

# Withdrawal/Redaction Sheet

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| 001. letter | Bill to Kate Britton re: address (partial) (1 page) | 03/16/2000 | P6/b(6) |
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### COLLECTION:

Clinton Presidential Records  
Domestic Policy Council  
Heather Howard (Subject Files)  
OA/Box Number: 21195

### FOLDER TITLE:

Fetal Tissue

2012-0254-S

rc664

### RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

Freedom of Information Act - [5 U.S.C. 552(b)]

P1 National Security Classified Information [(a)(1) of the PRA]  
P2 Relating to the appointment to Federal office [(a)(2) of the PRA]  
P3 Release would violate a Federal statute [(a)(3) of the PRA]  
P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]  
P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]  
P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

b(1) National security classified information [(b)(1) of the FOIA]  
b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]  
b(3) Release would violate a Federal statute [(b)(3) of the FOIA]  
b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]  
b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]  
b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]  
b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]  
b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

**From:** Ann\_O'Leary@opd.eop.gov@inetgw2  
**To:** ATRXEB01.WTGATE("heather.howard@usdoj.gov@inetgw2"...  
**Date:** 3/8/00 2:29pm  
**Subject:** Fetal Tissue Talking points

FYI

----- Forwarded by Ann O'Leary/OPD/EOP on 03/08/2000 02:22  
PM -----

Lauren M. Supina  
03/08/2000 02:07 PM

Record Type: Record

To: See the distribution list at the bottom of this message

cc: Angela\_Blake@who.eop.gov  
Subject: Fetal Tissue Talking points

Attached is a draft of the talking points for fetal tissue. If anyone has further comments, please let me know.

DRAFT  
FOR INTERNAL USE ONLY

On Wednesday, March 8, 20/20 will air a story on the third-party fetal tissue procurement businesses. On Thursday, March 9, the House Commerce Subcommittee on Health and the Environment will hold hearings on this issue. The AP is working on a story on the issue for tomorrow's papers.

The donation of fetal tissue for research is a legal and ethical practice. The NIH Revitalization Act of 1993 prohibits profiteering in the sale of fetal tissue for research. Most state laws prohibit the sale of fetal tissue for profit, just as no profit is allowed in the organ donation and procurement process. Federal law mandates that a woman may choose to donate fetal tissue for research and that such consent may be obtained only after she has made the decision to have the abortion.

NIH has issued a reminder to its investigators of their obligations that human fetal tissue may not be obtained "for valuable consideration". Also important to note is that the decision to abort must be made prior to and separately from a request to donate the tissue for research. Attending physicians are required to document that the tissue was obtained in accordance with the law and that the mode of abortion was not altered solely for the purpose of obtaining the tissue for research. The issue of fetal tissue research is often used by anti-choice groups to highlight graphic images of abortion and particularly late-term or "partial birth" abortion.

Fetal tissue used for medical research has yielded significant advancements in the treatment of numerous diseases and medical conditions, including the development of polio and rubella vaccines. Research with fetal tissue promises to help treat many conditions such as spinal cord injury, cancer, Parkinson's disease, diabetes, multiple sclerosis, sickle cell anemia, leukemia, AIDS, birth defects, degenerative eye conditions, Alzheimer's and others. Aborted tissue would be discarded if it were not donated.

If individual cases of selling fetal tissue are discovered, they should be investigated and prosecuted. The alleged profiteering to be aired during the hearing and possibly on the 20/20 story is illegal under federal law and punishable by fines, imprisonment or both. Critical research should not be jeopardized by allegations or isolated instances of illegality.

The Administration stands firmly that there is a need for fetal tissue research. However, if organizations or individuals are profiting from fetal tissue donation, they should be prosecuted.

Message Sent

To: \_\_\_\_\_

Rachel E. Levinson/OSTP/EOP@EOP  
Devorah R. Adler/OPD/EOP@EOP  
Ann O'Leary/OPD/EOP@EOP  
Barbara D. Woolley/WHO/EOP@EOP  
Broderick Johnson/WHO/EOP@EOP  
Elizabeth Gore/OMB/EOP@EOP  
Sarah Wilson/WHO/EOP@EOP  
Stephanie A. Cutter/WHO/EOP@EOP

Adding this language from the guidance would strengthen the rule by defining the right to nondirective counseling. The pro-choice groups believe this is an important change to make, even though it means that the rule is no longer a clean revocation. They recommend that we otherwise stick closely to the pre-gag rule language so as not to engender a Congressional backlash, or open it up to a legal challenge, and to ensure that it remains strong after this Administration. (Thus, they counsel against bringing in other controversial language from the guidance such as language regarding referrals). Although we can expect a legal challenge regardless of the language, we hope to avoid a serious legislative challenge. (Congressman Bliley has introduced H.R. 2511, the "Adoption Awareness Act," which would promote adoption counseling and redefine nondirective counseling to exclude abortion. This bill, and Labor-HHS appropriations, would seem the likely vehicles for such an attack.)

### **Option 3: "Promote or Encourage"**

Another issue that has been raised regards whether we should adhere to the language of the law that prohibits the use of Title X funds for the practice of abortion, or incorporate into the rule interpretive language that more broadly restricts the use of Title X funds, but that has never been part of the rule in the past. In theory, this would stem potential criticism for expanding the rule to include the description of nondirective counseling, as well as reach out to moderates who may otherwise support a legislative challenge to the rule. HHS has drafted the following possible additional language:

*Projects supported under this rule must not provide or promote or encourage abortion as a method of family planning.*

Although the law clearly states that Title X projects may not provide abortions, only the interpretive guidance and legislative history of the law have extended that meaning to include promotion and encouragement of abortions. By including this language in the actual rule we may alienate members of the pro-choice community by strengthening and giving deeper legitimacy to this interpretation. However, members of the Counsel's office support the inclusion of this language (if the nondirective language is included) because they fear a legislative backlash.

Legislative affairs is not aware that the gag rule is on anyone's radar screen, but they expect that anti-choice members may want to make an issue of it.

### **Recommendation**

We believe this is an important opportunity to strengthen Title X and recommend inclusion of the nondirective counseling language. Although we share the concern of the Counsel's office, it is possible we will see a major legislative battle once the rule is published even if it is a clean revocation. Still, in this political climate, the Republicans may be more inclined to make other abortion issues the focus of the anti-choice debate this summer and fall (such as partial birth, and the Child Custody Protection Act). The addition of "promote or encourage" is a step back from the rule proposed in 1993 and it is not clear that it would buy us anything.

April - 62644

**From:** Ruby\_Shamir@opd.eop.gov@inetgw  
**To:** ATRXEB01.WTGATE("heather.howard@usdoj.gov@inetgw")  
**Date:** 3/6/00 4:55pm  
**Subject:** fetal tissue

----- Forwarded by Ruby Shamir/OPD/EOP on 03/06/2000 04:52  
PM -----

Devorah R. Adler  
03/05/2000 01:20:44 PM

Record Type: Record

To: Lauren M. Supina/WHO/EOP@EOP

cc: Barbara D. Woolley/WHO/EOP@EOP, Ruby Shamir/OPD/EOP@EOP  
Subject: fetal tissue

Hello --

Here's where we are on fetal tissue sales.

NIH is confident that none of their researchers are purchasing fetal tissue.

The "site fees" that are referred to by the documents that we were forwarded by Kate Britton do not exist. Some non-profits charge a flat fees per transaction to cover administrative costs and do not vary with the type of organ donated or the number of organs donated. These fees are in compliance with the statute, which prohibits making a profit off of fetal tissue donations.

What we have asked HHS to do is to send a letter to all 150 researchers using fetal tissue, prior to 3/8, reminding them of the constraints of the statute and warning them to be fully cognizant of where their donated material comes from, since if it is illegally acquired, they are criminally culpable. The letter will inform the researchers that we take allegations of fetal tissue sales very seriously and will work with DOJ to investigate them fully. We will also give the researchers contact names at DOJ and HHS to call if they are concerned about the legality of the actions of certain fetal tissue suppliers.

Anyway, HHS has said they will do this in time for the 20-20 special and the hearing, but sometimes they are a little slow. If you are concerned about this letter going out and would like to just check in with them to make sure they are on track, that would be very helpful to me.

The main HHS contact is Rich Tarplin, Assistant Secretary for Legislation, at 690 7627.



**From:** Ann\_O'Leary@opd.eop.gov@inetgw  
**To:** ATRXEB01.WTGATE("Heather.Howard@usdoj.gov@inetgw")  
**Date:** 3/6/00 5:19pm  
**Subject:** Re: HOUSE ACTION ON ABORTION ISSUE -Reply

Yes -- there is a meeting tomorrow at 3 in Beth Nolan's office to discuss the so-called partial birth abortion bill. I was going to cover it, but if you can come - we could both go. Let me know.

(Embedded  
image moved Heather Howard <Heather.Howard@usdoj.gov>  
to file: 03/06/2000 04:49:00 PM  
PIC23986.PCX)

Record Type: Record

To: Ann O'Leary/OPD/EOP

cc:

Subject: HOUSE ACTION ON ABORTION ISSUE -Reply

Ann -- thanks for the info. It looks like I'm all set for next week. I report for orientation Monday morning and they said that should only take about 45 minutes.

I am planning on attending the gag rule meeting on Wednesday. When the meeting last Friday ended Sylvia Matthews said there was a Tuesday abortion meeting. I know Ruby was looking into it -- do you know anything about it?  
Heather

**From:** Ann\_O'Leary@opd.eop.gov@inetgw  
**To:** ATRXEB01.WTGATE("heather.howard@usdoj.gov@inetgw")  
**Date:** 3/6/00 3:49pm  
**Subject:** HOUSE ACTION ON ABORTION ISSUE

Heather -

FYI on upcoming abortion issues.

Are you all set for next week?

-Ann

----- Forwarded by Ann O'Leary/OPD/EOP on 03/06/2000 03:46 PM -----

(Embedded  
image moved AHERWITT@naral.org  
to file: 03/02/2000 02:09:26 PM  
PIC26236.PCX)

Record Type: Record

To: Ann O'Leary/OPD/EOP

cc:

Subject: HOUSE ACTION ON ABORTION ISSUE

Ann -- Whole lot of abortion stuff moving in the House.  
The Full Judiciary Committee has placed HR 3660, the so-called  
"partial-birth" abortion ban, on the Committee calendar for March 8 at 2pm.  
While it is the last bill on the agenda and may get pushed to the following  
week -- bills have been reordered the day of the mark-up.

Wednesday, March 8

- > Full Committee
- > 2:00 p.m. in 2141 Rayburn House Office Building
- > Markup of:
- > H.R. 2372, the "Private Property Rights Implementation Act of 1999"
- > (continuation);
- > H.R. 1283, the "Fairness in Asbestos Compensation Act of 1999";
- > H.R. 1304, the "Quality Health-Care Coalition Act of 1999"; and
- > H.R. 3660, the "Partial-Birth Abortion Ban Act of 2000."
- >

In addition -- the House Commerce Subcommittee on Health and the

Environment will hold a hearing on the alleged illegal sale of fetal tissue for research on March 9 at 2pm. The night before, on the television show 20/20 at 10pm, a segment on the illegal sale of fetal tissue will air. I am putting together background information and talking points on all of the above. I will make sure you get copies of all the documents. Call me if you have any questions. My direct line is 973-3003.  
allison

2/7

## Fetal Tissue

Rachel Levinson - ODP  
Elizabeth OMB  
Gore

Wendy Taylor - OMB

Sarah Wilton - WH counsel

Brookline Johnson - legal affairs

20/20 - Third party sales

focus should be on - is law being broken

don't want to get into method by which tissue is processed,  
whether procedures are allowed to get tissue

majority staff met w/ NIH - asked for lots of info on all projects

notice to <sup>all govt fund</sup> researchers reminding of requirements of law  
- incl. that they can't purchase tissue - can only  
pay reasonable fees.

NIH funds tissue center -- closely controls

but private side - too room for problems

who would enforce violations - DOJ criminal

info to come - list of all grants awarded  
- also annual reports on research

Ames. Society of Cell Biology - providing W for hearings  
testifying + researchers <sup>defect Parkinson's</sup>  
3 members - Udell, Holt + Evans <sup>has Parkinson's</sup>

President rescinded by Exec. Order (relating to govt. research)  
statute permits w/ restrictions

info provided by NHT to cante has names of clinics redacted

Q's groups - if it's happening, ~~state~~ breaching  
is wrong + illegal + should be prosecuted

Life Dynamics may be backpedaling - then W may not  
be who she said she was

Moderate Repubs may stay away

Lauren is going to do talking points + distribute for comment

## BIOTECHNOLOGY The Fetal-Tissue Frontier

By Neil Munro, National Journal  
Friday, Feb. 25, 2000

The attraction of using aborted fetal tissue for research has always been its promise of medical breakthroughs. Activists for patients suffering from Parkinson's disease hope that fetal-tissue research can help find a cure for that affliction. So, too, do groups trying to combat diabetes, Alzheimer's, cancer, AIDS, and a variety of rare ailments.

"I am going downhill ... and I would like to have a fetal-tissue transplant," said former Sen. Brock Adams, D-Wash., a Parkinson's sufferer.

Indeed, in the seven years since Congress authorized the use of fetal tissue for research, there have been some promising developments. Researchers, for example, can add single human genes -- often from fetuses -- to laboratory mice, which have many genetic similarities to humans. In one instance, Dr. Robert Freedman, a researcher at the University of Colorado, grafted onto mice a human gene that he suspects is related to adult schizophrenia. Ten varieties of mice were created and will be studied over several years.

But along with the promise of fetal-tissue research, there are uncomfortable realities. Medical researchers don't just order "fetal tissue" from providers -- they order arm bones, leg bones, livers, spleens, whole eyes, and other organs. And, despite a congressional prohibition against a money-making marketplace for fetal tissue, there are indications that just such a marketplace has developed -- that companies are selling fetal parts for a profit.

Anti-abortion groups have gathered price lists and detailed order forms for fetal body parts that they say show extensive lawbreaking and unethical behavior. The documents have attracted notice in Congress. The House Commerce Committee, chaired by Rep. Tom Bliley, R-Va., a longtime opponent of fetal-tissue research, is expected to hold hearings on the subject in March. Sen. Bob Smith, R-N.H., another staunch anti-abortion legislator, also plans to hold hearings soon.

Republicans are torn between two constituencies -- the high-tech research companies that oppose research restrictions, and the social conservatives who are keen to stigmatize abortion and abortion-related research. Abortion-rights groups oppose any new restrictions. Given this incendiary mix, it is not surprising that many legislators won't want to deal with fetal-tissue research, said Adams, who championed the 1993 law. Many legislators, he said, "are going to be in the middle of a debate that they don't want to be in the middle of."

According to Suzanne Rini, the author of a 1988 book, *Beyond Abortion: A Chronicle of Fetal Experimentation*, the 1993 law is riddled with loopholes and ambiguities that reflect deep national divisions over abortion and abortion-facilitated research: Lawmakers remain deeply divided over the politics of abortion; academic scientists, for-profit companies, and government health-research agencies oppose any restrictions; and patients suffering from incurable diseases desperately want near-miraculous cures as soon as possible.

Little information is available about how much tissue is collected and exchanged, partly because there are so many collectors and researchers. In November 1993, however, James Bardsley of the Anatomic Gift Foundation, a tissue reseller, told the New York Times that the firm shipped 300 to 600 specimens a month. Opening Lines, another tissue reseller, says in its 1999 sales catalog that its "daily average case volume exceeds 1,500."

No government data are available on the number of tissue brokers, or their practices, revenues, prices, or customers. Moreover, many researchers contract directly with abortion clinics for tissue. Since 1991, the National Institutes of Health has spent more than \$150 million on hundreds of fetal-tissue-research programs. The money has funded 230 fetal-tissue-transplant experiments since 1991, and 288 experiments in 1997 and 1998 alone.

Public Law 103-43, the National Institutes of Health Revitalization Act of 1993, governs the sale of fetal tissue. Congress passed the legislation after several years of fierce debate, which reached its peak in 1992 when President Bush vetoed the NIH reauthorization bill. The next year, President Clinton, on his first day in office, signed an executive order that ended federal curbs on fetal-tissue research, and soon thereafter approved the revived NIH bill that boosted federal funding for fetal-tissue research. The law, passed by a large majority, sought to spur federal and private-sector research while simultaneously regulating it.

Some sections of the law are widely supported. For example, section 498B bars the collection of fetal organs from an identified person or their donation to a specific individual, such as a relative. Researchers say this rule has successfully prevented women from conceiving fetuses to serve as organ banks and kept rich patients from buying organs from poor donors.

During the congressional debates in 1992 and 1993, supporters of fetal-tissue research argued that the ethics provisions in the bill would curb the emergence of a marketplace for fetal body parts. "The idea of such a market is barbaric," said Sen. John McCain, R-Ariz., in a May 1992 letter to constituents in which he announced that because of the ethical safeguards added to the law, he had dropped his opposition to fetal-organ research.

"It would be abhorrent to allow the sale of fetal tissue and a market to be established for that sale," said Rep. Henry A. Waxman, D-Calif., a leading abortion-rights advocate.

But Douglas Johnson, legislative director of the National Right to Life Committee, sees the 1993 law on fetal tissue as an attempt "to enshrine language that would not impede the practices but would provide a modicum of cover for legislators who voted for abortion-dependent research. It is a fig leaf."

The current controversy over the sale of fetal tissue and parts focuses on section 498B(a), which declares flatly that "it shall be unlawful for any person to knowingly acquire, receive, or otherwise transfer any human fetal tissue for valuable consideration." Violation of this law can bring a prison sentence of 10 years. But the ban is greatly weakened by clause 498B(d.3), which says, "The term 'valuable consideration' does not include reasonable payments associated with

the transportation, implantation, processing, preservation, quality control, or storage of human fetal tissue."

**Selling Fetal Parts** The question Congress will face first is whether researchers and their suppliers have violated the 1993 law's payment rule. In documents obtained by an anti-abortion group, Life Dynamics, in Denton, Texas, medical researchers don't mince words when placing orders from abortion clinics:

"Arm bones (humeri) must accompany the leg bones (femurs and tibias)," says an order for three to five bones, plus livers, spleens, and thymuses from fetuses older than 18 weeks. The order came from SyStemix Inc., a Palo Alto, Calif., subsidiary of Novartis of Switzerland. The order forms also include many requests from universities, including a request for "whole eyes, 13-20 weeks, 1-2 per donor, fresh" from the Tulane University School of Medicine, which was researching eye surgery.

The price list offered by tissue broker Opening Lines, in West Frankfort, Ill., was similarly straightforward: "Brain [younger than] 8 weeks 30% discount if significantly fragmented \$999 ... Eyes [older than] 8 weeks 40% discount for single eye \$50. ... Prices in effect through December 31 1999." Anatomic Gift Foundation, in Laurel, Md., charged a flat fee of \$90 for every organ or slice of tissue taken during a second-trimester abortion, or \$220 for those taken from a fetus 6 weeks to 12 weeks old.

In general, the order forms are perfectly legal. Critics, however, maintain that the price lists show that the tissue resellers are making a profit in violation of the law's "reasonable payments" rule. Alan G. Fantel, who runs an NIH-funded service that supplies free fetal tissue and organs to universities, is especially concerned about the price lists from Opening Lines. "The fact that they are pricing [organs] at different levels leads one to think they are after profit," he said. Miles Jones, the founder of Opening Lines, declined to comment.

Critics of fetal research also charge that the order forms show that demand for fetal tissue has prompted unethical behavior by researchers and abortion clinics. But the law is complicated. Any change to abortion procedures to get more tissue is entirely legal for commercial research, but is largely banned for government-funded research. Under the 1993 law, NIH-funded researchers can use fetal tissue only if the woman's "attending physician ... makes a statement, made in writing and signed by the physician that ... no alteration of the timing, method, or procedure used to terminate the pregnancy was made solely for the purpose of obtaining the tissue." Many universities that receive government money for medical research have voluntarily agreed that all of their researchers -- even those working with outside companies -- will comply with these rules.

Mark Crutcher, the president of Life Dynamics and an abortion opponent, says that abortion providers change their operating-room techniques to maximize tissue collection and profit, thus endangering the patient. For example, Crutcher said, some of the order forms ask that abortion clinics not use standard poisons frequently given to fetuses before abortions; in particular, SyStemix's order form asks for second-trimester legs, arms, livers, and spleens to be removed,

dissected, and stored on crushed ice "within a maximum of ten (10) minutes after circulation has stopped." Crutcher argues that there's no way to do a second-trimester abortion within 10 minutes unless the procedure is changed to delay the death of the fetus.

One way to delay the death of the fetus is to perform a "partial-birth abortion," which is also called "intact dilation and extraction." According to Brent Bardsley of the Anatomic Gift Foundation, which for several years supplied tissue to researchers, including government-funded ones, some clinics use that technique and a low-pressure vacuum for first-trimester fetuses. The vacuum technique is especially important for research into Parkinson's disease, he said, because "they had to have that brain nearly intact ... [and with the normal abortion method] it's nearly impossible." However, said Bardsley, "we strive not to influence the procedure or the patient's decision to have an abortion. We don't need to; there's plenty of material out there."

Changes in abortion procedure, and especially the use of "intact dilation and extraction," are unethical because they pose greater risks to the woman, argued Dr. Gerard Rafferty, an obstetrician at St. George's Hospital in London, who has performed abortions. "Almost nobody does the [intact] D&E in Europe because they are incredibly barbaric and quite dangerous to the mother," he said. Abortion-rights groups disagree, saying the procedure can be safer than its alternatives.

The law's wording complicates this legal issue because it bars modifications to abortions done "solely for the purpose of obtaining the tissue." During the 1993 debate, Bliley sought to strike the word solely, but Waxman argued successfully that it should be preserved so abortions could be modified for "medically necessary reasons." Crutcher and other critics argue that this allows abortion clinics to use tissue-producing techniques while claiming they are necessary for medical reasons.

**Benefits To Science** Activists for patients suffering from Parkinson's disease are influential in Congress and provided much of the support for the 1993 law. Other groups also campaign for fetal-tissue research. These patients' rights groups have plenty of supporters in Congress, partly because older legislators see their families or legislative colleagues struck ill.

For such patients, the controversial work of Dr. Curt Freed at the University of Colorado offers some hope. Freed has used \$5 million of NIH money in a four-year experiment on Parkinson's patients in which he implanted tissue from the brains of seven- or eight-week-old fetuses into 19 patients. The particular piece of brain is the ventral mesencephalon, which contains all the cells that produce a chemical called dopamine. The dopamine-producing cells are intended to offset the loss of dopamine production that causes Parkinson's.

Thus far, Freed's work has yielded few results. Last May, the British medical journal *The Lancet* reported that "there was no significant difference" between the 19 patients given the fetal transplants and the 20 patients given a placebo operation, although some improvements were noted in patients under 60.

Gillian Woollett, an associate vice president for biotechnology at the Pharmaceutical Research and Manufacturers of America, cautioned against false hopes. Patients' groups "can be part of

overselling," Woollett said, adding that cures may not be forthcoming for many years or decades. Their optimistic prediction of progress "is a psychological thing. I don't think it is realistic."

The defense of fetal-tissue research does not rest solely on the benefits of transplanting the tissue. Scientists are quick to point out that the research has already yielded improved knowledge in the laboratory. For example, research with mice shows that single human genes can be added to that animal. These modified mice, called SCID-mice, then multiply by natural means. In Freedman's research at the University of Colorado, a human gene that may be related to adult schizophrenia has been grafted onto mice. The suspect gene was extracted from two fetuses removed from two Swedish schizophrenia patients after the Swedish abortion team decided the patients were competent to make the decision. A medical therapy resulting from this research is still "decades away," Freedman said. "We don't even understand what is going on in the mice yet."

Fetal organs and tissue are also needed to extend and verify the data being gathered about the human genome, which is the set of instructions within each cell that dictates how human tissue works. As researchers learn more about the myriad genes that tend to make people smarter, sicker, faster, forgetful, beautiful, or bald, they will need to test their theories on human tissue -- especially because the tissue can show how genes interact with one another, researchers say. "If we don't have fetal tissue to do it with, we'll never be able to do it," said Fantel, who runs the NIH-funded service that supplies free fetal tissue and organs to universities.

Fetal-tissue research is especially important, Freedman and other scientists say, because human embryos and fetuses contain special cells -- called stem cells -- that are particularly vigorous and that, when implanted in other people and in animals, are less likely to be rejected by the host's disease-fighting cells. Stem cells might also evolve into many different types of cells, including blood, bone, and brain cells. These stem cells are easiest to find in human embryos, but are increasingly being found in adults. This development creates the possibility that a patient's own cells could be activated to repair problems, such as paralysis, cancer, or Alzheimer's. By studying fetal stem cells, researchers hope to find and fix the root cause of later human diseases, including the mechanisms that trigger uncontrollable cancerous growth or cause adult schizophrenia, Freedman said.

The fetal-tissue and stem-cell work are the building blocks of gene therapy, which researchers say can modify an adult's genes to defeat a disease, repair a disorder, or just to gain an upgrade. But the gene-therapy-research community faces increasing scrutiny following the death last fall of 18-year-old Jesse Gelsinger during a gene-therapy experiment at the University of Pennsylvania.

At an NIH meeting in late December, attendees said that university researchers and companies disregarded risks to patients' health, concealed problems, and exaggerated the promise of research, all in the hope of generating profits in the hot market for new medical products. In mid-January, the Food and Drug Administration shut down all human-subject research experiments under way at the University of Pennsylvania. It said that researchers had recruited 18 patients for the Gelsinger study without checking whether they were eligible, and had failed to inform half of the patients about the known risks.

In late January, NIH officials released data showing that gene-therapy researchers had concealed three deaths and 652 "serious adverse events" from oversight officials. In February, two patients' groups and a Harvard-affiliated medical center announced they were stopping gene-therapy projects. "It is a multisystem failure. ... We may have just touched the tip of the iceberg," said Sen. Bill Frist, R-Tenn., at a Feb. 2 hearing.

In recent months, concern over researchers' priorities has caused officials on the White House-appointed National Bioethics Advisory Commission to consider seeking greater oversight over experiments on humans.

**Science Meets Politics** At the moment, the main dispute between researchers and anti-abortion groups is over stem cells. Anti-abortion groups want NIH to promote research into adult stem cells, but in late 1999, NIH approved federal funding for research into stem cells taken from human embryos. The agency acted despite the fiscal 2000 Consolidated Appropriations Act, which bars all funding for "research in which a human embryo or embryos are destroyed." NIH officials say that the ban applies only to the use of funds for the act of destroying the embryos.

In the stem-cell debate, as in the broader fight over fetal-tissue research, anti-abortion advocates argue that scientists' interest in fetal tissue is not merely scientific, but is driven by a mix of interests associated with the tissue, including medical value, marketplace competition, low prices, easy availability, and legal advantages. Full ownership of fetal tissue is transferred during donation and leaves researchers with no reason to fear a later lawsuit when the tissue helps produce a billion-dollar blockbuster drug.

Helen Alvare, the director of planning and information for the secretariat for anti-abortion activities at the National Conference of Catholic Bishops, says fetal-tissue research raises "the entire specter of humans being seen as means and not as ends in themselves." The abortion-dependent research is a "huge, steep slope that pushes us onwards to a complete stripping from the human person of the dignity and respect that comes inherently as part of human life ... [and which explains] why humans are different from animals and trees."

Aside from urging NIH funding for alternatives to abortion-related research, critics of fetal-tissue research have not said what legislative remedies should be adopted. Possible legislative solutions, said Sen. Smith, include the mandatory reporting of related data to the Justice Department, the publication of the names of universities and companies that use the tissue, or even a ban on any fetal-tissue exchange. Also, Smith said that publishing the names of researchers would push them to develop alternative research tools, or to rely more on tissue already stored by commercial vendors in tissue banks. He added that he would like to ban fetal-tissue research because a ban would lessen the number of abortions. In a 1995 survey conducted in Canada by the Joint Center for Bioethics at the University of Toronto, 17 percent of 122 abortion-rights supporters said they would be more likely to have an abortion if they could donate the tissue.

Smith said that legislative options must wait until after the hearings he plans to hold in March. But he faces an uphill struggle. Smith narrowly lost an October Senate vote, 46-51, seeking more federal oversight -- but no ban -- of the exchange of fetal body parts. That vote was "a shot

across the bow," said Daniel Perry, the executive director of the Alliance for Aging Research, a coalition of patients' groups and companies that oppose fetal-research curbs. "We will fight like the dickens to ensure this research is not halted ... [restrictions are] a frontal assault on the way we do scientific research." In any public debate, he predicted, the combined weight of patients' groups and researchers will be enough to forestall curbs.

In past fights over fetal tissue, the research community has enjoyed broad support from liberal Republicans, such as Sens. James M. Jeffords, R-Vt., and Arlen Specter, R-Pa., and from conservatives such as Sens. Connie Mack, R-Fla., Strom Thurmond, R-S.C., and McCain. To win restrictions, Smith and his allies must win support from these Republicans and from some Democrats, such as Sen. John Breaux, D-La.

In any debate on possible curbs, the researchers and patients' groups will be aided by abortion-rights advocates, including Planned Parenthood and the New York City-based Center for Reproductive Law and Policy. Last year, the two groups persuaded a federal judge to strike down a clause in the Arizona Constitution that bars research on fetal tissue. That lawsuit is heading for an appeal late this year in the 9th U.S. Circuit Court of Appeals in San Francisco.

Abortion-rights supporters dismiss suggestions of illegalities in the collection and transfer of fetal parts. Sandra Jordan, a spokeswoman for New York City-based Planned Parenthood Federation of America, said in early December that "there are not price tags attached to this. We are assuming it is a figment of [Crutcher's] imagination." In January, she said that seven chief executives of clinics that donate tissue discussed the matter in a late-December teleconference. "As far as we can determine," she added, "we are following the letter of the law."

Abortion-rights supporters are particularly critical of Crutcher because of his anti-abortion stand and his statement that he will produce testimony from at least one witness on the killing of two fetuses born alive at a clinic. Advocates for abortion clinics strenuously deny such charges. They say that Crutcher hopes to stigmatize abortion with false and ghoulish charges, and that he is hindering law enforcement by keeping secret the identity of the supposed witness.

Research supporters, including Waxman, Fantel, and Freed, generally share these criticisms of the anti-abortion groups. They complain that opponents of fetal-tissue research are motivated by "abortion politics" and want to entangle researchers and abortion providers in federal red tape.

Separating the fetal-tissue-research controversy from abortion politics may be impossible, said former Sen. Adams. "I don't see how you do it, because the abortion fight seems to overwhelm everything when you get into it."

There is still plenty of room for a cosmetic compromise that won't significantly curb research or abortions, mostly because Republicans are unwilling to cross their backers in the high-tech industry, says author Suzanne Rini.

Smith disagreed: "We will go as far we can to pass something."

Indeed, Waxman, the House's most prominent supporter of fetal-tissue research, said he might accept stricter oversight and an extension of government ethics rules to private researchers -- if the allegations made by anti-abortion advocates prove to be true. Still, such restrictions should not curb the great promise of medical research that uses fetal tissue, he said. As for the companies that sell tissue, he said, "they should be prosecuted. ... Any price is unreasonable and illegal."

# Fetal tissue

To: Reproductive Health Staff  
From: Allison Herwitt, Director of Government Relations  
Donna Crane, Legislative Representative  
Date: June 12, 2000  
Subject: **Amendment to Labor-HHS-Education bill**

This week, as the House continues its consideration of the FY 01 Labor, Health and Human Services, and Education appropriations bill, Rep. Tom Coburn (R-OK) or another anti-choice Representative may offer an amendment to ban the acquisition of fetal tissue with federal funds. ***NARAL strongly urges members to oppose this amendment, and will score the vote in its 2000 Congressional Record on Choice.***

Research using fetal tissue – donated by women who undergo elective abortions – is a vital component of many biomedical scientists' work in researching ways to treat and cure diseases that affect millions of Americans. In recent months, anti-choice lawmakers and activists have charged that fetal tissue is being sold at a profit. Although this is a very serious charge, a congressional hearing found no evidence of widespread improprieties in connection with fetal-tissue donation.

Nevertheless, in March, Rep. Coburn introduced a bill, H.R.3980, that would require that extensive and detailed information be provided to the federal government for every donation of fetal tissue. The goal of those opposed to both abortion and medical research using fetal tissue is the complete cessation of this science, or at a minimum, the full disclosure of all confidential information to the government – including the names, addresses, and telephone numbers of every organization in the chain of fetal tissue possession – **thus exposing each to anti-choice harassment and violence.** An amendment to the Labor, Health and Human Services and Education bill would be a step towards these ultimate anti-choice goals, and we urge members to oppose any such attempt. No federal legislation is needed at this time.

If this amendment does arise, we believe the debate should focus on the important medical and scientific benefits of research using fetal tissue, rather than on the incendiary rhetoric of abortion politics in which anti-choice lawmakers will attempt to cast it.

- The donation of fetal tissue for research is a legal and ethical practice. Profiteering is illegal. The NIH Revitalization Act of 1993 provides that "[I]t shall be unlawful for any person to knowingly acquire, receive, or otherwise transfer any human fetal tissue for valuable consideration..." The law also permits the reimbursement for certain expenses related to fetal tissue donation (transportation, storage, preservation, etc.), just as it does for organ donation.

- Research using fetal tissue is an important component of medical science. Due to their capacity to divide rapidly, grow, and adapt to new environments, fetal cells hold unique promise for medical research. Research using fetal tissue has yielded significant advancements in the treatment of numerous diseases and medical conditions, including the development of polio and rubella vaccines. Research with fetal tissue promises to help treat many conditions such as spinal cord injury, cancer, Parkinson's disease, diabetes, multiple sclerosis, birth defects, sickle cell anemia, leukemia, AIDS, Alzheimer's, Huntington's, stroke, degenerative eye conditions, radiation poisoning, and others. The proposed amendment would halt this federally-funded progress in its tracks.
- Federal law ensures that a woman's decision to donate is made freely, with proper information, and free from conflicts of interest. Current law not only prohibits the sale of fetal tissue for profit, it also includes several specific protections designed to ensure, among other things, that a woman's abortion decision is made before she consents to donate the fetal tissue, that she donates the tissue without restriction and without knowledge of the identity of the recipient, and that no inducements – financial or otherwise – are offered to her.

Enclosed in background information on fetal-tissue donation. Please contact Allison Herwitt at 973-3003 or Donna Crane at 973-3047 with any questions.

## **FETAL-TISSUE DONATION AND CHOICE**

In recent months, opponents of reproductive choice have alleged to Congress and the media that fetal tissue, donated by some women who undergo elective abortions, is being sold by middlemen to medical researchers for a profit.

- A March 8, 2000 episode of the ABC television program *20/20* aired footage from an undercover taped meeting, during which a tissue-procurement business owner, Dr. Miles Jones, boasted of earning profit from the sale of donated fetal tissue. Jones has since been cited for contempt of Congress, and upon learning of the tape, the pro-choice community contacted the Justice Department and urged an investigation. Justice has since begun looking into this evidence of apparent illegality.
- Congress held a hearing on March 9, 2000 to investigate charges of profiteering in the fetal-tissue donation process, but their only witness with allegations of impropriety, Dean Alberty, was thoroughly discredited under questioning from panel members, and was forced to admit that he had no direct knowledge of wrongdoing. Alberty also admitted that he had done undercover work for the anti-choice group Life Dynamics while working as a tissue-retrieval technician.

Therefore, although Jones' admissions on the *20/20* undercover tape appear very serious, and certainly bear full investigation, there is no evidence of widespread improprieties in connection with fetal-tissue donation. Nevertheless, these allegations have been used by anti-choice lawmakers and activists to cast aspersions on the entire fetal-tissue donation process, and to continue their strategy of focusing public attention on the most graphic and sensational aspects of abortion. As anti-choice activists continue their attacks, we urge lawmakers to keep distinct the issues of choice and fetal-tissue donation:

**The donation of fetal tissue for research is a legal and ethical practice. Profiteering is illegal.**

- The NIH Revitalization Act of 1993 provides that "[I]t shall be unlawful for any person to knowingly acquire, receive, or otherwise transfer any human fetal tissue for valuable consideration..." Under this law, selling fetal tissue is a federal crime punishable by fines, imprisonment for up to ten years, or both. Similarly, the National Organ Transplant Act makes it unlawful for a person "to knowingly acquire, receive, or otherwise transfer any human organ," including fetal tissue, "for valuable consideration..." This law also permits the

reimbursement for certain expenses related to fetal tissue donation (transportation, storage, preservation, etc.), just as it does for organ donation.

- Aborted tissue would be discarded if it were not donated, and legal guidelines require that a woman's decision to terminate a pregnancy is made first – and totally separately – from that of whether to donate tissue.
- When asked to review the appropriateness of research using fetal tissue, a National Institutes of Health panel recommended allowing such research, as long as sufficient protections for women and against conflicts of interest were enacted. (Their recommendations were written into the federal law that now governs research with fetal tissue.) The Institute of Medicine and National Academy of Sciences have also examined the issue and concluded similarly.
- Even those who may oppose abortion in the strongest possible way should support research using fetal tissue. As bioethicist John Robertson argues: "In sum, fetal tissue transplants are practically and morally separate from decisions to end unwanted pregnancy." Further, Robertson says, "The disparate issues ... can be treated separately, so that ethical concerns and the politics of abortion do not impede the progress of important research."

#### **Research using fetal tissue is an important component of medical science.**

- Due to their capacity to divide rapidly, grow, and adapt to new environments, fetal cells hold unique promise for medical research. Research using fetal tissue has yielded significant advancements in the treatment of numerous diseases and medical conditions, including the development of polio and rubella vaccines. Research with fetal tissue promises to help treat many conditions such as spinal cord injury, cancer, Parkinson's disease, diabetes, multiple sclerosis, birth defects, sickle cell anemia, leukemia, AIDS, Alzheimer's, Huntington's, stroke, degenerative eye conditions, radiation poisoning, and others.

#### **Federal law ensures that a woman's decision to donate is made freely, with proper information, and free from conflicts of interest.**

- Federal law not only prohibits the sale of fetal tissue for profit, it also provides that:
  - the physician certify that the woman consented to have the abortion before consenting to donate the fetal tissue, ensuring the two decisions are made independently;
  - the woman certify that she donated the tissue without restriction and without knowledge of the identity of any transplant recipient;
  - no inducements – financial or otherwise – offered to terminate a pregnancy for purposes of research;
  - the woman be informed of any known medical risks associated with tissue donation;
  - the physician disclose any interest (s)he may have in the research to be conducted with the tissue;

- the physician does not alter an abortion procedure in order to facilitate fetal tissue donation; and
  - the researcher receiving fetal tissue must certify (s)he had no part in any decisions regarding the timing, method, or procedures used for the abortion.
- Federal and state laws regarding fetal tissue donation have as their primary concerns the protection of women and assurance of humanitarian goals.

**Attacking fetal tissue donations is the newest tactic in the overall strategy of stigmatizing abortion.**

- If individual cases of wrongdoing are discovered, they should be investigated and prosecuted.
- The fact that Life Dynamics, a group that opposes abortion by any means necessary, publicized its allegations to politicians and the media – and did not refer them directly to law-enforcement authorities - exposes their true intentions of using these charges to inflame the abortion debate.
- One goal of those opposed to both abortion and medical research using fetal tissue is the full disclosure of all confidential information to the government - including the names, addresses, and telephone numbers, of every individual and organization in the chain of fetal tissue possession - *thus exposing each to anti-choice harassment and violence*. Affected entities could be research universities, pharmaceutical companies, biotechnology firms, hospitals, doctors, other medical personnel, and women themselves. (It is worth noting that, although no evidence of widespread wrongdoing has been uncovered, Rep. Tom Coburn and other anti-choice members of Congress have introduced legislation to mandate the public reporting of many of these details.)
- A common tactic among anti-choice groups is to sensationalize the abortion debate and demonize doctors who perform abortions through the use of incendiary rhetoric. Doctors who perform abortions are just that – doctors. They are bound by the same laws and medical ethical standards as are all other medical professionals. Like other physicians, they work hard every day to provide quality health care services to their patients. Abortion is a legal, private medical decision that should be made by women in consultation with their medical caregivers, not by the government or politicians.

To: Reproductive Health Staff  
From: Allison Herwitt, Director of Government Relations  
Donna Crane, Legislative Representative  
Date: June 12, 2000  
Subject: **Amendment to Labor-HHS-Education bill**

This week, as the House continues its consideration of the FY 01 Labor, Health and Human Services, and Education appropriations bill, Rep. Tom Coburn (R-OK) or another anti-choice Representative may offer an amendment to ban the acquisition of fetal tissue with federal funds. ***NARAL strongly urges members to oppose this amendment, and will score the vote in its 2000 Congressional Record on Choice.***

**NARAL***Reproductive Freedom & Choice*TO Heather Howard

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**NARAL***Reproductive Freedom & Choice*

**Vote Alert:**  
**Possible Amendment to Labor-HHS-Education Bill**

**To:** Reproductive Health Staff  
**From:** Allison Herwitt, Director of Government Relations  
Donna Crane, Legislative Representative  
**Date:** June 23, 2000  
**Subject:** Possible Amendment to Labor-HHS-Education bill

As the Senate continues its consideration of the FY 01 Labor, Health and Human Services, and Education appropriations bill, Sen. Bob Smith may offer an amendment to ban the expenditure of federal funds to acquire fetal tissue for research. ***NARAL strongly urges senators to oppose any amendment that places new restrictions on this important research, and will score the vote in its 2000 Congressional Record on Choice.***

The Senate has a history of rejecting attempts to ban or unnecessarily restrict the use of fetal tissue in research:

- Last year the Senate rejected, 46-51, a Smith-sponsored amendment to require any individual involved in fetal-tissue research to disclose confidential information to the government. This would have included disclosure of the names and locations of anyone involved in the transfer of fetal tissue - from the doctor who performs the abortion, to the truck driver, to the research scientist - exposing each link in the chain of delivery to anti-choice harassment and violence.
- In 1997 the Senate defeated, 38-60, a Coats amendment that would have prohibited the use of federal funds for Parkinson's disease-related research with fetal tissue from an embryo or fetus obtained after an abortion.
- In 1992, during debate on the NIH Reauthorization Act, Sen. Orrin Hatch offered an amendment to strike the bill's repeal of the Bush Administration's ban on research using fetal tissue. The Hatch amendment was rejected 23-77.

NARAL urges the Senate to reject similarly this anticipated Smith fetal-tissue amendment.

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Research using fetal tissue – donated by women who undergo elective abortions – is a vital component of many biomedical scientists' work in researching ways to treat and cure diseases that affect millions of Americans. In recent months, anti-choice lawmakers and activists have charged that fetal tissue is being sold at a profit. Although this is a very serious charge, a congressional hearing found no evidence of widespread improprieties in connection with fetal-tissue donation. In fact, the main witness at the hearing was revealed to have worked for a fringe anti-choice organization as an undercover "informant" about reproductive-health clinics, and was completely discredited openly at the hearing, even by anti-choice committee members.

If an amendment does arise, we believe the debate should focus on the important medical and scientific benefits of research using fetal tissue, rather than on the incendiary rhetoric of abortion politics in which anti-choice lawmakers will attempt to cast it.

- The donation of fetal tissue for research is a legal and ethical practice. Profiteering is illegal. The NIH Revitalization Act of 1993 provides that "[i]t shall be unlawful for any person to knowingly acquire, receive, or otherwise transfer any human fetal tissue for valuable consideration..." The law also permits the reimbursement for certain expenses related to fetal tissue donation (transportation, storage, preservation, etc.), just as it does for organ donation.
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**NARAL**
*Reproductive Freedom & Choice*

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6/12/00

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From: Allison Herwitt, Director of Government Relations  
Donna Crane, Legislative Representative  
Date: June 12, 2000  
Subject: **Amendment to Labor-HHS-Education bill**

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### COLLECTION:

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Fetal Tissue

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P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]  
P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]  
P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

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b(3) Release would violate a Federal statute [(b)(3) of the FOIA]  
b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]  
b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]  
b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]  
b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]  
b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

March 16, 2000

Ms. Kate Britton

P6(b)(6)

[001]

Dear Kate:

Thank you for your February 14 letter and the information you enclosed. I'm grateful, as always, for your counsel, and I've shared the materials with Chris Jennings, my advisor for health issues.

As you probably already know, the House Commerce Committee held a hearing last week to determine whether federal prohibitions on the for-profit sale of fetal tissue are being violated. As this investigation proceeds, I hope the Committee will examine the allegations surrounding this issue in an even-handed, objective manner. If laws prohibiting the trafficking of human tissue are being violated, those who've broken the law should be prosecuted.

As I've said many times, late-term abortions trouble me deeply, and I continue to hope that the Congress will send me a bill that I can sign. Thanks again for sharing your thoughts. God bless you.

Sincerely,

*Bill*

BC/JHC/SH/SH/lynn-ws-lynn (Corres. #7127120)  
(3.britton.k)

cc: Lauren Supina, 122 OEOB

cc: w/copy of inc to Chris Jennings, DPC

cc: Ann O'Leary, DPC

cc: John Corcoran, 97 OEOB

cc: Heather Howard, DPC

~~Xeroxed copy of personally signed original to NH~~  
through Sean Maloney

CLEAR THRU SEAN MALONEY

PRESIDENT TO SIGN

6/14/00

## FETAL-TISSUE DONATION AND CHOICE

In recent months, opponents of reproductive choice have alleged to Congress and the media that fetal tissue, donated by some women who undergo elective abortions, is being sold by middlemen to medical researchers for a profit.

- A March 8, 2000 episode of the ABC television program *20/20* aired footage from an undercover taped meeting, during which a tissue-procurement business owner, Dr. Miles Jones, boasted of earning profit from the sale of donated fetal tissue. Jones has since been cited for contempt of Congress, and upon learning of the tape, the pro-choice community contacted the Justice Department and urged an investigation. Justice has since begun looking into this evidence of apparent illegality.
- Congress held a hearing on March 9, 2000 to investigate charges of profiteering in the fetal-tissue donation process, but their only witness with allegations of impropriety, Dean Alberty, was thoroughly discredited under questioning from panel members, and was forced to admit that he had no direct knowledge of wrongdoing. Alberty also admitted that he had done undercover work for the anti-choice group Life Dynamics while working as a tissue-retrieval technician.

Therefore, although Jones' admissions on the *20/20* undercover tape appear very serious, and certainly bear full investigation, there is no evidence of widespread improprieties in connection with fetal-tissue donation. Nevertheless, these allegations have been used by anti-choice lawmakers and activists to cast aspersions on the entire fetal-tissue donation process, and to continue their strategy of focusing public attention on the most graphic and sensational aspects of abortion. As anti-choice activists continue their attacks, we urge lawmakers to keep distinct the issues of choice and fetal-tissue donation:

**The donation of fetal tissue for research is a legal and ethical practice. Profiteering is illegal.**

- The NIH Revitalization Act of 1993 provides that "[I]t shall be unlawful for any person to knowingly acquire, receive, or otherwise transfer any human fetal tissue for valuable consideration..." Under this law, selling fetal tissue is a federal crime punishable by fines, imprisonment for up to ten years, or both. Similarly, the National Organ Transplant Act makes it unlawful for a person "to knowingly acquire, receive, or otherwise transfer any human organ," including fetal tissue, "for valuable consideration..." This law also permits the

reimbursement for certain expenses related to fetal tissue donation (transportation, storage, preservation, etc.), just as it does for organ donation.

- Aborted tissue would be discarded if it were not donated, and legal guidelines require that a woman's decision to terminate a pregnancy is made first – and totally separately – from that of whether to donate tissue.
- When asked to review the appropriateness of research using fetal tissue, a National Institutes of Health panel recommended allowing such research, as long as sufficient protections for women and against conflicts of interest were enacted. (Their recommendations were written into the federal law that now governs research with fetal tissue.) The Institute of Medicine and National Academy of Sciences have also examined the issue and concluded similarly.
- Even those who may oppose abortion in the strongest possible way should support research using fetal tissue. As bioethicist John Robertson argues: "In sum, fetal tissue transplants are practically and morally separate from decisions to end unwanted pregnancy." Further, Robertson says, "The disparate issues ... can be treated separately, so that ethical concerns and the politics of abortion do not impede the progress of important research."

#### **Research using fetal tissue is an important component of medical science.**

- Due to their capacity to divide rapidly, grow, and adapt to new environments, fetal cells hold unique promise for medical research. Research using fetal tissue has yielded significant advancements in the treatment of numerous diseases and medical conditions, including the development of polio and rubella vaccines. Research with fetal tissue promises to help treat many conditions such as spinal cord injury, cancer, Parkinson's disease, diabetes, multiple sclerosis, birth defects, sickle cell anemia, leukemia, AIDS, Alzheimer's, Huntington's, stroke, degenerative eye conditions, radiation poisoning, and others.

#### **Federal law ensures that a woman's decision to donate is made freely, with proper information, and free from conflicts of interest.**

- Federal law not only prohibits the sale of fetal tissue for profit, it also provides that:
  - the physician certify that the woman consented to have the abortion before consenting to donate the fetal tissue, ensuring the two decisions are made independently;
  - the woman certify that she donated the tissue without restriction and without knowledge of the identity of any transplant recipient;
  - no inducements – financial or otherwise – offered to terminate a pregnancy for purposes of research;
  - the woman be informed of any known medical risks associated with tissue donation;
  - the physician disclose any interest (s)he may have in the research to be conducted with the tissue;

- the physician does not alter an abortion procedure in order to facilitate fetal tissue donation; and
  - the researcher receiving fetal tissue must certify (s)he had no part in any decisions regarding the timing, method, or procedures used for the abortion.
- Federal and state laws regarding fetal tissue donation have as their primary concerns the protection of women and assurance of humanitarian goals.

**Attacking fetal tissue donations is the newest tactic in the overall strategy of stigmatizing abortion.**

- If individual cases of wrongdoing are discovered, they should be investigated and prosecuted.
- The fact that Life Dynamics, a group that opposes abortion by any means necessary, publicized its allegations to politicians and the media – and did not refer them directly to law-enforcement authorities - exposes their true intentions of using these charges to inflame the abortion debate.
- One goal of those opposed to both abortion and medical research using fetal tissue is the full disclosure of all confidential information to the government - including the names, addresses, and telephone numbers, of every individual and organization in the chain of fetal tissue possession - *thus exposing each to anti-choice harassment and violence*. Affected entities could be research universities, pharmaceutical companies, biotechnology firms, hospitals, doctors, other medical personnel, and women themselves. (It is worth noting that, although no evidence of widespread wrongdoing has been uncovered, Rep. Tom Coburn and other anti-choice members of Congress have introduced legislation to mandate the public reporting of many of these details.)
- A common tactic among anti-choice groups is to sensationalize the abortion debate and demonize doctors who perform abortions through the use of incendiary rhetoric. Doctors who perform abortions are just that – doctors. They are bound by the same laws and medical ethical standards as are all other medical professionals. Like other physicians, they work hard every day to provide quality health care services to their patients. Abortion is a legal, private medical decision that should be made by women in consultation with their medical caregivers, not by the government or politicians.

To: Reproductive Health Staff  
From: Allison Herwitt, Director of Government Relations  
Donna Crane, Legislative Representative  
Date: June 12, 2000  
Subject: **Amendment to Labor-HHS-Education bill**

This week, as the House continues its consideration of the FY 01 Labor, Health and Human Services, and Education appropriations bill, Rep. Tom Coburn (R-OK) or another anti-choice Representative may offer an amendment to ban the acquisition of fetal tissue with federal funds. ***NARAL strongly urges members to oppose this amendment, and will score the vote in its 2000 Congressional Record on Choice.***

stem cell research --- 2 ways to get  
may a. a. -  
① fetal tissue  
② human embryos

Michael J. Fox -


 HealthMATTERS

# Who's Running The Medicine Show?

By Julie Rovner

■ IT'S ONE OF THE FIRST RULES LAW STUDENTS LEARN: Never ask a witness a question if you don't already know the answer. It is a lesson Commerce Committee Republicans at a high profile hearing this month probably wish they had remembered.

The session before the panel's Health and Environment Subcommittee was supposed to be one of the splashiest hearings of the year — a look at allegations of the illegal sale for profit of fetal tissue — or “baby body parts” as anti-abortion activists referred to it.

Committee staff held not one but two press briefings leading up to the hearing, and it coincided with a report on ABC's “20/20” that featured a hidden camera interview in which the owner of a company that sold fetal tissue to researchers bragged of how much he could get. That was at least an apparent violation of federal law: The 1993 reauthorization for the National Institutes of Health that made legal the federal funding of research using fetal tissue allowed companies to recoup costs for its collection, but not to turn a profit. Allegations also were made that abortion procedures were being altered to obtain fetal tissue — putting women at risk and, again, violating the terms of the 1993 law.

But the man in the hidden video — physician Miles Jones — failed to respond to the committee's subpoena. And the man who did show up — whistleblower Dean Alberty — did put on a show, but not the one those who organized the hearing hoped.

Exactly who had what when remains in dispute, but the high drama at the hearing came when Alberty — under questioning from panel Democrats and some Republicans — admitted he had lied about some of his more inflammatory accusations. While Alberty did not directly recant the charges he made in his ABC interview, he did say he lied on a videotape he made for pay for Life Dynamics, a Texas anti-abortion group. Why? asked Rep. James Greenwood, R-Pa. “Because I needed the money,” Alberty replied.

Republicans said Democrats withheld the affidavit in which Alberty contradicted the story he had been telling until the day of the hearing. But Democrats say they got the affidavit directly from Republicans at least a week before the hearing.

Whoever is telling the truth, a hearing that was supposed to result in a torrent of publicity about the illegal sale of fetal tissue instead resulted in a series of stories in which Republicans pointed fingers at each other about who was to blame for the public relations disaster.

In the end, it was the far more experienced Democratic Commerce Committee staff — particularly the staff of ranking member John Dingell, D-Mich., the panel's former chairman, and Rep. Henry Waxman, D-Calif., the former Health and Environment Subcommittee chairman, who were able to find and exploit the weak points in the Republicans' case.

And therein, some say, could lie the future of the conference on managed care regulation legislation. It is no secret that the ranks of Republican staff on all three health-related committees — Ways and Means, Commerce, and Education and Workforce — have been decimated of late. Commerce suffered the loss of its most experienced health staffer, counsel Howard Cohen, in 1998. The Ways and Means Health Subcommittee staff has lost not one, but two staff directors since 1998: Charles (Chip) Kahn to the Health Insurance Association of America, and, this past January, Ann-Marie Lynch to the Pharmaceutical Research and Manufacturers of America.

It is not hard to figure out why Republicans have more trouble holding onto health staff than Democrats. For one thing, Republicans have tried to do more with less — cutting staff slots but not workloads, thus hastening the inevitable Hill burnout. Republican staffers also are more easily lured into higher paying, private sector jobs than Democrats.

“For most of these people,” said one longtime Democratic aide about GOP health staffers, working on the Hill “is ticket punching on the way downtown.”

In the meantime, lobbyists for organizations on both sides of the managed care debate are quietly expressing worries about the inexperience of the GOP staff, particularly on the House side — where some staffers have never participated in a full-fledged conference committee.

“It's a real problem,” said one insurance industry lobbyist. Added another insurance industry official, “There's a ramp you have to run up” to get up to speed on many of the issues, and many of the Republican staffers have not gotten there yet.

On the other hand, some of the Democrats' least experienced staffers have been around longer than all but a handful of the GOP staffers. In the end, the intangibles of a conference — not to mention the principals — have a much greater impact on the final outcome than staff work. But all things considered, when things get heated and complicated, it helps if you've been in the legislative trenches before.

Heather -

Could you <sup>pls</sup> read over the <sup>draft</sup> response to the Kate Botkin letter & call John Caron at 6-5575 with an (tell him you're calling for us) suggest changes, approval, etc. Thank you  
Am

Dear Kate:

Thank you for your letter and the materials about fetal tissue. As always, I'm grateful for your wise counsel, and I appreciate having the additional information. I've shared the materials about a human tissue industry developing around partial-birth abortions with Chris Jennings, my advisor for health issues.

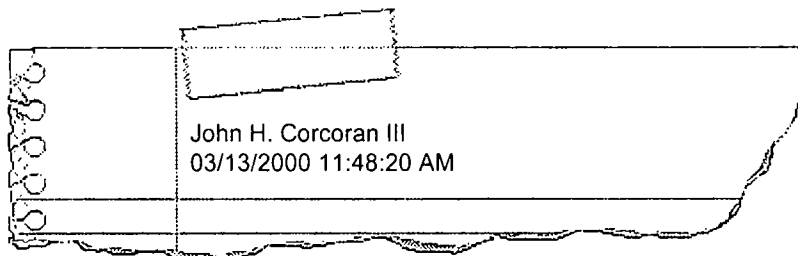
As you probably already know, the House Commerce Committee held a hearing last week to determine whether federal prohibitions on the sale of fetal tissue are being violated. As this investigation proceeds, I hope the Committee will examine the <sup>be</sup> sensational claims <sup>profitability is the</sup> of ~~some~~ with the even-handed and objective approach which should guide any criminal investigation of wrong-doing, and ~~avoid making this into a partisan issue~~. If laws preventing the trafficking of human tissue are being violated, those who've broken the law should be dealt with in the courts. ~~investigated and prosecuted.~~ <sup>investigated and prosecuted.</sup>

is there a 2nd page?

partial bill?  
do we want to  
sign that?

I continue to hope that the Congress will send me a bill that I can sign.

Thanks again for sharing your thoughts and prayers. God bless you.



Record Type: Record

To: Lauren M. Supina/WHO/EOP@EOP, Ann O'Leary/OPD/EOP@EOP  
cc: Angela Blake/WHO/EOP@EOP, Debra D. Alexander/WHO/EOP  
Subject: NEW Kate Britton Draft

Below is the re-written draft...

Note: In the 1st sentence of the 2nd paragraph, is it OK to say " ... on the **sale** of fetal tissue..." or should we say " .... on the **for-profit sale** of fetal tissue..." Is it not clear to just say "sale" without specifying the difference between *sale* and *sale for compensation greater than the 'cost'* ?

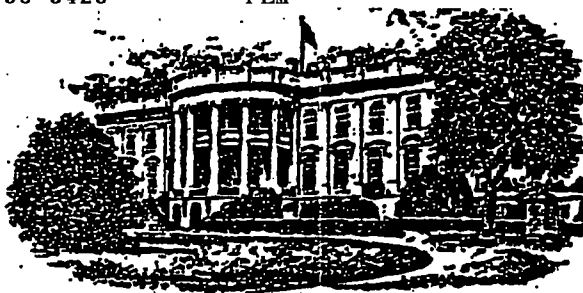
Also, do you think the comment about "avoid making this a partisan issue" is appropriate?  
Please let us know as soon as you've had a chance to review, as we'd like to get this letter signed ASAP.

thanks!!

John



Britton K.doc



THE WHITE HOUSE  
WASHINGTON

FACSIMILE / MEMO FROM: John Corcoran  
OFFICE OF PRESIDENTIAL LETTERS AND MESSAGES  
OLD EXECUTIVE OFFICE BUILDING, ROOM 93

VOICE: (202) 456-5515

FAX: (202) 456-5426

NUMBER OF PAGES (INCLUDING COVER): \_\_\_\_\_

DATE: 23/7/2000

TO: Ann O'Leary, DPC

VOICE: \_\_\_\_\_

FAX: 6-2876

☐ FOR YOUR ACTION

☒ INCOMING LETTER(S) FROM: Kate Britton  
RE: \_\_\_\_\_

☐ FOR YOUR REVIEW / APPROVAL

☐ PER MY E-MAIL OR VOICE-MAIL MESSAGE TO YOU

☐ PER YOUR REQUEST

ADDITIONAL COMMENTS: Ann - I only faxed a few pages of the "Life Dynamics Inc." booklet which Kate Britton sent. Let me know if you would like to review the entire document (50+ pages).  
Let me know... Thx.

John

Kate Britton

2-14-00

Mason  
2/15/00

00 FEB 15 AM 11:01

Send to Burkhardt?

Yes ☒No ☐

February 14, 2000

Dear Bill,

Carol

Thank you for your recent letter in response to the article on baby body-parts trafficking. I likewise appreciate that candor, with mutual respect, has been present always between us. Your letter says in closing that my counsel is important to you. Counsel on this topic will require some length. I would like to offer you my understanding--based upon a growing body of public reporting--of current practices regarding fetal tissue; my expression of the moral dilemma posed by these practices; and, in closing, my recommendation of three ways open to you for response to the crisis need in our country for protection of innocent human life.

#### *Reported Current Practices*

I note that your letter to me is dated exactly seven years from your signing of an executive order reversing the ban on federal funding of research using fetal tissue. On the heels of the loss of the restraining effect of this ban, a global marketplace in fetal tissue came into existence, utilizing supply generated by abortion. Demand from researchers with willingness to pay was immediate. Third-party suppliers have devised systems of procurement, and utilize language ("Fees for Services") on order forms and promotional materials, in order to circumvent existing laws whose clear intent, for reasons that are obvious, is to prohibit enterprise which profits from commerce in human tissue. An increase of elective partial-birth abortions, sustained as a legal procedure twice by your veto signature, has been a further boon to the tissue trafficking industry. In addition to whatever motives existed heretofore for the practice of partial-birth abortion, there is now a direct economic incentive to profit from the re-sale of its "by-product," an intact human corpse devoid of poisoning agents. A mother's decision to undergo a partial-birth abortion, advocated by a physician who stands to profit financially from her acceptance of his recommendation, represents a clear conflict of moral and medical ethics.

Methods of fetal tissue procurement vary. In some cases, trained "harvesters" are employed by suppliers, who have contracted directly with abortion providers to work on-site at abortion clinics, filling orders placed in advance by researchers seeking whole body parts, organs, skin and even blood. Some state and private universities acknowledge that they contract privately with their local abortion clinics for direct supplies of fetal tissue. Some abortion clinics send undifferentiated tissue

to locations where harvesters "pick" through the remains for tissue still useful to researchers. Evidence indicates that the vast percentage of tissue--requested and harvested--comes from completely healthy babies, born of healthy mothers. A surprisingly open system of what is manifestly buying and selling of human tissue is in operation in our nation. Vast profits are being made from the bodies of aborted American babies.

I am not in a position to provide complete documentation of these practices. However, I have enclosed a booklet on baby parts marketing to allow you the opportunity to gain direct, personal insights into fetal tissue trafficking. (I have marked a Price List for your reference.)

### *Moral Issues*

Researchers who use tissue from discarded or specially-generated embryos or aborted babies frequently state that their acts are exonerated by their intent to cure disease. Clearly, the reduction of disease and illness is a good and desirable objective for mankind, and scientific research has led to the elimination of much misery globally, especially in our century. But only those who lack faith in God can make the claim that disease is the greatest evil faced by man, justifying any action that opposes it. Intent is not all of morality. Methods and circumstances must also be examined. God tells man in the Bible that he may not kill. No disease, physical suffering, stage of development, limitation of life-expectancy, or attitude of others toward an individual life can gain an exception from this absolute injunction. The donation for research of tissue from adults after natural death, conjoined with consent, is permissible because the injunction against taking a life is not violated.

It is folly for our nation to tolerate acts of *absolute* evil (killing of innocent persons) in order to claim victory over *relative* evils (disease, effects of accident or aging). "Progress" over suffering at this cost is not progress at all. "*Man may not do evil that good may come of it.*" Rom 3:8 Disease and illness are not absolute evils, because their effects are limited to our earthly existence. Only sin, which can deprive man of eternal life, is an absolute evil in man's life. Its conquest required the blood of God's own Son. A society that stands upon the dismembered corpses of its own offspring in the pursuit of health or longer life cannot stand long. Indeed, it has already fallen. "*Since they did not see fit to acknowledge God, He gave them up to a base mind and improper conduct. They were filled with all manner of...murder...[they were] inventors of evil...faithless, heartless, ruthless. Though they knew God's decree that those who do such things deserve to die, they not only do them but approve those who practice them.*" Rom 1:28-32

**From:** Ann\_O'Leary@opd.eop.gov@inetgw2  
**To:** ATRXEB01.WTGATE("heather.howard@usdoj.gov@inetgw2" ...  
**Date:** 3/8/00 1:02pm  
**Subject:** Fetal Tissue draft for comments/revisions

Any comments?

----- Forwarded by Ann O'Leary/OPD/EOP on 03/08/2000 12:58  
PM -----

Lauren M. Supina  
03/08/2000 11:54 AM

Record Type: Record

To: See the distribution list at the bottom of this message

cc:  
Subject: Fetal Tissue draft for comments/revisions

Here's a draft of talking points on fetal tissue. Rachel & Devorah, please add any other substantive issues that may need to be included. Thanks.

On Wednesday, March 8, 20/20 will air a story on the third-party fetal tissue procurement businesses. On Thursday, March 9, the House Commerce Subcommittee on Health and the Environment will hold hearings on this issue. The AP is working on a story on the issue for tomorrow's papers.

The donation of fetal tissue for research is a legal and ethical practice. The NIH Revitalization Act of 1993 prohibits profiteering in the sale of fetal tissue for research. Most state laws prohibit the sale of fetal tissue for profit, just as no profit is allowed in the organ donation and procurement process. Federal law mandates that a woman may choose to donate fetal tissue for research and that such consent may be obtained only after she has made the decision to have the abortion. The issue of fetal tissue research is often used by anti-choice groups to highlight graphic images of abortion and particularly late-term or "partial birth" abortion.

Fetal tissue used for medical research has yielded significant advancements in the treatment of numerous diseases and medical conditions, including the development of polio and rubella vaccines. Research with fetal tissue promises to help treat many conditions such as spinal cord injury, cancer, Parkinson's disease, diabetes, multiple sclerosis, sickle cell anemia, leukemia, AIDS, birth defects, degenerative eye conditions, Alzheimer's and others. Aborted tissue would be discarded if it were not donated.

If individual cases of "brokering" or selling fetal tissue are discovered, they should be investigated and prosecuted. The alleged profiteering to be aired during the hearing and possibly on the 20/20 story is illegal under

federal law and punishable by fines, imprisonment or both. Critical research should not be jeopardized by allegations or isolated instances of illegality.

The Administration stands firmly that there is a need for fetal tissue research. However, if organizations or individuals participate in the profit from fetal tissue donation, they should be prosecuted.

Message Sent

To: \_\_\_\_\_

Rachel E. Levinson/OSTP/EOP@EOP  
Devorah R. Adler/OPD/EOP@EOP  
Ann O'Leary/OPD/EOP@EOP  
Barbara D. Woolley/WHO/EOP@EOP  
Broderick Johnson/WHO/EOP@EOP  
Elizabeth Gore/OMB/EOP@EOP

March 14, 2000

**MEMORANDUM FOR MELANNE VERVEER AND ANN LEWIS**

**FROM: HEATHER HOWARD AND RUBY SHAMIR**

**CC: ANN O'LEARY**

**SUBJECT: REVOCATION OF THE GAG RULE**

---

As you know, in 1993 the President revoked the Federal gag rule which prevented medical practitioners in Title X funded facilities from offering women their full set of family planning options, including abortion. Although the lift of the gag rule became effective when the President signed the executive order, the final rule for its revocation has only now been submitted for final review by OMB. The pro-choice groups have recommended that we release the final rule as quickly as possible. As the Administration finalizes the language of the rule, we are working through a number of issues.

**Option 1: Clean Revocation**

The proposed rule published in 1993 was a "clean" revocation of the gag rule and a return to the pre-1988 rule. HHS recommends that the final rule be a clean revocation because they believe this will engender less opposition legislatively and will make it harder to challenge the revocation legally. You should know that this proposal includes language reflecting current law's ban on the use of Title X funds to provide abortions:

*Projects supported under this rule must not provide abortion as a method of family planning*

This "must not provide abortion" language is a restatement of the pre-1988 rule and was the language proposed in 1993.

**Option 2: Nondirective Counseling Language**

The pro-choice community has urged us to make the rule stronger and more detailed by bringing in language from the accompanying guidance. Specifically, they have recommended adding language from the guidance fleshing out the requirements of nondirective counseling. Proposed language drafted by HHS would state that projects supported under this rule must:

*Offer pregnant women the opportunity to be provided information and counseling regarding: (a) prenatal care and delivery; (b) infant care, foster care or adoption; and (c) pregnancy termination. If requested to provide such information and counseling, provide neutral and nondirective counseling on each of the options, except for any options about which the pregnant woman indicates that she does not wish to receive information and counseling.*



NARAL

*Reproductive Freedom & Choice*

To: Reproductive Health Staff  
From: Allison Herwitt, Director of Government Relations  
Donna Crane, Legislative Representative  
Date: March 6, 2000  
Subject: ***Upcoming Hearing on Alleged Profiteering from Research Using Fetal Tissue***

On Thursday, March 9, the House Commerce Subcommittee on Health and the Environment will hold a hearing on the procurement of fetal tissue for research. The hearing is expected to air the allegation that some third-party fetal tissue procurement businesses are making a profit from their transactions. As the committee wades into these allegations, we expect some anti-choice lawmakers and activists – led by the anti-choice group Life Dynamics – also to make allegations that physicians are altering abortion procedures in order to obtain intact fetuses for donation to research. The ABC television program *20/20* is also scheduled to air a segment that includes allegations of illegal profiteering from fetal-tissue donation the evening before, March 8.

These practices, if true, are illegal, deplorable, and violate medical ethics. However, they are being raised in a political arena to sensationalize the debate about abortion in order to serve the larger agenda of curbing women's reproductive freedoms. **While the issues of reproductive choice and fetal tissue donation are – and should remain – separate, anti-choice members will be using these allegations to attack a woman's right to choose abortion.**

Following are key points concerning the relationship between elective abortions and the donation of fetal tissue to research:

- The donation of fetal tissue for research is a legal and ethical practice. Federal law allows a woman to donate aborted fetal tissue, which would be discarded otherwise, for scientific use, and sets out detailed guidelines to ensure that her decision is made freely, with proper information, and is free from conflicts of interest.
- The alleged profiteering to be aired during the hearing is illegal under federal law and punishable by fines, imprisonment, or both. If individual cases of wrongdoing are discovered, they should be investigated and prosecuted. Research using fetal tissue is important for advancing medical research and should not be jeopardized by unsubstantiated allegations or isolated instances of wrongdoing.

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- The accusations of illegal profiteering and altered abortion procedures were first raised in July 1999 by the anti-choice organization Life Dynamics, which advocates the end of abortion by any means necessary, including threats, intimidation, and violence.
- A stated goal of those opposed to both abortion and medical research is the full disclosure of all confidential information – including the names, addresses, and telephone numbers of every individual and organization in the chain of fetal tissue procurement – *thus exposing each to anti-choice harassment and violence*. Vigorous enforcement of existing state and federal laws is the responsible course of action. Allegations of wrongdoing should be brought directly to law-enforcement authorities so that prosecutions may occur if warranted.

Additional information about the donation of aborted fetal tissue for research is enclosed for your information. If you have any questions, please contact Allison Herwitt at 973-3003 or Donna Crane at 973-3047.



NARAL

*Reproductive Freedom & Choice*

## FETAL TISSUE AND THE RIGHT TO CHOOSE

**Background:** In July 1999, an anti-choice group called Life Dynamics circulated a letter on Capitol Hill charging that physicians were altering abortion procedures in order to obtain intact fetuses for research using fetal tissue. Life Dynamics also claimed that the tissue was being sold for profit. Founded in 1992, Life Dynamics is dedicated to using "guerilla" methods to make abortion unavailable by any means necessary, including threats, harassment, intimidation, and violence. Life Dynamics' allegations found a sympathetic ear among some anti-choice members of Congress. In November 1999, shortly before adjourning for the year, Rep. Tom Tancredo (R-CO) authored a resolution directing Congress to conduct hearings on this alleged illegal profiteering; the hearing has now been scheduled for March 9, 2000 in the House Commerce Subcommittee on Health and the Environment. Life Dynamics has also publicized its allegations to the media, and as a result, the ABC television program *20/20* will air a segment on the topic of third-party fetal tissue procurement businesses on March 8, 2000. While the thrust of the *20/20* segment and the House Subcommittee's hearing will be to focus on the alleged third party fetal tissue procurement businesses, anti-choice lawmakers and advocacy groups—led by Life Dynamics—will use this opportunity to inflame the entire discussion of fetal tissue donation, and to embroil it in their larger anti-choice politics. The strategy of using sensationalistic rhetoric and images to inflame the abortion rights debate has been a long-term strategy and practice of anti-choice forces, most recently on display in the tactics against so-called "partial-birth" abortion.

**Legal Parameters on Fetal Tissue Research:** The NIH Revitalization Act of 1993 prohibits profiteering in the sale of fetal tissue for research. In addition, numerous state laws prohibit the sale of fetal tissue for profit, just as no profit is allowed in the organ donation and procurement process. Further, federal law mandates that a woman may choose to donate fetal tissue for research, and that such consent may be obtained only after she has made the decision to have the abortion. Other rules bar conflicts of interest among abortion providers and researchers. **NARAL supports and endorses federal and state laws banning profiteering, ensuring informed consent and barring conflicts of interest. Further, we believe that research should only proceed in harmony with legal and ethical guidelines on the donation**

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**and use of fetal tissue for research. Violations of law should be prosecuted.**

**Benefits of Fetal Tissue Research:** Fetal tissue has unique properties making it critical for research – cells can rapidly divide, grow and adapt to new environments.

Fetal tissue has yielded significant advances in the treatment of numerous diseases and medical conditions – from polio and rubella vaccines to treatments for Parkinson's disease.

If not over-regulated or threatened out of existence, fetal tissue research will likely assist progress in the treatment of other conditions facing Americans – spinal cord injuries, Alzheimer's, AIDS, cancer, diabetes, multiple sclerosis, birth defects, sickle cell anemia, leukemia, Huntington's, stroke, degenerative eye conditions, radiation poisoning, and others.

**Allegations of illegal acts should be individually and thoroughly investigated and if proven, punished under the law. Critical research should not be jeopardized by allegations or isolated instances of illegality.**

**Fetal Tissue and the Right to Choose:** Some anti-choice lawmakers will use the March 9, 2000 hearing in the House Commerce Subcommittee on Health and the Environment not only to spotlight the alleged abuses in the fetal tissue procurement field, but also to make sensational allegations about abortion procedures. The real agenda of many in Congress is not to investigate and prosecute violations of law concerning fetal tissue procurement – but to inflame the debate about abortion and demonize its practice.

Anti-choice lawmakers will allege that women are not being given a fair opportunity to consent to the donation for research. Yet as a matter of law and practice, the decision to have an abortion is separate from the decision to donate fetal tissue. It is only after a woman decides and consents to have an abortion that she is presented with the option of donating the tissue to research. This is a matter of both ethics and law, which NARAL strongly supports.

Anti-choice lawmakers will allege that doctors are altering procedures in order to obtain better fetal tissue specimens. This is patently illegal. Federal law explicitly prohibits anyone from attempting to influence the timing or method of terminating a pregnancy for research. Again, this is both an ethical and legal imperative, which NARAL strongly supports.

Anti-choice lawmakers will use the issue as a vehicle to revive allegations regarding so-called "partial-birth" abortion. Again, federal law prohibits anyone from attempting to influence the timing or method of terminating a pregnancy for research. Moreover, "partial-birth" abortion is a political term, not a medical term, which is unspecific to a single abortion procedure. So any proposed "solution" that would involve banning "partial-birth" abortion is misguided and threatening to women's health, as such bans encompass many safe abortion procedures throughout pregnancy.

**Any problems relating to fetal tissue procurement or research must be distinguished from the right to choose.**

#### **Congressional Options:**

Last year, during the Senate debate on so-called "partial-birth" abortion, Senator Bob Smith (R-NH) offered an amendment requiring any individual involved in fetal tissue research to disclose confidential information to the government. This would have included the disclosure of names and locations of anyone involved in the transfer of fetal tissue, from the clinic where the abortion is performed, to the truck driver, to the research scientist, university or pharmaceutical company. All could be targets of anti-choice harassment and violence. **The Congress must reject this option.** Although the Smith Amendment failed 46-51, it exposed how far anti-choice lawmakers are willing to take their campaign to inflame this important scientific process.

Vigorous enforcement of existing state and federal laws is the responsible course of action. Allegations of illegal activities should be brought directly to law enforcement authorities so that prosecutions may occur if warranted.

#### **Conclusion:**

As any investigation or inquiry into alleged abuses in fetal tissue procurement unfolds, we urge Members of Congress to refer wrongdoers to law enforcement officials without hindering life saving research, jeopardizing clinics providing valuable health services, or restricting a woman's right to choose.



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*Reproductive Freedom & Choice*

## **FETAL TISSUE RESEARCH AND CHOICE**

**The donation of fetal tissue for research is a legal and ethical practice.  
Profiteering is illegal.**

- The NIH Revitalization Act of 1993 provides that "[I]t shall be unlawful for any person to knowingly acquire, receive, or otherwise transfer any human fetal tissue for valuable consideration..." Under this law, selling fetal tissue is a federal crime punishable by fines, imprisonment for up to ten years, or both. Similarly, the National Organ Transplant Act makes it unlawful for a person "to knowingly acquire, receive, or otherwise transfer any human organ," including fetal tissue, "for valuable consideration..." This law also permits the reimbursement for certain expenses related to fetal tissue donation (transportation, storage, preservation, etc.), just as it does for organ donation.
- Aborted tissue would be discarded if it were not donated, and legal guidelines require that a woman's decision to terminate a pregnancy is made first – and totally separately – from that of whether to donate tissue.
- When asked to review the appropriateness of research using fetal tissue, a National Institutes of Health panel recommended allowing such research, as long as sufficient protections for women and against conflicts of interest were enacted. (Their recommendations were written into the federal law that now governs research with fetal tissue.) The Institute of Medicine and National Academy of Sciences have also examined the issue and concluded similarly.
- Even those who may oppose abortion in the strongest possible way should support fetal tissue research. As bioethicist John Robertson argues: "In sum, fetal tissue transplants are practically and morally separate from decisions to end unwanted pregnancy." Further, Robertson says, "The disparate issues ... can be treated separately, so that ethical concerns and the politics of abortion do not impede the progress of important research."

**Research using fetal tissue is an important component of medical science.**

- Due to their capacity to divide rapidly, grow, and adapt to new environments, fetal cells hold unique promise for medical research. Research using fetal tissue has yielded significant advancements in the treatment of numerous diseases and medical conditions, including the development of polio and rubella vaccines. Research with fetal tissue promises to help treat many conditions such as spinal cord injury, cancer, Parkinson's disease, diabetes, multiple sclerosis, birth defects, sickle cell anemia, leukemia, AIDS,

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Alzheimer's, Huntington's, stroke, degenerative eye conditions, radiation poisoning, and others.

**Federal law ensures that a woman's decision to donate is made freely, with proper information, and free from conflicts of interest.**

- Federal law not only prohibits the sale of fetal tissue for profit, it also provides that:
  - the physician certify that the woman consented to have the abortion before consenting to donate the fetal tissue, ensuring the two decisions are made independently;
  - the woman certify that she donated the tissue without restriction and without knowledge of the identity of any transplant recipient;
  - no inducements – financial or otherwise – offered to terminate a pregnancy for purposes of research;
  - the woman be informed of any known medical risks associated with tissue donation;
  - the physician disclose any interest (s)he may have in the research to be conducted with the tissue;
  - the physician does not alter an abortion procedure in order to facilitate fetal tissue donation; and
  - the researcher receiving fetal tissue must certify (s)he had no part in any decisions regarding the timing, method, or procedures used for the abortion.
- Federal and state laws regarding fetal tissue donation have as their primary concerns the protection of women and assurance of humanitarian goals.

**Attacking fetal tissue donations is the newest tactic in the overall strategy of demonizing abortion.**

- If individual cases of wrongdoing are discovered, they should be investigated and prosecuted.
- The fact that Life Dynamics, a fringe anti-choice group, publicized its allegations to politicians and the media – and did not refer them directly to law-enforcement authorities - exposes their true intentions of using these charges to inflame the abortion debate.
- One goal of those opposed to both abortion and medical research is the full disclosure of all confidential information to the government - including the names, addresses, and telephone numbers, of every individual and organization in the chain of fetal tissue possession - *thus exposing each to anti-choice harassment and violence*. Affected entities could be research universities, pharmaceutical companies, biotechnology firms, hospitals, doctors, other medical personnel, and women themselves.
- A common tactic among anti-choice groups is to sensationalize the abortion debate and demonize doctors who perform abortions through the use of

incendiary rhetoric: Doctors who perform abortions are just that – doctors. They are bound by the same laws and medical ethical standards as are all other medical professionals. Like other physicians, they work hard every day to provide quality health care services to their patients. Abortion is a legal, private medical decision that should be made by women in consultation with their medical caregivers, not by the government or politicians.



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## **FETAL TISSUE RESEARCH: MOVING BEYOND ANTI-CHOICE POLITICS**

Due to their capacity to rapidly divide, grow, and adapt to new environments, fetal cells hold unique promise for medical research into a variety of diseases and medical conditions.<sup>1</sup> In fact, fetal tissue research<sup>2</sup> in the 1950s was vital to medical research that led to the development of two life-saving vaccines — polio and rubella.<sup>3</sup> Despite this impressive history and the promise of fetal tissue research, federal funding of fetal tissue research was severely restricted in the late 1980s. Although President Clinton lifted the moratorium on funding for certain types of fetal tissue research in 1993,<sup>4</sup> the continued anti-choice attack on such promising medical research gravely damages the ability of doctors and patients to fight disease and battle serious medical conditions. Moreover, recent proposals to further regulate fetal tissue research threaten a woman's right to choose. This memo will discuss the importance of fetal tissue research, the history of anti-choice attacks against federal funding for such research, and existing laws governing fetal tissue research.

### **The Importance of Fetal Tissue Research**

Fetal tissue research has yielded significant advancements in the treatment of numerous diseases and medical conditions. In particular, fetal neural cell transplants have demonstrated promise in the treatment of Parkinson's disease, a neuro-degenerative disorder affecting approximately 1.5 million people in the United States.<sup>5</sup> The transplantation of fetal neural cells into the brains of Parkinson's patients has allowed some patients to regain gait, speech, speed of movement, and quality of life.<sup>6</sup> Other examples of the potential benefits of fetal tissue research include:

- Continued research into the transplantation of fetal neural cells could lead to effective treatments for other neuro-degenerative disorders, including Alzheimer's and Huntington's disease.<sup>7</sup>
- Fetal nerve tissue has been used to treat spinal cord injury, holding promise to end certain types of paralysis.<sup>8</sup>

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- According to scientists at the 1997 Sixth International Neural Transplantation Meeting and the Institute of Medicine's 1994 report on fetal research, fetal tissue transplants may be useful in treating patients with diabetes, multiple sclerosis, birth defects, and radiation poisoning.<sup>9</sup>
- Georgetown University researchers found that fetal bone marrow was more effective for transplantation than either adult marrow or umbilical cord blood, and holds promise for the treatment of sickle cell anemia, leukemia, and AIDS.<sup>10</sup>
- Scientists in the United States are testing fetal retinal transplants as a treatment for macular degeneration which affects millions of people and is "the leading cause of old-age blindness in the United States." In addition, according to doctors in both India and the United States, fetal retinal transplantation has shown promise in treating retinitis pigmentosa, a disease afflicting approximately 100,000 Americans.<sup>11</sup>

### **Federal Funding for Fetal Tissue Research**

Despite the overwhelming potential of fetal tissue research, federal funding for such research has been severely restricted due to anti-choice politics. Since the late 1980s, when fetal tissue transplantation research in the United States first received national attention,<sup>12</sup> anti-choice forces have used abortion politics to limit federal funding for such research. As a result, from the late 1980s to 1993, federal funding was extremely limited, despite the fact that a medical advisory panel found that fetal tissue research, within certain safety guidelines, was acceptable public policy.

- In 1988, the Department of Health and Human Services (DHHS) imposed an explicit moratorium on federal funding for fetal tissue transplantation research involving the use of tissue from induced abortions.<sup>13</sup>
- Thereafter, at the request of DHHS, the National Institutes of Health (NIH) formed an advisory panel to determine the appropriateness of fetal tissue research from induced abortions, including whether such research would encourage women to have abortions, as alleged by anti-choice forces. The NIH advisory committee found no empirical evidence to support this claim and, by a vote of 19-2, determined that fetal tissue research from induced abortions was acceptable public policy provided that the abortion decision was made separately from the decision to donate fetal tissue and that abortion procedures were not altered for the purpose of obtaining fetal tissue for transplantation or medical research.<sup>14</sup>

- In late 1989, however, Louis W. Sullivan, the Secretary of Health and Human Services, extended the ban on fetal tissue transplantation research from induced abortions indefinitely, bowing to pressure from the Bush Administration and Congress to avoid activities related to abortion.<sup>15</sup>

Due to this lack of federal support, researchers in the United States were unable to fully explore the potential of fetal tissue research. Although limited fetal tissue research occurred in the private sector, the federal ban inhibited the flow of private funds to such controversial research projects. Consequently, the United States was sidelined as other countries in Europe and Asia achieved medical advances in the treatment of disease through fetal tissue research. In addition, private sector research was conducted without the benefit of the scientific monitoring and oversight typically provided by the federal government.<sup>16</sup>

In 1990, Representative Henry Waxman (D-CA) introduced the Research Freedom Act, a bill designed to end the ban on federal funding for fetal tissue transplantation research and to prohibit the executive branch from imposing policy on the NIH.<sup>17</sup> Although the Act passed both houses of Congress, it was vetoed by President Bush, and the House failed to override the veto by a vote of 271-156.<sup>18</sup> In 1992, a second medical advisory panel, convened by the Institute of Medicine (IOM) and the National Academy of Sciences (NAS), met to assess the status of fetal research, including fetal tissue transplantation. At a subsequent conference, the panel stressed the need for federal funding to explore promising new areas of fetal research.<sup>19</sup> Responding to the long-standing recommendations of the scientific community, President Clinton issued an executive order in January 1993, immediately upon taking office, lifting the ban on federal funding for research involving transplantation of fetal tissue from induced abortions. In lifting the ban, President Clinton explained that it had "significantly hampered the development of possible treatments for individuals afflicted with serious diseases and disorders." In conjunction with the executive order, the administration also directed the NIH to develop guidelines for fetal tissue transplantation research.<sup>20</sup>

### **Anti-Choice Attacks on Fetal Tissue Research Continue**

Although the ban on the use of federal funds for research involving transplantation of fetal tissue from induced abortions was lifted in the early 1990s, and Congress subsequently established guidelines to ensure that federal funding for fetal tissue research does not promote abortion,<sup>21</sup> anti-choice attacks continue to hamper the development of this research.

- In 1996, a bill to increase federal funding for Parkinson's disease research was unanimously passed in the Senate, but died in House committee even though a majority of House members were listed as co-sponsors.<sup>22</sup>

Anti-choice Representative Chris Smith (R-NJ) led the fight to defeat this bill by introducing a similar bill in the House to increase federal funding for Parkinson's research, but with language prohibiting the use of federal funds for fetal tissue research performed from induced abortions.<sup>23</sup>

- The Senate subsequently considered and approved an amendment to the FY98 Labor, Health and Human Services, Education, and Related Agencies Appropriations bill that established new research centers for Parkinson's disease and provided grants to scientists working in the field of Parkinson's research.<sup>24</sup> Senator Dan Coats (R-IN) introduced a second amendment to prohibit the use of federal funds for Parkinson's research on fetal tissue derived from an induced abortion. On September 4, 1997, the Coats amendment was defeated by a vote of 38-60.<sup>25</sup>

The General Accounting Office (GAO) issued a report in 1997 indicating that all federally funded fetal tissue transplantation projects were meeting established standards governing informed consent and fetal tissue acquisition,<sup>26</sup> and no complaints regarding fetal tissue research have been lodged with the NIH, the agency charged with the oversight of federally funded research, since the GAO report was issued.<sup>27</sup> Nonetheless, anti-choice attacks on fetal tissue research have continued. Most recently, the attacks have focused on alleged illegal profiteering from fetal tissue.

- In July 1999, Life Dynamics, an organization on the fringe of the anti-choice movement, circulated a letter to members of Congress alleging that physicians are altering their abortion procedures to obtain intact fetuses that can be sold for profit.<sup>28</sup> On October 21, 1999, in response to this letter, Senator Bob Smith (R-NH) offered an amendment to the so-called "Partial-Birth" Abortion Ban Act. This amendment would require entities conducting fetal tissue research to disclose confidential information to the government, including the names, addresses, and telephone numbers of any organization in the chain of fetal tissue possession – such as the health care clinic that performs the abortion, the fetal tissue procurement agency, and the company responsible for transporting the tissue to the research facility – **thereby exposing each link in the chain of possession to anti-choice harassment and violence.** As stated by Senator Boxer (D-CA), "I fear [that such a requirement] could escalate the violence at health care clinics all over this country." Senator Smith's amendment was defeated by a vote of 46-51.<sup>29</sup>
- In November 1999, again in response to the letter circulated by Life Dynamics, the House passed a resolution introduced by Representative Tom Tancredo (R-CO) by voice vote directing Congress to conduct hearings on alleged illegal profiteering from fetal tissue.<sup>30</sup> And, in February 2000, Senator Bob Smith (R-NH) requested approval from the Senate Judiciary Committee to subpoena five witnesses to testify

regarding allegations of illegal profiteering from fetal tissue. To support this request, Senator Smith asserted that the witnesses will establish “numerous illegal and immoral” practices in fetal tissue research, including that physicians are altering abortion procedures— and in some cases delivering live fetuses before killing them— to obtain fetal tissue for research; that physicians are not complying with established informed consent procedures for women donating fetal tissue; and that entities involved in fetal tissue procurement are illegally profiting from fetal tissue research.<sup>31</sup>

### **Federal Law Already Prohibits the Sale of Fetal Tissue**

If the allegations regarding the sale of fetal tissue are true, such activities are punishable under existing federal law.

- The NIH Revitalization Act of 1993 provides that “[i]t shall be unlawful for any person to knowingly acquire, receive, or otherwise transfer any human fetal tissue for valuable consideration if the transfer affects interstate commerce.” 42 U.S.C.A. § 289g-2(a). The law defines “human fetal tissue” very broadly to include “tissue or cells obtained from a dead human embryo or fetus after a spontaneous or induced abortion, or after a stillbirth.” 42 U.S.C.A. § 289g-1(g). Under this law, selling fetal tissue is a federal crime punishable by fines, imprisonment for up to ten years, or both. 42 U.S.C.A. § 289g-2(c). In order to permit reimbursement for legitimate expenses in cases of fetal tissue donation, however, the law specifies that “valuable consideration” does not include “reasonable payments associated with the transportation, implantation, processing, preservation, quality control, or storage of human fetal tissue.” 42 U.S.C.A. § 289g-2(d)(3).
- Similarly, the National Organ Transplant Act (NOTA) makes it unlawful for a person “to knowingly acquire, receive, or otherwise transfer any human organ,” including fetal tissue, “for valuable consideration for use in human transplantation if the transfer affects interstate commerce.” 42 U.S.C.A. § 274e(a), (c)(1). Under NOTA, selling fetal tissue for transplantation is a federal crime punishable by fines up to \$50,000, imprisonment for up to five years, or both. 42 U.S.C.A. § 274e(b). This law also permits reimbursement for certain expenses related to fetal tissue donation. 42 U.S.C.A. § 274e(c)(2).

Numerous states have similar provisions prohibiting the sale of fetal tissue,<sup>32</sup> and federal law requires all federally funded fetal tissue research projects to comply with “any applicable State or local laws.” 45 C.F.R. § 46.210.

## **Federal Law Establishes Additional Parameters for Fetal Tissue Collection**

Federal law not only prohibits the sale of fetal tissue, it also regulates tissue collection in any fetal tissue transplantation research supported by federal funds.<sup>33</sup> Specifically, the law establishes guidelines to separate the decision to abort from the decision to donate, outlines informed consent procedures for women donating fetal tissue, contains safeguards against conflicts of interest, and prohibits changes in medical practice. In addition, many states have passed similar laws regulating fetal tissue collection.

- **Preventing undue influence on the decision to terminate a pregnancy**

In particular, federal law states that fetal tissue from an induced abortion may be used for transplantation only if the attending physician completes a signed, written statement certifying that “the consent of the woman for the abortion was obtained prior to requesting or obtaining consent” for a fetal tissue donation. 42 U.S.C.A. § 289g-1(b)(2)(A)(i). Further, the law requires a signed, written statement from the woman confirming that she donated the fetal tissue without restriction and that she was not informed of the identity of any transplant recipients. 42 U.S.C.A. § 289g-1(b)(1)(A)-(C). Additionally, no inducements, financial or otherwise, may be offered to terminate a pregnancy for purposes of research. 45 C.F.R. § 46.206(b).<sup>34</sup>

- **Requiring informed consent**

A woman must be informed of “any known medical risks to the woman or risks to her privacy that might be associated” with the tissue donation. 42 U.S.C.A. § 289g-1(b)(2)(C)(ii).<sup>35</sup>

- **Mandating disclosure of physician interest**

Full disclosure is also required with regard to the “physician’s interest, if any, in the research to be conducted with the tissue.” 42 U.S.C.A. § 289g-1(b)(2)(C)(i).

- **Prohibiting changes in medical practice**

Finally, federal law does not permit physicians to alter an abortion procedure to facilitate fetal tissue donation. The law stipulates that the attending physician must certify in writing that “no alteration of the timing, method, or procedures used to terminate the pregnancy was made solely for the purposes of obtaining the tissue.” 42

U.S.C.A. § 289g-1(b)(2)(A)(ii). In addition, a researcher receiving fetal tissue must sign a statement indicating that he or she had no part in any decisions regarding the "timing, method, or procedures" used for abortion. 42 U.S.C.A. § 289g-1(c)(4); 45 C.F.R. § 46.206(a)(3)-(4).

## **Conclusion**

Existing federal law regulating fetal tissue research should be vigorously enforced, and, if individuals or organizations are engaged in illegal activity, they should be prosecuted to the full extent of the law. However, fetal tissue research is too crucial to the lives and health of American families to fall victim to anti-choice politics. It is time to recognize the devastating consequences and lost potential from anti-choice obstruction of advances in fetal tissue research.

2/22/2000

## Notes:

<sup>1</sup> Rachel B. Gold and Dorothy Lehrman, "Fetal Research Under Fire: The Influence of Abortion Politics," *Family Planning Perspectives*, vol. 21, no.1 (Jan./Feb. 1989): 7.

<sup>2</sup> Fetal tissue research involves the use of cells from dead fetuses that have been aborted. It does not involve taking tissue from live fetuses either in or ex utero. John A. Robertson, "Rights, Symbolism, and Public Policy in Fetal Tissue Transplants," in *Life Choices: A Hastings Center Introduction to Bioethics*, Joseph H. Howell and William F. Sale, eds. (Washington, D.C.: Georgetown University Press, 1995), 444. Fetal tissue from induced abortions is preferable to tissue from spontaneous abortions, or miscarriages, because it is easier to collect — most spontaneous abortions occur absent medical supervision — and because fetuses obtained from spontaneous abortions often contain genetic abnormalities. Daniel J. Garry et al., "Sounding Board: Are There Really Alternatives to the Use of Fetal Tissue from Elective Abortions in Transplantation Research?," *New England Journal of Medicine*, vol. 327, no. 22 (Nov. 1992): 1592, 1595; Gold and Lehrman, "Fetal Research Under Fire," 6-7. Fetal tissue research may involve (1) growing fetal cells in laboratory dishes to test the effects of drugs, viruses or other infections and/or (2) transplanting fetal cells into patients to combat disease. Conference Committee on Fetal Research and Applications, Division of Health Promotion and Disease Prevention, Institute of Medicine (IOM), *Fetal Research and Applications: A Conference Summary* (Washington, D.C.: National Academy Press, 1994), 6.

<sup>3</sup> Don Colburn, "The Fetus: Medicine, Law, Morality," *Washington Post*, Oct. 18, 1988, Z16; Gold and Lehrman, "Fetal Research Under Fire," 6-7.

<sup>4</sup> Memorandum for the Secretary of Health and Human Services, Federal Funding of Fetal Tissue Transplantation Research, 58 Fed. Reg. 7457 (Jan. 22, 1993).

<sup>5</sup> Gold and Lehrman, "Fetal Research Under Fire," 7; The National Parkinson Foundation, Inc., "What the Patient Should Know," <<http://www.parkinson.org/pdedu.htm>> (2/18/00); Carl T. Hall, "Solving the Parkinson's Puzzle: Scientists Report Promising Results in Research to Help Cure Disease," *San Francisco Chronicle*, Jan. 31, 2000, A6.

<sup>6</sup> Anne H. Chisholm, "Fetal Tissue Transplantation for the Treatment of Parkinson's Disease: A Review of the Literature," *Journal of Neuroscience Nursing*, vol. 28, no.5 (Oct. 1996): 329. In 1999, preliminary findings from the first federally funded trial studying fetal cell transplants and their effectiveness in treating Parkinson's disease indicate that, once implanted into the brains of Parkinson's patients, fetal cells "do grow and divide and provide some patients with relief," particularly patients under 60 years of age. "Fetal Cell Study Shows Promise for Parkinson's," *Los Angeles Times*, Apr. 22, 1999, A29.

<sup>7</sup> Garry et al., "Sounding Board," 1592; see also James E. Goddard, "The NIH Revitalization Act of 1993 Washed Away Many Legal Problems with Fetal Tissue Transplantation Research But a Stain Remains," *Southern Methodist University Law Review*, vol. 49 (Jan./Feb.1996): 375, 378; Nikki Melina Constantine Bell, "Regulating Transfer and Use of Fetal Tissue in Transplantation Procedures: The Ethical Dimensions," *American Journal of Law & Medicine*, vol. 20 (1994): 277, 278; Gold and Lehrman, "Fetal Research Under Fire," 7.

<sup>8</sup> Warren E. Leary, "Fetal Tissue Injected Into Injured Spinal Cord," *New York Times*, July 12, 1997; Sally Squires, "Spinal Cord Repair Research Yields Results," *Washington Post*, Sept. 22, 1992, Z06; Gold and Lehrman, "Fetal Research Under Fire," 7.

<sup>9</sup> Joan I. Samuelson, "Tissue Transplant Field Gaining Rapid Sophistication, Experts Say," *The Action Reporter* (Parkinson's Action Network), vol. 8, no. 1 (Apr. 1997): 2; IOM, *Fetal Research and Applications*, 7.

<sup>10</sup> Jennifer Rothacker, "Marrow From Fetuses Effective in Transplants," *Austin American-Statesman*, May 4, 1997, A7.

<sup>11</sup> Brenda Warner Rotzoll, "Abortion Foes Blast Use of Fetal Tissue," *Chicago Sun-Times*, Feb. 2, 1997, 10; "Fetal Retinal Cells Transplanted in Search for Eye Disease Cure," *Washington Post*, Feb. 1, 1997; Dick Kaukas, "Doctor Tries to Reverse Eye Ailment: Fetal Tissue Tested to Treat Blinding Disease," *Louisville Courier-Journal*, May 13, 1999, 1B; Richard A. Knox, "Fetal Tissue Reported to Aid Sight," *Boston Globe*, Nov. 18, 1996, C1.

<sup>12</sup> In 1985, American scientists first transplanted fetal cells into humans. Thereafter, a group of NIH scientists sought federal funds for Parkinson's disease research involving fetal tissue transplantation. Memorandum for the Secretary of Health and Human Services, Federal Funding of Fetal Tissue Transplantation Research, 58 Fed. Reg. 7457 (Jan. 22, 1993); Chrysso Barbara Sarkos, "The Fetal Tissue Transplant Debate in the United States: Where is King Solomon When You Need Him?," *Journal of Law and Politics*, vol. 7 (Winter 1991): 379, 401-03; Gold and Lehrman, "Fetal Research Under Fire," 9-10.

<sup>13</sup> Memorandum for the Secretary of Health and Human Services, Federal Funding of Fetal Tissue Transplantation Research, 58 Fed. Reg. 7457 (Jan. 22, 1993); IOM, *Fetal Research and Applications*, 9; Garry et al., "Sounding Board," 1592.

<sup>14</sup> Gold and Lehrman, "Fetal Research Under Fire," 10-11; Bell, "Regulating Transfer and Use of Fetal Tissue in Transplantation Procedures," 278-79.

<sup>15</sup> Memorandum for the Secretary of Health and Human Services, Federal Funding of Fetal Tissue Transplantation Research, 58 Fed. Reg. 7457 (Jan. 22, 1993); IOM, *Fetal Research and Applications*, 9; Garry et al., "Sounding Board," 1592; Sarkos, "The Fetal Tissue Transplant Debate," 413; Richard Lacayo, "Pro-Choice? Get Lost: Antiabortion Views are a Must at Health and Human Services," *Time Magazine*, Dec. 4, 1989, 43.

<sup>16</sup> John C. Fletcher, "The Suppression of Biomedical Research in the U.S.," in *The Politics of Abortion: The Impact on Scientific Research*, Bass and Howes, Inc., eds. (Washington, D.C.: NARAL Foundation, 1991), 9; see also IOM, *Fetal Research and Applications*, 1; Sarkos, "The Fetal Tissue Transplant Debate," 403-04; Joanna H. Kinney, "Restricting Donative Choice: Fetal Tissue Transplantation and Respect for Human Life," *Journal of Law and Health*, vol. 10 (1995-1996): 268-69.

<sup>17</sup> Research Freedom Act of 1990, H.R. 5456, 101<sup>st</sup> Cong. (Aug. 3, 1990).

<sup>18</sup> The Research Freedom Act went to President Bush as part of the National Institutes of Health Revitalization Amendments of 1992, H.R. 2507, 102<sup>nd</sup> Cong. (June 3, 1991). President Bush vetoed the bill, in part, because it permitted the use of fetal tissue from induced abortions, which, according to the White House, had the "potential for promoting and legitimizing abortion." President's Message to the House of Representatives Returning Without Approval the National Institutes of Health Revitalization Amendments of 1992, Weekly Comp. Pres. Doc., vol. 28 (June 23, 1992): 1132, 1133.

<sup>19</sup> IOM, *Fetal Research and Applications*, 51, 60-61.

<sup>20</sup> Memorandum for the Secretary of Health and Human Services, Federal Funding of Fetal Tissue Transplantation Research, 58 Fed. Reg. 7457 (Jan. 22, 1993); Office of the Secretary,

Department of Health and Human Services, "Notices: Actions Regarding Family Planning Projects, Transplantation of Human Fetal Tissue, and Importation of the Drug Mifepristone [sic]," 58 Fed. Reg. 7468 (Feb. 5, 1993); IOM, *Fetal Research and Applications*, 9.

<sup>21</sup> National Institutes of Health Revitalization Act of 1993, Pub. L. No. 103-43, §§ 111-12 (codified at 42 U.S.C.A. §§ 289g-1, 289g-2).

<sup>22</sup> The Parkinson's research bill, as originally introduced, died in Senate committee. Morris K. Udall Parkinson's Research, Assistance, and Education Act of 1995, S. 684, 104<sup>th</sup> Cong. (Apr. 6, 1995). However, the substantive provisions of the bill were incorporated into a bill related to the National Institutes of Health that passed the Senate by Unanimous Consent and then died in House Committee. National Institutes of Health Revitalization Act of 1996, S. 1897, 104<sup>th</sup> Cong. (Sept. 26, 1996); see also Letter from Honorable Christopher H. Smith, House of Representatives, to members of the House of Representatives (Apr. 3, 1997) (on file with NARAL).

<sup>23</sup> Parkinson's Research, Assistance, and Education Act of 1996, H.R. 3514, 104<sup>th</sup> Cong. (May 22, 1996).

<sup>24</sup> On November 13, 1997, the appropriations bill was enacted, including the funding for Parkinson's research. Departments of Labor, Health and Human Services, Education, and Related Agencies Appropriations Act of 1998, Pub. L. No. 105-78, 111 Stat. 1467. From FY98 to FY99, the total amount of funds appropriated for research on Parkinson's disease equaled \$242.5 million. Letter from Lee Pushkin, Chief, Division of Budget Policy and Resource Analysis, Office of Financial Management, National Institutes of Health (Feb. 18, 2000) (on file with NARAL).

<sup>25</sup> 143 Cong. Rec. S8736 (daily ed. Sept. 3-4, 1997); see also National Abortion and Reproductive Rights Action League, Government Relations Department, *1997 Congressional Record on Choice* (Washington, D.C.: NARAL, 1997), 17.

<sup>26</sup> General Accounting Office (GAO), "NIH-Funded Research: Therapeutic Human Fetal Tissue Transplantation Projects Meet Federal Requirements," Report to the Chairman and Ranking Minority Members, Committee on Labor and Human Resources, U.S. Senate, and Committee on Commerce, House of Representatives (Mar. 10, 1997) (GAO/HEHS-97-61).

<sup>27</sup> 145 Cong. Rec. H11723-25 (daily ed. Nov. 9, 1999) (statement of Representative Lowey); Telephone Interview with Belinda Seto, Director of Office of Reports and Analysis, Office of the Director, Office of Extramural Research, National Institutes of Health (Feb. 17, 2000) (on file with NARAL).

<sup>28</sup> The letter circulated by Life Dynamics was written by J.C. Willke, M.D., the President of Life Issues Institute, Inc., an organization dedicated to "serving the educational needs of the pro-life movement." Letter from John C. Willke, President, Life Issues Institute, Inc., to Honorable Nita M. Lowey, United States House of Representatives, June 25, 1999 (on file with NARAL).

<sup>29</sup> 145 Cong. Rec. S12966-12970, 12985-89 (daily ed. Oct. 21, 1999) (fetal tissue transplantation disclosure amendment and statement of Senator Boxer).

<sup>30</sup> H. Res. 350, 106<sup>th</sup> Cong. (Nov. 9, 1999); 145 Cong. Rec. H11723-11728 (daily ed. Nov. 9, 1999) (enacted). During debate on the House floor, Representative Lowey (D-NY) explained her objection to the resolution stating, "[a]llegations of wrongdoing, if substantiated, should be investigated, not, my colleagues, brought to the floor of the House to inflame. This resolution is not needed in order for oversight hearings to be held." 145 Cong. Rec. H11725 (daily ed. Nov. 9, 1999).

<sup>31</sup> Letter from Brian Darling, Office of Senator Bob Smith, to Senate Judiciary Committee (Feb. 9, 2000) (on file with NARAL).

<sup>32</sup> Some states specifically prohibit selling, purchasing, or offering to sell or purchase human embryos, fetuses, or portions thereof. See, e.g., Ark. Code Ann. § 20-17-802(c); Fla. Stat. Ann. § 873.05; La. Rev. Stat. Ann. § 9:122; Mo. Ann. Stat. § 188.036(5); Nev. Rev. Stat. § 451.015; Ohio Rev. Code Ann. § 2919.14; Okla. Stat. Ann. tit. 63, § 1-735; 18 Pa. Cons. Stat. Ann. § 3216(b)(3); Tenn. Code Ann. § 39-15-208(b); Tex. Penal Code Ann. § 48:02; Utah Code § 76-7-311(prohibiting sale or purchase of “unborn children”). Additionally, pursuant to the Uniform Anatomical Gift Act (UAGA), certain states have made it a crime to knowingly purchase or sell human body parts — including tissue — for transplantation or therapy. Ariz. Rev. Stat. Ann. § 36-849; Ark. Code Ann. § 20-17-610; Cal. Health & Safety Code § 7155; Conn. Gen. Stat. § 19a-280a; Haw. Rev. Stat. Ann. § 327-10; Idaho Code § 39-3411; Iowa Code Ann. § 142C.10; Minn. Stat. Ann. § 525.9219; Mont. Code Ann. § 72-17-302; Nev. Rev. Stat. § 451.590; N.M. Stat. Ann. § 24-6A-10; N.D. Cent. Code § 23-06.2-10; Ohio Rev. Code Ann. § 2108.12; R.I. Gen. Laws § 23-18.6-10; Vt. Stat. Ann. tit. 18, § 5246; see also N.Y. Pub. Health Law § 4307 (prohibiting sale of “any human organ” for use in transplantation); S.D. Codified Laws § 34-26-44 (same); W.V. Code § 16-19-7a (same); Wis. Stat. Ann. § 146.345 (same). Finally, some states that have adopted the UAGA prohibit the purchase or sale of a human body part for any reason. 755 Ill. Comp. Stat. Ann. § 50/8.1; N.H. Stat. Ann. § 291-A:11; Utah Code § 26-28-10; Va. Code § 32.1-289.1; Wyo. Stat. § 35-5-117.

<sup>33</sup> According to federal law, all federally funded fetal tissue transplantation projects must be conducted in accordance with applicable state and local laws. 42 U.S.C.A. § 289g-1(e); 45 C.F.R. § 46.210. Some states, however, prohibit experimentation on or transplantation of fetal tissue from an induced abortion. See, e.g., Ariz. Rev. Stat. Ann. § 36-2302; Ind. Code Ann. § 16-34-2-6; La. Stat. Ann. § 40:1299.35.13 (found unconstitutional by *Margaret S. v. Edwards*, 794 F.2d 994 (5<sup>th</sup> Cir. 1986)); N.D. Cent. Code § 14-02.2-02; Ohio Rev. Code Ann. § 2919.14; Okla. Stat. Ann. § 1-735; S.D. Codified Laws § 34-23A-17.

<sup>34</sup> Certain state statutes contain similar provisions preventing improper influence on the decision to terminate a pregnancy. See, e.g., Mass. Gen. Laws ch. 112, § 12J(a)(III); Mich. Comp. Laws § 333.2689; Mo. Ann. Stat. § 188.036; 18 Pa. Cons. Stat. Ann. § 3216(b).

<sup>35</sup> States may also require a woman's consent before tissue donation. See, e.g., Ark. Code § 20-17-802(b)(2); 720 Ill. Comp. Stat. Ann. 510/12.1 (requiring written consent for experimentation on tissue that does “not result from an induced abortion”); Mass. Gen. Laws ch. 112, § 12J(a)(II); Mich. Comp. Laws § 333.2688; 18 Pa. Cons. Stat. Ann. § 3216(b)(1).



NARAL

Reproductive Freedom & Choice

## LIFE DYNAMICS, INC. AND MARK CRUTCHER

Life Dynamics Incorporated (LDI), based in Denton, Texas, is an anti-choice group incorporated in 1992 by president Mark Crutcher.<sup>1</sup> In his 1992 book, *Firestorm: A Guerrilla Strategy for a Pro-Life America*, Crutcher envisions "an America where abortion may indeed be perfectly legal, but no one can get one."<sup>2</sup> Crutcher, who has said the anti-choice movement is "a war he intends to win," created LDI to serve as *Firestorm's* "anti-abortion guerrilla campaign center," a base from which to further Crutcher's stated goal: "to make abortion unavailable by any means necessary" (emphasis added).<sup>3</sup> Crutcher and LDI use threats and intimidation to carry out their anti-choice agenda:

- LDI's hostile direct mail campaign is "designed to reinforce the stigma attached with abortion."<sup>4</sup>
  - Seeking to deter the next generation of physicians from providing abortions, in 1993, LDI distributed a threatening "joke" booklet to more than 33,000 medical students. The booklet recommended that physicians who perform abortions should be shot, attacked by dogs, and buried in concrete. One medical student, who received the booklet the same day that Florida abortion provider Dr. David Gunn was murdered, stated, "It was very upsetting. . . . [T]he jokes all describe ob-gyns who perform abortions as people who should be killed."<sup>5</sup>
  - In 1999, LDI sent another such booklet, entitled "Quack the Ripper," to dozens of physicians and medical students in Canada and the U.S. The booklet contained cartoons mocking abortion providers and "play[ing] on their safety concerns." The cover of the booklet stated, "[I]f you're a doctor, resident, or med student, someone's out to get you."<sup>6</sup> Medical students and physicians who received the booklet found it "violent," "hostile," and "threatening"<sup>7</sup> – as one student said, "I felt like I'd been violated. . . . It was a direct attack on me."<sup>8</sup>

Such actions can only exacerbate the current shortage of abortion providers.<sup>9</sup>

- LDI's Abortion Malpractice ("AbMal") campaign seeks to provide lawyers with tools and strategies to sue abortion providers.<sup>10</sup> In Arizona, AbMal attorney John Jakubczyk has filed six abortion malpractice lawsuits against abortion provider Dr. Brian Finkel, none of which has been successful. Moreover, Dr. Finkel has never been sued by anyone but Jakubczyk. Nevertheless, these lawsuits have likely harmed Dr. Finkel's relationships

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with hospitals, health plans, and licensing bodies in other states, as well as his ability to obtain affordable insurance.<sup>11</sup> Clearly, such lawsuits are not, as AbMal lawyers advertise, a way to defend women against injury from abortion providers. Rather, as Mark Crutcher told *Life Advocate* magazine in 1994, this tactic is "an effective way to cripple the abortion business."<sup>12</sup>

➤ "Spies for Life," LDI's covert intelligence-gathering project, sends anti-choice spies to infiltrate abortion clinics in order to develop a database of information on abortion providers throughout the U.S.<sup>13</sup> LDI solicits information from the public "for use in their AbMal files," including health and fire department inspection reports and home addresses, telephone numbers, and photographs of abortion providers and clinic directors.<sup>14</sup>

Especially in light of continued violence against reproductive health clinics and the nationwide shortage of abortion providers, LDI's subversive tactics are cause for alarm.

## Notes

- <sup>1</sup> National Abortion Federation (NAF) and Planned Parenthood Federation of America (PPFA), "Profile: Mark Crutcher and Life Dynamics, Inc.," Mar. 1996 (factsheet), 1.
- <sup>2</sup> Mark Crutcher, *Firestorm: A Guerrilla Strategy for A Pro-Life America* (Denton, Texas: Life Dynamics, Inc., July 1992), 35.
- <sup>3</sup> NAF and PPFA, "Profile," 1 citing Crutcher, *Firestorm*, 82.
- <sup>4</sup> Life Dynamics, Inc. (LDI), "Direct Mail Program" <<http://www.lidi.org/directmail.htm>> (2/4/00).
- <sup>5</sup> Sandra G. Boodman, "The Dearth of Abortion Doctors: Stigma, Low Pay and Lack of Personal Commitment Erode Ranks," *Washington Post*, Apr. 20, 1993, Health sec., 7; Life Dynamics, Inc., *Bottom Feeder* (Lewisville, TX: Life Dynamics, Inc., 1993) (booklet on file with NARAL).
- <sup>6</sup> Antonella Artuso, "Hate Mail Unnerving Abort Docs: Threatening Pamphlets," *Toronto Sun*, Mar. 3, 1999, 8; "MDs Receive Antiabortion Mail," *Toronto Globe and Mail*, Mar. 3, 1999, A7; Sonia Godambe, "Anti-Abortion Booklet Offends Michigan State U. Med Students," *Michigan State University State News*, Mar. 2, 1999.
- <sup>7</sup> Godambe, "Anti-Abortion Booklet."
- <sup>8</sup> David France, "Why I'd Risk My Life to Do Abortions," *Glamour*, Mar. 2000, 195.
- <sup>9</sup> In 1996, 86 percent of U.S. counties had no known abortion provider. Between 1992 and 1996, the number of abortion providers in the U.S. declined by 14 percent. Stanley K. Henshaw, "Abortion Incidence and Services in the United States," *Family Planning Perspectives*, vol. 30, no. 6 (Nov./Dec. 1998), 263.
- <sup>10</sup> NAF and PPFA, "Profile," 2.
- <sup>11</sup> *Finkel v. Jakubczyk*, Nos. 1 CA-CV 99-0129, 1 CA-CV 99-0284 (Ariz. Ct. App. Dec. 21, 1999); Appellant's Petition for Review at 3, *Finkel v. Jakubczyk* (Ariz. Jan. 20, 2000).
- <sup>12</sup> Paul deParrie, "The New Bad Kid On the Block," *Life Advocate*, Dec. 1994, 11.
- <sup>13</sup> NAF and PPFA, "Profile," 2.
- <sup>14</sup> DeParrie, "The New Bad Kid," 13.

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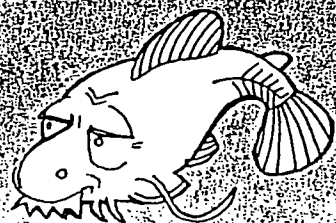
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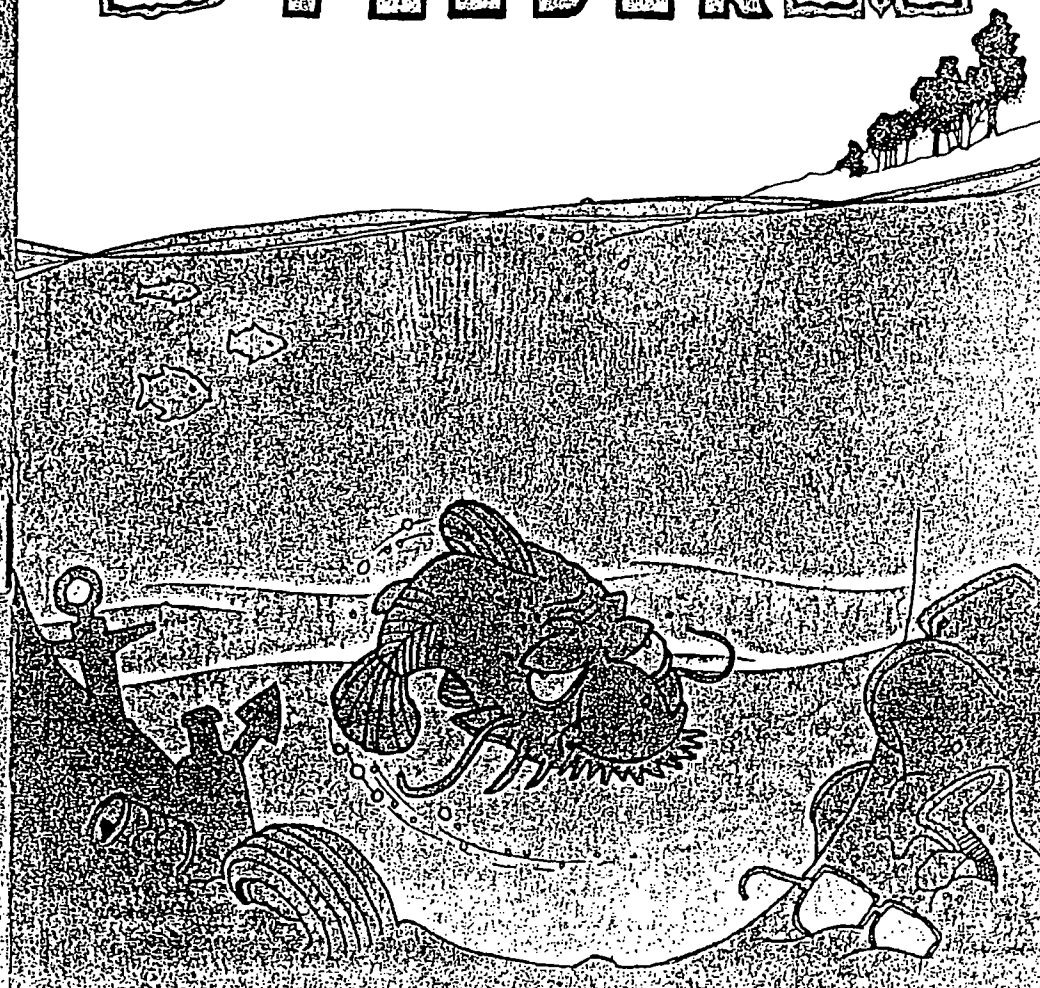
## LIFE DYNAMICS

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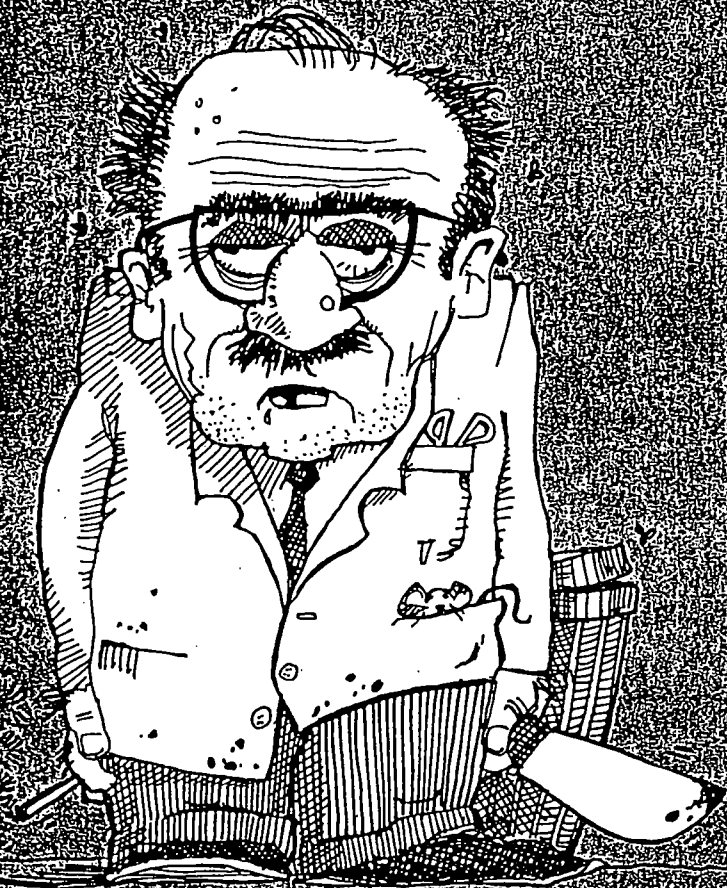
P.O. Box 185  
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# BOTTOM FEEDER



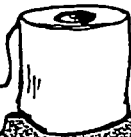
Q: WHY DO ABORTIONISTS ALWAYS HAVE STUPID LOOKS ON THEIR FACES?



A: THEY'RE STUPID.

Q: WHY DO ABORTIONISTS WEAR HATS?

A: SO THEY KNOW WHICH END TO WIPE.



Q: WHY DID THE ABORTIONIST GIVE UP SNORTING COKE?

A: TOO HARD TO GET THE BOTTLE UP HIS NOSE.



A YOUNG MAN WAS WALKING BESIDE A DESERTED LAKE WHEN HE HEARD A CRY FOR HELP.

NOTICING THAT A MAN WAS FLAILING AROUND NEAR A CAPSIZED BOAT HE IMMEDIATELY RUSHED INTO THE WATER TO SAVE HIM.



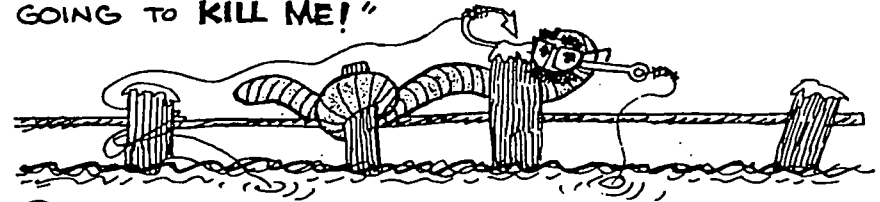
AFTER PULLING HIM TO SHORE THE YOUNG MAN RECOGNIZED THE PERSON HE RESCUED AS A LOCAL ABORTIONIST.

BEING NATURALLY APPRECIATIVE, THE ABORTIONIST SHOWED HIS GRATITUDE BY OFFERING TO BUY HIS RESCUER ANYTHING HE WANTED.

HEARING THAT, THE YOUNG MAN SAID THAT WHAT HE WOULD MOST LIKE IS A REALLY NICE FUNERAL.

ASTONISHED, THE ABORTIONIST ASKED, "WHY ON EARTH WOULD A PERFECTLY HEALTHY YOUNG MAN LIKE YOURSELF WASTE YOUR WISH ON A FUNERAL?"

"IT'S NOT A WASTE," HE SAID, "WHEN MY FATHER FINDS OUT I KEPT AN ABORTIONIST FROM DROWNING, HE'S GOING TO KILL ME!"



Q: IF YOU SEE A ROW OF FISHERMEN SITTING ON A PIER, HOW DO YOU TELL IF ONE OF THEM IS AN ABORTIONIST?

A: SIMPLE. JUST LOOK FOR A FISHING POLE WITH A WORM ON BOTH ENDS.

WHAT DO YOU CALL 2000 ABORTIONISTS CHAINED TO THE BOTTOM OF THE SEA?

NOT ENOUGH ABORTIONISTS.

ONE DAY, AN OLD MAN AND WOMAN WERE CHECKING OUT TOMBSTONE INSCRIPTIONS IN THE LOCAL CEMETARY WHEN THEY CAME ACROSS ONE THAT READ:

"Here lies an abortionist and an honorable man."

"GET A LOAD OF THAT, MA," SAID THE OLD MAN, "LAND'S SO SCARCE THESE DAYS

THEY'RE HAVING TO BURY FOLKS TWO TO THE GRAVE!"



While shopping in the cannibal super-market, a woman noticed that the price of hearts was \$20 a pound. Complaining loudly to the butcher, she said, "You're selling livers for \$1 and brains for \$2, where do you get off charging so much for hearts?"



"Ma'am," he explained, "We get our hearts from abortionists. Do you have any idea how many abortionists we have to kill to get a pound of hearts?"

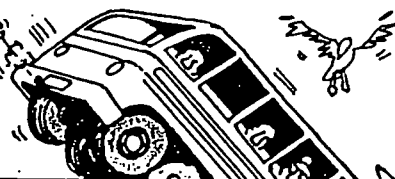
### THE FOUR SHORTEST BOOKS IN THE WORLD:

- FAMOUS JEWISH ASTRONAUTS
- TEN THOUSAND YEARS OF GERMAN HUMOR
- IRISH GOURMET COOKING
- ETHICAL ABORTIONISTS I HAVE KNOWN.



Q: WHAT DO YOU CALL A BUSLOAD OF ABORTIONISTS GOING OVER A CLIFF WITH ONE OF ITS SEATS UNOCCUPIED?

A: A CRYING SHAME.



Q: WHAT DO YOU GET WHEN YOU CROSS A PIG WITH AN ABORTIONIST?

A: A MURDERER.

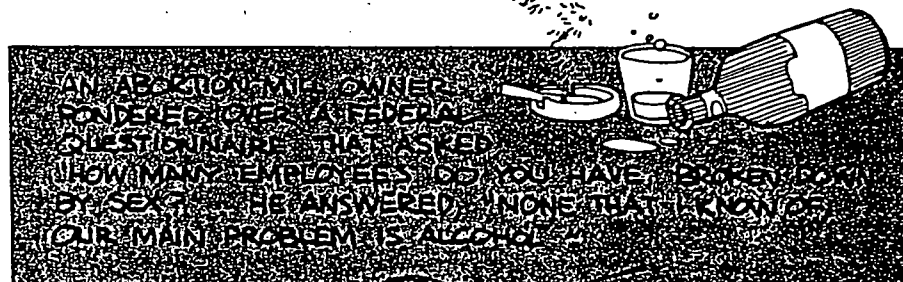


WHAT DOES AN ABORTIONIST HAVE TO DO TO CURE HIS BAD BREATH?

QUIT BITING HIS FINGERNAILS OR QUIT SCRATCHING HIS BUTT.



AN ABORTIONIST WAS SITTING ON A PARK BENCH WHEN HE NOTICED A NEARBY DOG WHO WAS BUSY LICKING HIS GENITALS. THE ABORTIONIST LEANED OVER TO THE GUY NEXT TO HIM AND SAID "GOD I WISH I COULD DO THAT." THE GUY REPLIED "WELL, I THINK YOU BETTER PET HIM A LITTLE BIT FIRST, HE LOOKS KIND OF MEAN."



AN ABORTIONIST OWNER CONSIDERED OVER A FEDERAL QUESTIONNAIRE THAT ASKED "HOW MANY EMPLOYEES DO YOU HAVE, BROKEN DOWN BY SEX?" HE ANSWERED, "NONE THAT I KNOW OF. OUR MAIN PROBLEM IS ALCOHOL."

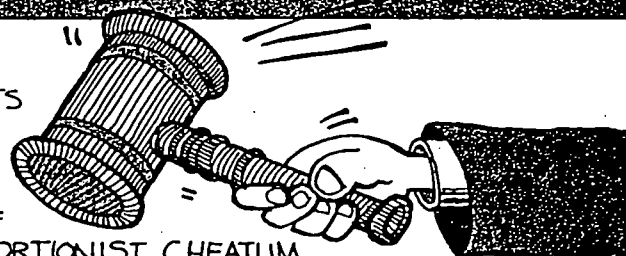
TWO ABORTIONISTS WERE SUING EACH OTHER. AT THE BEGINNING OF THE TRIAL, ABORTIONIST CHEATUM LEAPT TO HIS FEET AND SHOUTED, "STEELE! YOU'RE A LYING, STUPID, INCOMPETENT QUACK!"

FLUSHED WITH RAGE ABORTIONIST STEELE SHOT BACK, "AND YOU, CHEATUM, ARE A MINDLESS, NO TALENT, ARROSANT BAG OF WIND!"

"WHY YOU S.O.B.!"

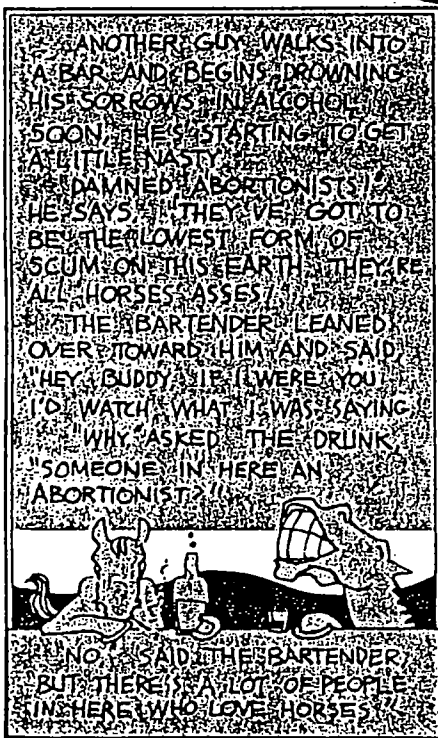
"THIMBLEWIT!"

BANGING HIS GAVEL, THE JUDGE SAID, "NOW THAT YOU TWO HAVE BEEN INTRODUCED, CAN WE GET ON WITH THE TRIAL?"



HOW DO YOU TELL IF AN ABORTIONIST HAS CLASS?  
ALL THE WORDS ON HIS TATTOO ARE SPELLED CORRECTLY.

Q: HOW MANY ABORTIONISTS DOES IT TAKE TO TAKE A BATH?  
A: SIX. ONE TO LIE IN THE TUB, AND FIVE TO SPIT ON HIM.



An abortionist walks into a bar carrying a duck under his arm. "Get that filthy pig out of my bar!" screams the owner. "Well first off," said the abortionist, "he's not filthy and secondly, he's not a pig."

"I wasn't talking to you," replied the owner, "I was talking to the duck!"

DID YOU HEAR ABOUT THE ABORTIONIST WHO DIED EATING MOUNTAIN OYSTERS? HE WAS DRAGGED TO DEATH BY A BULL.

WHAT DOES AN ABORTIONIST USE FOR A CONTRACEPTIVE? HIS PERSONALITY.



Q: Why are more and more Medical Laboratories now using abortionists instead of rats for experimentation?

A: 1. THE LAB TECHNICIANS DON'T GET EMOTIONALLY ATTACHED TO ABORTIONISTS.  
2. THERE ARE SOME THINGS THEY CAN'T GET THE RATS TO DO.

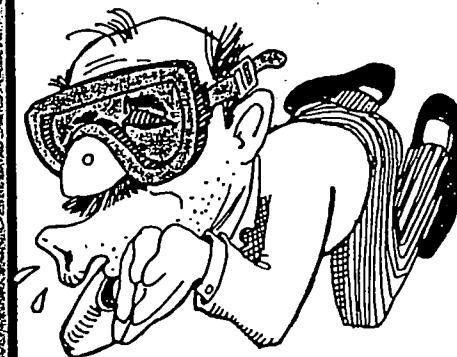
And then there was the abortionist who drank so much Fresca that he snowed in his pants.

How can you recognize an abortionist with weak kidneys?



LOOK FOR THE RUSTY ZIPPER AND THE YELLOW SOCKS

HOW MANY ABORTIONISTS DOES IT TAKE TO UNSTOP A TOILET?



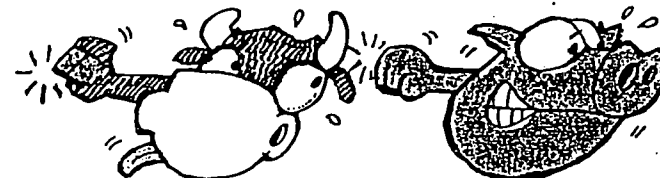
THREE. TWO TO HOLD HIS LEGS AND ONE TO DIVE AND SLICK.

AN ABORTIONIST, A JEW, AND A HINDU WERE DRIVING THROUGH THE COUNTRY WHEN THEIR CAR BROKE DOWN. HIKING TO A NEARBY FARM THEY DISCOVERED THAT THE LOCAL GARAGE WOULDN'T BE ABLE TO REPAIR IT UNTIL THE NEXT DAY.

THE FARMER SAID THEY WERE WELCOME TO STAY AT HIS HOUSE, BUT THAT HE ONLY HAD TWO BEDS AND ONE OF THEM WOULD HAVE TO SLEEP IN THE BARN.

HEARING THAT, THE JEW VOLUNTEERED TO GO SLEEP IN THE BARN. HOWEVER, A FEW MOMENTS LATER HE KNOCKED ON THE DOOR AND SAID THAT THERE WAS A PIG IN THE BARN AND HIS RELIGION PROHIBITED HIM FROM SLEEPING WITH PIGS.

THE HINDU SAID HE UNDERSTOOD, AND AGREED TO TAKE HIS PLACE. HOWEVER, A FEW MINUTES LATER HE TOO KNOCKED ON THE DOOR. HIS PROBLEM WAS THAT THERE WAS A COW IN THE BARN AND HIS RELIGION PROHIBITED HIM FROM SLEEPING WITH COWS.



GRUMBLING, THE ABORTIONIST GOT UP AND STORMED OUT TO SLEEP IN THE BARN.

A FEW MOMENTS LATER, THE PIG AND THE COW KNOCKED ON THE DOOR...

HOW DOES AN ABORTIONIST  
TAKE A BUBBLE BATH?

HE HAS BEANS  
FOR LUNCH.



HOW DO YOU TELL  
IF AN ABORTIONIST  
IS LYING?

HIS  
MOUTH  
IS  
MOVING.

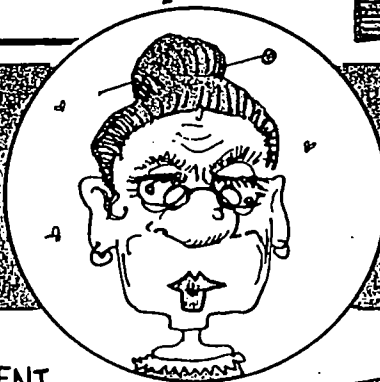


Q: HOW CAN AN  
ABORTIONIST  
BRIGHTEN UP A ROOM?

A: BY LEAVING IT.



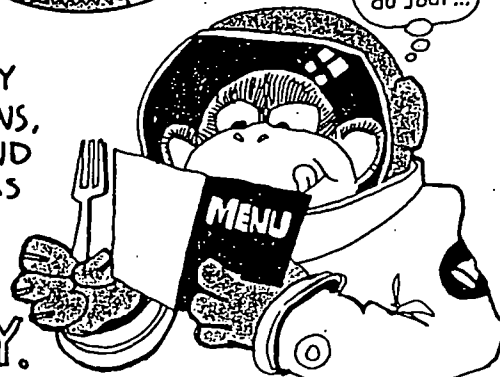
Q: WHAT IS  
THE MATING  
CALL OF THE  
FEMALE  
ABORTIONIST?



A: TAKE  
ME HOME.  
I'M  
DRUNK.

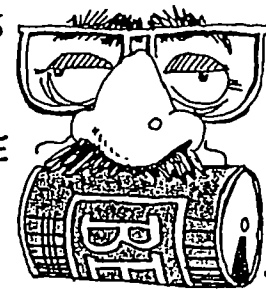
AN ABORTIONIST WENT  
ON A SPACE MISSION WITH  
A MONKEY. THE MONKEY  
HAD TO PUSH THE BUTTONS,  
ADJUST DIAL READINGS AND  
FILE REPORTS. WHAT WAS  
THE ABORTIONIST'S JOB?

FEED THE MONKEY.



WHY DO ABORTIONISTS  
HAVE SUCH LARGE  
NOSTRILS?

BECAUSE THEY HAVE  
FAT FINGERS.



WHAT DO YOU  
CALL A BEER  
WITH A BOOGER  
IN IT?

AN ABORTIONIST'S  
MARTINI.

Then there was the abortionist who stepped  
in cow dung and thought he was melting.

Q: HOW MANY ABORTIONISTS DOES IT TAKE TO  
MAKE CHOCOLATE CHIP COOKIES?

A: TWO. ONE TO MIX THE BATTER, AND ONE  
TO SQUEEZE  
THE RABBIT.



ASKING PEOPLE WHAT  
THEY THINK ABOUT  
ABORTIONISTS IS  
LIKE ASKING A FIRE  
HYDRANT WHAT IT  
THINKS ABOUT DOGS.



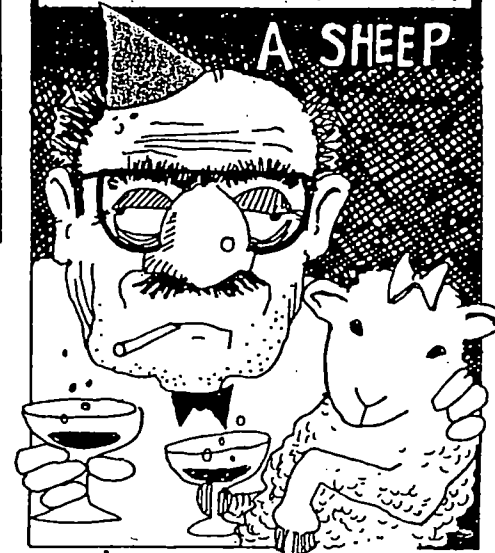
Q: WHAT DO YOU CALL AN  
ABORTIONIST WITH  
1500 GIRLFRIENDS?

A: A SHEPHERD.

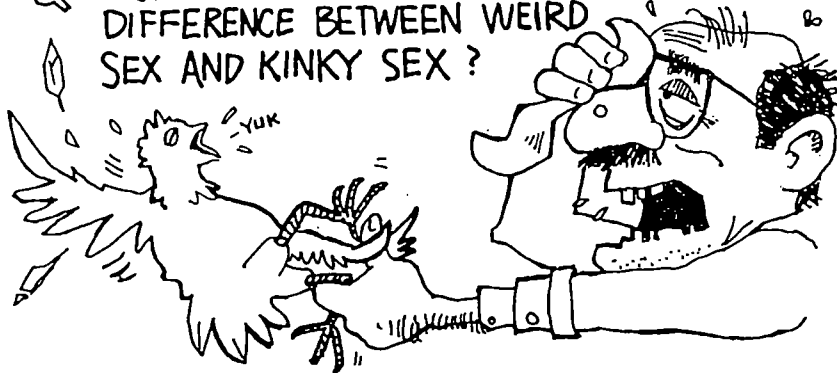


WHAT JUMPS OUT OF THE CAKE  
AT AN ABORTIONIST STAG PARTY?

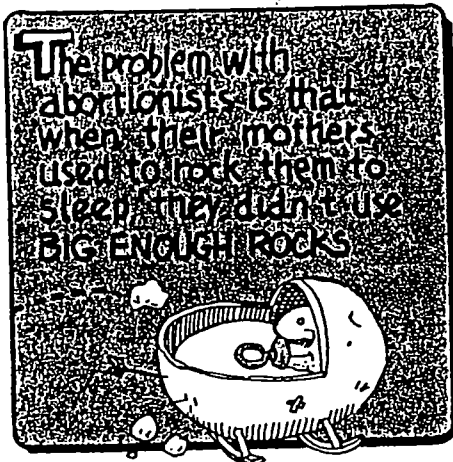
A SHEEP



Q: HOW DOES AN ABORTIONIST TELL THE DIFFERENCE BETWEEN WEIRD SEX AND KINKY SEX?



A: WEIRD SEX IS WHEN THEY JUST USE A FEATHER. KINKY SEX IS WHEN THEY USE THE WHOLE CHICKEN.



DID YOU HEAR ABOUT THE ABORTIONIST WHO PUT ODOR-EATERS IN HIS SHOES, WALKED THREE STEPS AND DISAPPEARED?



Q: WHAT DOES AN ABORTIONIST SAY BEFORE PICKING HIS NOSE?

A: GRACE.

THE OFFICIAL MOTTO OF ABORTION COUNTRY:

Where the men  
are men,  
and the sheep  
are nervous.

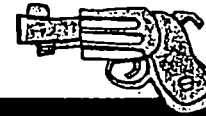
Q: IF A TALL SKINNY ABORTIONIST AND A SHORT FAT ABORTIONIST JUMP OFF A TWENTY STORY BUILDING AT THE EXACT SAME MOMENT, WHICH ONE WILL HIT THE GROUND FIRST?

A: WHO CARES?

Why does California have the most abortionists and New Jersey have the most toxic waste dumps?  
Because New Jersey had first choice.

Q: WHAT WOULD YOU DO IF YOU FOUND YOURSELF IN A ROOM WITH HITLER, MUSSOLINI AND AN ABORTIONIST, AND YOU HAD A GUN WITH ONLY TWO BULLETS?

A: SHOOT THE ABORTIONIST TWICE.



THEN THERE WAS THE PREACHER WHO WAS DELIVERING A SERMON AND MADE A MISTAKE, REFERRING TO THE DEVIL AS THE FATHER OF ALL ABORTIONISTS INSTEAD OF THE FATHER OF ALL LIARS. BUT THE ERROR WAS SO INSIGNIFICANT THAT HE DIDN'T BOTHER TO CORRECT HIMSELF.

Q: WHAT DO YOU CALL AN ABORTIONIST WITH AN IQ OF 50?

A: GIFTED.

WHILE TAKING PAYMENT FROM A CUSTOMER, THE ABORTIONIST NOTICED THAT ONE OF THE \$100 BILLS SHE HAD GIVEN HIM HAD A SECOND \$100 BILL STUCK TO IT. OF COURSE IMMEDIATELY AN ETHICAL QUESTION AROSE IN THE ABORTIONIST'S MIND: "DO I TELL MY PARTNER?"

An elementary school teacher was asking her first graders what their parents did for a living. One little girl said that her daddy was a piano player in a whorehouse, and had a part-time job singing the national anthem at cock fights.

The teacher kept the little girl after class and asked her if that was really true.

"No," she admitted, "my daddy's an abortionist. But I could never say something like that in front of all my friends."



I ONCE MET AN ABORTIONIST WHO SAID HE COULD NAME ALL THE STATE'S CAPITALS. WHEN I ASKED HIM WHAT THE CAPITAL OF MONTANA WAS, HE SAID, "M."

Q: WHAT HAPPENS TO AN ABORTIONIST WHEN YOU GIVE THEM AN ENEMA?

A: THEIR EYES TURN CLEAR.

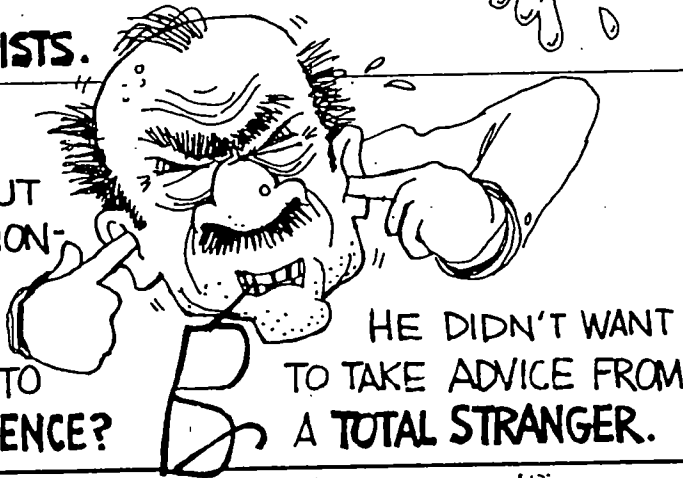
DID YOU HEAR ABOUT THE BIG SCREW-UP AT THE POSTAL SERVICE? THEY ISSUED A STAMP HONORING ABORTIONISTS, BUT HAD TO DISCONTINUE IT WHEN THEY DISCOVERED THAT EVERYONE WAS SPITTING ON THE WRONG SIDE.



WHAT HAS AN IQ OF SEVEN?

**EIGHT ABORTIONISTS.**

DID YOU HEAR ABOUT THE ABORTIONIST WHO REFUSED TO LISTEN TO HIS CONSCIENCE?



HE DIDN'T WANT TO TAKE ADVICE FROM A TOTAL STRANGER.

Q: IF SOMETHING WAS RUN OVER ON A HIGHWAY, HOW COULD YOU TELL IF IT WAS A SKUNK OR AN ABORTIONIST?

A: IF IT WAS A SKUNK, THERE'D BE SKID MARKS IN FRONT OF IT.



WHAT'S THE LAST THING THAT HAPPENS AT AN ABORTIONIST'S WEDDING?



THEY FLUSH THE PUNCH BOWL.

WHY DO THEY ALWAYS HAVE AN OPEN GARBAGE CAN AT AN ABORTIONIST'S WEDDING?

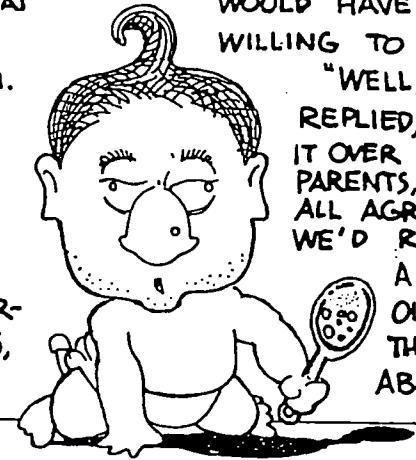
TO KEEP THE FLIES OFF THE ABORTIONIST.



AN ABORTIONIST HAPPENED TO ENCOUNTER A YOUNG WOMAN ONE DAY THAT HE HAD PREVIOUSLY HAD AN AFFAIR WITH. NOTICING THAT SHE WAS CARRYING A BABY THAT LOOKED A LITTLE LIKE HIM, HE ASKED WHETHER IT WAS INDEED HIS OR NOT. UPON HEARING HER SAY IT WAS, HE ASKED WHY

SHE HAD NOT CONTACTED HIM, STATING THAT HE WOULD HAVE BEEN WILLING TO MARRY HER.

"WELL," SHE REPLIED, "I TALKED IT OVER WITH MY PARENTS, AND WE ALL AGREED THAT WE'D RATHER HAVE A BASTARD IN OUR FAMILY THAN AN ABORTIONIST."



@: HOW DOES AN ABORTIONIST TAKE A SHOWER?

A: HE PEEES INTO THE WIND.

TWO GAY ABORTIONISTS, ZEKE AND BRUCE HAD THEIR CAR SIDE-SWIPED BY A HUGE SEMI BADLY SHAKEN AND MAD AS HELL. ZEKE TOLD BRUCE TO GET OUT AND CONFRONT THE TRUCK DRIVER. "YOU JUST MARCH RIGHT UP THERE AND TELL HIM WE'RE GOING TO SUE, SUE, SUE," HE SHRIEKED. WHEN BRUCE DELIVERED THIS MESSAGE TO THE CAB OF THE TRUCK, THE BURLY DRIVER LEANED OUT AND BELLOUED, "SCREW YOU!" ZEKE, NOW VERY EXCITED, BRUCE SHOUTED, "HE WANTS TO SETTLE OUT OF COURT!"



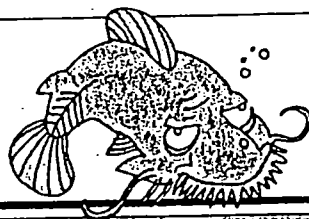
AN ABORTIONIST INTRODUCED HIMSELF TO A NICE LOOKING WOMAN IN A BAR. AFTER A WHILE HE ASKED HER FOR A DATE. "I NEVER DATE ABORTIONISTS," SHE TOLD HIM. "HOW DO YOU KNOW I'M AN ABORTIONIST?" HE ASKED. "YOU HAVE B.O. AND YOU'RE WEARING YOUR BOOTS ON THE WRONG FEET."

HAVE YOU HEARD ABOUT THE FEMALE ABORTIONIST WHO FLUNKED HER DRIVER'S LICENSE TEST?

WHEN THE CAR STALLED FROM FORCE OF HABIT SHE JUMPED INTO THE BACK SEAT.

Q: What's the difference between an abortionist and a cat fish?

A: One's an ugly, smelly, garbage eating bottom feeder, and the other one's a fish.



A SMALL TOWN ABORTIONIST WHO SPENT ALL HIS MONEY ON HOOKERS, GAMBLING AND DRUGS, DIED ONE DAY WITHOUT EVEN LEAVING ENOUGH MONEY TO BURY HIM.

THE TOWNSPEOPLE DECIDED THAT THEY COULD BURY HIM IF EACH PERSON WOULD GIVE JUST TWENTY DOLLARS TOWARD THE FUNERAL.

WHEN APPROACHED TO DONATE, ONE CANTANKEROUS OLD MAN SHOVED \$100 IN THE HAT.

"HERE," HE SAID, "BURY FIVE OF THE BASTARDS."

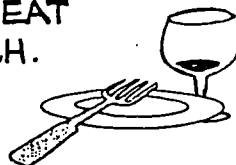
Q: IF TARZAN AND JANE WERE ABORTIONISTS, WHAT WOULD CHEETAH BE?

A: THE SMARTEST OF THE THREE.



Q: WHAT'S THE DIFFERENCE BETWEEN SPINACH AND BOOGERS?

A: ABORTIONISTS DON'T EAT SPINACH.



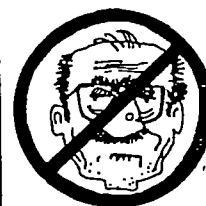
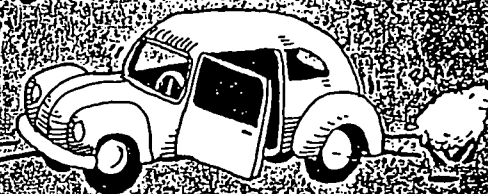
A MAN AT A BAR LEANS OVER TO THE DRUNK SITTING NEXT TO HIM AND ASKS WHETHER HE'S HEARD THE LATEST ABORTIONIST JOKE. "BEFORE YOU TELL IT," REPLIED THE DRUNK, "I WANT YOU TO KNOW THAT I'M AN ABORTIONIST."

"OH, OK," SAID THE MAN, "THEN I'LL TELL IT R-E-A-L S-L-O-W-L-Y SO YOU CAN KEEP UP."



Q: HOW DOES AN ABORTIONIST TURN ON THE LIGHT AFTER SEX?

A: BY OPENING THE CAR DOOR.

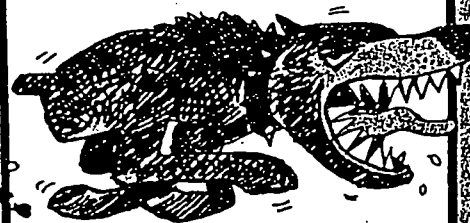


Q: WHAT HAPPENED WHEN THE ABORTIONIST SENT A PERSONAL PHOTO TO THE LONELY HEARTS CLUB?

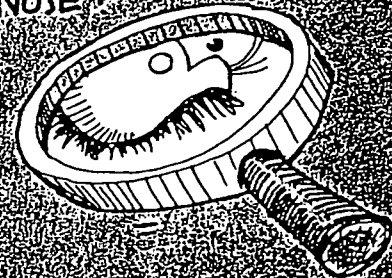
A: A REPLY CAME BACK: "WE'RE NOT THAT LONELY."

What's black and brown and looks terrific on an abortionist?

A DOBERMAN.



WHAT DO YOU FIND INSIDE AN ABORTIONIST'S NOSE?



FINGERPRINTS

Q: WHAT DO YOU NEED WHEN YOU HAVE AN ABORTIONIST BURIED TO HIS NECK IN CONCRETE?

A: MORE CONCRETE.





# NARAL

*Reproductive Freedom & Choice*

To: Reproductive Health Staff  
From: Allison Herwitt, Director of Government Relations  
Donna Crane, Legislative Representative  
Date: March 6, 2000  
Subject: ***Upcoming Hearing on Alleged Profiteering from Research Using Fetal Tissue***

On Thursday, March 9, the House Commerce Subcommittee on Health and the Environment will hold a hearing on the procurement of fetal tissue for research. The hearing is expected to air the allegation that some third-party fetal tissue procurement businesses are making a profit from their transactions. As the committee wades into these allegations, we expect some anti-choice lawmakers and activists – led by the anti-choice group Life Dynamics – also to make allegations that physicians are altering abortion procedures in order to obtain intact fetuses for donation to research. The ABC television program *20/20* is also scheduled to air a segment that includes allegations of illegal profiteering from fetal-tissue donation the evening before, March 8.

These practices, if true, are illegal, deplorable, and violate medical ethics. However, they are being raised in a political arena to sensationalize the debate about abortion in order to serve the larger agenda of curbing women's reproductive freedoms. **While the issues of reproductive choice and fetal tissue donation are – and should remain – separate, anti-choice members will be using these allegations to attack a woman's right to choose abortion.**

Following are key points concerning the relationship between elective abortions and the donation of fetal tissue to research:

- The donation of fetal tissue for research is a legal and ethical practice. Federal law allows a woman to donate aborted fetal tissue, which would be discarded otherwise, for scientific use, and sets out detailed guidelines to ensure that her decision is made freely, with proper information, and is free from conflicts of interest.
- The alleged profiteering to be aired during the hearing is illegal under federal law and punishable by fines, imprisonment, or both. If individual cases of wrongdoing are discovered, they should be investigated and prosecuted. Research using fetal tissue is important for advancing medical research and should not be jeopardized by unsubstantiated allegations or isolated instances of wrongdoing.

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- The accusations of illegal profiteering and altered abortion procedures were first raised in July 1999 by the anti-choice organization Life Dynamics, which advocates the end of abortion by any means necessary, including threats, intimidation, and violence.
- A stated goal of those opposed to both abortion and medical research is the full disclosure of all confidential information – including the names, addresses, and telephone numbers of every individual and organization in the chain of fetal tissue procurement – *thus exposing each to anti-choice harassment and violence*. Vigorous enforcement of existing state and federal laws is the responsible course of action. Allegations of wrongdoing should be brought directly to law-enforcement authorities so that prosecutions may occur if warranted.

Additional information about the donation of aborted fetal tissue for research is enclosed for your information. If you have any questions, please contact Allison Herwitt at 973-3003 or Donna Crane at 973-3047.



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## FETAL TISSUE AND THE RIGHT TO CHOOSE

**Background:** In July 1999, an anti-choice group called Life Dynamics circulated a letter on Capitol Hill charging that physicians were altering abortion procedures in order to obtain intact fetuses for research using fetal tissue. Life Dynamics also claimed that the tissue was being sold for profit. Founded in 1992, Life Dynamics is dedicated to using "guerilla" methods to make abortion unavailable by any means necessary, including threats, harassment, intimidation, and violence. Life Dynamics' allegations found a sympathetic ear among some anti-choice members of Congress. In November 1999, shortly before adjourning for the year, Rep. Tom Tancredo (R-CO) authored a resolution directing Congress to conduct hearings on this alleged illegal profiteering; the hearing has now been scheduled for March 9, 2000 in the House Commerce Subcommittee on Health and the Environment. Life Dynamics has also publicized its allegations to the media, and as a result, the ABC television program *20/20* will air a segment on the topic of third-party fetal tissue procurement businesses on March 8, 2000. While the thrust of the *20/20* segment and the House Subcommittee's hearing will be to focus on the alleged third party fetal tissue procurement businesses, anti-choice lawmakers and advocacy groups—led by Life Dynamics—will use this opportunity to inflame the entire discussion of fetal tissue donation, and to embroil it in their larger anti-choice politics. The strategy of using sensationalistic rhetoric and images to inflame the abortion rights debate has been a long-term strategy and practice of anti-choice forces, most recently on display in the tactics against so-called "partial-birth" abortion.

**Legal Parameters on Fetal Tissue Research:** The NIH Revitalization Act of 1993 prohibits profiteering in the sale of fetal tissue for research. In addition, numerous state laws prohibit the sale of fetal tissue for profit, just as no profit is allowed in the organ donation and procurement process. Further, federal law mandates that a woman may choose to donate fetal tissue for research, and that such consent may be obtained only after she has made the decision to have the abortion. Other rules bar conflicts of interest among abortion providers and researchers. **NARAL supports and endorses federal and state laws banning profiteering, ensuring informed consent and barring conflicts of interest. Further, we believe that research should only proceed in harmony with legal and ethical guidelines on the donation**

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**and use of fetal tissue for research. Violations of law should be prosecuted.**

**Benefits of Fetal Tissue Research:** Fetal tissue has unique properties making it critical for research – cells can rapidly divide, grow and adapt to new environments.

Fetal tissue has yielded significant advances in the treatment of numerous diseases and medical conditions – from polio and rubella vaccines to treatments for Parkinson's disease.

If not over-regulated or threatened out of existence, fetal tissue research will likely assist progress in the treatment of other conditions facing Americans – spinal cord injuries, Alzheimer's, AIDS, cancer, diabetes, multiple sclerosis, birth defects, sickle cell anemia, leukemia, Huntington's, stroke, degenerative eye conditions, radiation poisoning, and others.

**Allegations of illegal acts should be individually and thoroughly investigated and if proven, punished under the law. Critical research should not be jeopardized by allegations or isolated instances of illegality.**

**Fetal Tissue and the Right to Choose:** Some anti-choice lawmakers will use the March 9, 2000 hearing in the House Commerce Subcommittee on Health and the Environment not only to spotlight the alleged abuses in the fetal tissue procurement field, but also to make sensational allegations about abortion procedures. The real agenda of many in Congress is not to investigate and prosecute violations of law concerning fetal tissue procurement – but to inflame the debate about abortion and demonize its practice.

Anti-choice lawmakers will allege that women are not being given a fair opportunity to consent to the donation for research. Yet as a matter of law and practice, the decision to have an abortion is separate from the decision to donate fetal tissue. It is only after a woman decides and consents to have an abortion that she is presented with the option of donating the tissue to research. This is a matter of both ethics and law, which NARAL strongly supports.

Anti-choice lawmakers will allege that doctors are altering procedures in order to obtain better fetal tissue specimens. This is patently illegal. Federal law explicitly prohibits anyone from attempting to influence the timing or method of terminating a pregnancy for research. Again, this is both an ethical and legal imperative, which NARAL strongly supports.

Anti-choice lawmakers will use the issue as a vehicle to revive allegations regarding so-called "partial-birth" abortion. Again, federal law prohibits anyone from attempting to influence the timing or method of terminating a pregnancy for research. Moreover, "partial-birth" abortion is a political term, not a medical term, which is unspecific to a single abortion procedure. So any proposed "solution" that would involve banning "partial-birth" abortion is misguided and threatening to women's health, as such bans encompass many safe abortion procedures throughout pregnancy.

**Any problems relating to fetal tissue procurement or research must be distinguished from the right to choose.**

#### **Congressional Options:**

Last year, during the Senate debate on so-called "partial-birth" abortion, Senator Bob Smith (R-NH) offered an amendment requiring any individual involved in fetal tissue research to disclose confidential information to the government. This would have included the disclosure of names and locations of anyone involved in the transfer of fetal tissue, from the clinic where the abortion is performed, to the truck driver, to the research scientist, university or pharmaceutical company. All could be targets of anti-choice harassment and violence. **The Congress must reject this option.** Although the Smith Amendment failed 46-51, it exposed how far anti-choice lawmakers are willing to take their campaign to inflame this important scientific process.

Vigorous enforcement of existing state and federal laws is the responsible course of action. Allegations of illegal activities should be brought directly to law enforcement authorities so that prosecutions may occur if warranted.

#### **Conclusion:**

As any investigation or inquiry into alleged abuses in fetal tissue procurement unfolds, we urge Members of Congress to refer wrongdoers to law enforcement officials without hindering life saving research, jeopardizing clinics providing valuable health services, or restricting a woman's right to choose.



**NARAL**

*Reproductive Freedom & Choice*

## **FETAL TISSUE RESEARCH AND CHOICE**

**The donation of fetal tissue for research is a legal and ethical practice.  
Profiteering is illegal.**

- The NIH Revitalization Act of 1993 provides that "[I]t shall be unlawful for any person to knowingly acquire, receive, or otherwise transfer any human fetal tissue for valuable consideration..." Under this law, selling fetal tissue is a federal crime punishable by fines, imprisonment for up to ten years, or both. Similarly, the National Organ Transplant Act makes it unlawful for a person "to knowingly acquire, receive, or otherwise transfer any human organ," including fetal tissue, "for valuable consideration..." This law also permits the reimbursement for certain expenses related to fetal tissue donation (transportation, storage, preservation, etc.), just as it does for organ donation.
- Aborted tissue would be discarded if it were not donated, and legal guidelines require that a woman's decision to terminate a pregnancy is made first – and totally separately – from that of whether to donate tissue.
- When asked to review the appropriateness of research using fetal tissue, a National Institutes of Health panel recommended allowing such research, as long as sufficient protections for women and against conflicts of interest were enacted. (Their recommendations were written into the federal law that now governs research with fetal tissue.) The Institute of Medicine and National Academy of Sciences have also examined the issue and concluded similarly.
- Even those who may oppose abortion in the strongest possible way should support fetal tissue research. As bioethicist John Robertson argues: "In sum, fetal tissue transplants are practically and morally separate from decisions to end unwanted pregnancy." Further, Robertson says, "The disparate issues ... can be treated separately, so that ethical concerns and the politics of abortion do not impede the progress of important research."

**Research using fetal tissue is an important component of medical science.**

- Due to their capacity to divide rapidly, grow, and adapt to new environments, fetal cells hold unique promise for medical research. Research using fetal tissue has yielded significant advancements in the treatment of numerous diseases and medical conditions, including the development of polio and rubella vaccines. Research with fetal tissue promises to help treat many conditions such as spinal cord injury, cancer, Parkinson's disease, diabetes, multiple sclerosis, birth defects, sickle cell anemia, leukemia, AIDS,

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incendiary rhetoric. Doctors who perform abortions are just that – doctors. They are bound by the same laws and medical ethical standards as are all other medical professionals. Like other physicians, they work hard every day to provide quality health care services to their patients. Abortion is a legal, private medical decision that should be made by women in consultation with their medical caregivers, not by the government or politicians.



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## **FETAL TISSUE RESEARCH: MOVING BEYOND ANTI-CHOICE POLITICS**

Due to their capacity to rapidly divide, grow, and adapt to new environments, fetal cells hold unique promise for medical research into a variety of diseases and medical conditions.<sup>1</sup> In fact, fetal tissue research<sup>2</sup> in the 1950s was vital to medical research that led to the development of two life-saving vaccines — polio and rubella.<sup>3</sup> Despite this impressive history and the promise of fetal tissue research, federal funding of fetal tissue research was severely restricted in the late 1980s. Although President Clinton lifted the moratorium on funding for certain types of fetal tissue research in 1993,<sup>4</sup> the continued anti-choice attack on such promising medical research gravely damages the ability of doctors and patients to fight disease and battle serious medical conditions. Moreover, recent proposals to further regulate fetal tissue research threaten a woman's right to choose. This memo will discuss the importance of fetal tissue research, the history of anti-choice attacks against federal funding for such research, and existing laws governing fetal tissue research.

### **The Importance of Fetal Tissue Research**

Fetal tissue research has yielded significant advancements in the treatment of numerous diseases and medical conditions. In particular, fetal neural cell transplants have demonstrated promise in the treatment of Parkinson's disease, a neuro-degenerative disorder affecting approximately 1.5 million people in the United States.<sup>5</sup> The transplantation of fetal neural cells into the brains of Parkinson's patients has allowed some patients to regain gait, speech, speed of movement, and quality of life.<sup>6</sup> Other examples of the potential benefits of fetal tissue research include:

- Continued research into the transplantation of fetal neural cells could lead to effective treatments for other neuro-degenerative disorders, including Alzheimer's and Huntington's disease.<sup>7</sup>
- Fetal nerve tissue has been used to treat spinal cord injury, holding promise to end certain types of paralysis.<sup>8</sup>

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- According to scientists at the 1997 Sixth International Neural Transplantation Meeting and the Institute of Medicine's 1994 report on fetal research, fetal tissue transplants may be useful in treating patients with diabetes, multiple sclerosis, birth defects, and radiation poisoning.<sup>9</sup>
- Georgetown University researchers found that fetal bone marrow was more effective for transplantation than either adult marrow or umbilical cord blood, and holds promise for the treatment of sickle cell anemia, leukemia, and AIDS.<sup>10</sup>
- Scientists in the United States are testing fetal retinal transplants as a treatment for macular degeneration which affects millions of people and is "the leading cause of old-age blindness in the United States." In addition, according to doctors in both India and the United States, fetal retinal transplantation has shown promise in treating retinitis pigmentosa, a disease afflicting approximately 100,000 Americans.<sup>11</sup>

### **Federal Funding for Fetal Tissue Research**

Despite the overwhelming potential of fetal tissue research, federal funding for such research has been severely restricted due to anti-choice politics. Since the late 1980s, when fetal tissue transplantation research in the United States first received national attention,<sup>12</sup> anti-choice forces have used abortion politics to limit federal funding for such research. As a result, from the late 1980s to 1993, federal funding was extremely limited, despite the fact that a medical advisory panel found that fetal tissue research, within certain safety guidelines, was acceptable public policy.

- In 1988, the Department of Health and Human Services (DHHS) imposed an explicit moratorium on federal funding for fetal tissue transplantation research involving the use of tissue from induced abortions.<sup>13</sup>
- Thereafter, at the request of DHHS, the National Institutes of Health (NIH) formed an advisory panel to determine the appropriateness of fetal tissue research from induced abortions, including whether such research would encourage women to have abortions, as alleged by anti-choice forces. The NIH advisory committee found no empirical evidence to support this claim and, by a vote of 19-2, determined that fetal tissue research from induced abortions was acceptable public policy provided that the abortion decision was made separately from the decision to donate fetal tissue and that abortion procedures were not altered for the purpose of obtaining fetal tissue for transplantation or medical research.<sup>14</sup>

- In late 1989, however, Louis W. Sullivan, the Secretary of Health and Human Services, extended the ban on fetal tissue transplantation research from induced abortions indefinitely, bowing to pressure from the Bush Administration and Congress to avoid activities related to abortion.<sup>15</sup>

Due to this lack of federal support, researchers in the United States were unable to fully explore the potential of fetal tissue research. Although limited fetal tissue research occurred in the private sector, the federal ban inhibited the flow of private funds to such controversial research projects. Consequently, the United States was sidelined as other countries in Europe and Asia achieved medical advances in the treatment of disease through fetal tissue research. In addition, private sector research was conducted without the benefit of the scientific monitoring and oversight typically provided by the federal government.<sup>16</sup>

In 1990, Representative Henry Waxman (D-CA) introduced the Research Freedom Act, a bill designed to end the ban on federal funding for fetal tissue transplantation research and to prohibit the executive branch from imposing policy on the NIH.<sup>17</sup> Although the Act passed both houses of Congress, it was vetoed by President Bush, and the House failed to override the veto by a vote of 271-156.<sup>18</sup> In 1992, a second medical advisory panel, convened by the Institute of Medicine (IOM) and the National Academy of Sciences (NAS), met to assess the status of fetal research, including fetal tissue transplantation. At a subsequent conference, the panel stressed the need for federal funding to explore promising new areas of fetal research.<sup>19</sup> Responding to the long-standing recommendations of the scientific community, President Clinton issued an executive order in January 1993, immediately upon taking office, lifting the ban on federal funding for research involving transplantation of fetal tissue from induced abortions. In lifting the ban, President Clinton explained that it had "significantly hampered the development of possible treatments for individuals afflicted with serious diseases and disorders." In conjunction with the executive order, the administration also directed the NIH to develop guidelines for fetal tissue transplantation research.<sup>20</sup>

### **Anti-Choice Attacks on Fetal Tissue Research Continue**

Although the ban on the use of federal funds for research involving transplantation of fetal tissue from induced abortions was lifted in the early 1990s, and Congress subsequently established guidelines to ensure that federal funding for fetal tissue research does not promote abortion,<sup>21</sup> anti-choice attacks continue to hamper the development of this research.

- In 1996, a bill to increase federal funding for Parkinson's disease research was unanimously passed in the Senate, but died in House committee even though a majority of House members were listed as co-sponsors.<sup>22</sup>

Anti-choice Representative Chris Smith (R-NJ) led the fight to defeat this bill by introducing a similar bill in the House to increase federal funding for Parkinson's research, but with language prohibiting the use of federal funds for fetal tissue research performed from induced abortions.<sup>23</sup>

- The Senate subsequently considered and approved an amendment to the FY98 Labor, Health and Human Services, Education, and Related Agencies Appropriations bill that established new research centers for Parkinson's disease and provided grants to scientists working in the field of Parkinson's research.<sup>24</sup> Senator Dan Coats (R-IN) introduced a second amendment to prohibit the use of federal funds for Parkinson's research on fetal tissue derived from an induced abortion. On September 4, 1997, the Coats amendment was defeated by a vote of 38-60.<sup>25</sup>

The General Accounting Office (GAO) issued a report in 1997 indicating that all federally funded fetal tissue transplantation projects were meeting established standards governing informed consent and fetal tissue acquisition,<sup>26</sup> and no complaints regarding fetal tissue research have been lodged with the NIH, the agency charged with the oversight of federally funded research, since the GAO report was issued.<sup>27</sup> Nonetheless, anti-choice attacks on fetal tissue research have continued. Most recently, the attacks have focused on alleged illegal profiteering from fetal tissue.

- In July 1999, Life Dynamics, an organization on the fringe of the anti-choice movement, circulated a letter to members of Congress alleging that physicians are altering their abortion procedures to obtain intact fetuses that can be sold for profit.<sup>28</sup> On October 21, 1999, in response to this letter, Senator Bob Smith (R-NH) offered an amendment to the so-called "Partial-Birth" Abortion Ban Act. This amendment would require entities conducting fetal tissue research to disclose confidential information to the government, including the names, addresses, and telephone numbers of any organization in the chain of fetal tissue possession – such as the health care clinic that performs the abortion, the fetal tissue procurement agency, and the company responsible for transporting the tissue to the research facility – **thereby exposing each link in the chain of possession to anti-choice harassment and violence.** As stated by Senator Boxer (D-CA), "I fear [that such a requirement] could escalate the violence at health care clinics all over this country." Senator Smith's amendment was defeated by a vote of 46-51.<sup>29</sup>
- In November 1999, again in response to the letter circulated by Life Dynamics, the House passed a resolution introduced by Representative Tom Tancredo (R-CO) by voice vote directing Congress to conduct hearings on alleged illegal profiteering from fetal tissue.<sup>30</sup> And, in February 2000, Senator Bob Smith (R-NH) requested approval from the Senate Judiciary Committee to subpoena five witnesses to testify

regarding allegations of illegal profiteering from fetal tissue. To support this request, Senator Smith asserted that the witnesses will establish “numerous illegal and immoral” practices in fetal tissue research, including that physicians are altering abortion procedures— and in some cases delivering live fetuses before killing them— to obtain fetal tissue for research; that physicians are not complying with established informed consent procedures for women donating fetal tissue; and that entities involved in fetal tissue procurement are illegally profiting from fetal tissue research.<sup>31</sup>

### **Federal Law Already Prohibits the Sale of Fetal Tissue**

If the allegations regarding the sale of fetal tissue are true, such activities are punishable under existing federal law.

- The NIH Revitalization Act of 1993 provides that “[i]t shall be unlawful for any person to knowingly acquire, receive, or otherwise transfer any human fetal tissue for valuable consideration if the transfer affects interstate commerce.” 42 U.S.C.A. § 289g-2(a). The law defines “human fetal tissue” very broadly to include “tissue or cells obtained from a dead human embryo or fetus after a spontaneous or induced abortion, or after a stillbirth.” 42 U.S.C.A. § 289g-1(g). Under this law, selling fetal tissue is a federal crime punishable by fines, imprisonment for up to ten years, or both. 42 U.S.C.A. § 289g-2(c). In order to permit reimbursement for legitimate expenses in cases of fetal tissue donation, however, the law specifies that “valuable consideration” does not include “reasonable payments associated with the transportation, implantation, processing, preservation, quality control, or storage of human fetal tissue.” 42 U.S.C.A. § 289g-2(d)(3).
- Similarly, the National Organ Transplant Act (NOTA) makes it unlawful for a person “to knowingly acquire, receive, or otherwise transfer any human organ,” including fetal tissue, “for valuable consideration for use in human transplantation if the transfer affects interstate commerce.” 42 U.S.C.A. § 274e(a), (c)(1). Under NOTA, selling fetal tissue for transplantation is a federal crime punishable by fines up to \$50,000, imprisonment for up to five years, or both. 42 U.S.C.A. § 274e(b). This law also permits reimbursement for certain expenses related to fetal tissue donation. 42 U.S.C.A. § 274e(c)(2).

Numerous states have similar provisions prohibiting the sale of fetal tissue,<sup>32</sup> and federal law requires all federally funded fetal tissue research projects to comply with “any applicable State or local laws.” 45 C.F.R. § 46.210.

## **Federal Law Establishes Additional Parameters for Fetal Tissue Collection**

Federal law not only prohibits the sale of fetal tissue, it also regulates tissue collection in any fetal tissue transplantation research supported by federal funds.<sup>33</sup> Specifically, the law establishes guidelines to separate the decision to abort from the decision to donate, outlines informed consent procedures for women donating fetal tissue, contains safeguards against conflicts of interest, and prohibits changes in medical practice. In addition, many states have passed similar laws regulating fetal tissue collection.

- **Preventing undue influence on the decision to terminate a pregnancy**

In particular, federal law states that fetal tissue from an induced abortion may be used for transplantation only if the attending physician completes a signed, written statement certifying that "the consent of the woman for the abortion was obtained prior to requesting or obtaining consent" for a fetal tissue donation. 42 U.S.C.A. § 289g-1(b)(2)(A)(i). Further, the law requires a signed, written statement from the woman confirming that she donated the fetal tissue without restriction and that she was not informed of the identity of any transplant recipients. 42 U.S.C.A. § 289g-1(b)(1)(A)-(C). Additionally, no inducements, financial or otherwise, may be offered to terminate a pregnancy for purposes of research. 45 C.F.R. § 46.206(b).<sup>34</sup>

- **Requiring informed consent**

A woman must be informed of "any known medical risks to the woman or risks to her privacy that might be associated" with the tissue donation. 42 U.S.C.A. § 289g-1(b)(2)(C)(ii).<sup>35</sup>

- **Mandating disclosure of physician interest**

Full disclosure is also required with regard to the "physician's interest, if any, in the research to be conducted with the tissue." 42 U.S.C.A. § 289g-1(b)(2)(C)(i).

- **Prohibiting changes in medical practice**

Finally, federal law does not permit physicians to alter an abortion procedure to facilitate fetal tissue donation. The law stipulates that the attending physician must certify in writing that "no alteration of the timing, method, or procedures used to terminate the pregnancy was made solely for the purposes of obtaining the tissue." 42

U.S.C.A. § 289g-1(b)(2)(A)(ii). In addition, a researcher receiving fetal tissue must sign a statement indicating that he or she had no part in any decisions regarding the "timing, method, or procedures" used for abortion. 42 U.S.C.A. § 289g-1(c)(4); 45 C.F.R. § 46.206(a)(3)-(4).

## **Conclusion**

Existing federal law regulating fetal tissue research should be vigorously enforced, and, if individuals or organizations are engaged in illegal activity, they should be prosecuted to the full extent of the law. However, fetal tissue research is too crucial to the lives and health of American families to fall victim to anti-choice politics. It is time to recognize the devastating consequences and lost potential from anti-choice obstruction of advances in fetal tissue research.

2/22/2000

## Notes:

<sup>1</sup> Rachel B. Gold and Dorothy Lehrman, "Fetal Research Under Fire: The Influence of Abortion Politics," *Family Planning Perspectives*, vol. 21, no.1 (Jan./Feb. 1989): 7.

<sup>2</sup> Fetal tissue research involves the use of cells from dead fetuses that have been aborted. It does not involve taking tissue from live fetuses either in or ex utero. John A. Robertson, "Rights, Symbolism, and Public Policy in Fetal Tissue Transplants," in *Life Choices: A Hastings Center Introduction to Bioethics*, Joseph H. Howell and William F. Sale, eds. (Washington, D.C.: Georgetown University Press, 1995), 444. Fetal tissue from induced abortions is preferable to tissue from spontaneous abortions, or miscarriages, because it is easier to collect — most spontaneous abortions occur absent medical supervision — and because fetuses obtained from spontaneous abortions often contain genetic abnormalities. Daniel J. Garry et al., "Sounding Board: Are There Really Alternatives to the Use of Fetal Tissue from Elective Abortions in Transplantation Research?," *New England Journal of Medicine*, vol. 327, no. 22 (Nov. 1992): 1592, 1595; Gold and Lehrman, "Fetal Research Under Fire," 6-7. Fetal tissue research may involve (1) growing fetal cells in laboratory dishes to test the effects of drugs, viruses or other infections and/or (2) transplanting fetal cells into patients to combat disease. Conference Committee on Fetal Research and Applications, Division of Health Promotion and Disease Prevention, Institute of Medicine (IOM), *Fetal Research and Applications: A Conference Summary* (Washington, D.C.: National Academy Press, 1994), 6.

<sup>3</sup> Don Colburn, "The Fetus: Medicine, Law, Morality," *Washington Post*, Oct. 18, 1988, Z16; Gold and Lehrman, "Fetal Research Under Fire," 6-7.

<sup>4</sup> Memorandum for the Secretary of Health and Human Services, Federal Funding of Fetal Tissue Transplantation Research, 58 Fed. Reg. 7457 (Jan. 22, 1993).

<sup>5</sup> Gold and Lehrman, "Fetal Research Under Fire," 7; The National Parkinson Foundation, Inc., "What the Patient Should Know," <<http://www.parkinson.org/pdedu.htm>> (2/18/00); Carl T. Hall, "Solving the Parkinson's Puzzle: Scientists Report Promising Results in Research to Help Cure Disease," *San Francisco Chronicle*, Jan. 31, 2000, A6.

<sup>6</sup> Anne H. Chisholm, "Fetal Tissue Transplantation for the Treatment of Parkinson's Disease: A Review of the Literature," *Journal of Neuroscience Nursing*, vol. 28, no.5 (Oct. 1996): 329. In 1999, preliminary findings from the first federally funded trial studying fetal cell transplants and their effectiveness in treating Parkinson's disease indicate that, once implanted into the brains of Parkinson's patients, fetal cells "do grow and divide and provide some patients with relief," particularly patients under 60 years of age. "Fetal Cell Study Shows Promise for Parkinson's," *Los Angeles Times*, Apr. 22, 1999, A29.

<sup>7</sup> Garry et al., "Sounding Board," 1592; see also James E. Goddard, "The NIH Revitalization Act of 1993 Washed Away Many Legal Problems with Fetal Tissue Transplantation Research But a Stain Remains," *Southern Methodist University Law Review*, vol. 49 (Jan./Feb. 1996): 375, 378; Nikki Melina Constantine Bell, "Regulating Transfer and Use of Fetal Tissue in Transplantation Procedures: The Ethical Dimensions," *American Journal of Law & Medicine*, vol. 20 (1994): 277, 278; Gold and Lehrman, "Fetal Research Under Fire," 7.

<sup>8</sup> Warren E. Leary, "Fetal Tissue Injected Into Injured Spinal Cord," *New York Times*, July 12, 1997; Sally Squires, "Spinal Cord Repair Research Yields Results," *Washington Post*, Sept. 22, 1992, Z06; Gold and Lehrman, "Fetal Research Under Fire," 7.

<sup>9</sup> Joan I. Samuelson, "Tissue Transplant Field Gaining Rapid Sophistication, Experts Say," *The Action Reporter* (Parkinson's Action Network), vol. 8, no. 1 (Apr. 1997): 2; IOM, *Fetal Research and Applications*, 7.

<sup>10</sup> Jennifer Rothacker, "Marrow From Fetuses Effective in Transplants," *Austin American-Statesman*, May 4, 1997, A7.

<sup>11</sup> Brenda Warner Rotzoll, "Abortion Foes Blast Use of Fetal Tissue," *Chicago Sun-Times*, Feb. 2, 1997, 10; "Fetal Retinal Cells Transplanted in Search for Eye Disease Cure," *Washington Post*, Feb. 1, 1997; Dick Kaukas, "Doctor Tries to Reverse Eye Ailment: Fetal Tissue Tested to Treat Blinding Disease," *Louisville Courier-Journal*, May 13, 1999, 1B; Richard A. Knox, "Fetal Tissue Reported to Aid Sight," *Boston Globe*, Nov. 18, 1996, C1.

<sup>12</sup> In 1985, American scientists first transplanted fetal cells into humans. Thereafter, a group of NIH scientists sought federal funds for Parkinson's disease research involving fetal tissue transplantation. Memorandum for the Secretary of Health and Human Services, Federal Funding of Fetal Tissue Transplantation Research, 58 Fed. Reg. 7457 (Jan. 22, 1993); Chrysso Barbara Sarkos, "The Fetal Tissue Transplant Debate in the United States: Where is King Solomon When You Need Him?," *Journal of Law and Politics*, vol. 7 (Winter 1991): 379, 401-03; Gold and Lehrman, "Fetal Research Under Fire," 9-10.

<sup>13</sup> Memorandum for the Secretary of Health and Human Services, Federal Funding of Fetal Tissue Transplantation Research, 58 Fed. Reg. 7457 (Jan. 22, 1993); IOM, *Fetal Research and Applications*, 9; Garry et al., "Sounding Board," 1592.

<sup>14</sup> Gold and Lehrman, "Fetal Research Under Fire," 10-11; Bell, "Regulating Transfer and Use of Fetal Tissue in Transplantation Procedures," 278-79.

<sup>15</sup> Memorandum for the Secretary of Health and Human Services, Federal Funding of Fetal Tissue Transplantation Research, 58 Fed. Reg. 7457 (Jan. 22, 1993); IOM, *Fetal Research and Applications*, 9; Garry et al., "Sounding Board," 1592; Sarkos, "The Fetal Tissue Transplant Debate," 413; Richard Lacayo, "Pro-Choice? Get Lost: Antiabortion Views are a Must at Health and Human Services," *Time Magazine*, Dec. 4, 1989, 43.

<sup>16</sup> John C. Fletcher, "The Suppression of Biomedical Research in the U.S.," in *The Politics of Abortion: The Impact on Scientific Research*, Bass and Howes, Inc., eds. (Washington, D.C.: NARAL Foundation, 1991), 9; see also IOM, *Fetal Research and Applications*, 1; Sarkos, "The Fetal Tissue Transplant Debate," 403-04; Joanna H. Kinney, "Restricting Donative Choice: Fetal Tissue Transplantation and Respect for Human Life," *Journal of Law and Health*, vol. 10 (1995-1996): 268-69.

<sup>17</sup> Research Freedom Act of 1990, H.R. 5456, 101<sup>st</sup> Cong. (Aug. 3, 1990).

<sup>18</sup> The Research Freedom Act went to President Bush as part of the National Institutes of Health Revitalization Amendments of 1992, H.R. 2507, 102<sup>nd</sup> Cong. (June 3, 1991). President Bush vetoed the bill, in part, because it permitted the use of fetal tissue from induced abortions, which, according to the White House, had the "potential for promoting and legitimizing abortion." President's Message to the House of Representatives Returning Without Approval the National Institutes of Health Revitalization Amendments of 1992, Weekly Comp. Pres. Doc., vol. 28 (June 23, 1992): 1132, 1133.

<sup>19</sup> IOM, *Fetal Research and Applications*, 51, 60-61.

<sup>20</sup> Memorandum for the Secretary of Health and Human Services, Federal Funding of Fetal Tissue Transplantation Research, 58 Fed. Reg. 7457 (Jan. 22, 1993); Office of the Secretary,

Department of Health and Human Services, "Notices: Actions Regarding Family Planning Projects, Transplantation of Human Fetal Tissue, and Importation of the Drug Mifepristone [sic]," 58 Fed. Reg. 7468 (Feb. 5, 1993); IOM, *Fetal Research and Applications*, 9.

<sup>21</sup> National Institutes of Health Revitalization Act of 1993, Pub. L. No. 103-43, §§ 111-12 (codified at 42 U.S.C.A. §§ 289g-1, 289g-2).

<sup>22</sup> The Parkinson's research bill, as originally introduced, died in Senate committee. Morris K. Udall Parkinson's Research, Assistance, and Education Act of 1995, S. 684, 104<sup>th</sup> Cong. (Apr. 6, 1995). However, the substantive provisions of the bill were incorporated into a bill related to the National Institutes of Health that passed the Senate by Unanimous Consent and then died in House Committee. National Institutes of Health Revitalization Act of 1996, S. 1897, 104<sup>th</sup> Cong. (Sept. 26, 1996); see also Letter from Honorable Christopher H. Smith, House of Representatives, to members of the House of Representatives (Apr. 3, 1997) (on file with NARAL).

<sup>23</sup> Parkinson's Research, Assistance, and Education Act of 1996, H.R. 3514, 104<sup>th</sup> Cong. (May 22, 1996).

<sup>24</sup> On November 13, 1997, the appropriations bill was enacted, including the funding for Parkinson's research. Departments of Labor, Health and Human Services, Education, and Related Agencies Appropriations Act of 1998, Pub. L. No. 105-78, 111 Stat. 1467. From FY98 to FY99, the total amount of funds appropriated for research on Parkinson's disease equaled \$242.5 million. Letter from Lee Pushkin, Chief, Division of Budget Policy and Resource Analysis, Office of Financial Management, National Institutes of Health (Feb. 18, 2000) (on file with NARAL).

<sup>25</sup> 143 Cong. Rec. S8736 (daily ed. Sept. 3-4, 1997); see also National Abortion and Reproductive Rights Action League, Government Relations Department, *1997 Congressional Record on Choice* (Washington, D.C.: NARAL, 1997), 17.

<sup>26</sup> General Accounting Office (GAO), "NIH-Funded Research: Therapeutic Human Fetal Tissue Transplantation Projects Meet Federal Requirements," Report to the Chairman and Ranking Minority Members, Committee on Labor and Human Resources, U.S. Senate, and Committee on Commerce, House of Representatives (Mar. 10, 1997) (GAO/HEHS-97-61).

<sup>27</sup> 145 Cong. Rec. H11723-25 (daily ed. Nov. 9, 1999) (statement of Representative Lowey); Telephone Interview with Belinda Seto, Director of Office of Reports and Analysis, Office of the Director, Office of Extramural Research, National Institutes of Health (Feb. 17, 2000) (on file with NARAL).

<sup>28</sup> The letter circulated by Life Dynamics was written by J.C. Willke, M.D., the President of Life Issues Institute, Inc., an organization dedicated to "serving the educational needs of the pro-life movement." Letter from John C. Willke, President, Life Issues Institute, Inc., to Honorable Nita M. Lowey, United States House of Representatives, June 25, 1999 (on file with NARAL).

<sup>29</sup> 145 Cong. Rec. S12966-12970, 12985-89 (daily ed. Oct. 21, 1999) (fetal tissue transplantation disclosure amendment and statement of Senator Boxer).

<sup>30</sup> H. Res. 350, 106<sup>th</sup> Cong. (Nov. 9, 1999); 145 Cong. Rec. H11723-11728 (daily ed. Nov. 9, 1999) (enacted). During debate on the House floor, Representative Lowey (D-NY) explained her objection to the resolution stating, "[a]llegations of wrongdoing, if substantiated, should be investigated, not, my colleagues, brought to the floor of the House to inflame. This resolution is not needed in order for oversight hearings to be held." 145 Cong. Rec. H11725 (daily ed. Nov. 9, 1999).

<sup>31</sup> Letter from Brian Darling, Office of Senator Bob Smith, to Senate Judiciary Committee (Feb. 9, 2000) (on file with NARAL).

<sup>32</sup> Some states specifically prohibit selling, purchasing, or offering to sell or purchase human embryos, fetuses, or portions thereof. See, e.g., Ark. Code Ann. § 20-17-802(c); Fla. Stat. Ann. § 873.05; La. Rev. Stat. Ann. § 9:122; Mo. Ann. Stat. § 188.036(5); Nev. Rev. Stat. § 451.015; Ohio Rev. Code Ann. § 2919.14; Okla. Stat. Ann. tit. 63, § 1-735; 18 Pa. Cons. Stat. Ann. § 3216(b)(3); Tenn. Code Ann. § 39-15-208(b); Tex. Penal Code Ann. § 48.02; Utah Code § 76-7-311 (prohibiting sale or purchase of “unborn children”). Additionally, pursuant to the Uniform Anatomical Gift Act (UAGA), certain states have made it a crime to knowingly purchase or sell human body parts — including tissue — for transplantation or therapy. Ariz. Rev. Stat. Ann. § 36-849; Ark. Code Ann. § 20-17-610; Cal. Health & Safety Code § 7155; Conn. Gen. Stat. § 19a-280a; Haw. Rev. Stat. Ann. § 327-10; Idaho Code § 39-3411; Iowa Code Ann. § 142C.10; Minn. Stat. Ann. § 525.9219; Mont. Code Ann. § 72-17-302; Nev. Rev. Stat. § 451.590; N.M. Stat. Ann. § 24-6A-10; N.D. Cent. Code § 23-06.2-10; Ohio Rev. Code Ann. § 2108.12; R.I. Gen. Laws § 23-18.6-10; Vt. Stat. Ann. tit. 18, § 5246; see also N.Y. Pub. Health Law § 4307 (prohibiting sale of “any human organ” for use in transplantation); S.D. Codified Laws § 34-26-44 (same); W.V. Code § 16-19-7a (same); Wis. Stat. Ann. § 146.345 (same). Finally, some states that have adopted the UAGA prohibit the purchase or sale of a human body part for any reason. 755 Ill. Comp. Stat. Ann. § 50/8.1; N.H. Stat. Ann. § 291-A:11; Utah Code § 26-28-10; Va. Code § 32.1-289.1; Wyo. Stat. § 35-5-117.

<sup>33</sup> According to federal law, all federally funded fetal tissue transplantation projects must be conducted in accordance with applicable state and local laws. 42 U.S.C.A. § 289g-1(e); 45 C.F.R. § 46.210. Some states, however, prohibit experimentation on or transplantation of fetal tissue from an induced abortion. See, e.g., Ariz. Rev. Stat. Ann. § 36-2302; Ind. Code Ann. § 16-34-2-6; La. Stat. Ann. § 40:1299.35.13 (found unconstitutional by *Margaret S. v. Edwards*, 794 F.2d 994 (5<sup>th</sup> Cir. 1986)); N.D. Cent. Code § 14-02.2-02; Ohio Rev. Code Ann. § 2919.14; Okla. Stat. Ann. § 1-735; S.D. Codified Laws § 34-23A-17.

<sup>34</sup> Certain state statutes contain similar provisions preventing improper influence on the decision to terminate a pregnancy. See, e.g., Mass. Gen. Laws ch. 112, § 12J(a)(III); Mich. Comp. Laws § 333.2689; Mo. Ann. Stat. § 188.036; 18 Pa. Cons. Stat. Ann. § 3216(b).

<sup>35</sup> States may also require a woman's consent before tissue donation. See, e.g., Ark. Code § 20-17-802(b)(2); 720 Ill. Comp. Stat. Ann. 510/12.1 (requiring written consent for experimentation on tissue that does “not result from an induced abortion”); Mass. Gen. Laws ch. 112, § 12J(a)(II); Mich. Comp. Laws § 333.2688; 18 Pa. Cons. Stat. Ann. § 3216(b)(1).



NARAL

Reproductive Freedom & Choice

## LIFE DYNAMICS, INC. AND MARK CRUTCHER

Life Dynamics Incorporated (LDI), based in Denton, Texas, is an anti-choice group incorporated in 1992 by president Mark Crutcher.<sup>1</sup> In his 1992 book, *Firestorm: A Guerrilla Strategy for a Pro-Life America*, Crutcher envisions "an America where abortion may indeed be perfectly legal, but no one can get one."<sup>2</sup> Crutcher, who has said the anti-choice movement is "a war he intends to win," created LDI to serve as *Firestorm's* "anti-abortion guerrilla campaign center," a base from which to further Crutcher's stated goal: "to make abortion unavailable **by any means necessary**" (emphasis added).<sup>3</sup> Crutcher and LDI use threats and intimidation to carry out their anti-choice agenda:

- LDI's hostile direct mail campaign is "designed to reinforce the stigma attached with abortion."<sup>4</sup>
  - Seeking to deter the next generation of physicians from providing abortions, in 1993, LDI distributed a threatening "joke" booklet to more than 33,000 medical students. The booklet recommended that physicians who perform abortions should be shot, attacked by dogs, and buried in concrete. One medical student, who received the booklet the same day that Florida abortion provider Dr. David Gunn was murdered, stated, "It was very upsetting. . . . [T]he jokes all describe ob-gyns who perform abortions as people who should be killed."<sup>5</sup>
  - In 1999, LDI sent another such booklet, entitled "Quack the Ripper," to dozens of physicians and medical students in Canada and the U.S. The booklet contained cartoons mocking abortion providers and "play[ing] on their safety concerns." The cover of the booklet stated, "[I]f you're a doctor, resident, or med student, someone's out to get you."<sup>6</sup> Medical students and physicians who received the booklet found it "violent," "hostile," and "threatening"<sup>7</sup> – as one student said, "I felt like I'd been violated. . . . It was a direct attack on me."<sup>8</sup>

Such actions can only exacerbate the current shortage of abortion providers.<sup>9</sup>

- LDI's Abortion Malpractice ("AbMal") campaign seeks to provide lawyers with tools and strategies to sue abortion providers.<sup>10</sup> In Arizona, AbMal attorney John Jakubczyk has filed six abortion malpractice lawsuits against abortion provider Dr. Brian Finkel, none of which has been successful. Moreover, Dr. Finkel has never been sued by anyone but Jakubczyk. Nevertheless, these lawsuits have likely harmed Dr. Finkel's relationships

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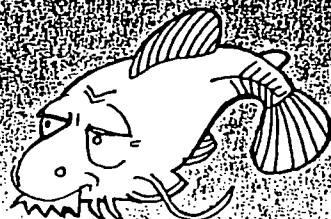
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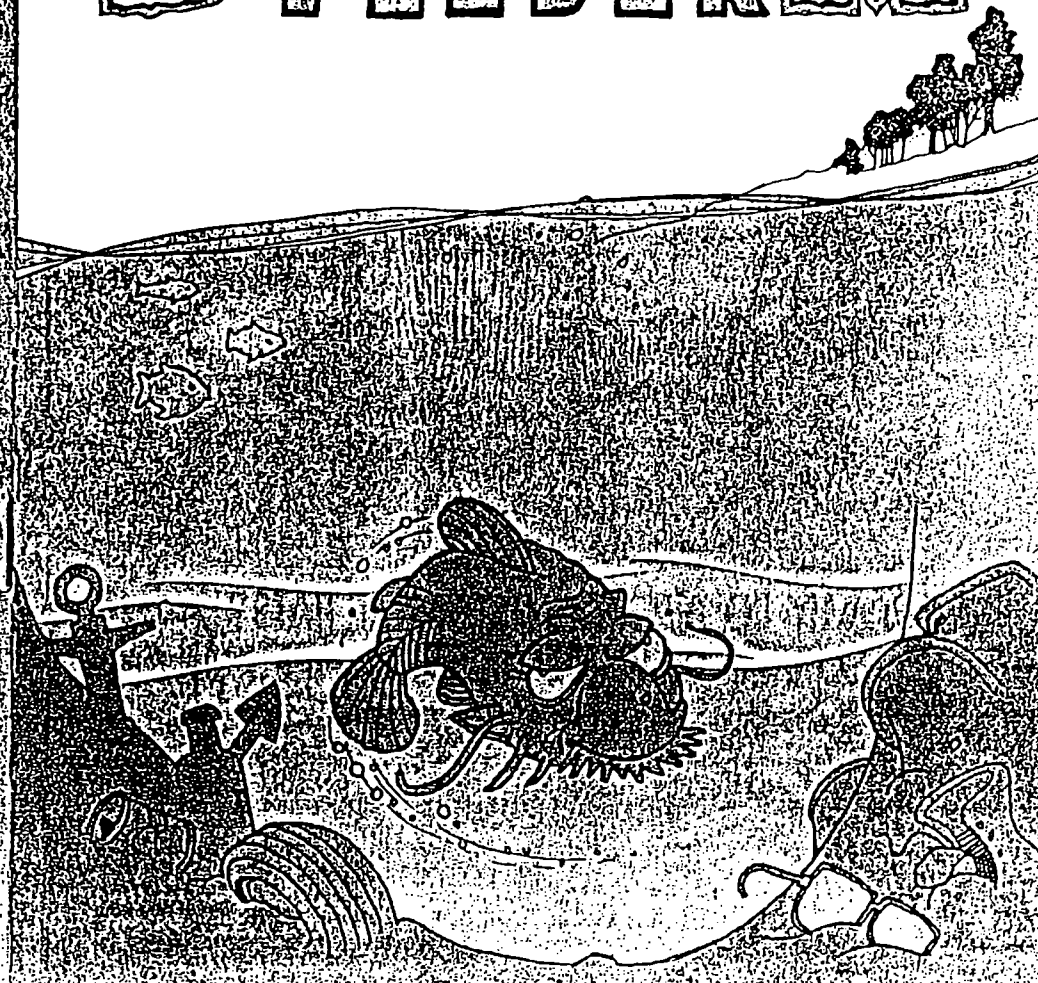
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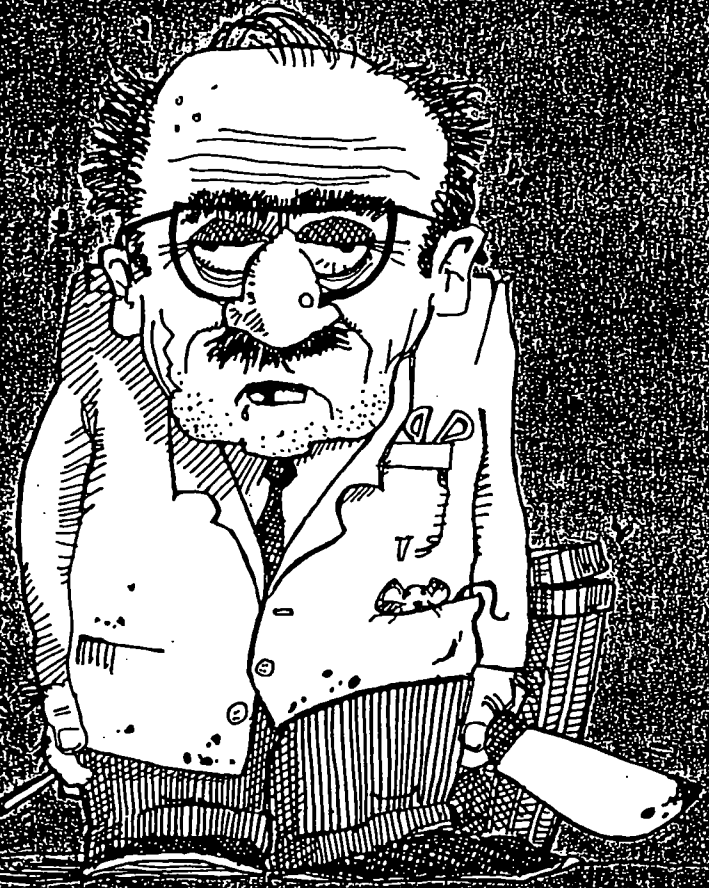
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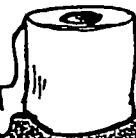
Q: WHY DO ABORTIONISTS ALWAYS HAVE STUPID LOOKS ON THEIR FACES?



A: THEY'RE STUPID.

Q: WHY DO ABORTIONISTS WEAR HATS?

A: SO THEY KNOW WHICH END TO WIPE.



Q: WHY DID THE ABORTIONIST GIVE UP SMOKING COKE?

A: TOO HARD TO GET THE BOTTLE UP HIS NOSE.



A YOUNG MAN WAS WALKING BESIDE A DESERTED LAKE WHEN HE HEARD A CRY FOR HELP.

NOTICING THAT A MAN WAS FLAILING AROUND NEAR A CAPSIZED BOAT HE IMMEDIATELY RUSHED INTO THE WATER TO SAVE HIM.



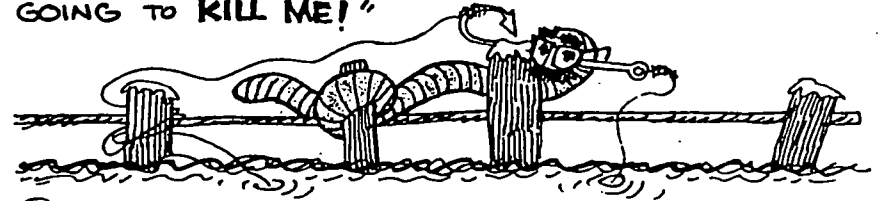
AFTER PULLING HIM TO SHORE THE YOUNG MAN RECOGNIZED THE PERSON HE RESCUED AS A LOCAL ABORTIONIST.

BEING NATURALLY APPRECIATIVE, THE ABORTIONIST SHOWED HIS GRATITUDE BY OFFERING TO BUY HIS RESCUER ANYTHING HE WANTED.

HEARING THAT, THE YOUNG MAN SAID THAT WHAT HE WOULD MOST LIKE IS A REALLY NICE FUNERAL.

ASTONISHED, THE ABORTIONIST ASKED, "WHY ON EARTH WOULD A PERFECTLY HEALTHY YOUNG MAN LIKE YOURSELF WASTE YOUR WISH ON A FUNERAL?"

"IT'S NOT A WASTE," HE SAID, "WHEN MY FATHER FINDS OUT I KEPT AN ABORTIONIST FROM DROWNING, HE'S GOING TO KILL ME!"



Q: IF YOU SEE A ROW OF FISHERMEN SITTING ON A PIER, HOW DO YOU TELL IF ONE OF THEM IS AN ABORTIONIST?

A: SIMPLE. JUST LOOK FOR A FISHING POLE WITH A WORM ON BOTH ENDS.

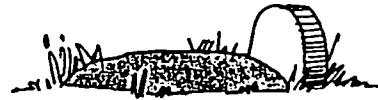
WHAT DO YOU CALL 2000 ABORTIONISTS CHAINED TO THE BOTTOM OF THE SEA?

NOT ENOUGH ABORTIONISTS.

ONE DAY, AN OLD MAN AND WOMAN WERE CHECKING OUT TOMBSTONE INSCRIPTIONS IN THE LOCAL CEMETARY WHEN THEY CAME ACROSS ONE THAT READ:

"Here lies an abortionist and an honorable man."

"GET A LOAD OF THAT, MA," SAID THE OLD MAN, "LAND'S SO SCARCE THESE DAYS THEY'RE HAVING TO BURY FOLKS TWO TO THE GRAVE!"



While shopping in the cannibal supermarket, a woman noticed that the price of hearts was \$20 a pound. Complaining loudly to the butcher, she said, "You're selling lives for \$1.99 and brains for \$2.99, where do you get off charging \$20 a pound for hearts?"

Maxine, he explained, "We get our hearts from abortionists. Do you have any idea how many abortionists we have to kill to get a pound of hearts?"



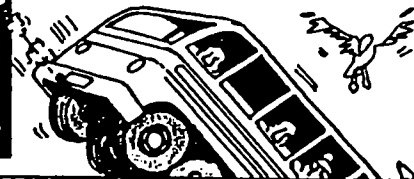
### THE FOUR SHORTEST BOOKS IN THE WORLD:

- FAMOUS JEWISH ASTRONAUTS
- TEN THOUSAND YEARS OF GERMAN HUMOR
- IRISH GOURMET COOKING
- ETHICAL ABORTIONISTS I HAVE KNOWN.



Q: WHAT DO YOU CALL A BUSLOAD OF ABORTIONISTS GOING OVER A CLIFF WITH ONE OF ITS SEATS UNOCCUPIED?

A: A CRYING SHAME.



Q: WHAT DO YOU GET WHEN YOU CROSS A PIG WITH AN ABORTIONIST?



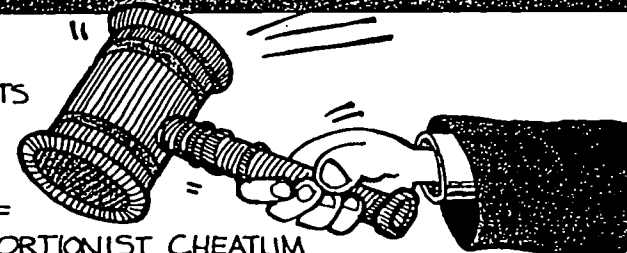
WHAT DOES AN ABORTIONIST HAVE TO DO TO CURE HIS BAD BREATH?

QUIT BITING HIS FINGERNAILS OR QUIT SCRATCHING HIS BUTT.



AN ABORTIONIST WAS SITTING ON A PARK BENCH WHEN HE NOTICED A NEARBY DOG WHO WAS BUSY LICKING HIS GENITALS. THE ABORTIONIST LEANED OVER TO THE GUY NEXT TO HIM AND SAID "GOD I WISH I COULD DO THAT." THE GUY REPLIED "WELL, I THINK YOU BETTER PET HIM A LITTLE BIT FIRST, HE LOOKS KIND OF MEAN."

AN ABORTIONIST OWNER, PONDERING OVER A FEDERAL QUESTION, ASKED "WHY CAN'T WE EMPLOYERS GET YOU HAVE BEEN BOSS BY SEX?" HE ANSWERED "NONE THAT I KNOW OF. OUR MAIN PROBLEM IS ALCOHOL."



TWO ABORTIONISTS WERE SUING EACH OTHER. AT THE BEGINNING OF THE TRIAL, ABORTIONIST CHEATUM LEAPT TO HIS FEET AND SHOUTED, "STEELE! YOU'RE A LYING, STUPID, INCOMPETENT QUACK!"

FLUSHED WITH RAGE ABORTIONIST STEELE SHOT BACK, "AND YOU, CHEATUM, ARE A MINDLESS, NO TALENT, ARROSANT BAG OF WIND!"

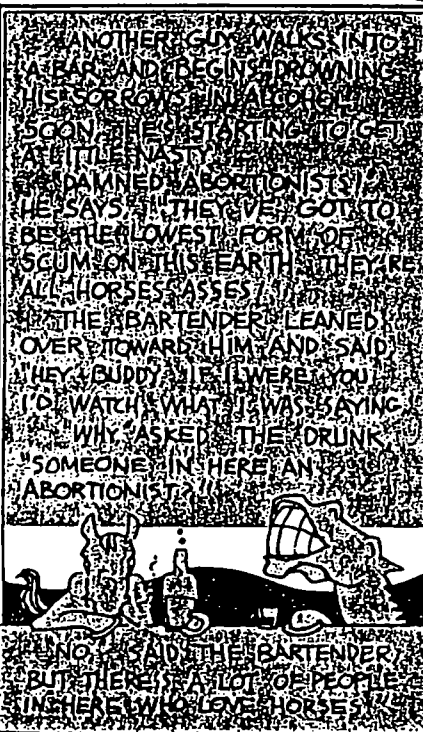
"WHY YOU S.O.B.!"

"THIMBLEWIT!"

BANGING HIS GAVEL, THE JUDGE SAID, "NOW THAT YOU TWO HAVE BEEN INTRODUCED. CAN WE GET ON WITH THE TRIAL?"

HOW DO YOU TELL IF AN ABORTIONIST HAS CLASS?  
ALL THE WORDS ON HIS TATTOO ARE SPELLED CORRECTLY.

Q: HOW MANY ABORTIONISTS DOES IT TAKE TO TAKE A BATH?  
A: SIX. ONE TO LIE IN THE TUB, AND FIVE TO SPIT ON HIM.



An abortionist walks into a bar carrying a duck under his arm. "Get that filthy pig out of my bar!" screams the owner.

"Well first off," said the abortionist, "He's not filthy and secondly, he's not a pig."

"I wasn't talking to you," replied the owner, "I was talking to the duck!"

DID YOU HEAR ABOUT THE ABORTIONIST WHO DIED EATING MOUNTAIN OYSTERS?

HE WAS DRAGGED TO DEATH BY A BULL.

WHAT DOES AN ABORTIONIST USE FOR A CONTRACEPTIVE?  
**HIS PERSONALITY.**



Q: Why are more and more Medical Laboratories now using abortionists instead of rats for experimentation?

A: 1. THE LAB TECHNICIANS DON'T GET EMOTIONALLY ATTACHED TO ABORTIONISTS.  
2. THERE ARE SOME THINGS THEY CAN'T GET THE RATS TO DO.

And then there was the abortionist who drank so much Fresca that he snowed in his pants.



How can you recognize an abortionist with weak kidneys?

LOOK FOR THE RUSTY ZIPPER AND THE YELLOW SOCKS

HOW MANY ABORTIONISTS DOES IT TAKE TO UNSTOP A TOILET?



THREE. TWO TO HOLD HIS LEGS AND ONE TO DIVE AND SLICK.

AN ABORTIONIST, A JEW, AND A HINDU WERE DRIVING THROUGH THE COUNTRY WHEN THEIR CAR BROKE DOWN. HIKING TO A NEARBY FARM THEY DISCOVERED THAT THE LOCAL GARAGE WOULDN'T BE ABLE TO REPAIR IT UNTIL THE NEXT DAY.

THE FARMER SAID THEY WERE WELCOME TO STAY AT HIS HOUSE, BUT THAT HE ONLY HAD TWO BEDS AND ONE OF THEM WOULD HAVE TO SLEEP IN THE BARN.

HEARING THAT, THE JEW VOLUNTEERED TO GO SLEEP IN THE BARN, HOWEVER, A FEW MOMENTS LATER HE KNOCKED ON THE DOOR AND SAID THAT THERE WAS A PIG IN THE BARN AND HIS RELIGION PROHIBITED HIM FROM SLEEPING WITH PIGS.

THE HINDU SAID HE UNDERSTOOD, AND AGREED TO TAKE HIS PLACE. HOWEVER, A FEW MINUTES LATER HE TOO KNOCKED ON THE DOOR. HIS PROBLEM WAS THAT THERE WAS A COW IN THE BARN AND HIS RELIGION PROHIBITED HIM FROM SLEEPING WITH COWS.



GRUMBLING, THE ABORTIONIST GOT UP AND STORMED OUT TO SLEEP IN THE BARN.

A FEW MOMENTS LATER, THE PIG AND THE COW KNOCKED ON THE DOOR...

HOW DOES AN ABORTIONIST  
TAKE A BUBBLE BATH?

HE HAS BEANS  
FOR LUNCH.



HOW DO YOU TELL  
IF AN ABORTIONIST  
IS LYING?

HIS  
MOUTH  
IS  
MOVING.

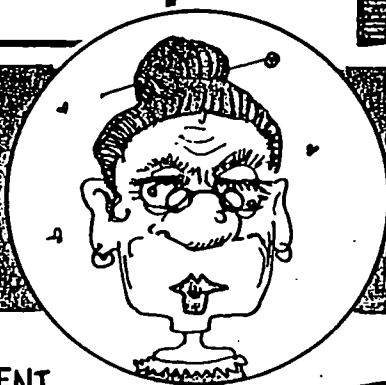


Q: HOW CAN AN  
ABORTIONIST  
BRIGHTEN UP A ROOM?

A: BY LEAVING IT.



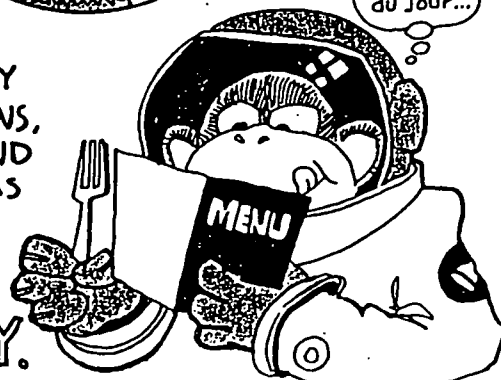
Q: WHAT IS  
THE MATING  
CALL OF THE  
FEMALE  
ABORTIONIST?



A: TAKE  
ME HOME  
I'M  
DRUNK

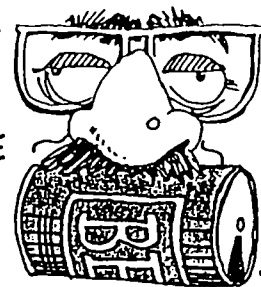
AN ABORTIONIST WENT  
ON A SPACE MISSION WITH  
A MONKEY. THE MONKEY  
HAD TO PUSH THE BUTTONS,  
ADJUST DIAL READINGS AND  
FILE REPORTS. WHAT WAS  
THE ABORTIONIST'S JOB?

FEED THE MONKEY.



WHY DO ABORTIONISTS  
HAVE SUCH LARGE  
NOSTRILS?

BECAUSE THEY HAVE  
FAT FINGERS.



WHAT DO YOU  
CALL A BEER  
WITH A BOOGER  
IN IT?

AN ABORTIONIST'S  
MARTINI.

Then there was the abortionist who stepped  
in cow dung and thought he was melting.

Q: HOW MANY ABORTIONISTS DOES IT TAKE TO  
MAKE CHOCOLATE CHIP COOKIES?

A: TWO. ONE TO MIX THE BATTER, AND ONE  
TO SQUEEZE  
THE RABBIT.



ASKING PEOPLE WHAT  
THEY THINK ABOUT  
ABORTIONISTS IS  
LIKE ASKING A FIRE  
HYDRANT WHAT IT  
THINKS ABOUT DOGS.



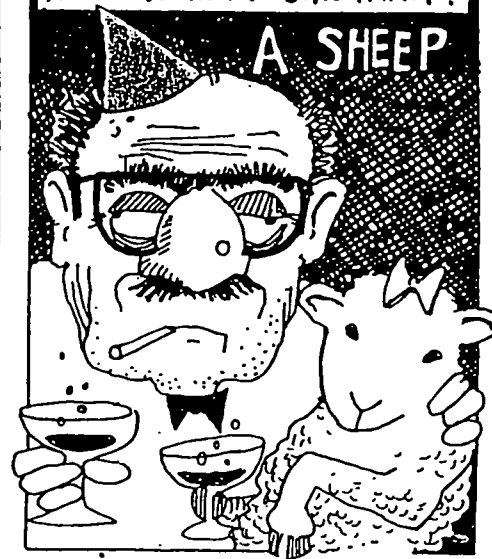
Q: WHAT DO YOU CALL AN  
ABORTIONIST WITH  
1500 GIRLFRIENDS?

A: A SHEPHERD.



WHAT JUMPS OUT OF THE CAKE  
AT AN ABORTIONIST STAG PARTY?

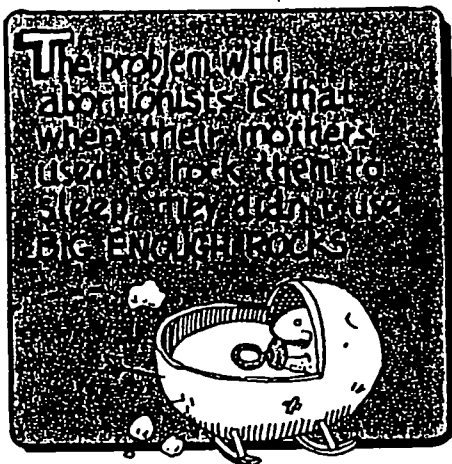
A SHEEP



Q: HOW DOES AN ABORTIONIST TELL THE DIFFERENCE BETWEEN WEIRD SEX AND KINKY SEX?



A: WEIRD SEX IS WHEN THEY JUST USE A FEATHER. KINKY SEX IS WHEN THEY USE THE WHOLE CHICKEN.



DID YOU HEAR ABOUT THE ABORTIONIST WHO PUT ODOR-EATERS IN HIS SHOES, WALKED THREE STEPS AND DISAPPEARED?



Q: WHAT DOES AN ABORTIONIST SAY BEFORE PICKING HIS NOSE?

A: GRACE.

THE OFFICIAL MOTTO OF ABORTION COUNTRY:

Where the men are men, and the sheep are nervous.

Q: IF A TALL SKINNY ABORTIONIST AND A SHORT FAT ABORTIONIST JUMP OFF A TWENTY STORY BUILDING AT THE EXACT SAME MOMENT, WHICH ONE WILL HIT THE GROUND FIRST?

A: WHO CARES?

Why does California have the most abortionists and New Jersey have the most toxic waste dumps?

Because New Jersey had first choice.

Q: WHAT WOULD YOU DO IF YOU FOUND YOURSELF IN A ROOM WITH HITLER, MUSSOLINI AND AN ABORTIONIST, AND YOU HAD A GUN WITH ONLY TWO BULLETS?

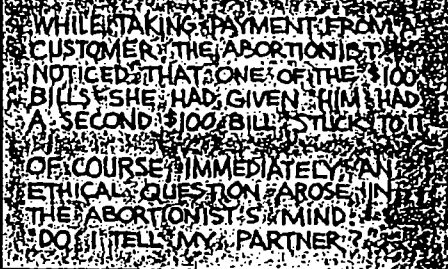
A: SHOOT THE ABORTIONIST TWICE.



THEN THERE WAS THE PREACHER WHO WAS DELIVERING A SERMON AND MADE A MISTAKE, REFERRING TO THE DEVIL AS THE FATHER OF ALL ABORTIONISTS INSTEAD OF THE FATHER OF ALL LIARS. BUT THE ERROR WAS SO INSIGNIFICANT THAT HE DIDN'T BOTHER TO CORRECT HIMSELF.

Q: WHAT DO YOU CALL AN ABORTIONIST WITH AN IQ OF 50?

A: GIFTED.



An elementary school teacher was asking her first graders what their parents did for a living. One little girl said that her daddy was a piano player in a whorehouse, and had a part-time job singing the national anthem at cock fights. The teacher kept the little girl after class and asked her if that was really true.

"No," she admitted, "my daddy's an abortionist. But I could never say something like that in front of all my friends."



I ONCE MET AN ABORTIONIST WHO SAID HE COULD NAME ALL THE STATE'S CAPITALS. WHEN I ASKED HIM WHAT THE CAPITAL OF MONTANA WAS, HE SAID, "M."

Q: WHAT HAPPENS TO AN ABORTIONIST WHEN YOU GIVE THEM AN ENEMA?

A: THEIR EYES TURN CLEAR.

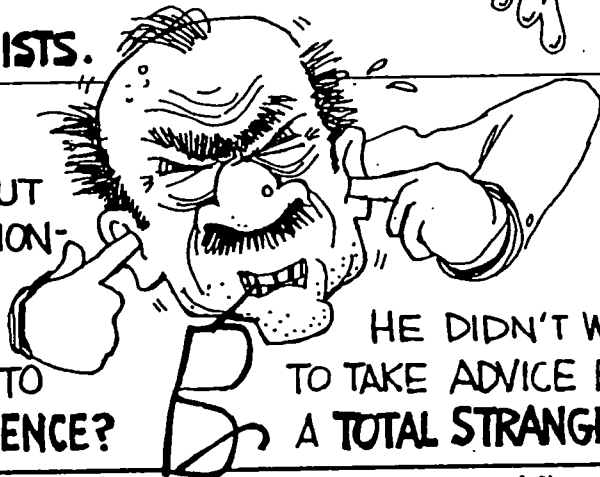
DID YOU HEAR ABOUT THE BIG SCREW-UP AT THE POSTAL SERVICE? THEY ISSUED A STAMP HONORING ABORTIONISTS, BUT HAD TO DISCONTINUE IT WHEN THEY DISCOVERED THAT EVERYONE WAS SPITTING ON THE WRONG SIDE.



WHAT HAS AN IQ OF SEVEN?

**EIGHT ABORTIONISTS.**

DID YOU HEAR ABOUT THE ABORTIONIST WHO REFUSED TO LISTEN TO HIS CONSCIENCE?



HE DIDN'T WANT TO TAKE ADVICE FROM A TOTAL STRANGER.

Q: IF SOMETHING WAS RUN OVER ON A HIGHWAY, HOW COULD YOU TELL IF IT WAS A SKUNK OR AN ABORTIONIST?

A: IF IT WAS A SKUNK, THERE'D BE SKID MARKS IN FRONT OF IT.



WHAT'S THE LAST THING THAT HAPPENS AT AN ABORTIONIST'S WEDDING?



THEY FLUSH THE PUNCH BOWL.

WHY DO THEY ALWAYS HAVE AN OPEN GARBAGE CAN AT AN ABORTIONIST'S WEDDING?

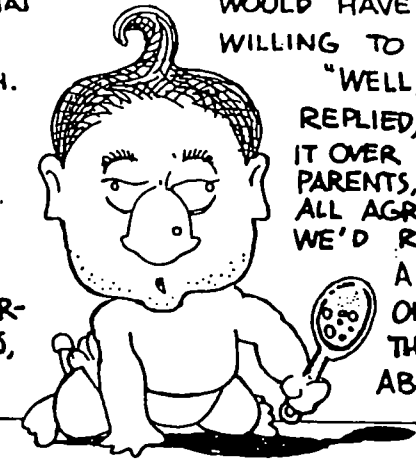
TO KEEP THE FLIES OFF THE ABORTIONIST.



AN ABORTIONIST HAPPENED TO ENCOUNTER A YOUNG WOMAN ONE DAY THAT HE HAD PREVIOUSLY HAD AN AFFAIR WITH. NOTICING THAT SHE WAS CARRYING A BABY THAT LOOKED A LITTLE LIKE HIM, HE ASKED WHETHER IT WAS INDEED HIS OR NOT. UPON HEARING HER SAY IT WAS, HE ASKED WHY

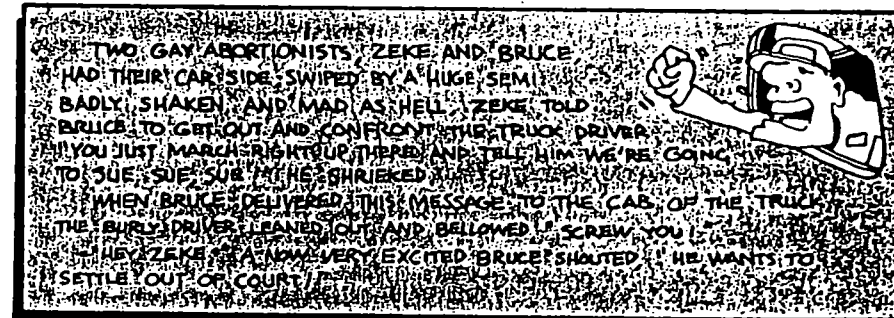
SHE HAD NOT CONTACTED HIM, STATING THAT HE WOULD HAVE BEEN WILLING TO MARRY HER.

"WELL," SHE REPLIED, "I TALKED IT OVER WITH MY PARENTS, AND WE ALL AGREED THAT WE'D RATHER HAVE A BASTARD IN OUR FAMILY THAN AN ABORTIONIST."



Q: HOW DOES AN ABORTIONIST TAKE A SHOWER?

A: HE PEEES INTO THE WIND.



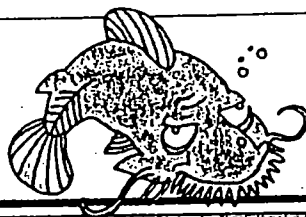
AN ABORTIONIST INTRODUCED HIMSELF TO A NICE LOOKING WOMAN IN A BAR. AFTER A WHILE HE ASKED HER FOR A DATE. "I NEVER DATE ABORTIONISTS," SHE TOLD HIM. "HOW DO YOU KNOW I'M AN ABORTIONIST?" HE ASKED. "YOU HAVE B.O. AND YOU'RE WEARING YOUR BOOTS ON THE WRONG FEET."

HAVE YOU HEARD ABOUT THE FEMALE ABORTIONIST WHO FLUNKED HER DRIVER'S LICENSE TEST?

WHEN THE CAR STALLED FROM FORCE OF HABIT SHE JUMPED INTO THE BACK SEAT.

Q: What's the difference between an abortionist and a cat fish?

A: One's an ugly, smelly, garbage eating bottom feeder, and the other one's a fish.



A SMALL TOWN ABORTIONIST WHO SPENT ALL HIS MONEY ON HOOKERS GAMBLING AND DRUGS DIED ONE DAY WITHOUT EVEN LEAVING ENOUGH MONEY TO BURY HIM.

THE TOWNSPEOPLE DECIDED THAT THEY COULD BURY HIM IF EACH PERSON WOULD GIVE JUST TWENTY DOLLARS TOWARD THE FUNERAL.

WHEN APPROACHED TO DONATE, ONE CANTANKEROUS OLD MAN SHOVED \$100 IN THE HAT.

"HERE," HE SAID, "BURY FIVE OF THE BASTARDS."



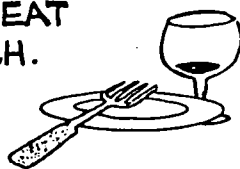
Q: IF TARZAN AND JANE WERE ABORTIONISTS, WHAT WOULD CHEETAH BE?

A: THE SMARTEST OF THE THREE.



Q: WHAT'S THE DIFFERENCE BETWEEN SPINACH AND BOOGERS?

A: ABORTIONISTS DON'T EAT SPINACH.



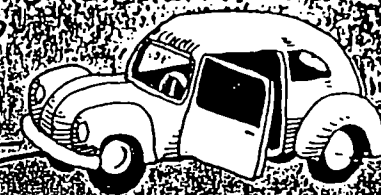
A MAN AT A BAR LEANS OVER TO THE DRUNK SITTING NEXT TO HIM AND ASKS WHETHER HE'S HEARD THE LATEST ABORTIONIST JOKE. "BEFORE YOU TELL IT," REPLIED THE DRUNK, "I WANT YOU TO KNOW THAT I'M AN ABORTIONIST."

"OH, OK," SAID THE MAN, "THEN I'LL TELL IT R-E-A-L S-L-O-W-L-Y SO YOU CAN KEEP UP."



Q: HOW DOES AN ABORTIONIST TURN ON THE LIGHT AFTER SEX?

A: BY OPENING THE CAR DOOR.



Q: WHAT HAPPENED WHEN THE ABORTIONIST SENT A PERSONAL PHOTO TO THE LONELY HEARTS CLUB?

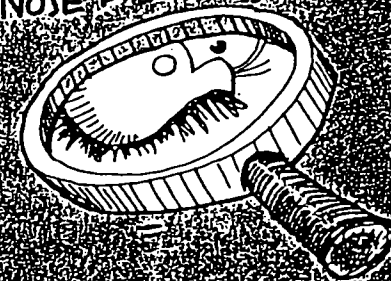
A: A REPLY CAME BACK: "WE'RE NOT THAT LONELY."

What's black and brown and looks terrific on an abortionist?

A DOBERMAN.



WHAT DO YOU FIND INSIDE AN ABORTIONIST'S NOSE?



FINGERPRINTS

Q: WHAT DO YOU NEED WHEN YOU HAVE AN ABORTIONIST BURIED TO HIS NECK IN CONCRETE?

A: MORE CONCRETE.

