

Committee Name:
Senate Committee –
Judiciary, Corrections and Privacy
(SC–JCP)

Appointments

03hr_SC–JCP_Appt_pt00

Committee Hearings

03hr_SC–JCP_CH_pt00

Committee Reports

03hr_SC–JCP_CR_pt00

Clearinghouse Rules

03hr_SC–JCP_CRule_03–

Executive Sessions

03hr_SC–JCP_ES_pt00

Hearing Records

03hr_ab0000

03hr_sb0045a_pt01

Misc.

03hr_SC–JCP_Misc_pt00

Record of Committee Proceedings

03hr_SC–JCP_RCP_pt00



STATE SENATOR DAVE ZIEN

ASSISTANT MAJORITY LEADER

CHAIRPERSON

COMMITTEE ON JUDICIARY, CORRECTIONS AND PRIVACY

VICE CHAIRPERSON

COMMITTEE ON HOMELAND SECURITY, VETERANS AND MILITARY AFFAIRS AND GOVERNMENT REFORM

MEMBER

COMMITTEE ON SENATE ORGANIZATION

COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES

COMMITTEE ON LABOR, SMALL BUSINESS DEVELOPMENT AND CONSUMER AFFAIRS

SENTENCING COMMISSION

COUNCIL ON TOURISM

February 26, 2003

Representative Albers and Senator Fitzgerald
Joint Review committee on Criminal Penalties
3 North
State Capitol
Madison, WI

Dear Representative Albers:

Pursuant to section 13.525 (5), Wisconsin Statutes, the Co-Chairs of the Joint review committee on Criminal Penalties shall prepare and submit a report in writing setting forth an opinion under the above statute on Senate Bill 45, relating to human cloning and parthenogenesis and providing penalties.

Sincerely,

Senator Dave Zien
Chair
Committee on Judiciary, Corrections and Privacy

cc: Senate Chief Clerk





STATE SENATOR DAVE ZIEN

ASSISTANT MAJORITY LEADER

CHAIRPERSON

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VICE CHAIRPERSON

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cc: Senate Chief Clerk



**WMC Statement Regarding High-Tech Economic Growth
April 23, 2003**

**Mike Shoys
WMC Vice President**

“Good morning. I’m Mike Shoys, vice president of the service corporation at Wisconsin Manufacturers & Commerce.

“On behalf of WMC and our 4,300 business members, I’d like to thank Governor Jim Doyle for asking us to participate in this press conference today. My colleague, James Buchen, was scheduled to be here today, but his father passed away and James is unable to be with us.

“At WMC, our members’ top priority is creating a robust economy. We share Governor Doyle’s commitment to job growth, controlling taxes and cutting government spending.

“And, we share his commitment to advancing research at the University of Wisconsin. Research and scientific advances will help broaden our economic base to create high-paying, technology-based jobs.

“Wisconsin needs to cultivate the emerging biotech industry, and our state should not pass laws that restrict scientific research that make it harder to recruit scientists and new companies.”

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Roger Ganser, President WI Venture and Growth Capital Association, Statement April 23,2003

WI Venture and Growth Capital Association represent institutional venture capital and angel investors in Wisconsin. The Association members invest in Wisconsin's future by providing equity capital to new technology and growth companies. In order for Wisconsin's economy and our companies to grow and succeed we need to be assured that this great state, with its world-wide reputation for excellence in education, research, and work ethic, will not adopt restrictive laws that would criminalize scientific research or restrict avenues of research to find treatments and cures for many debilitating diseases. The Association cautions that restrictive legislation would send a signal of a burdensome regulatory climate in Wisconsin, which would discourage venture capital investment and strategic industry partnerships for Wisconsin companies.

May 14, 2003

To: Members of the State Legislature

Hello! My name is Marla Olsen. I have insulin-dependent diabetes. I was diagnosed at the age of 6. That was 28 years ago. I also have a son who has diabetes. He was diagnosed a little over 5 years ago, just before his third birthday. Wold I like to see a cure for diabetes? YES! This disease requires vigilant blood sugar monitoring, carbohydrate counting, insulin dosing, and adjustments for schedule changes. It IS our life.

Life. That is the key word. I HAVE my life. Even though it includes diabetes, I have it. Is my life worth any more than a defenseless human in its embryonic stage of life? Jesus was once an embryo with stem cells. So was everyone else who ever lived. I believe the 5th Commandment states, "Thou shalt not kill." To kill one life in order to cure the ills of another life is unconscionable. I would not even consider a treatment curing diabetes using embryonic/cloned stem cells. Only God had the power to create life. To think we are "God" by creating/destroying life at will in the name of science is a thought to be reckoned with.

Take a look at history. Eve thought she could become like God, so she ate of the apple the serpent gave her. The result: she was banished from the Garden of Eden, along with all of humanity. Humans now became mortal and had to endure suffering (which includes diseases). Another example is the building of the Tower of Babel to Heaven. No one was able to communicate with one another and the project failed. What next? What will be the repercussions of human cloning?

If we've learned ANYTHING from history, it is that we will regret our actions. Just because we CAN do it, doesn't mean we should. Evil is very tempting. The apple Eve ate appeared good. It even tasted good. But looks are deceiving. How else would we be tempted to do wrong if evil did not appeal to us?

Life is Life. To kill a life, at any stage, is wrong. It is as simple as that.
Thank you.

Marla L. Olsen
Sheboygan, WI
marla@bytehead.com

May 16, 2003

SB-45

Dear Members of the Wisconsin Legislature,

My name is Vernon Coffey Sumnicht. I am 46 years old and live in Appleton WI. In 1976 I was injured in a car accident. This injury left me a C-6 quadriplegic. As such for the last 27 years I have needed total assistance with all my dressing, transferring, bathing, bathroom and other personal care. I can not move or feel anything below my upper chest. Neither do I have any sexual feeling or function.

You can imagine how much I would love to find a cure for my situation. Not only do I suffer greatly but so does my wife and many millions of others with similar situations. However, I find it terribly offensive that anyone would think that any of us would be willing to sacrifice another human life so that we might someday walk again.

Because of my situation I am very involved in current research in the area of spinal cord injury. What is really cruel about considering the sacrifice of a human embryo, a helpless, human life, is that, as you know, stem cells can now be retrieved from our own bodies without fear of rejection. This makes it quite unnecessary for anyone to die in the process.

I want you to know that those of us who are disabled find it quite discriminatory when people talk about us not having a "quality of life". I doubt that any of you have the quality of life that I do (it's all about how much you appreciate it). I may be a quadriplegic but I do have a good education (MBA in Finance U. Of Wisconsin), my own investment advisory business (with 7 figure revenues), my own home, a lovely wife of 23 years and two beautiful children. There is more to life than physical strength and beauty, as I am sure you know.

Therefore, I beg you not to be deceived by those, with agendas of their own, who would use the disabled community to accomplish their goals. Those of us with disabilities are not so lacking of a "quality life" nor a sense of right and wrong that we would ever even consider taking another human life so that we might be cured.

Sincerely,

Vern Sumnicht

H 920-731-7266

W 920-731-4455

F 920-731-9679

E-Mail vern@sumnicht.com

(Home Address)

2909 Fox Run
Appleton, WI 54914

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W6240 Communication Ct., Suite 1
Appleton, WI 54914



Metropolitan
Milwaukee
Association of
Commerce

Council of Small Business Executives

May 19, 2003

Representative J. A. Hines, Chairman
Assembly Committee on Public Health
State Capitol
Madison, WI

Dear Chairman Hines:

On behalf of the Milwaukee Metropolitan Association of Commerce (MMAC), I am writing in opposition to Assembly Bill (AB) 104 and Senate Bill (SB) 45 relating to the establishment of a ban on human cloning in their current forms.

I can say with confidence that probably almost all of MMAC's member would personally support a ban on "reproductive cloning", or efforts to generate a human embryo that can be transplanted into a uterus to give rise to a cloned individual. However, AB 104 and SB 45, as currently written, would not only ban "reproductive cloning" but also "therapeutic cloning", or efforts to generate cells as a source of donor-matched transplant therapies.

The message that broad-based legislation of this sort sends to the members of the biotechnology industry and researchers looking to relocate to this state is punitive. If AB 104 or SB 45 were signed into law, companies and suppliers of this industry would not consider moving to the state, while those businesses currently involved in this life-saving technology and located within the state would soon leave. Simply put, recognizing the need for Wisconsin to be a full participant in the "new economy" to bolster economic development and job creation, this legislation greatly inhibits the development of our now burgeoning biotechnology industries. Wisconsin is rapidly emerging as a leader in biotechnology research and business development, and we need to encourage growth in that area, not put up roadblocks.

I appreciate the delicate nature of this legislation but hope that you will consider the complete impact that this legislation as currently written would have on the future of the economy of this state

Sincerely,

A handwritten signature in black ink, appearing to read 'Nate Elias', is written over a light blue horizontal line.

Nate Elias
Director of Governmental Affairs

Cc: Committee Members

www.mmac.org

756 North Milwaukee Street, Milwaukee, Wisconsin 53202

Phone 414.287.4100 Fax 414.271.7753

Hogan, John

From: Hughes, Carolyn
Sent: Tuesday, May 20, 2003 3:25 PM
To: Hogan, John
Subject: FW: Senate Bill 54/ Assembly Bill 104



Testimony for
Assembly 104.doc...

Here is some testimony that was sent to me.

-----Original Message-----

From: Parrott, Douglas
Sent: Tuesday, May 20, 2003 1:22 PM
To: Hughes, Carolyn
Subject: FW: Senate Bill 54/ Assembly Bill 104

-----Original Message-----

From: Renee Vandlik [mailto:renee.vandlik@wig.nmss.org]
Sent: Tuesday, May 20, 2003 11:33 AM
To: rep.hines@legis.state.wi.us
Cc: Lkings@chorus.net
Subject: Senate Bill 54/ Assembly Bill 104

Representative Hines; Please accept as testimony the enclosure written by Sharon Kingsbury of Stoughton, WI. It was her intent to travel to Madison to testify today, and she did try. She was unable to make the walk to the Capitol from her parking space at the public parking lot. Her MS makes walking difficult.

Questions regarding her comments should be directed to her. Unfortunately, her computer became disabled today, and she was unable to send this directly.

Thank you for accepting her thoughts and comments. /s/Renee Vandlik

Renee Vandlik
Community Outreach and Development Manager
National Multiple Sclerosis Society,
Wisconsin Chapter
W223 N608 Saratoga Drive, Suite 110
Waukesha, WI 53186-0401
Phone: (262) 548-3123



STATE REPRESENTATIVE

STEVE KESTELL

27TH ASSEMBLY DISTRICT

May 20, 2003

Testimony on AB 104 / SB 45
Assembly Committee on Public Health
Senate Committee on Judiciary, Corrections and Privacy

Thank you Chairman Zien, Chairman Hines and committee members, I am here today to talk about the importance of Assembly Bill 104 / Senate Bill 45—the comprehensive ban on human cloning in Wisconsin.

Here is what AB 104/SB 45 does:

The intent and scope of Assembly Bill 104 / Senate Bill 45 is clear: it would prohibit all forms of human cloning in the State of Wisconsin, whether reproductive or therapeutic. The bill would also prohibit the creation of embryos by parthenogenesis.

The bill defines “human cloning” as introducing nuclear material from one or more human somatic cells (a human cell with a complete set of chromosomes) into an egg cell, the nuclear material of which has been removed or inactivated, so as to produce a living organism, including a human embryo, having genetic material that is virtually identical to the genetic material of an existing or previously existing human organism.

“Parthenogenesis” is defined as the process of manipulating the genetic material of a human egg cell without introducing into it the genetic material from any other cell, in a way that causes the egg cell to become a human embryo.

AB 104 / SB 45 provides for civil penalties and forfeitures person(s) violating the prohibitions outlined in the bill modeled after the federal legislation, H.R. 534 (Weldon/Stupak).

What AB 104/ SB 45 does NOT do:

This legislation would not prohibit other forms of research currently being conducted in Wisconsin; it strictly addresses the issue of creating human embryos by cloning and parthenogenesis.

This bill should not be confused with another bill that has been introduced this session and does not prevent human cloning but deals only with how embryos may be used.

Issues Surrounding Human Cloning

Although there is a near universal agreement that cloning for reproductive purposes should be banned, some opponents of this bill will argue for continuation of cloning for research purposes. It is important to know that embryos created for research are no different than any other embryo in their potential for sustaining life. The argument that says it is acceptable to create embryos for research is based in part on the idea that it is moral and ethical to destroy human life in the name of science. Many observers believe that once embryos are created, it is inevitable that some will be implanted. In fact, the U.S. Department of Justice has stated that a prohibition on transferring cloned embryos into wombs would be unenforceable. President Bush has said, "Once cloned embryos are available, implantation would take place. Even the tightest regulations and strict policing would not prevent or detect the birth of cloned babies".

It seems clear that human cloning will lead to the commercialization and degradation of human life. In modern, civilized society there is a universal consensus that humans have a right not be treated as objects of experimentation or commercial enterprise. *We are on the edge of cliff that threatens everything we know about the value of individual human life.*

Embryos that are created will become the property of the creator or organization that controls the laboratory. The prospect of corporate ownership of individual human life is nothing short of horrifying with untold ethical complications.

Human cloning could create a gateway for technology to circumvent the individuality of human life, thus allowing scientists to control and manipulate humans.

It was science that taught us that the earliest form of human life is the fertilized egg.

Some research organizations have suggested a voluntary moratorium on some forms of human cloning. Such a ban would have no value as public policy and could be compared to a voluntary agreement to not speed on public highways as an alternative to speed limits.

The question of whether to allow human cloning has serious implications for all of society and we believe that the people of Wisconsin deserve to be part of the discussion. This bill offers an opportunity for public debate on an issue of historic importance.

Please join the 55 co-sponsors of Assembly Bill 104 / Senate Bill 45 in supporting a ban on all forms of human cloning in Wisconsin.



Testimony of Charles Hoslet
Senior Special Assistant to the Chancellor
Regarding AB 104 and SB 45
May 20, 2003

Senator Zien, Representative Hines and committee members,

My name is Charles Hoslet, and I am Senior Special Assistant to the Chancellor at UW-Madison. Thank you for the opportunity to testify today. UW-Madison is pleased to testify in support of legislation that criminalizes irresponsible experimentation that involves the use of somatic cell nuclear transfer - that is, cloning - to produce a live-born child.

Because cloning is not, and may well never be, a safe method for conceiving children, there is virtually perfect consensus that such attempts ought to be discouraged. Medical societies tell their members not to try it. The federal Food and Drug Administration has intervened to prevent it. It would be malpractice to attempt it, and there has been state and federal legislation introduced that would criminalize it. Clearly, there are many ways to stop the

Office of the Chancellor

small number of publicity-hungry, irresponsible people who want to risk the health of women and children by using reproductive cloning.

But the legislation now before you would ban not only the irresponsible use of cloning to make babies, but also the responsible use of non-reproductive cloning for research or therapy. Debates over reproductive and therapeutic cloning as well as stem cell therapy have become almost hopelessly entangled in the last five years. I urge you today to separate these debates, both to protect the valuable scientific and medical advances that may emerge from non-reproductive cloning research, and to pave the way to effective action to discourage attempts to use this technique to produce children.

Critics express concern that legislation that simply outlaws reproductive cloning will be difficult to enforce, and they urge policymakers to ban basic research, lest it lead to the prohibited act of transferring a cloned embryo into a womb for development. But criminal law is almost always grounded in a theory of deterrence. We do not prohibit the manufacture of guns in order to guard against the possibility of their future misuse in homicide. Rather, we criminalize misuse of guns and prosecute the offenders

accordingly. The same can and should be done for reproductive cloning.

So if criminalizing research is not needed to deter reproductive cloning, then these bills must have another purpose. Indeed, their proponents have argued that a research ban is needed to protect embryos. But if the purpose is to protect embryos, then it seems to me that criminalizing research and therapeutic cloning is an odd place to begin.

We know - indeed, we fully expect - that embryos will be lost by the thousands every year at in vitro fertilization (IVF) clinics. Even if in vitro fertilization is done perfectly, and even if everyone who wants to "adopt" an embryo is successful, thousands would still be left behind. Criminalizing therapeutic cloning cannot alter the scale of embryo loss that occurs each year. And since almost no one thinks in vitro fertilization could be outlawed, criminalizing a technique that might involve an exceedingly small number of embryos represents at best a symbolic effort at embryo protection.

Now, symbolic efforts are both powerful and important. They remind us that life is a gift that should be experienced with awe and gratitude. But a symbol can be badly tarnished if it is adopted

at the expense of pain and suffering.

While reproductive cloning is a danger to children, non-reproductive cloning could save their lives. Cloning cells from someone with a genetic disease could produce tissue in which we study how the defective gene malfunctions, and help us develop drug treatments, perhaps reducing the number of human volunteers at risk in later clinical trials. Used to generate stem cells, it might become the fastest route to transplantation without risk of rejection. And perhaps most importantly, studying how cloning reprograms adult cells will help us learn how to reprogram cells directly, without cloning and without the use of embryos, to create tissue for research, transplantation and organ regeneration to alleviate paralysis and extend healthy life.

Yes, there are other promising avenues of research, and they most certainly should be pursued. But that is no argument for criminalizing this research. America is not a country in which basic research or personal choices are illegal until someone has persuaded the government to grant permission. Quite the contrary. We celebrate the freedom to think and to act and to inquire into the secrets of nature, until a compelling case can be made that it must be stopped. Identifying complementary areas of research falls far

short of making that case.

But most importantly, research and therapeutic cloning is neither the beginning nor the end of a slippery slope toward eugenics. It is not even the most important landmark.

Our power over human reproduction is as old as ancient contraceptive potions. And the first announcements about in vitro fertilization were greeted with the same chorus of concerns about genetic engineering, designer babies, and the commodification of life, because it was in vitro fertilization that first made the embryo amenable to study and manipulation outside the body.

By contrast, therapeutic cloning does not design or engineer the embryo, and precisely because it is not about making babies, it neither designs nor engineers our children. It is not basic research, but rather our choices about its applications, that will shape the future.

Legislation that protects valuable non-reproductive uses of cloning technology while also guarding against its dangerous use to make a baby is largely consistent with the recommendations of the National Bioethics Advisory Commission and with the

recommendations in the National Academy of Sciences' two reports on stem cell research and reproductive cloning. The National Academy of Science Committee on the Biological and Biomedical Application of Stem Cell Research states in its report to the National Academy that "there is a scientific rationale for not foreclosing this avenue of research and for distinguishing clearly between SCNT (somatic cell nuclear transfer) to prevent transplant rejection and SCNT to create a fetus." Similarly, after two years of review, the California Advisory Committee on Human Cloning, which was commissioned by the California Legislature to conduct a comprehensive review of the issues raised by human cloning, unanimously recommended that California should ban human reproductive cloning but should not introduce legislation that would prohibit therapeutic cloning.

I would also suggest to you that given the extensive regulation that already exists, and the proposals for extending that regulation even further, outright prohibitions or moratoria on cloning research are unduly burdensome and subject to constitutional challenge.

For thirty years, federal courts and nationally recognized scholars have discussed the scope of the First Amendment and its protection of scientific research as part of the freedom of thought, inquiry,

and dissemination of knowledge that is at the core of that aspect of the Bill of Rights. Research is an integral part of the scientific method, a form of inquiry that fits uniquely within the purposes, histories, and structures of the First Amendment. Thought and the testing of thoughts through science facilitates the dissemination of ideas just as much as monetary contributions to political candidates facilitates the expression of political ideas.

Indeed, in many cases, research is in and of itself a form of challenging political ideas. In other places and other times, governments have sought to ban the dissection of human bodies, because it would interfere with deeply felt notions of the body as a reflection of the divine order, or have sought to ban investigation of the orbits of the planets, as it would interfere with essential views about the place of humankind in the universe. So, too, does investigation of the origins of life, of the secrets of conception and development, threaten our deepest views concerning the sources of life. But the First Amendment exists precisely to protect the development and dissemination of knowledge and truth and opinion, so that they may be tested and re-tested over time in the marketplace of ideas.

Of course even protected activities are subject to reasonable

regulation to avoid interfering with the rights of others. But where prohibitions are designed merely to guard against the development of knowledge, for fear it might someday lead to new and controversial ways to manipulate cells and genes, those prohibitions run afoul of the very basis of the First Amendment protection of inquiry, association, and dissemination.

And where prohibitions are designed to guard against violating the rights of embryos, they ignore the legal reality that federal law does not grant embryos the same rights as live-born children. Indeed, the Supreme Court has repeatedly reiterated its view that even while science, theology and philosophy continue to debate the biological and moral status of the embryo, the Constitution does not grant them the rights of other persons under the law. Any law that goes beyond reasonable regulation of cloning research and enacts a temporary or permanent ban on this form of scientific inquiry is thus vulnerable to challenge in court as an interference with the First Amendment rights of patients and researchers.

In sum, if the legislature wishes to take action with regard to reproductive cloning, I urge it to focus on legislation that prevents that unsafe practice. But to ask for more, to halt basic research, is to sacrifice the diabetic children, the paralyzed veterans, the skin-

scorched firefighters and the declining elderly of the present for a future that is neither certain nor imminent.

To be sure, we should deter those who would use cloning for reproductive ends despite its dangers. But we should go no further. Criminalizing research and therapeutic cloning is not the way to protect embryos or to guard against the future. It merely gambles with the hope held by many people today that they may live to see tomorrow, whatever it holds.

Thanks very much.

Eagle Forum of Wisconsin

**5229 NORTH 107th STREET
MILWAUKEE, WISCONSIN 53225-3123**

Joan Tatarsky, Chairman

Telephone: (414) 466-5431

Chairman Hines- Assembly Public Health Committee May 20, 2003
Chairman Zien- Senate Judiciary Committee
Committee Members

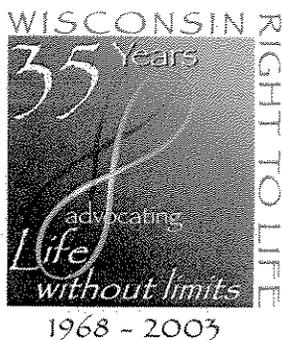
Eagle Forum of Wisconsin fully supports AB 104/SB 45 which calls for a total ban on human cloning, including human parthenogenesis. AB 104 is very consistent with the principles of Eagle Forum both nationally and in the state of Wisconsin, upholding the sanctity of human life. We reject any alternative that would permit experimental research cloning.

Both forms of cloning begin with the same process called, "nuclear transplantation" or "somatic cell nuclear transfer". Because the process is the same, the Justice Department recently testified that permitting cloning for experimentation is unenforceable: only a complete ban will work. (Eagle Forum Capitol Alert June, 11, 2002)

We need a comprehensive human cloning ban now. We cannot wait for a federal bill to be passed because the federal ban is narrower in scope. We all know by now that the federal ban can only act through the "commerce clause" affecting only activities that involve interstate commerce. This won't do!

The right and noble thing to do is to pass AB 104.

Eagle Forum of Wisconsin
Member of the Coalition for Ethical Research



1968 - 2003

State Affiliate of the
National Right to Life Committee, Inc.,
Washington, DC 20004-1193

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TESTIMONY OF
MARY A. KLAVER
LEGISLATIVE LEGAL COUNSEL
WISCONSIN RIGHT TO LIFE, INC.
ON
SENATE BILL 45
AND
ASSEMBLY BILL 104

May 20, 2003

before the

Senate Judiciary, Corrections and Privacy Committee

and

Assembly Public Health Committee

Help make Life Without Limits a reality for future generations
Please remember Wisconsin Right to Life in your will, living trust or life insurance

Senator Zien, Representative Hines and members of the committees, my name is Mary Klaver. I am the Legislative Legal Counsel for Wisconsin Right to Life, an organization that represents over half a million Wisconsinites. I appear today in support of Senate Bill 45 and the companion bill, Assembly Bill 104, legislation to ban human cloning in Wisconsin.

The purpose of SB 45 and AB 104 is to prohibit **all** human cloning, including the cloning of human embryos for the express purpose of destroying them for medical research purposes. The legislation also bans human parthenogenesis, another form of asexual reproduction not based on fertilization of an egg by a sperm.

Why this legislation is necessary. When the general public thinks of cloning, they think it only means creating a human being who is the exact replica of another individual. This process of creating a living human embryo by cloning and implanting the embryo in a woman's womb is called "reproductive cloning". But there is another kind of cloning, sometimes referred to as "therapeutic cloning", where living human embryos are specifically created by cloning for the sole purpose of being killed for medical experimentation.

The distinction between reproductive cloning and therapeutic cloning is critical. This legislation would ban both kinds of human cloning. Opponents will propose that the legislation should only ban reproductive cloning, but that would lead to the *absurd result* that living human embryos created by cloning who are not implanted in a woman's womb **must be killed**. By only banning reproductive cloning, it not only leaves researchers free to destroy human embryos with impunity, it would also make it a crime to allow any of these embryos to live by implanting them in a woman's womb. Consequently, a bill that

only prohibits reproductive cloning, such as Representative Sherman's Assembly Bill 246, is commonly referred to as a "clone and kill" bill.

A ban on therapeutic cloning is strongly opposed by powerful biotechnology corporations that want to use cloning to mass-produce human embryos for destructive therapeutic cloning. Human cloning for medical research is not only unethical because it involves the creation of nascent human life for the sole purpose of experimental research, but also such experimental research is unethical because it endangers women. Advocates of cloning claim it will cure millions of people with diseases such as Parkinson's disease, Alzheimer's disease, and diabetes. But to do so, millions of human eggs will be required. If the claims of the cloning advocates were to turn out to be true, millions of women would undergo invasive surgery and take powerful drugs with risks, not to have a baby, but solely to provide eggs for money. As many feminists have stated, research cloning will undoubtedly lead to a new exploitation of women, particularly those with little means.

In November 2001, Advanced Cell Technology, a Massachusetts biotechnology firm, claimed it had created human embryos by cloning. Even though this claim has not been substantiated, it is clear that this corporation wants to create human embryos for the purpose of killing them and harvesting their cells. It is imperative to take action now to prevent the creation of human embryo farms in Wisconsin by publicly or privately funded biotechnology firms.

Multiple public opinion polls demonstrate that the public favors a ban on all human cloning, including therapeutic cloning, by overwhelming margins.

How cloning is performed. Cloning is accomplished by a method known as "somatic cell nuclear transfer". In this method, genetic material is removed from a somatic

cell of one person's body (for example, a skin cell) and transferred into a hollowed-out human or animal egg cell. The united cell is then stimulated with an electric current or another stimulus. The stimulus results in the creation of a new human embryo with the same genetic makeup as the donor of the somatic cell.

Reproductive cloning has already resulted in cloned sheep, goats, cattle, and some other mammals. In the process, however, most of the embryos and fetuses died in the laboratory, in the womb or shortly after birth due to severe abnormalities. For example, it took 277 sheep embryos to create Dolly, the famed sheep created by cloning in 1997. Although there have been reports from a fringe group called "Clonaid" that human cloning has resulted in several pregnancies and in the birth of some children, these reports have not been substantiated and are generally regarded as lacking in credibility.

Supporters of therapeutic cloning are trying to justify the creation of human embryos for destructive medical experimentation by claiming that the embryos created by cloning are not "human" life, but "cellular" life. This brazen exercise in Orwellian "newspeak" is an insult to the intelligence of legislators who are considering a ban on human cloning. Numerous scientific panels and cloning researchers have acknowledged that the somatic cell nuclear transfer cloning method will produce human embryos. Human parthenogenesis would also create human embryos.

How this legislation would work. The legislation prohibits any person from knowingly (1) performing or attempting to perform human cloning or human parthenogenesis, or (2) transferring or acquiring for any purpose a human embryo produced by human cloning or human parthenogenesis or any embryo, cell, tissue, or

product derived from an embryo produced by human cloning or human parthenogenesis. The legislation provides criminal and civil penalties.

Federal legislation and other states. On February 27, 2003, the U.S. House of Representatives passed H.R. 534, a ban on **all** human cloning. This bill and S. 245, which is very similar, are now pending in the U.S. Senate. Both measures are strongly supported by President Bush who has repeatedly called upon congress to pass a federal ban on all human cloning.

As of this date, five states have passed laws that ban all human cloning – Arkansas, Iowa, Michigan, North Dakota and Virginia. In addition, Michigan and Missouri have enacted laws that ban public funding of human cloning. Three states have enacted laws with clone and kill language – California, Louisiana, and Rhode Island.

If the federal government passes a ban on all human cloning, state legislation will not be necessary. Wisconsin Right to Life is actively involved with the cloning issue at the federal level because a federal ban on human cloning would apply throughout the nation. Certainly, that is the preferred solution. Wisconsin Right to Life also supports this state legislation because if congress fails to pass a ban on all human cloning, action at the state level will be necessary.

Wisconsin Right to Life urges you to vote in favor of Senate Bill 45 and Assembly Bill 104, a total ban on cloning, and to oppose Assembly Bill 246 and any other cloning legislation that does not prohibit both reproductive cloning and therapeutic cloning.



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Testimony of
Marianne Linane, Executive Director
of the National Association of Pro-life Nurses

on

A.B. 104 and SB 45

Tuesday, May 20, 2003

before the

Senate Judiciary, Corrections and Privacy Committee
Sen. Zien, Chairman

and the

Assembly Public Health Committee
Rep. Hines, Chariman

Dedicated to promoting respect for every human life from conception to natural death, and to affirming that the destruction of that life, for whatever reason and by whatever means, does not constitute good nursing practice.

I am Marianne Linane, Executive Director of the National Association of Pro-life Nurses. I am here to testify in favor of AB 104 and SB 45, the bill to ban all cloning in Wisconsin.

At the time our organization was founded 25 years ago, we found a need to offer support to those nurses who were asked to participate in abortion in their refusal to do so.

As practices being proposed to the medical profession raise more and more ethical questions, those of us who have the moral conviction that life begins at conception and is to be respected until natural death, find some of these practices as offensive to us as abortion. Certainly cloning debases the dignity we hold for human life.

The NAPN policy on human embryos states that we consider a living human embryo who is outside a woman's body as particularly vulnerable and in need of special protection. Based on information we have of the process of cloning, there will be many serious mistakes and embryos will be created which will be destroyed because they will not meet the criteria for which they are created. Regardless of how they come into being, these embryos are still human beings and could theoretically become a fully alive and functional person if allowed to develop.

Our policy further states that destruction or harmful research and experimentation on a living human embryo cannot be justified on the basis that it will help another human being. This is exactly what is being proposed when we discuss cloning as a solution to a medical problem where cells, tissues, and entire body parts will be grown for use in the body of the person cloned. The human being created in the lab will be destroyed when the desired part is removed for placement in the person cloned. There are innumerable other proposals being considered such as adult stem cell research which does not pose these ethical dilemmas, so we are not stymieing any medical advances in rejecting this procedure.

The acceptance of any of these practices puts the nurse on duty in jeopardy of violating her conscience when she is asked to care for a patient undergoing such procedures. These are the kind of issues with which we are all too familiar as we seek to offer counsel and legal advice to nurses.

Nursing has always been and, because of its service nature, will always be, comprised primarily of individuals of altruistic motivation who will rise to the defense of the vulnerable and defenseless. As the current nursing shortage continues to grow with no end in sight, it would be unwise to drive away any nurse who would feel forced to give up his or her profession rather than to compromise conscience on any one of these issues.

Continuing in the vein of considering the issue from a philosophical perspective, the 1970's rock group, "King Crimson" had an album called "21st Century Schizoid Man". The lyrics of the title song include words pertinent to our debate here:

Knowledge is a deadly friend
When no one sets the rules.
The fate of all mankind I see,
Is in the hands of fools.

And Jody Bottum, an editor with First Things, is quoted in that magazine in reference to cloning after attending a Washington seminar on biotechnology. His comments are directed at scientists who manipulate the deep things of life just because they can. Bottum says "I worry about people who reach into the stuff of life and twist it to their will. I worry about people who act simply because they can. If they lived in crumbling castles -- their hair standing up on end and their voices howling in maniacal laughter -- we'd know them to be mad scientists. But they wear nice white lab coats and their pleasant looking chief executive appears on television to assure us that they are really acting for the best of medical motives and, besides, there is a great deal of money to be made in biotech and pharmaceutical stocks...The people who say that this technology can be regulated are simply ignorant of human nature. If you were to put up a lever with a sign that said, 'Don't touch or the world will be destroyed,' the paint would not be dry before someone's last works were, 'I just wanted to see what would happen.'

The truth is, we do not know what might happen, what unforeseen events or beings might emerge from this sort of assuming the role of God in determining the direction of His creation. We mock Him and say that He has not done such a good job, that we can do better, so we tinker in His lab, not knowing what sort of havoc we can wreak in doing so and, just as with Adam and Eve, our pride may be our downfall.

Let's just don't go there.