May 19, 2005

Dear Representative:

We understand that the House of Representatives soon will consider legislation to address the complex scientific, moral, and ethical issues related to cell nuclear transfer, commonly referred to as stem cell research. I am writing on behalf of the American Bar Association to urge you to support H.R.810, legislation to amend the Public Health Service Act to provide for human embryonic stem cell research.

H.R.810, introduced by Representatives Mike Castle (R-DE) and Diana DeGette (D-CO) on February 15, 2005 and currently with 201 House cosponsors, would direct the Secretary of the Health and Human Services to conduct and support research that utilizes human embryonic stem cells under strict scientific and ethical standards. We urge you to reject an amendment expected to be offered on the House floor to ban such research outright, regardless of the goals and ethical strictures under which it is undertaken. This amendment, identical to proposals in the last two Congresses, would ban all cloning of human embryonic cells and impose a fine of $1 million and penalties of up to 10 years in prison on anyone who attempts the procedure.

The ABA opposes any such broad governmental prohibition against research that is intended for health purposes and not for human reproduction. In August 2002, the ABA House of Delegates approved a policy resolution on this complex question that reads:

RESOLVED, that the American Bar Association opposes governmental actions that would a) prohibit scientific research conducted for therapeutic purposes, including research involving cell nuclear transfer that is not intended to replicate a human being, provided that such research is conducted in conformity with accepted research, ethical, and legal safeguards; or b) penalize individuals or entities that participate in such research.

The development of the revolutionary technology that makes cell nucleus transfer possible also has created a tension between the technology’s “reproductive” and “therapeutic” potential. On the one hand, the specter of “cloned” human beings is anathema and virtually universally rejected as a legitimate field of scientific endeavor. On the other hand, the use of nuclear transplantation to produce stem cells
for research purposes would allow scientists to understand the fundamentals of human disease in a way never before possible and could lead to markedly improved treatments for a variety of diseases that affect millions of Americans.

From a legal perspective, there is another, vitally important concern at stake: freedom of scientific inquiry, a cherished principle of American law. Governmental action that would ban all forms of cloning, and thereby foreclose all potential avenues of medical advancement offered by therapeutic cloning, poses a direct and serious threat to freedom of scientific inquiry, and thereby to the possible development of means of saving life.

The law is at a crossroads in dealing with this complex challenge. The course chosen by Congress regarding this field of research will be critical to either helping to protect or to diminishing freedom of scientific inquiry in the future. We urge you to support H.R.810 and to permit the continuation of biomedical research involving embryonic stem cells that is undertaken with accepted scientific research safeguards against misuse.

Sincerely,

Robert D. Evans

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