

Statement of
Alexander Morgan Capron, LL.B.
Commissioner
National Bioethics Advisory Commission

Before the

Subcommittee on Crime

Committee on the Judiciary

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As Commissioner, National Bioethics Advisory Commission

Thank you, Mr. Chairman. I am Alexander Capron, and I have been invited to testify before the Subcommittee in two capacities today: as a member of the National Bioethics Advisory Commission (NBAC) and as an expert on legal issues in bioethics. In this statement, I summarize relevant conclusion of the Commission, and in a separate statement I present my personal views.

NBAC was chartered by President Clinton in 1995 and began work on October 4, 1996. It studies ethical issues arising from biomedical and behavioral research and makes recommendations to the President, the National Science and Technology Council, and others. My fellow commissioners include physicians, theologians, ethicists, scientists, and lawyers, psychologists, and members of the general public.

On February 24, 1997, the day that the American news media reported that scientists in Scotland had succeeded in cloning an adult mammal for the first time, President Clinton asked NBAC to examine the serious ethical questions raised by possible use of this technology to clone human beings. NBAC immediately undertook an intensive and open examination of the topic, hearing from experts in law, science, medicine, ethics, religion as well as from members of the general public. A little more than three months later, we submitted our report, *Cloning Human Beings*, to the President.

NBAC focused on a very specific aspect of cloning, namely where genetic material would be transferred from the nucleus of a somatic cell of another human being, living or dead, to an enucleated human egg with the intention of creating a child. We did not revisit issues raised by human cloning by embryo-splitting in fertility clinics: only cloning through the new somatic cell nuclear transfer (SCNT) technique. We examined only “reproductive cloning,” not “research cloning,” the creation of embryos which would not be implanted in a uterus.

The Commission discovered that the potential ability to clone human beings through SCNT raises a host of complex scientific, religious, legal, and ethical issues—some new and some old. Especially noteworthy were the medical risks to any child conceived in this manner, as well as the diversity of views that we heard among religious scholars, indeed even among those within the same religious tradition.

The Commission concluded that no one—whether federally or privately supported—should be permitted to create babies through cloning at this time. To this end, we recommended that a moratorium be imposed on such research. A moratorium gives society a safeguard not only against the extreme risks to any child created in this fashion but also against the possible harms that might accompany crossing the line to controlled, asexual “reproduction.” A moratorium also provides a period of time both for further knowledge to be accumulated about mammalian cloning and for serious and sustained reflection about the sort of world that human cloning could create. Then, say three to five years hence, Congress and the President would need to decide whether the results of the scientific research and of the debate on the risks and potential benefits of human cloning

had provided sufficiently strong reasons to lift the prohibition and permit human cloning under any circumstances.

Because our *Cloning* report was prepared in a relatively short period of time, and when the technology was still in its infancy, we made no attempt to write the final word but instead provided a starting point for what we hoped would be the A profound and sustained reflection@our Nation needs on the subject of human cloning.

While the commission has not deliberated any further on this topic since submitting the *Cloning* report to President Clinton in June 1997, our main conclusions still stand. Indeed, in a letter to President Bush on March 16, 2001, NBAC Chair, Harold T. Shapiro, stated:

While we did not resolve all of those [ethical] issues, we unanimously concluded that given the current state of the science, any attempt to create a human being through somatic cell nuclear transfer would be terribly premature and unacceptably dangerous. Besides being morally unacceptable on safety grounds, the creation of human clones would involve risks to the children—and more broadly to society—that are serious enough to merit further reflection and deliberation before this line of research goes forward.

Issues relating to cloning emerged again with the announcement in November 1998 that researchers at the University of Wisconsin and Johns Hopkins University had for the first time succeeded in creating human pluripotent stem cell lines from embryos remaining after infertility treatments and aborted fetuses. President Clinton requested that NBAC also review the issues associated with that research. Again, the commission heard testimony from a wide range of experts and commentators as well as the public. After many months of public deliberation we concluded in our report *Ethical Issues in Human Stem Cell Research* that changes should be made in statutes and regulations to allow federal funding of research involving the derivation and use of human stem cells from aborted fetuses and from embryos that would otherwise be discarded, subject to appropriate ethical standards and procedures that include public oversight and review.

In that report, the commission recommended that research involving the derivation or use of stem cells from human embryos made using SCNT should not be eligible for federal funding at this time. However, NBAC noted that there was significant reason to believe that use of stem cells from such embryos may have therapeutic potential, due to the utility of matched tissue for autologous cell replacement therapy, and stated that scientific progress and medical utility in this area of research should be monitored closely. NBAC did not address whether or not this research should occur in the private sector.

At the time it considered the question of cloning, NBAC had several courses of action under consideration. One would have been no moratorium on any activities. The second would have been a moratorium on both reproductive as well as research cloning. The third, which is the one that the commission actually chose, was a temporary moratorium on reproductive cloning, but no moratorium on research cloning. In so doing, NBAC

recognized that while important moral considerations are at stake, with respect to research and reproductive cloning, the nature of those moral considerations are different in kind. With respect to research cloning, the issues are those associated, in general, with the embryo research debate. With respect to reproductive cloning, however, the issues pertain to the safety of the fetus and mother and the potential impact of reproductive cloning on the resultant children and our institutions of parenting and child bearing. It was because of the difference between these types of considerations that a moratorium was considered appropriate in one case (reproductive cloning) but not the other (research cloning). At the time it considered stem cell research, the commission once again considered the question of research cloning. Here it concluded that the case had not yet been made for a need for federal funding for this activity. It did not, however, propose a moratorium on privately funded activity in this area.

Those are the recommendations of NBAC. While I suspect that the commissioners hold a range of views on the consequences to society of the development and use of SCNT to create children, all of us—like the overwhelming majority of Americans—agree that those consequences would be profound; and further, that the risks have not yet been adequately explored, much less carefully balanced against competing interests, whatever they might be.