

December 12, 2005

The Honorable Bob Taft
Governor of Ohio
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Dear Governor Taft:

We write as individuals who have studied the issue of human cloning in depth, and who want to help ensure that public policy on this issue will be made responsibly and with due consideration of the facts.

We are aware of your letter of November 29 to members of the Ohio general assembly on proposed human cloning legislation. We understand that the state Senate has approved SB 210 to prevent state funding of human cloning, and embryonic stem cell research that involves destruction of human embryos; and a House committee has approved HB 355 to forbid human cloning whether publicly or privately funded. You have expressed concerns about these bills, stating that while you support a ban on “cloning human beings” you do not wish to prohibit “therapeutic cloning (somatic cell nuclear transfer), other than reproductive cloning, involving no embryo destruction.” You also want to ensure that the state will allow “future embryonic stem cell research involving cells derived in a manner that does not destroy an embryo.”

Having reviewed the two proposed bills, we find that they are not overly broad. SB 210 is fully consistent with the policy that has already governed federal funding of stem cell research since August 9, 2001; and the two bills’ cloning provisions clearly ban only *human cloning* (or the state funding thereof), as that term is understood by the President’s Council on Bioethics on which we serve. Both bills are in agreement with your stated position against research involving destruction of human embryos (or the creation of human embryos in order to destroy them), and neither reaches beyond that subject to limit other forms of research.

The human cloning debate has been especially confusing in our country, due to sincere disagreements (and sometimes, unfortunately, politically motivated rhetorical tactics) regarding terminology. When the President’s Council studied this issue in 2002, the members discussed this problem and devoted a chapter of the Council’s final report to it. (The full text of this report, *Human Cloning and Human Dignity: An Ethical Inquiry*, is available online at www.bioethics.gov/reports/cloningreport/index.html.)

While the members had diverse views on human embryo research, and did not reach unanimity on the moral or policy issue of human cloning for research purposes, they did agree on how to describe the human cloning procedure accurately. The Council’s conclusions can be summarized as follows:

What human cloning is: It is the asexual production of a new living organism, at any stage of development, that is genetically virtually identical to an existing or previously existing human being.

How it is done: It is done through somatic cell nuclear transfer (SCNT), which introduces the nuclear material of a human somatic cell into an oocyte (egg) whose own nucleus has been removed or inactivated in order to create this new organism.

What human cloning produces: It is designed to produce (and when successful, does produce) a new living organism of the human species, that is, a *human embryo*, which researchers may then want to use for various purposes. Some may want to place that embryo in a womb to attempt live birth (“reproductive” cloning, or as the Council preferred, “cloning to produce children”); others may want to place that embryo in a Petri dish and destroy it for stem cells (“therapeutic” cloning or, more accurately, “cloning for biomedical research”). But the cloning technique, and the embryo resulting from that technique, are exactly the same regardless of the researcher’s ultimate motives.

In short, human cloning for research purposes creates human embryos to destroy them. Ohio’s bills reflect this reality, using accurate definitions based on the careful work of the President’s Council. These same definitions are used in the federal bill against human cloning overwhelmingly approved by the U.S. House of Representatives, which awaits Senate action.

This spring the Council also studied new proposals for obtaining embryonic stem cells without creating or destroying a human embryo (*Alternative Sources of Human Pluripotent Stem Cells*, at www.bioethics.gov/reports/white_paper/index.html). Some proposals involve *altering* the SCNT cloning technique, so it would produce not a human embryo but a culture of embryonic stem cells or another entity with no status as a human organism. However, these avenues are taken into account in the Ohio bills. Neither bill restricts the cloning procedure unless it is used to produce a “living organism” of the human species. In addition, both bills explicitly allow “the use of nuclear transfer or other cloning techniques to produce... cells other than human embryos.” Thus both bills are open to new techniques that may produce cells with the abilities of embryonic stem cells without creating or destroying human embryos.

Some have argued that the traditional SCNT cloning technique does not produce an embryo. That argument did not persuade the Council in 2002, and it is even more difficult to sustain today. Two papers have been published in the journal *Science* documenting the production of “human embryos” by this technique and their development to the blastocyst (one-week-old) stage. A study in the December 6 *Proceedings of the National Academy of Sciences* reports that in at least one mammalian species, cloned embryos are very similar to naturally fertilized embryos – more similar, in some ways, than embryos produced by *in vitro* fertilization are. (See *The Scientist*, November 29, 2005, at www.the-scientist.com/news/20051129/01). As this country’s most prominent embryonic stem cell researcher, James Thomson of the University of Wisconsin, said in a recent interview, the claim that the cloned human embryo is not an embryo is “disingenuous,” an attempt to “define away” the moral issue instead of confronting it honestly (MSNBC, June 25, 2005, www.msnbc.msn.com/id/8303756/).

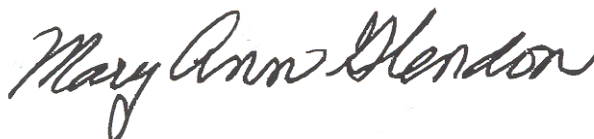
The remaining issue is whether efforts against human cloning should address public funding only, or extend to privately funded attempts. It is our view that preventing active state support of unethical and destructive research is worthwhile, but in this case will do little to discourage attempts at human cloning. The financial resources of companies favoring human cloning for research purposes are formidable, as illustrated by such groups' recent expenditure of nearly \$35 million in California to win one referendum on state funding of this research. Two dozen nations have enacted complete bans on human cloning for any purpose, regardless of the source of funding, as have several states in the U.S., and the United Nations has approved a declaration encouraging enactment of such a ban worldwide. It is our view that such a ban should be carefully crafted, comprehensive in prohibiting use of the cloning procedure to create human embryos, and not restricted only to publicly funded research.

We hope these reflections are of help as you consider the legislative options in the state of Ohio.

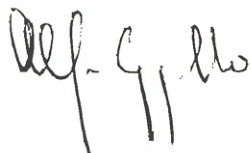
Yours sincerely,¹



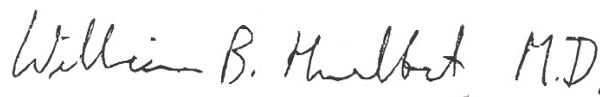
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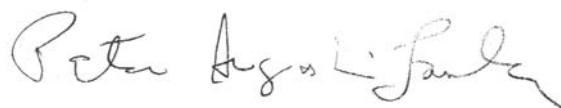
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