should guide public policy about nuclear transfer cloning at this time.

We have structured this chapter in the following way. In the first two sections of the chapter, we analyze the moral considerations that may be pertinent when an individual person judges whether a particular act of nuclear transfer cloning is justified. We start by considering hypothetical cases in which a baby is produced through nuclear transfer cloning. In daily life, people are accustomed to deliberating on whether an individual act is right or wrong. Examining specific cases helps us to understand the moral dimensions of an issue and to articulate the reasons for our judgments. In addition, careful reflection on particular cases can suggest what general restrictions and limits might be appropriate if public policy does not create an outright prohibition.

The various types of moral considerations are organized into two broad groups. Some arguments examine the consequences of generating a child through nuclear transfer cloning, which are alleged to be harmful or beneficial. Consequences may affect either individuals or important shared social values. Other arguments do not refer to the consequences of nuclear transfer cloning, but instead allege that nuclear transfer cloning is wrong in itself or that people have a right to use this new technology.

The third section of this chapter presents a framework for moral deliberation about public policies regarding nuclear transfer cloning. The Commission was asked to consider whether public policy should permit, regulate, or prohibit generation of children through nuclear transfer from a somatic cell. We note that our views on whether cloning is acceptable as public policy may differ from our views of whether specific acts of cloning are morally acceptable. There are some actions that we consider morally wrong, but would not want to prohibit through public policy. Even though we might try to persuade a relative or friend that certain actions are wrong, we may not want the government to prohibit people from acting according to their own moral judgments. For example, some people may disapprove of gambling or divorce, yet oppose a governmental prohibition of these activities.

In the fourth section, the Commission indicates which arguments it believes should guide policy recommendations on generation of children through nuclear transfer of somatic cells at this time.

This report does not discuss cloning of DNA sequences and somatic cell lines and cloning research involving human embryos. Ethical questions surrounding these issues have already received extensive analysis and deliberation.

I. Ethical arguments offered to oppose acts of generating children through somatic cells nuclear transfer.

This section examines the arguments offered against generation of children through somatic cells nuclear transfer, starting with arguments claiming that such cloning causes unacceptable harms or risks. Some of these alleged harms fall on individuals, while others affect social values. Subsequently, we examine arguments claiming that cloning is wrong in itself, independent of any consequences it causes.

I.A. Arguments that cloning of children through nuclear transfer of somatic cells is unethical because of harmful consequences.

I.A.1 Alleged harms to individuals

I.A.1.a. The risks to the child born after cloning are unacceptable at present

The risks of attempting to clone a child through nuclear transfer from somatic cells are prohibitive at the present time, compared to the likely benefits. The technique that produced Dolly was successful in only one of 277 attempts. The success rate of cloning human beings using the nuclear transfer technique might also be extremely low (cite Science chapter).

Nuclear transfer cloning involves significantly greater manipulation of genetic material than current forms of assisted reproductive technologies, and such manipulations increase the risk of birth defects. In addition, nuclear transplantation may transmit DNA that has acquired genetic mutations or has been damaged by aging. The risk of cancer or premature aging may be increased in the child that is born. The burden of proof to justify an experimental technique that may cause physical harms to children who will be born falls on those who would carry out the experiment. Before considering even the possibility of producing a child through nuclear transfer, we would require animal studies demonstrating a much higher success rate than at present and long-term safety. We would never consider using a medical drug or device on a human being after only one animal experiment. Without such extensive animal research, no conscientious physician or Institutional Review Board could approve of attempts to use nuclear transfer to generate a human child.

Even if a person or couple requested cloning as a clinical intervention, it would be unethical for a physician to provide it, in light of current limited knowledge about the feasibility and safety of the procedure. For these reasons, the Commission unanimously supports prohibitions on all attempts to produce children through nuclear transfer from a somatic cell at this time.

Critics are concerned about psychological as well as physical harms to children born after cloning. Such concerns are discussed in the following sections.

I.A.1.b. Claims that children born after cloning through nuclear transfer from somatic cells would be subjected to inappropriate attempts at control

Some people have suggested that cloning offers more control over the genetic makeup of the child than existing methods of genetic selection, such as selecting a partner or using genetic screening to avoid serious illness, because the genes of the child would be the same as those of the nuclear donor rather than being a random combination of genes from two parents. In addition, cloning allows positive selection of desirable genes, rather than negative avoidance of undesired genes.

Novels and plays about cloning dramatize fears about such an ability to duplicate the genes of an individual. Evil dictators are portrayed as making multiple copies of a given individual to serve as warriors or

drones to work in factories. Of course, even without making genetically identical individuals it may already be possible to train a cadre of soldiers or workers through existing techniques of social control.

However, these stories reveal misunderstandings that some people have about the role of genes in determining the individual. As described in the introduction and the science chapter, a child that resulted from nuclear transfer cloning would have only the genes, not the characteristics and behaviors of the nuclear donor.

Efforts to use nuclear transfer from a somatic cell to control the child's character are futile because they are based on a view of genetic determinism that is scientifically invalid. Nonetheless, critics fear that after birth the child would be subjected to the will of the parent in inappropriate ways. Parents who clone their genetic makeup may view these children as a younger versions of themselves, whose interests and activities they control more strictly than with other children. Excessive attempts at control may harm the child, even though the efforts are fruitless.

In rebuttal, others believe that parental attempts to control children resulting from nuclear transfer cloning will not be essentially different from what parents already do and indeed are expected to do when rearing children. Parents already try to mold their children through selecting a partner, providing education, and bringing up the child in a chosen religious faith. Children usually learn to handle excessive parental attempts to control them and are able to develop as individual persons.

I.A.1.c. Claims that children born after cloning through nuclear transfer from somatic cells would have inappropriately restricted future life scenarios

The generation of children through nuclear transfer of somatic cells deliberately attempts to replicate the genetic composition of an existing person. Some critics fear that parental expectations will then be very specific. The child may always be compared to the person who donated the nucleus, even if parents acknowledge that education and environment will play a crucial role in who the child will become. Children born using nuclear transfer may be judged in terms of how closely they match expectations and may experience great pressure to live up to specific expectations. Hence, cloning might constrict a child's future and might compromise the child's freedom to make choices in life, to develop his or her talents and interests, and to develop a unique identity.

Others do not find these concerns persuasive, because having identical genes as another person need not restrict life choices or compromise individual identity. Identical twins are genetically identical and look almost alike at any point in time, yet regard themselves and are regarded by their families as unique persons who make their own choices in life. In response, opponents of cloning point out that no one chose to create the twin and there was no pre-existing person whose qualities were to be duplicated. For these reasons, opponents believe that the twin analogy does not apply to cloning.

I.A.1.d. Claims that children born after cloning through nuclear transfer from somatic cells would not be valued for their own sake. The intention of using nuclear transfer cloning in many scenarios is to produce a child with specific preselected characteristics. The resulting child may be intended to be like a beloved child that is dying, to be a genetic match for another child needing an organ transplant, or to express scientific or musical talent. Some critics predict that catalogues of

people willing to be cloned would appear, allowing parents to select a template based on characteristics of the donor. As explained in Chapter 00 (Science), this intention to duplicate an existing person is based on serious scientific misunderstandings and fallacious ideas of genetic determinism.

Critics of nuclear transfer cloning fear that parents who hope to specify the child's characteristics -- no matter how scientifically incorrect these hopes -- might value the children by how closely they match the preselected specifications. Indeed, because such parental hopes are futile, their disappointment may be greater. According to critics, objects may be evaluated by whether they meet certain standards, but children should be loved unconditionally and for their own sake, not because they match a preselected phenotype. Children who feel they have not met parental expectations may lack a sense of security and self-confidence.

In some widely discussed scenarios, nuclear transfer cloning would harm children by treating them as less than full persons. Such scenarios include killing a clone to harvest a heart for transplantation or treating a clone as a slave. The Commission believes strongly that should any child born as a result of cloning through nuclear transfer of somatic cells should be treated as a full person, like any other child. It would be immoral as well as illegal to treat a child born through cloning as a source of vital organs or as a slave.

I.A.1.e. Claims that children would be harmed by confused social relationships

The status of the child arising from nuclear transfer of somatic cells may be uncertain. For some, the disparity between the child's genetic and social identity threatens the stability of the family. Is the child who results from nuclear transfer cloning the sibling or the child of its parents? The child or the grandchild of its grandparents? From this perspective the child's psychological and social well-being are in doubt or even endangered. Ambiguity over parental roles may undermine the child's sense of identity. It may be harder for a child to achieve independence from a parent who is also his or her twin.

Others are persuaded by these objections. Children born through assisted reproductive technologies may also have complicated relationships to genetic, gestational, and rearing parents. Skeptics point out that there is no evidence that confusion over family roles has harmed children born through assisted reproductive technologies, although the question has not been widely studied.

I.A.1.f. The risks to women involved in cloning as oocyte donors or gestational mothers are unacceptable at present.

Harms may occur to the women involved as oocyte donors or gestational mothers as well as to the children born after nuclear transfer. The Commission unanimously agrees that it would be ethically unacceptable at the present time to subject oocyte donors and gestational mothers to the risks of hormonal manipulation for the purposes of generating children through nuclear transfer of somatic cells. The risks to these women are the same as the risks associated with in vitro fertilization and include short-term discomfort, ovarian hyperstimulation, and long-term risks of reduced fertility and ovarian cancer. Ethically, experimentation with human beings is unacceptable unless the risks are proportionate to the expected benefits. In the Dolly experiment, 277 attempts were required before successful cloning. In view of the low likelihood that cloning of

children through nuclear transfer of somatic cells would be successful at present, the risks to women far outweigh the likely benefits of the experiment.

1.A.2. Alleged harms to important social values

Critics fear that nuclear transfer cloning from somatic cells would cause harms to social values as well as alleged harms to individual persons.

1.A.2.a. Alleged harms to values about children and parenting

Critics ask us to imagine a world in which cloning through nuclear transfer from a somatic cell were permitted. What kind of people, parents, and children would we become in such a world? Opponents fear that cloning to create children may disrupt the interconnected web of social values, practices, and institutions that support the healthy growth of children. Attempts to determine the characteristics of a child through the use of nuclear transfer cloning are doomed to failure because they rest on a discredited view of genetic determinism. But however misguided those attempts, they may still harm important social values. Critics fear that the use of nuclear transfer cloning might undermine the view that children should be encouraged to develop their own uniqueness as a person. In this view, the use of cloning might also encourage the undesirable view that children are to be valued according to how much they meet parental expectations, rather than loved for their own sake. In this way of looking at families and parenting, certain values are at the heart of those relationships, values such as love, nurturing, loyalty, and steadfastness. In contrast, a world in which cloning were permitted would give implicit approval to vanity, narcissism, and avarice. To these critics, changes that undermine those deeply prized values should be avoided if possible.

At a minimum, such undesirable changes should not be fostered by our public policies. Cloning to create children, to the extent that it disrupts those values, therefore ought to be discouraged.

Others are not persuaded by these objections. Skeptics point out that if strongly held moral values are in decline, there are likely many reasons, which would not be addressed by a ban on cloning. Furthermore, skeptics argue that people can adapt to new technologies. In their view, a child born after cloning can simply be loved and accepted like any other child.

1.A.2.b. Alleged violations of justice and fairness

Critics raise three objections to cloning based on justice. The first is an argument from justice as equal opportunity: cloning would be wrong because it would be more available to the wealthy and powerful than to the poor and powerless. Any advantages resulting from cloning would exacerbate inequalities already present in the U.S. Even if there are no actual benefits of cloning, because of the interplay of genetics, education, and environment in human behavior, the mere perception of benefit may confer an advantage in terms of confidence or expectations of others. The second argument considers the scarcity of resources. The generation of children through nuclear transfer would divert scarce resources, including money and the skills of researchers and clinicians, from more pressing social and medical needs. These considerations about allocation of resources are particularly pertinent if public funds would be involved. A third concern rests on justice as equality of human worth. Critics fear that the ability to select children's appearance and physiognomy through nuclear transfer from a somatic cell would lead to discrimination against persons who differ from the predominant social

views of what appearance is desirable. Some fear that human cloning would offer an opportunity to practice eugenics or heighten discrimination based on race.

Historically there has been enormous strife based on racial and ethnic differences, and critics believe that cloning will aggravate such divisions.

I.B. Arguments that cloning of children through nuclear transfer of somatic cells is wrong in itself.

Critics of cloning object that it is morally unacceptable, not only because it produces harms but also because it is wrong in and of itself. That is, critics suggest that cloning violates fundamental moral principles, in ways we next discuss.

I.B.1. Claims that cloning children through nuclear transfer from somatic cells treats violates human dignity

Critics fear that parents who use such cloning are likely to have very specific expectations for their child, even though those expectations are based on a mistaken view of genetic determinism. Thus children resulting from cloning may be valued for meeting predetermined specifications, not loved for their own sake. In this view, cloning violates the dignity of children, by treating them like products and objects rather than as human beings. Critics believe that viewing children in this way is morally wrong, even if it caused no psychological harms to the children. However, others are not persuaded by this line of argument. In their view, whatever their original expectations, parents are likely to love their children for their own sake and cherish their individuality.

In certain situations, the cloning of children through nuclear transfer of somatic cells would undermine human dignity to such a degree that it would indeed morally unacceptable. One ethically unacceptable scenario is using children created through nuclear transplantation solely as the means to achieve someone else's goals, rather than respecting them as ends in themselves. An example is destroying a cloned child after birth in order to achieve such goals as providing a heart for transplantation. A second unethical situation would be commercialization of cloning, with different prices paid to different persons willing to be cloned, according to their perceived desirability. Buying and selling different combinations of genes would make having children tantamount to purchasing commodities and thereby violate human dignity.

I.B.2. Claims that cloning may violate informed consent

Generation of a child through nuclear transfer cloning would be ethically unacceptable if it occurred without informed consent of the person whose DNA was used. Lack of consent would undermine human dignity because it violates a person's bodily integrity, autonomy, and freedom not to reproduce. Cloning without consent wrongs a person even if her or she is not physically harmed in any way. (In this line of thinking, it would also be improper to clone children. Children are not capable of giving informed consent. Even if their parents consent to having them cloned, the child may wronged by becoming a parent without having agreed to do so.)

I.B.3. Claims that cloning violates moral boundaries

Critics assert that cloning tempts human beings to transgress moral boundaries that should not be crossed and to grasp for powers that are properly outside human control. Ancient Greek literature and many Biblical interpretations emphasize that human beings are between animals

and the divine -- neither driven by instinct nor omnipotent over nature. In this view, respecting limits is to respect this place of mankind in the universe and to ensure that technology is used in morally acceptable ways and not allowed to run out of control. This view need not be tied to a particular religious doctrine, view of God, or even a belief in God. However, these objections are often expressed in religious terms: cloning tempts human beings to seek immortality, usurps the role of God, or violates divine commands. Many religious traditions consider procreation divinely ordained because it symbolizes the limits of any individual human being, the inevitability of death, and the necessity of human interdependence and cooperation. Two individuals must join to procreate; neither alone is sufficient. Parents are awed that their child is both similar to and different from each of them, in unpredictable ways. Such wonder reinforces the need for human beings to be humble and to recognize their limitations.

II. Ethical arguments offered to support acts of cloning of children through nuclear transfer of somatic cells.

The following sections examine the moral arguments offered in favor of nuclear transfer cloning, first examining the alleged benefits of cloning to individuals and to important social values and subsequently rights-based arguments for cloning.

II.A. Arguments that cloning of children through nuclear transfer of somatic cells results in beneficial consequences.

Some people argue that generation of a child through nuclear transfer cloning is ethically acceptable in some circumstances because it leads to benefits for individuals or for society as a whole.

II.A.1. Claims that cloning could benefit a person with a fatal illness. In some cases, cloning may offer the only hope of curing a fatal illness. Suppose that a two-year old boy develops aplastic anemia, a disease in which the body fails to produce blood cells. This condition is fatal, but the child can be kept alive for months with transfusions and treatment for complications such as infection. The most effective treatment is bone marrow transplantation. Suppose, however, that no donor can be found who matches the sick child, either among the child's relatives or in a bone marrow registry.

In similar situations, parents have tried to conceive another child, hoping that the new child will be a match for the older sibling. Suppose, however, that in this case the parents are now unable to conceive. Cloning offers the only possibility of saving the child's life. The parents are determined that they will love the new child for its own sake, even though he will also serve as a bone marrow donor for his brother. The new child will not suffer any serious or permanent physical harm from serving as a bone marrow donor. In this hypothetical case, the parents are motivated to save the life of their son. They are trying to replicate the genes that control transplant rejection. They do not intend to duplicate other characteristics of the son. Because the two children will be close in age, the younger son would likely face few expectations to duplicate the characteristics of his older brother. Admittedly, the family relationships after transplantation may be complicated. However, the parents believe the possibility of such complications is worth the opportunity to save their son's life.

Some members of the Commission believed such a situation justified cloning

and avoided many objections to cloning. This scenario appears to reinforce important shared values regarding helping, compassion, altruism, and sacrifice for family members. Even those members who regarded cloning as unacceptable in all cases were sympathetic to the plight of the child and the wishes of the parents in such a tragic situation.

II.A.2. Claims that cloning would benefit the child who will be born.

Some proponents argue that the generation of a child through nuclear transfer cloning can be a net benefit to the child. This argument takes two forms. One argument builds on the view that genetics has some effect on a person's characteristics and accomplishments. While rejecting a rigid view of genetic determinism, some parents may simply want to take advantage of whatever propensities genetics may confer. Realizing that the actual phenotype of the child will depend on the interaction of genetics with environment and education, the parents may nonetheless seek to give the child a "good start in life" through selecting a genotype through nuclear transfer cloning. Such parents may, after considerable soul searching, conclude that they will be able to refrain from excessive attempts to control the child and love the child for its own sake, whether or not it meets their hopes. In this view, a decision to use nuclear transfer cloning might benefit the child and would not harm him or her if the parents indeed are flexible and moderate. In rebuttal, critics question whether parents will actually be able to moderate their expectations about the child born after cloning and to refrain from trying to mold the child to conform to their expectations.

Another form of argument compares existence, even with substantial impairments, with non-existence. Proponents conclude that even a severely constrained existence is better than none at all, and that therefore cloning, even though it resulted in grievous harm to the child, nevertheless is as a net benefit to that child. Such reasoning has been criticized on several grounds. First, it makes the wrong comparison. Rather than comparing existence with non-existence, we ought to compare the choice to bring a child into the world with substantial burdens with the alternative of bringing a child into the world without those same burdens. If a child could be conceived without the risks associated with cloning, then that alternative would count as a strong ethical reason against cloning. The second critique of this argument claims that it misses the point and does not address the concerns about harm to children born of the procedure. A third rebuttal is that this argument is unacceptable because it would excuse any actions or decisions by the parents, even those that resulted in serious, avoidable harms to the child who was born.

II.A.3. Claims that cloning would benefit the parents.

Some have argued that in some scenarios the parents would benefit from cloning. For example, an infertile woman whose husband and only child are near death after an automobile accident seeks to clone the child. In such situations, the intention may not be to replicate the existing person but to have some genetic link to offspring. The motives of the people seeking cloning in such tragic scenarios evoke sympathy. However, others question whether cloning will be effective in achieving the parents' goals. Even if cloning might benefit individual parents, some question whether these benefits outweigh the alleged harms to social values discussed previously. These critics question whether such dramatic but unusual cases should be the basis for public policies regarding cloning.

II.A.4. Claims that cloning would benefit society by reproducing an

exemplary individual

Some suggest that society would benefit if the remarkable achievements of Einstein, Madame Curie, Mahatma Gandhi, or Mother Theresa could be replicated through generating children containing the genes of these people. However, this suggestion rests on false assumptions about role of genetics in determining complex human traits. Having the genes of Madame Curie would not generate another Madame Curie. Individual identity is the result of complex interactions between genes and environment during the development of a child.

Some individuals may be reluctant to abandon their faith in genetic determinism. For them, it may be useful to point out other objections to efforts to clone exemplary persons, however scientifically misconceived. If we were to try to replicate exemplary individuals, who should be cloned? While many Americans might agree that it would be desirable to replicate a great scientist or a great humanitarian, would there be agreement that society would benefit if an athlete or a movie star were cloned? Even assuming we could decide which exemplary individuals should be cloned, there is no way to restrict cloning to persons whom society deems to be exemplary. Anyone who can pay for the procedure would be able to clone anyone they deem worth cloning.