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MEETING OF THE
NATIONAL BIOETHICS ADVISORY COMMISSION

Saturday, June 7, 1997
7:43 a.m.

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1 P R O C E E D I N G S

2 DR. SHAPIRO: I would like the commissioners to assemble please
3 so we could begin our meeting.

4 I would like to call today's meeting to order and welcome everyone
5 to this meeting of the National Bioethics Advisory Commission at which we will be
6 considering the kind of final draft report that commissioners should all have received
7 either very late last night or early this morning.

8 Now, copies of this draft material are available outside for those of
9 you who want to use those to help follow along.

10 I have the idea this is not on again.

11 MR. : Let us stop for a minute. We have an audio problem.

12 DR. SHAPIRO: You have an audio problem?

13 (Laughter.)

14 DR. SHAPIRO: Let me try to begin once again by welcoming
15 everyone here, and particularly the members of the commission who have put forth so
16 much effort in the last weeks to try to bring this report together dealing with as many
17 complex and difficult issues as it does.

18 As I mentioned before, copies of our draft report are available
19 outside for anyone who would like to follow along with us.

20 To the commissioners, I would like to apologize for the fact that we
21 were able to generate copies of this draft only late last night and--indeed some of you
22 received them only early this morning--and therefore have not had a full chance to
23 review some of the materials.

24 A good deal of the materials are similar to what we had done before
25 in the sense that they are very modest changes. Some of the materials, however, have
26 more major changes. And, therefore, I will be providing some time during the
27 morning to take some recess from time to time to enable commissioners to read a little
28 more carefully some of the materials that they have just received to enable our

1 discussion to go ahead in as thoughtful a manner as possible.

2 Now, the report that we have assembled has made every effort to
3 accommodate and to integrate the very many thoughtful remarks and suggestions
4 made by members of the commission and others over the last few weeks. Indeed, the
5 reason the report was--the draft report--is really so late in getting it to you is that we
6 were receiving very thoughtful and important comments from various members of the
7 commission as late as Thursday night and, therefore, by the time we could assimilate
8 those and, in some cases, try to incorporate them in what we had to say, we were just
9 unable to do it in time to get this out to you before you left to come to this meeting,
10 since many of you, of course, are traveling from some distance.

11 But I very much appreciate the thoughtfulness in which so many
12 members of this commission reviewed the materials and the very many helpful
13 remarks that we received as we were trying to assemble it. There is no question in my
14 mind that the nature of what we have to say, the thoughtfulness of what we have to
15 say, has been very much improved by the contributions so many of you have made.

16 Now, what I would propose that we do today is begin by considering
17 various aspects of the report. I will propose that we begin by looking and seeing what
18 further observations and/or suggestions we might have on really the first three aspects
19 of the report; that is, the introductory chapter itself, the Science Chapter, and the
20 chapter which we have entitled "Religious Perspectives," since those are the parts of
21 the report which have changed the least, I would say, from the previous drafts that we
22 have been discussing, and therefore we ought to be able to discuss those pretty
23 directly.

24 After that, I would propose that we take a recess for some time to
25 allow members of the commission to read more carefully some of the other materials,
26 so then we can return to those and deal with those as well.

27 And we will, of course, deal with our-- I propose at least that we
28 deal with our recommendations, of course, as a last item that we have to get to, since

1 that of course, at one level, is the most important thing, although my own view is that,
2 as I have read and re-read and re-read the materials, that really their overall impact and
3 the underlining meaning and guidance that they may give interested parties really
4 cannot be fully understood without reading indeed all of the chapters.

5 And I think that is one of the interesting aspects of this report. I
6 don't think all reports are like that. I know that many of us read many reports and our
7 first inclination is to rush and read the Executive Summary and say, "Well, everything
8 must be there," and that is often a mistake.

9 And I think it is definitely a mistake with regard to this report
10 because there are many, many issues which really are summarized and referred to in
11 the Executive Summary and the introductory material, but the full impact and
12 understanding of those issues really can only be achieved, at least in part, by reading
13 the report in its entirety.

14 And while that may seem like an inconvenience to some, it is my
15 own view that that speaks to the depth of some of the considerations that we have
16 given to the issues that we have been asked to address.

17 Now we, of course, will be delivering this report very shortly to the
18 President. That means in our conversations and in our suggestions, that we might
19 want to share with each other and would have an impact on the draft here--in other
20 words, changing it in some ways--we have to exhibit some constraint.

21 I just want to remind the commissioners we can't start rewriting the
22 report today and that the report itself, I would have to say, that there is no single one
23 of us that would write any page in quite the same way. Each of us have our own way,
24 our own style, our own way of making matters clear and satisfactory to us.

25 But we have to understand I think, as I am sure you all do, that this
26 is a joint report in the truest sense of the word. It reflects-- As I read the report again
27 early this morning, I could easily pick out in my own mind just where various
28 commissioners, individual commissioners, made substantial contributions to our

1 thinking and have been accommodated into an overall structure which I think, for the
2 most part--and if not completely--really hangs together well as an overall statement.

3 So while of course we want to be able to read this and make
4 changes, and I am sure many will be made during the day, one way or another, we do
5 have to exhibit some restraint.

6 And we will have the same discipline as we have had for the last
7 couple of weeks. And that is, after discussion, if we have a suggestion, or any
8 member of the commission has a suggestion, or group of members, we really want it
9 articulated in writing.

10 There will be recesses for additional reading and thought of the
11 material, and you can use that time there for such, to articulate this in ways that would
12 be useful to those of us who are putting together the final report.

13 So are there any questions at this time from members of the
14 commission?

15 (No response.)

16 DR. SHAPIRO: I do want to remind those of you who are in the
17 audience that at approximately 11:00 o'clock today the commission has some time set
18 aside, as we do in all our meetings, for public comments. And that will occur, as I say,
19 as close to 11:00 o'clock as we can possibly make it.

20 Okay. Thank you very much.

21

22 CLONING REPORT TO THE PRESIDENT

23 DR. SHAPIRO: My proposal then is to return to what I outlined
24 just a few moments ago in the first segment of our meeting to get commissioners'
25 responses to suggestions, et cetera, regarding particular parts of the report, and that we
26 begin with what is chapter one in the report, which has got the original title
27 "Introduction."

28 Yes?

1 DR. MURRAY: Harold, do you want comments on the transmittal
2 letter?

3 DR. SHAPIRO: The transmittal letter?

4 Let me-- I think it would be better if we held off. I have rewritten
5 the transmittal letter since this was sent out and so--

6 (Laughter.)

7 DR. SHAPIRO: And I know this process has to come to an end. As
8 they say, "Everything ends and the curtain descends." Kurt Weill has a great comment
9 on--a great piece of poetry--on that, but--

10 So I think, Tom, it would be better if we awaited that later today. I
11 am going to try to get it retyped during the day if I can. So thank you very much, and
12 perhaps we could postpone that until later.

13

14

15

INTRODUCTION

16 DR. SHAPIRO: So let us look at the Introduction. It is a chapter
17 which, as I indicated, hasn't changed very much. Its overall structure is an attempt to
18 highlight the issues that will be upcoming in the report.

19 As you all know, some background material talks about various
20 aspects of the overall situation we are facing and tries to give some--attempts to give, I
21 should say--some useful things for the reader to think about and to anticipate as they
22 go through the body of the report.

23 Any comments? Yes, Tom?

24 MR. MURRAY: Well, the first comment is I want to applaud those
25 who I know labored many hours to do this redraft. It is outstanding.

26 Under the press of time, nothing will be perfect, and you are quite
27 right that we all won't be satisfied with every word in that. That is in the nature of the
28 effort.

1 But I have two minor-- Well, actually two things of substance that I
2 think at least are of substance. One is on page II, line-- The sentence that begins on
3 line 7.

4 DR. : What page?

5 DR. SHAPIRO: Is that the Executive Summary?

6 DR. MURRAY: Yes. I am not supposed to be looking at that,
7 right?

8 DR. SHAPIRO: Well, we can.

9 DR. MURRAY: Sorry.

10 DR. SHAPIRO: I think we ought to come back to that, if you don't
11 mind--

12 DR. MURRAY: No.

13 DR. SHAPIRO: --Tom, because that will-- I wanted to do, in the
14 first part of this morning's session, those materials which really have had the least
15 change in the last few weeks and with which we are most familiar, so we will come
16 back to that.

17 DR. MURRAY: That is okay. I apologize.

18 DR. SHAPIRO: Any other further comments? Yes, Alex?

19 PROF. CAPRON: I was looking, and perhaps you can help me to
20 see where, in the Introduction, we address the understanding of what cells we are
21 limiting ourselves to, and what the meaning is. It seems to me that should appear as
22 early as the Introduction.

23 DR. SHAPIRO: I am sure it appears in the Executive Summary.
24 You talk about it appearing early.

25 PROF. CAPRON: Well, but the Executive Summary we are
26 regarding as something that could be ripped out of the book and therefore it has to
27 appear there, but someone reading the Introduction--

28 In Footnote One we say "somatic cells," but the debate that we have

1 had about whether that includes embryonic cells as somatic cells because they are, by
2 most understandings, seems to me ought to be clear from the very beginning.

3 DR. SHAPIRO: Well, we can certainly consider that. As you
4 know, I don't want to go back to the Executive Summary. We are going to have to--
5 This will be an imperfect process. That is on the-- That issue is dealt with in the third
6 paragraph of the Executive Summary. And I think that is an interesting suggestion,
7 and perhaps it is something we should find some way to include, so we will certainly
8 think about that.

9 Any other? What? Yes? Excuse me? I don't want to rush.

10 PROF. CAPRON: You say you believe the third paragraph of the
11 Executive Summary--

12 DR. SHAPIRO: Yes.

13 PROF. CAPRON: I will read that over one more time to make sure
14 that--

15 DR. SHAPIRO: Yes.

16 DR. CHILDRESS: One possibility, too, since the Executive
17 Summary could be seen as semi-independent, is to go ahead and include that
18 paragraph in the--

19 DR. SHAPIRO: It is.

20 PROF. CHARO: It is a separate--

21 DR. CHILDRESS: But in the perfect placement, you may decide
22 to--

23 PROF. CHARO: I think actually they are two slightly different
24 topics.

25 PROF. CAPRON: Yes. Because the third paragraph of the
26 Executive Summary does not address the question I think that I am concerned about.

27 DR. EMANUEL: Alex, is the first footnote what addresses your
28 question, your point?

1 PROF. CAPRON: It does, but it doesn't speak to the question about
2 which there has been some confusion in this commission, and I would like to have it
3 clarified that when we are referring to somatic cells we include embryonic cells as
4 somatic cells.

5 DR. EMANUEL: I think it--

6 PROF. CAPRON: Does it?

7 DR. EMANUEL: As I read it, I thought it was pretty clear.

8 PROF. CAPRON: Well, I can tell you that we have had exchanges
9 where people have, you know--

10 DR. EMANUEL: No, no. I understand, but I thought that the
11 footnote--

12 DR. MIKE: Yes. It makes it pretty clear.

13 DR. EMANUEL: I mean, the footnote says "a somatic cell and any
14 cell of the body, other than those designated to become germ cells--"

15 PROF. CAPRON: Would there be a harm in being clearer and
16 saying "including embryonic cells?"

17 DR. MIKE: I don't think it is necessary.

18 PROF. CAPRON: Well, it is a source of confusion. Why do we
19 object to being clear about it?

20 DR. COX: Dr. Cox has his hand up.

21 (Laughter.)

22 DR. SHAPIRO: David, I apologize. Let me also say that if any--

23 (Laughter.)

24 DR. SHAPIRO: --any members of the audience wondered about a
25 disembodied voice, this is not what you might think.

26 (Laughter.)

27 DR. SHAPIRO: It is just Professor Cox from California who got up
28 early this morning to participate by conference call. David, welcome. I apologize, but

1 that is a good way to put it. Just tell me when you have your hand up.

2 David?

3 DR. COX: Yes. I would just like to comment that I think that the
4 footnote is crystal clear and that a need, at this point, to add any other explanation
5 would I think confuse things more.

6 DR. SHAPIRO: All right. We will certainly-- We need to give this
7 some consideration. I want to think about that because I think it is an interesting
8 point. And we will see whether any change, whether that is clear enough or not, but
9 that is an interesting point.

10 Other comments?

11 (No response.)

12 DR. SHAPIRO: Okay. Thank you.

13 SCIENCE CHAPTER

14 DR. SHAPIRO: Nobody on the commission gives up their right to
15 go back to school with this as we go through the day, but let us move on now to the
16 Science Chapter, which is before us.

17 Let me, first of all, turn to Carol to see if there is anything she would
18 like to add at this time, since Carol did take the leadership in helping us pull this
19 chapter together.

20 Carol, where are you sitting? On my left. Okay. Carol?

21 DR. GREIDER: I just wanted to point out, for those of you that do
22 have the figures at the very back, that, as they currently are, they are not referring to
23 the correct place in the chapter.

24 DR. SHAPIRO: Right.

25 DR. GREIDER: So I have just been going through this morning and
26 redoing those, and so we will get that taken care of. But if you try and line up the
27 current figures with the reference in the text, you are going to be looking at the wrong
28 pictures. So we will get that done.

1 I don't have any other things of substance for the Science Chapter.

2 DR. SHAPIRO: Thank you.

3 Do members of the commission have any questions, concerns,
4 observations, regarding the Science Chapter?

5 (No response.)

6 DR. SHAPIRO: I should-- Let me-- Before I open the floor to that,
7 I do want to tell all commission members that each of these chapters has been
8 reviewed by usually more than one person outside the commission. We have looked
9 for experts in all these areas to review each and every one of these chapters to get their
10 feedback and, in some cases, we discovered, as you always do, that, having been part
11 of the process, you weren't quite as clear as you should be for someone who wasn't
12 part of this overall process.

13 And so that external review, which occurred with different people
14 taking on different chapters, really was extremely helpful to us in trying to mold this.
15 And of course, the Science Chapter, as Carol knows since she interacted with a
16 number of the people that did the review, has also, in this context, been reviewed by
17 some external people.

18 But let me now return to the questions. Are there any questions,
19 concerns, suggestions, regarding the Science Chapter?

20 (No response.)

21 DR. SHAPIRO: Okay. Thank you very much.

22 RELIGIOUS PERSPECTIVES CHAPTER

23 DR. SHAPIRO: Let us go on then to the chapter on religious
24 perspectives which is, as I said, not amongst those-- It hasn't changed a lot since the
25 last time we reviewed this carefully.

26 But let me also, as I thanked Carol for her leadership in that chapter,
27 I want to thank Jim for his leadership in helping us put together this particular chapter.
28 And let me turn to Jim to see if there are any additional comments he would like to

1 make.

2 Jim?

3 DR. CHILDRESS: We discussed this chapter very thoroughly at
4 our last public meeting and, as you know from the material which you received, it
5 went through a couple of subsequent revisions, particularly with suggestions from
6 about four or five of you, and I want to especially mention Alex's suggestions for
7 reorganization that I thought were very helpful.

8 Since that time, as the chapter has been circulated and examined by
9 several of you, the changes have been modest.

10 In going over it last night again, I found a few places where, you
11 know, verbal changes need to be made, but substantively it seems to me to be much
12 the same as what you saw about a week or 10 days ago with the reorganization that
13 Alex suggested and with the expansion of two parts over the draft we reviewed on
14 May the 17th.

15 And I thank Kathi and Harold very much for their work at the end
16 on this as well.

17 DR. SHAPIRO: Thank you very much, Jim.

18 Alex?

19 PROF. CAPRON: Are the changes ones that you want to share with
20 us, that you are proposing?

21 DR. CHILDRESS: Well, I just-- They are modest, verbal ones. I
22 think at the bottom of page 35, lines 34 and 35, I think the description of that--this just
23 more secular discussion, for example--distorts what has occurred before, and that a
24 few modest things like that, a few references that need to be clarified. But I thought it
25 was that--

26 One reason for reading it again last night very carefully is that, as
27 those changes are made, it is often easy for some other problem to slip in. And I was
28 very pleased that the changes that have been incorporated over the last several days

1 did not create, as far as I can see, any problems.

2 PROF. CAPRON: Well, as a general way of proceeding today, my
3 impression was that, at some point today, we are going to be asked to vote on a draft
4 which will not thereafter be changed before it goes to the President. Is that correct or
5 incorrect?

6 DR. SHAPIRO: Well, I hope we can achieve that today. It really
7 depends on the nature of the changes that are suggested. There are-- When you say
8 "not changed," there are typographical--

9 PROF. CAPRON: Surely, I mean, if there is a misspelling, or a
10 comma where it doesn't belong, I mean, if--

11 I don't know whether it is going to be possible editorially to catch
12 such things before something gets handed to the President--perhaps before it is printed
13 for wider distribution--but my question, and this is not specifically addressed to Jim,
14 but if he says, "Gee, there is something wrong at the bottom of this page," I wouldn't
15 want to leave that paragraph without knowing what change is proposed to be made.

16 DR. SHAPIRO: I agree.

17 PROF. CAPRON: So I thought we should take our time and have
18 Jim suggest to us what change.

19 DR. SHAPIRO: And just do it. Sure.

20 PROF. CAPRON: And I don't doubt that I will agree with it.

21 DR. CHILDRESS: That is optimistic, but let us try. Basically, what
22 I propose is that we go back to language closer to what was in the draft circulated on
23 May the 27th and say "such views or such categories may therefore contribute to a
24 broader societal discussion." Because I think rather than characterizing the positions
25 taken within a religious context, even though the language is broader than that as non-
26 religious or secular, it is better just to refer to them in terms of the views themselves,
27 sort of categories or views.

28 So I would say "such views or such categories may therefore

1 contribute to a broader societal discussion."

2 DR. SHAPIRO: Yes.

3 DR. CHILDRESS: And then on--

4 DR. SHAPIRO: Just to make sure I understand what you have said,
5 Jim, are you saying "such views or categories" or are you saying--

6 DR. CHILDRESS: Either of those. I--

7 DR. SHAPIRO: Well, let us say views--

8 DR. CHILDRESS: I just--

9 PROF. CAPRON: You have used the word "categories."

10 DR. CHILDRESS: I would say "categories."

11 DR. SHAPIRO: Okay.

12 DR. CHILDRESS: Well, that is true. We had that before. Okay.

13 PROF. CAPRON: So we are striking "this more secular discussion"
14 and replacing it with "such categories?"

15 DR. SHAPIRO: Yes?

16 DR. MIKE: Can I make a comment right now? I would like some
17 clarification here. I would be really disturbed if we are not going to sign off the report
18 when we are arguing about specific words and phrases, so I would like to expand the
19 discussion.

20 Beyond comments, I mean, commas and misspellings, et cetera, we
21 need to leave some room here and, you know, I think we have got to leave some
22 judgement to the chair and others without having to go line by line. "And I don't like
23 this word, and I don't like this phrase."

24 DR. SHAPIRO: I think there is-- I think that is correct, Larry, but
25 there is always a gray area here as to when a word really changes a meaning. And so
26 that was my concern before when I expressed the fact that we all need to exhibit some
27 constraint. There are times when words change meaning.

28 DR. MIKE: I understand that and I am willing to sit through this

1 discussion like this, but I don't want to leave the meeting with someone later on
2 saying, "I didn't like that phrase. I forgot. I didn't see it before." You know, I would
3 like some closure.

4 DR. SHAPIRO: Yes. We will vote. And you are quite right to say
5 it. In the last analysis, you know, it is the person that mans the printing machine that
6 has the final say on everything. But we will have I think sufficient thinking on that.

7 DR. MIIKE: One last thing. Don't run a spell check through it
8 because it will change my name to "Mike."

9 (Laughter.)

10 DR. SHAPIRO: You don't like that name, Larry?

11 (Laughter.)

12 DR. SHAPIRO: So we are going to have to do that but, in this case
13 for example, I think the change was not in any way trivial, in this particular case. And
14 if it is a change of that nature, I think it is appropriate for Jim, or whoever it is, to tell
15 us and we will make the changes.

16 But, I agree, we don't want to descend to some other level here of
17 detail.

18 But Jim, are there other such changes you would like to highlight for
19 us that you feel have some--

20 DR. CHILDRESS: Well, it is always a judgement call. I would
21 change on [page] 53, line 35, I think that is better-- We say "the most serious
22 questions of disease and disability;" that parallelism there.

23 And those are the only two changes other than directing--

24 DR. SHAPIRO: I am sorry. I don't get that one.

25 DR. CHILDRESS: On the bottom of [page] 53.

26 DR. EMANUEL: Not "health and disability."

27 DR. CHILDRESS: Rather than "health and disability," it would be
28 "disease and disability."

1 DR. SHAPIRO: Oh.

2 DR. CHILDRESS: And then the other changes are just correcting
3 spellings and names or references.

4 DR. SHAPIRO: Let me suggest that, Jim, that those issues, perhaps
5 you could speak to Kathi and/or myself during the recess when we are doing some
6 reading, we could get that done pretty quickly. Because we are under a very serious
7 time constraint here.

8 DR. CHILDRESS: Right.

9 DR. SHAPIRO: And so that would be helpful. Other comments,
10 questions, concerns, observations?

11 (No response.)

12 DR. SHAPIRO: All right. Let me make a suggestion at this time
13 therefore. I take it from the commission's perspective that on those three aspects of
14 our report that we are probably satisfied and what I would like to do is have a recess at
15 the moment.

16 If any of you have any smaller suggestions on these three chapters,
17 please--that is, whether it is a typo, or something of that nature--please let us know
18 now. And I would ask the commission members who don't have any such
19 recommendations to really take some time now. We will probably allow in the
20 neighborhood of about half-hour, or a little more, to begin reading the other chapters
21 and portions of the report that have changed in a somewhat more important way since
22 last time. So it is now 8:10 a.m. Let us, as a target, try to reassemble at 8:45 a.m. In
23 the meantime, some of us will work on the smaller aspects of getting these early
24 chapters straightened out into the final form.

25 Any final suggestions before we recess?

26 Alex?

27 PROF. CAPRON: I am sorry. I missed one thing on page 9 of the
28 report that I wanted to ask about.

1 DR. SHAPIRO: Yes?

2 PROF. CAPRON: It is at the level, I think, of Jim's comments.

3 We referred twice in the paragraph beginning at page 19, line 19, or
4 page 9, to "our foreign counterparts." I understand that what we are actually talking
5 about is the United States cooperating with other nations.

6 DR. SHAPIRO: That is a good point.

7 PROF. CAPRON: The phrase "our foreign counterparts," which I
8 crossed off in repeated drafts, suggests the French National Ethics Commission and so
9 forth.

10 And I would suggest that we change "our foreign counterparts," to
11 "other nations" on line 19, put the word "international" before "cooperation" on line
12 21, and strike "with our foreign counterparts" on lines 21 and 22.

13 DR. SHAPIRO: Well, I think that is-- I agree with that suggestion.
14 Thank you very much.

15 DR. EMANUEL: Don't you mean "governments," not "nations"
16 here?

17 PROF. CAPRON: Well, "other governments" would be fine.

18 DR. SHAPIRO: Yes. Yes. That was the intention and I think you
19 for catching that again.

20 DR. : Could you repeat that?

21 PROF. CAPRON: Yes. You want me to repeat it? Well, on line
22 19, strike "our foreign counterparts," replace with "other governments;" line 21, before
23 the word "cooperation," add "international," strike "with;" line 22, strike "our foreign
24 counterparts."

25 I apologize for not having caught that as we flipped through.

26 DR. SHAPIRO: No. Thank you very much. And we have, as Alex
27 suggested, we have used that construction--correct?--a number of times during these
28 various drafts and I appreciate you catching that.

1 DR. CHILDRESS: Harold, if I could?

2 DR. SHAPIRO: Yes.

3 DR. CHILDRESS: There is one more that I probably should call
4 attention to on page 47, where I think a more serious problem came in, in the courses
5 of revision.

6 It looks to be lines 18-20. And the unfortunate category of creating
7 the clone came in here, and I would propose we go back to something like the
8 formulation of an earlier draft and say, "religious thinkers note that the process of
9 human cloning would or could violate the human dignity of agents such as those who-
10 -"

11 DR. SHAPIRO: Could you give me the line numbers again, Jim?
12 Could you give me line numbers again?

13 DR. CHILDRESS: Eighteen through 20, lines 18-20, on page 47.

14 DR. SHAPIRO: Yes. Okay. Right. I see the point.

15 DR. CHILDRESS: And so I would propose to go back to what
16 appeared in the earlier draft.

17 PROF. CAPRON: What was that language please, Jim?

18 DR. CHILDRESS: Well, a modification of it. "Religious thinkers--
19 " Let me just start at the "agents" part; that is "those who create children through
20 cloning, as well as those who are created through cloning."

21 I think Diane last time made the very important point about avoiding
22 the social category of "clone."

23 PROF. CAPRON: Do we want to use our usual description?
24 "Those who create children through nuclear..."

25 DR. CHILDRESS: We do.

26 PROF. CAPRON: You know. So you are saying-- That is what
27 you are suggesting, Jim?

28 DR. CHILDRESS: I am.

1 PROF. CAPRON: "Systematic cell nuclear--"

2 DR. CHILDRESS: Though I am not sure that, for purposes of
3 reading, it has to be repeated at every single point since we do use shorthand
4 expression of "human cloning," or "cloning humans," and--

5 PROF. CAPRON: Oh, I misunderstood you. I thought you said we
6 were being encouraged not to use--by Diane--not to use the word "cloning."

7 DR. SCOTT-JONES: No.

8 (Simultaneous discussion.)

9 DR. SHAPIRO: Okay. We will look at that and see what word is--
10 The change is important, because we had tried to eliminate that everywhere we could
11 and obviously didn't catch all of them.

12 Other comments, questions?

13 (No response.)

14 DR. SHAPIRO: Okay. Let me repeat there are two ways I would
15 like the commissioners to use the next half-hour. One, if they have any suggestions
16 regarding things that they may have felt were too small to bring up to the full
17 commission, please let Kathi or myself know. And if there aren't, please read.

18 I think the next thing we will take up-- We will just go in the order
19 in which these things are, so the next two chapters we will take up are Ethical
20 Concerns, Legal and Policy Considerations. We can break between those if necessary
21 because I want to make sure that every commissioner has had the chance to do the
22 reading.

23 All right. We are recessed for approximately one half-hour. Thank
24 you very much.

25 (Whereupon, at 8:17 a.m., there was a brief recess.)

26 DR. SHAPIRO: I am going to ask the commissioners to please
27 reassemble. How is our audio? Can people hear us? Thank you very much.
28 Colleagues, thank you very much.

1 Let me just say two things before we move on to the discussion of
2 the Ethics Chapter.

3 First of all, we had some modest discussion of a footnote at the
4 bottom of page 1 as to whether this was sufficiently descriptive. We all agreed it was
5 accurate. And the question was, however sufficiently descriptive, was it too terse in
6 definition for the purposes of many people who will be reading this report?

7 (Technical difficulties.)

8 DR. : (Inaudible.)

9 THE REPORTER: Mr. Chairman?

10 DR. SHAPIRO: Yes?

11 THE REPORTER: Excuse me. The sound is not working.

12 DR. SHAPIRO: Well, we will try to restore the sound to the
13 transcript. Thank you. We will just wait a moment. Thank you.

14 Does this mike work any better?

15 THE REPORTER: No.

16 DR. SHAPIRO: All right. Thank you. Since we must have an
17 accurate transcript, we will have to wait until the sound can be restored.

18 (Whereupon, there was a brief delay while audio was restored.)

19 DR. SHAPIRO: I was about to suggest that we take another 10-
20 minute recess, but now that we are back let us proceed.

21 Let me repeat what I said when we reassembled. That there was an
22 issue raised by a commission member regarding whether the footnote on page 1--that
23 is Footnote 1, page 1, chapter 1--as to whether that was sufficiently explanatory. We
24 all agreed it was an accurate statement, but the question is whether it is adequately
25 explanatory for many members of the public and others who will read this report.

26 So let me suggest the following changes in Footnote 1, page 1. It
27 currently reads, "A somatic cell is any cell of"--then it says--"the body." And I would
28 propose to replace those two words, "the body," with the following phrase; "an

1 embryo, fetus, child or adult." So it would read, "A somatic cell is any cell of an
2 embryo, fetus, child or adult, other than those destined to become..."

3 I think that--myself--helps. You might think about that. If any of
4 you-- I just wanted to-- We don't have to decide this. I just wanted to tell you about
5 that. If you have any further concerns, if that doesn't seem quite right to you, please
6 raise it later on this morning. But at least it seemed to me that that was a useful
7 expansion.

8 Now, one other response to an issue that came up this morning when
9 we were considering the Introduction. You will note on page 3 of the Introduction, on
10 lines 23-35, again roughly speaking, it deals with an issue that came up in the context
11 of our own discussions. And then on line 31 it said, "NBAC did not review these
12 particular issues in the context of this report."

13 And there is some concern by some commissioners that we should
14 add some material there to just further expand that issue; why it is we made that
15 decision. That seems like a useful thing to try to do and we will try to develop
16 appropriate text at some time during this morning.

17 I just want to point out that that issue appears again in the Executive
18 Summary. It also appears again in the Ethics Chapter which we are about to address.
19 So my suggestion--(Inaudible.)

20 THE REPORTER: Mr. Chairman?

21 DR. SHAPIRO: Yes?

22 THE REPORTER: I am sorry, but we have lost the sound.

23 (Inaudible.)

24 (Technical difficulties.)

25 DR. SHAPIRO: Yes, I can speak. Can you hear me? More
26 importantly, can anybody else?

27 THE REPORTER: I can hear your voice. There is an overriding
28 hum.

1 DR. SHAPIRO: Well, once again I apologize, but we are required
2 to do this transcription.

3 (Whereupon, there was a brief delay while audio was restored.)

4 DR. SHAPIRO: How does it sound now?

5 THE REPORTER: It sounds good.

6 DR. SHAPIRO: It sounds good. All right. Last attempt with this
7 set of equipment.

8 As I said, this issue comes up both in three places, in the Executive
9 Summary, in the Introduction on page 3, and it comes up again in the Ethics Chapter
10 on page 59.

11 And rather than try to deal with that separately, we will try this
12 morning to develop some text, in order to present to the commission, on just how we
13 might deal with that issue, if there is a helpful and useful way to do that.

14 So, with that caveat, my hope is we won't revisit that particular issue
15 right now; we will come back to it later on in the morning or early afternoon.

16 ETHICAL CONCERNS CHAPTER

17 DR. SHAPIRO: But with that, let us go, with that proviso, let us go
18 on to the chapter which we have now entitled Chapter 4, "Ethical Considerations." It
19 is on page 58.

20 And let me see if Dr. Lo has any comments he wants to make at this
21 time. Dr. Lo?

22 DR. LO: Let me start by really thanking Kathi Hanna and Harold
23 and the members of the commission who really have done heroic, extraordinary--
24 whatever adjective you want to use--work in kind of making this chapter much
25 stronger than the previous versions.

26 I think that as you read it, the arguments really come forth much
27 more forcefully. I think the use of quotations really helps to make vivid the concerns
28 and the arguments.

1 I think clearly this is a chapter that has been very difficult to write.
2 It is not as-- It is greatly improved. I don't think it is really quite where we would
3 ideally like to see it, but we are coming up against a very firm and looming deadline.
4 And I know Kathi would probably like to see this forever out of her life after the
5 wonderful effort she has put into it.

6 I do think, however, we should try and think very hard. Are the
7 things-- I don't think we can redo the chapter or make major changes in the outline. I
8 think, you know, we really have to take what we have. But to the extent that we have
9 important things that are relatively easy to address, I would like to at least think about
10 whether it is feasible to work on them.

11 Arturo, during the break, jokingly said, "We can work on this for the
12 next five years." In fact, we are hoping the country will continue to think about the
13 issues raised in the Ethics Chapter for the next five years and beyond.

14 But to the extent that we, in the next whatever period of time we are
15 able to give it, can help to clarify what we have said in a way that guides further
16 discussion, I think that would be useful.

17 I know many of you have done tremendous work. I don't want to
18 single out names because I think almost all of you have contributed in terms of taking
19 drafts, turning them around very quickly, and making detailed comments. It has been
20 extremely helpful. And if we can just sort of take a deep breath and try and do a little
21 more, but then call a clear halt.

22 And so I am going to really ask people to really focus on major
23 issues that can be fixed in a relatively straightforward way. And maybe just let us take
24 one final try and, Kathi, if you can bear with us.

25 DR. SHAPIRO: Thank you. Bernie, are you ready for questions,
26 issues?

27 DR. LO: Sure. I have some comments but, you know--

28 DR. SHAPIRO: Well, why don't we do your comments first.

1 DR. LO: Okay. Well, let me just turn to the section on page 67,
2 line 32. It is called "Commodification, objectification and the good life." I think these
3 are important concerns and, you know, as we have learned throughout our discussion,
4 these are not easy concepts to try and articulate.

5 I want to make a couple of suggestions. First, just the title header. I
6 think we are really talking about what philosophers' call objectification rather than
7 commodification, so I am going to take commodification out.

8 And then I am still a little concerned that "objectification" is a Ph.D.
9 philosopher's term, which I think those of you who are professional philosophers
10 understand, but for the public I am not sure that is going ring true. And I would begin
11 to go back and suggest a term like "human dignity," which I think captures a lot of
12 what we are talking about in a way that may be more accessible.

13 My next comments really have to do with the lead-in to the section
14 on-- I personally am a great admirer of Martha Nussbaum. I think she has done
15 wonderful work. I am not sure that her point about separateness is the right way to
16 lead into this chapter. In a sense, we have dealt with that issue to some extent earlier
17 in the session.

18 I would opt for starting on line 6 by just saying "opponents of
19 somatic cell, opponents of somatic cell nuclear transfer cloning fear that the resulting
20 children--"

21 PROF. CHARO: I am sorry. Could you just read it more slowly?

22 DR. LO: I am sorry.

23 "Opponents of somatic cell nuclear transfer cloning"--that awkward
24 construction-- "fear that the resulting children will be treated as 'objects' rather than as
25 persons." And then go into the discussion on line 9. I think it gets us into the meat of
26 the section a little bit faster.

27 And then, again, a couple of much more minor points. On line 16,
28 where it says--

1 DR. SHAPIRO: Why don't we-- Bernie, if you can, let us just stop-

2 -

3 DR. LO: Okay. Why don't we stop there--

4 DR. SHAPIRO: --on this here.

5 DR. LO: --and see what people think.

6 DR. SHAPIRO: And I am going to ask you, although I know it is a
7 little trying, to repeat it once again slowly so that the commissioners can really--

8 DR. LO: Okay.

9 DR. SHAPIRO: --get it down and think about this as the discussion
10 proceeds. So I apologize, but I think it is important.

11 DR. LO: Okay. I am sorry. Let me take it again slowly.

12 "Opponents of somatic cell nuclear transfer cloning fear that the resulting children will
13 be treated as 'objects' rather than as persons."

14 PROF. CHARO: And then what are you deleting then from that
15 paragraph that begins on line 6?

16 DR. LO: I would then start-- That that is line 6, 7 and part of 8, and
17 then the next would go to this concern. I think we need to--

18 PROF. CHARO: All right. So you would delete down--

19 DR. SHAPIRO: Seven, 8 and a part of nine.

20 PROF. CHARO: Right. Thank you.

21 DR. LO: Right.

22 DR. : --(Inaudible.)

23 DR. SHAPIRO: As objects rather than as persons. That would be--
24 That is Bernie's suggestion for replacing lines 6, 7, 8 and much of 9.

25 DR. LO: I am also suggesting also replacing lines 33 from the
26 previous page through--

27 DR. SHAPIRO: Yes. You want to delete it.

28 DR. LO: Delete it and--

1 (Simultaneous discussion.)

2 DR. SHAPIRO: Let me just finish, if you don't mind.

3 If I understand Bernie's suggestion, which we should discuss now, it
4 is:

5 One, to change the title of this section;

6 Two, to delete lines 33-35 at the bottom of page 67 and 1-5 on the
7 top of page 68; and then,

8 To substitute for lines 6, 7, 8 and the first part of 9, that is the first
9 two sentences of that chapter, the sentence he read out, which is "Opponents of the
10 somatic cell nuclear transfer cloning fear that..." and so on,

11 Now let us simply focus on this. Alex?

12 PROF. CAPRON: Bernie, what are you proposing would happen to
13 the material that now makes up the bottom of page 67 and the first seven or eight
14 lines?

15 DR. SHAPIRO: Deleting it, right, Bernie?

16 DR. LO: Yes. Well, I think that--

17 PROF. CAPRON: I think that is very unfortunate because the--

18 DR. EMANUEL: Then can I make a recommendation?

19 PROF. CAPRON: Yes, please.

20 DR. EMANUEL: I agree, I think it is useful material. I think it is
21 just in the wrong section.

22 PROF. CAPRON: I have no problem with the--

23 DR. EMANUEL: And I think the appropriate section is "cloning
24 and individuality" because that is, after all, what the separateness is referring to, not--
25 In part, physical separateness, but also the idea of being an individual.

26 And one possible place to put it, if we are not going to integrate it
27 into the discussion of Jonas and Feinberg, is on page 63 after line 3, because it does
28 have its own integrity and does flow once we have finished the claim by Jonas before

1 we get into the genetic determinism. And that retains what--I agree with you, Alex--I
2 think is a very valuable alternative way of expressing much the same sentiment.

3 PROF. CAPRON: Well, we may simply be going over the same
4 ground in several places because it did seem to me that the rest of that paragraph, as it
5 is now written, draws on the idea that Nussbaum has expressed under her version of
6 separateness, which is not individuality as such which is what is being talked about
7 before, but is this idea of being able to live one's own life in one's very own
8 surroundings and context.

9 The rest of the paragraph makes reference to the paragraph that we
10 are retaining on page 68. It makes reference to that; to try to explain what it means to
11 be an object.

12 For example, on lines-- I don't know where the sentence begins; it is
13 a long sentence. It may begin on line 9. Can that be? In any case, down on--

14 DR. SHAPIRO: It is a long sentence, and it does begin on [line] 9.

15 PROF. CAPRON: The clause then beginning on line 13. "And
16 whether the child who is created in this manner will be viewed as less than fully
17 separate." I believe we need the word "from." "Separate from and equal to the older
18 twin whose nucleus was used." In sum, will being cloned from the somatic cell
19 development make the child less of person?

20 And if we don't have some of Nussbaum's language right here,
21 perhaps following or embedded in that, I don't think that we can assume that the word
22 "person--" What it is; what are we talking about with that person? Is it intellectual
23 abilities? Is it certain other attributes? No. It is this particular notion of having a life
24 worth living, being a life which is distinctly one's own and not simply somebody
25 else's.

26 And so I realize that earlier, relying on Hans Jonas, we make some
27 of the same point and, as I say, it may simply be that we are making the same point in
28 different contexts and emphasizing things; that it wouldn't be as though it is totally out

1 of place earlier, but since we make reference to that word, and since she does such a
2 nice job of telling us, in philosophical terms, what that word connotes, I would say we
3 should find a way of integrating that text here.

4 And I don't think it would be difficult simply to explain what
5 separateness is by adding slightly with-- I am not even sure it is necessary to change
6 the paragraph. Just taking the lines 33-35 and 67 and lines 1-5 and putting them in
7 between 16 and 17 to help explain what separateness means.

8 DR. EMANUEL: I don't agree with that construction here because I
9 do think that-- You know, this just may be-- I do think the separateness point is really
10 the individuality point. I think the point here is the way someone is assessed and
11 viewed by others.

12 PROF. CAPRON: No. It is says "constrained one's imagination
13 about what the future can hold." So it can be shaped to one's desires.

14 DR. EMANUEL: Alex, Alex--

15 PROF. CAPRON: This is a paragraph written, it seems to me, to
16 expand on Nussbaum's idea. If we rip Nussbaum's idea out of here, we have
17 impoverished this discussion.

18 DR. EMANUEL: You know, I--

19 PROF. CAPRON: It is good material. And it isn't about
20 individuality alone. It is this notion of a life course. Individuality is this whole, the
21 original public hair-pulling and hand-wringing about the whole issue of twins, or
22 whatever.

23 DR. LO: May I make a suggestion? Okay. If Alex wants to try and
24 write language that inserts those lines from Nussbaum into that paragraph, we can take
25 a look at it and see, rather than going back and forth without seeing an actual text.

26 Would that--

27 PROF. CAPRON: Well, I shouldn't bother to-- I mean, if everyone
28 agreed with Zeke, we shouldn't bother to do it. It seems to me it is relevant here and

1 maybe we should just decide where it would go.

2 DR. EMANUEL: I think part of it may be the issue. As I
3 understand the individuality claim, it is--and it is directly related to the way Feinberg
4 puts it--it is about an open future, developing your own life course, which is related to
5 what Nussbaum is arguing.

6 The objection of objectification--okay; the point of objectification--
7 is how you are treated by others--okay?--not how you yourself, the kind of goods of
8 your life flourishing.

9 PROF. CAPRON: If that is the case, Zeke, read the rest of the
10 language of this paragraph. Now, that is inappropriate.

11 DR. EMANUEL: It may be inappropriate. I am not going to
12 disagree.

13 It seems to me the heart of the paragraph, the heart of the section on
14 the objectification, is actually the paragraph with the quote from Margaret Radin
15 beginning on line 17.

16 Now, whether the paragraph above, beginning on line 6 with
17 Bernie's, fits or not I have to admit at this moment I can't exactly tell you. But the
18 heart of the objection--

19 I mean, let us just talk about what the content of the objection
20 should be and then we could talk about whether the paragraphs fit or not. The
21 contents of the objection between individuality and objectification are different.

22 DR. MURRAY: I might have a solution--

23 DR. SHAPIRO: Tom, then Alta.

24 DR. MURRAY: --that would try to preserve what I think Alex's
25 legitimate point is about some of the language in the paragraph really being the point
26 about how one regards one's self, but really the main point in this section being how it
27 is regarded by others.

28 If you go to line 12. It is a long sentence. Let us see. "Will express

1 itself in an older twin..." And then delete so it becomes--down to line 13--"Will result
2 in the child who is created in this manner being viewed as less than fully separate
3 from..." It takes out the language about self perception. Is that all right?

4 DR. SHAPIRO: Will you say that again, Tom, please.

5 DR. MURRAY: I will try.

6 DR. SHAPIRO: It is a sign if you can't do it twice.

7 (Simultaneous discussion.)

8 DR. MURRAY: It is the story of my life, but it is definitely true.

9 It was line 12. "Whether expressed itself in an older twin will result
10 in the child"--and then I am jumping down to line 13--"the child who is created in this
11 manner being viewed as less than..." I think you can keep the rest. I think so.

12 PROF. CAPRON: Well, actually, it is the previous clause where it
13 is subjective to the child.

14 DR. MURRAY: No. Making-- No. It is not at all.

15 PROF. CAPRON: "Whether prior knowledge of how one's genetic
16 make-up expressed in an older twin will serve to constrain one's imagination." That is
17 subjective from the child's viewpoint.

18 It may simply be--

19 DR. MURRAY: No.

20 PROF. CAPRON: I mean, to follow Zeke's idea, it may be that all
21 of this material belongs over in the other place.

22 I understood it; that this was the part that was supposed to state the
23 positive view--by showing it being constrained--the positive view of what a person is.
24 A person is a person who is--

25 DR. MURRAY: Alex, delete that whole previous phrase. So delete,
26 beginning on line 11, delete from the word "whether," down to "the child" on page 13.

27 PROF. CAPRON: Line 13?

28 DR. MURRAY: Line 13. I am sorry. I meant to do that.

1 PROF. CHARO: And substitute what?

2 DR. MURRAY: Pardon?

3 PROF. CHARO: You don't have a sentence left, and so substitute
4 what?

5 DR. MURRAY: What I had before. Let us see how it scans now.
6 "This concern..." I am starting at line 9.

7 PROF. CHARO: Okay.

8 DR. MURRAY: And I am making this up as I go along. I
9 apologize. "This concern acts as an often unspoken assumption underlying
10 discussions of whether such cloning amounts to making rather than begetting
11 children;" And then what was the language I had before?

12 DR. SHAPIRO: "Whether the child..."

13 PROF. CAPRON: But "being" isn't necessary; "will be viewed."

14 DR. : Resulting?

15 (Simultaneous discussion.)

16 PROF. CHARO: Why don't you try writing it out so you can read it
17 out straight.

18 DR. MURRAY: Well--

19 DR. EMANUEL: Can I suggest that writing like this is not
20 productive. The question is whether the content of this section-- I mean, probably in
21 about 15 minutes of silence in a room we could come to language that would--

22 The question is whether the content of this section is really about
23 how others view the child, which is what I take objectification to be about, and that the
24 separateness is about how the child views his own life and what is necessary for the
25 child's life to be flourishing, and that really belongs in a different section.

26 DR. MURRAY: Okay.

27 DR. EMANUEL: If that is true, we can assign--

28 (Simultaneous discussion.)

1 PROF. CAPRON: One final-- May I just respond to that?

2 It seems to me that both of these refer to how other people view you.
3 They either view you as a person or as an object. This language helps to express part
4 of what it would mean to view someone else as a person. That is-- It is just simply--

5 I agree with you, the discussion of objectification begins with Peggy
6 Radin's material in the next paragraph.

7 But here I thought the idea was, by implication, to say what it would
8 mean, what is being lost, what aspects of personhood are worth mentioning before we
9 go on to talk about objectification.

10 DR. SHAPIRO: Alta?

11 PROF. CHARO: Sometimes it is difficult to figure out what is
12 going on because the previous versions aren't in front of you. Now, even before the
13 version that got sent out was seen, there was an even more extended version of this
14 and it stems-- It is really drawn on a Radin article about objectification in which she is
15 building on the Nussbaum arguments. They are related to one another.

16 I think we all could write these things radically differently. We
17 could organize them differently. But if it is not something that is essential for
18 understanding in the context of a public policy report, I think perhaps the best
19 approach is not to try to make it reach an academically satisfactory level for each
20 individual commissioner, but to perhaps return to Bernie's original suggestion.

21 I do differ slightly from Alex. I don't think we lose that much if we
22 take out the references to Nussbaum completely. She has been-- She has been
23 eviscerated anyway from a much more extensive treatment earlier on.

24 And begin by deleting those couple of paragraphs, as useful as they
25 are in some context, begin with Bernie's point, and then much of the paragraph can
26 stand on its own. The reference to "persons" can be made somewhat shorter. If we
27 are going to keep the footnote, by the way, we shouldn't inadvertently plagiarize from
28 Margaret Radin. The cite is Radin, 1995, at the bottom of Footnote 3 on page 68.

1 DR. LO: Right. I noted that already.

2 PROF. CHARO: But we might want to just try to do it without any
3 reference to Nussbaum, avoid the arguments about the inter-relationship between her
4 arguments and Radin's, and have a paragraph that simpler anyway.

5 PROF. CAPRON: I would have no objection if it were clear that it
6 was Nussbaum's text that was edited. She wasn't eviscerated, but--

7 (Laughter.)

8 PROF. CHARO: Her text.

9 PROF. CAPRON: Yes.

10 But perhaps an easy way of handling this that accomplishes the tip
11 of a hat to the ideas that Peggy is drawing on would be, after the word "person" on line
12 9, or at the end of the sentence on line 15, and not otherwise editing this paragraph,
13 not otherwise taking it out, would just be to drop a footnote there saying, "Nussbaum
14 explains one of the qualities of functional human category flourishing as separateness,
15 or being able to live one's life."

16 PROF. CHARO: Right.

17 PROF. CAPRON: And it just--

18 PROF. CHARO: And it doesn't then require us to--

19 PROF. CAPRON: It doesn't intrude in the text.

20 PROF. CHARO: --argue out how the two arguments play out
21 together, and how it plays out within the report.

22 PROF. CAPRON: But it does enrich a little bit. Otherwise the
23 word "person," you know, sort of-- What do you mean by that? Well--

24 DR. SHAPIRO: Let me-- Zeke, and then I have one comment.

25 DR. EMANUEL: Well, another possibility I raise is at the sentence
26 divide on line 20--right?--where we introduce the topic, the contrast between person
27 and object, we can say something there about the qualities of persons and flourishing.
28 That might be-- That way we could begin on line 17 maybe. It is another way of

1 condensing it but--

2 DR. SHAPIRO: Well, let me make a suggestion in this regard. I
3 think, as I look at this now--or I don't know how many, in the interest of time--I think
4 it is not a helpful thing to start a section with this particular objective with this
5 particular quote. I mean, I think that point is well taken, and I thank the
6 commissioners for that.

7 And that I think we can start with something like the phrase that
8 Bernie had up on the-- Separating-- In place of line 6 through 9 and a half. And then
9 we will just have to work on just the right way to balance the text back and forth. You
10 will just have to assume that we can do that. But I think the points are well taken and I
11 think this does read better.

12 And I think Zeke's point that separateness could easily be handled or
13 could have been handled, and so on, in the individuality side is an-- There is certainly
14 some dimension of that, which I understand. But I think the easiest way for us to
15 handle it now is just to start this section differently and to, either through a footnote or
16 otherwise, deal with some of these materials, and use Bernie's sentence to begin the
17 section with.

18 Does that seem satisfactory to people?

19 (No response.)

20 DR. SHAPIRO: Bernie, do you have other--

21 DR. LO: I do, but I think Bette wanted to get in here.

22 DR. SHAPIRO: Bette?

23 MS. KRAMER: Yes. Do you mean no, to lose the concept of the
24 way the child, the way the child sees himself, herself, and the possibilities for his life,
25 or are you going to keep that language in there?

26 DR. SHAPIRO: We are going to keep that.

27 MS. KRAMER: You are going to keep the language?

28 DR. SHAPIRO: Yes.

1 MS. KRAMER: Okay.

2 DR. SHAPIRO: Bernie?

3 DR. LO: Okay. Again, to stay with this section, which I think is
4 one of the hardest sections, on page 69, lines 3, 4 and 5, where we really sort of try
5 and define objectification. I am not sure we quite have that right.

6 Again, at the risk of seeming to be too academic, probably on line 4,
7 "to control the person," I think we need some modifier there, either "inappropriately"
8 or "excessively," to flesh that out.

9 And I don't know if others have other-- I mean, this is a tough
10 concept to try and articulate, but let us try and-- It would be nice to try and get it as
11 clear as possible.

12 So, again, Jim, Tom, those of you who have thought about this a lot?

13 DR. MURRAY: Well, I had proposed alternative language there.

14 DR. LO: Okay.

15 DR. MURRAY: Should I read it quickly?

16 DR. LO: Yes.

17 DR. MURRAY: This would be to pick up on page 69, line 4.
18 "Persons own desires"--and I have it--"or well being, to control the person"--we could
19 add excessively,--"rather than to engage them in a mutually respectful relationship.
20 Commodification is sometimes distinguished from objectification and concerns
21 treating a person as a commodity, valuing them according to their characteristics, and,
22 at the extremes, treating them as something that can be bought and sold in the
23 marketplace."

24 DR. SHAPIRO: How does that sound to the commissioners? Yes,
25 Trish?

26 PROF. BACKLAR: I don't want to go back to what we have just
27 put aside, but I thought that Tom had a very good beginning to this chapter, which
28 seemed to have been lost--this section.

1 DR. MURRAY: I haven't given it up, so-- Oh, this section?

2 PROF. BACKLAR: This section. You had-- You had a way into
3 this.

4 DR. MURRAY: Well, I thought Bernie's version was just as good
5 as mine.

6 PROF. BACKLAR: All right.

7 DR. MURRAY: But thank you.

8 DR. SHAPIRO: Yes, Arturo?

9 DR. BRITO: I think it is excellent, the way he just phrased that.
10 The only thing is then are we going to retitle this section as Bernie suggested? Are we
11 going to cross out "commodification?"

12 DR. CHILDRESS: Could I follow-up on that?

13 DR. SHAPIRO: Yes.

14 DR. CHILDRESS: I think it is appropriate to go ahead and cross
15 out "commodification" because commodification really is only one version, and to go
16 ahead and have a sentence about it here would be quite appropriate, but not to put it
17 back in the title of the section.

18 DR. BRITO: And the rest of the title, "and the good life." I mean,
19 can we just call this "Objectification?"

20 DR. CHILDRESS: "And the good life."

21 DR. BRITO: And leave it at that?

22 PROF. CAPRON: What was Bernie's like?

23 DR. SHAPIRO: Bernie had different language all together so--
24 (Simultaneous discussion.)

25 DR. LO: Yes. We would-- At one of the previous meetings, we
26 had a very forceful public comment saying that "dignity" is a term that many people in
27 the public felt very strongly about and that it seemed to be missing in some of our
28 discussions, and he encouraged us to use that term to try and capture the feelings of

1 some of the--

2 PROF. CAPRON: Why don't we simply say "treating people as
3 objects?"

4 DR. LO: That is fine.

5 PROF. CAPRON: As a section head.

6 DR. LO: "Treating children as objects."

7 PROF. CAPRON: "Treating children as objects, people as objects."
8 Let us leave it as "people."

9 DR. SHAPIRO: Diane, you had a question on this issue?

10 DR. SCOTT-JONES: No.

11 DR. SHAPIRO: Okay. Let us--

12 DR. EMANUEL: Can I--

13 DR. SHAPIRO: Just--

14 DR. EMANUEL: It is on this one.

15 DR. SHAPIRO: Yes.

16 DR. EMANUEL: This sentence, line 3, and again this may sound--

17 DR. SHAPIRO: Where is this? On what page?

18 DR. EMANUEL: Sorry. Sixty-nine, line-- It is the exact same
19 sentence we have been discussing. It says, "To objectify a person is to subject..." And
20 part of the whole point is subject and object is what you-- Can we just say "is to
21 manipulate the person without regard to the person's own desire or standards."

22 DR. SHAPIRO: Sure. That is fine.

23 DR. EMANUEL: Take out "subject."

24 DR. SHAPIRO: That is helpful.

25 DR. EMANUEL: And I would add, after "desires, their own
26 standards." Because part of what objectification is, is to apply an external standard
27 that they don't affirm.

28 DR. SHAPIRO: So I understand the commission to have liked

1 Tom's language here that he just-- Tom, would you repeat that just once again, if you
2 don't mind? I know Kathi has it.

3 DR. MURRAY: I would be happy to. And let us see if I have the
4 sentence right now. I will start at line 3. I am not going to go at a pace where you can
5 copy because it would be very slow, but if you want me to go at that pace, I will, but I
6 am going to assume that Kathi has got the language and it is okay.

7 "That is, to objectify a person"--I will leave out the punctuation
8 marks--"to objectify a person is to manipulate the person"--is that right?--"without
9 regard to the person's own desires or well being, to control the person excessively
10 rather than to engage them in a mutually respectful relationship."

11 Should I continue?

12 DR. SHAPIRO: Yes.

13 DR. MURRAY: "Commodification is sometimes distinguished
14 from objectification and concerns treating a person as a commodity, valuing them"--I
15 will switch to the plural--"valuing the person according to his or her characteristics
16 and, at the extremes, treating them as something that can be bought and sold in the
17 marketplace."

18 PROF. CHARO: Treating him or her as something?

19 DR. MURRAY: Him or her. Okay.

20 DR. SHAPIRO: Okay. Do people feel they have, just looking at
21 this sentence now, that Thomas suggested-- Bernie?

22 DR. LO: Tom, I like this very much. How would you feel about
23 inserting something about "predetermined standards" in the latter part of your
24 sentence? I didn't quite catch it, but--

25 DR. MURRAY: Where would you put it?

26 DR. LO: Towards the end of the-- Where you talk about
27 commodification.

28 DR. MURRAY: Okay. Let me just-- I will read it and you tell me

1 where.

2 DR. LO: Okay.

3 DR. MURRAY: "Commodification is sometimes distinguished
4 from objectification and concerns treating" --well, make it-- "persons as commodities,
5 valuing them according to their characteristics."

6 DR. LO: Well, not "their characteristics," but I think it is by
7 "predetermined standards."

8 DR. MURRAY: Okay. Externally defined.
9 (Simultaneous discussion.)

10 DR. MURRAY: "According to externally defined standards?"

11 DR. LO: Yes.

12 DR. MURRAY: Okay. That is fine.

13 DR. SHAPIRO: It is external to the person. Yes. That is fine.

14 DR. LO: No. I think that is--

15 (Simultaneous discussion.)

16 DR. MURRAY: "Externally defined standards and, at the extremes,
17 treating them as something that can be bought and sold in the marketplace." Okay.
18 That is fine.

19 DR. SHAPIRO: Okay. Okay. Tom, why don't you make sure that
20 we have that language written down.

21 DR. MURRAY: Okay.

22 DR. SHAPIRO: And we will repeat it later on to make sure people
23 feel good about it, so if you want to, as you think about it, go over it, if there are other
24 small changes you want to make, we can come back to this issue and put it in.

25 Okay. Any other comments on this particular section?

26 DR. MURRAY: Yes.

27 DR. SHAPIRO: Tom?

28 DR. MURRAY: Next paragraph.

1 DR. SHAPIRO: Oh, I didn't mean this-- Oh, okay. Excuse me. I
2 am-- I mean just this sentence. Let us go to the next paragraph.

3 DR. MURRAY: I am not-- This beginning, line 6--

4 DR. SHAPIRO: Yes?

5 DR. MURRAY: I think we can say that better and, again, I propose
6 language to replace-- I hope I have the right thing here. Yes. Somewhere down,
7 further down in the paragraph. So ignore the beginning of the current paragraph and
8 try this language on instead.

9 DR. SHAPIRO: "The beginning," do you mean the first sentence.

10 DR. MURRAY: About the--

11 PROF. CHARO: Line 6?

12 DR. MURRAY: I am trying to see where I pick up. It is really lines
13 6-10.

14 DR. SHAPIRO: Uh-huh.

15 DR. MURRAY: And this is what I offer in place.

16 "Some may deny that objectification is any more danger in somatic
17 cell nuclear transfer cloning than in any other widely accepted practices, such as
18 genetic screening or, in the future perhaps, gene therapy. Both procedures aim to
19 discern particular genetic features of the child, either to avoid having a child with an
20 unwanted condition or to compensate for genetic abnormality. But to the extent that
21 the technology is used to benefit the child by, for example, allowing early preventive
22 measures to begin, as with PKU, there is no objectification of the child taking place.
23 When cloning is undertaken..." And then I pick up at the end of line 10. Otherwise,
24 that was a lot to digest.

25 DR. SHAPIRO: It is nice.

26 DR. MURRAY: Things were being confused in the--

27 PROF. CAPRON: Can you explain what you are trying to
28 accomplish there?

1 DR. MURRAY: No.

2 (Laughter.)

3 DR. SHAPIRO: In that case--

4 DR. MURRAY: No, I can. I can, but-- I mean, if you want me to
5 go into it, I will go into it.

6 (Simultaneous discussion.)

7 DR. SHAPIRO: Just a moment, please. Will you repeat it again
8 slowly?

9 DR. MURRAY: Sure. Line 6. "Some may deny that objectification
10 is any more a danger in somatic cell nuclear transfer cloning than in other widely
11 accepted practices, such as genetic screening or, in the future perhaps, gene therapy.
12 Both procedures aim to discern particular genetic features of the child either to avoid
13 having a child with an unwanted condition or to compensate for a genetic abnormality.
14 But to the extent that the technology is used to benefit the child by, for example,
15 allowing early preventive measures to begin, as with PKU, there is no objectification
16 of the child taking place." And then the next sentence begins, "When cloning is
17 undertaken..."

18 DR. SHAPIRO: So it is when-- I see. Then that goes on to--

19 DR. MURRAY: Other motives for this. Yes. Right.

20 DR. SHAPIRO: Okay. All right. Now, I think, of course, Kathi--
21 How do people-- Any concerns about this? Anything?

22 DR. BRITO: The only phrase there that concerns me is the
23 "unwanted--" You said, "Unwanted disease or--" I am not sure "unwanted" sounds--

24 DR. MURRAY: "Unwanted condition," I said.

25 DR. BRITO: "Unwanted condition?"

26 DR. MURRAY: Yes. It is--

27 DR. BRITO: How about "detrimental?" "Unwanted" sounds--

28 DR. MURRAY: I just tried to actually not be judgmental about

1 appropriate or inappropriate uses of genetic testing here.

2 DR. BRITO: Well, that is what I mean. "Unwanted" sounds
3 judgmental.

4 PROF. CHARO: Well, it is unwanted by the parents. That is just an
5 objective fact.

6 DR. MURRAY: They are trying to avoid something that is
7 unwanted.

8 DR. SHAPIRO: Yes.

9 DR. MURRAY: It is almost chronological.

10 DR. SHAPIRO: Yes.

11 DR. MURRAY: It is difficult to express this in a way that doesn't
12 sort of come down clearly.

13 I am engaged in a project right now to look at genetic testing and
14 disability with disabled persons as a part of the group that is looking at it and, let me
15 tell you, I am trying to choose language very, very carefully.

16 PROF. CAPRON: You could say here simply, "avoid a child with
17 a particular condition," and not-- Which doesn't--

18 DR. MURRAY: Okay.

19 PROF. CAPRON: --make a judgement about it. You have already
20 got the word "avoid." You don't have to say it is detrimental, highly detrimental, a
21 little bit detrimental, unwanted, wanted. I mean, it is just clear. Does that work?

22 DR. SHAPIRO: Other comments on this suggestion?

23 (No response.)

24 DR. SHAPIRO: I will take it from the silence that people agree that
25 we ought to substitute, for lines 6-9 and a half, so to speak, through the middle of line
26 10, the language that Tom has just suggested?

27 PROF. CAPRON: I have a question which is the language on 6-8
28 seems to me to be the other shoe that we were waiting to have drop. Lines 3-5 now

1 explain what it is to objectify a person.

2 DR. SHAPIRO: Right.

3 PROF. CAPRON: Lines 6-8 perhaps really belong at the end of that
4 paragraph to complete the thought, and then to go on to say, "This is different than..."
5 It might be thought to be similar to, but it is different from what Tom goes on so
6 nicely to explain is the effect of genetic screening. Otherwise--

7 We talk about objectification. The point is those who view
8 intentional choice in another genetic make-up as a form of manipulation think that
9 somatic cell nuclear transfer represents a form of objectification and commodification.
10 Don't we need that to complete the thought?

11 DR. MURRAY: I think that is what I suggested saying so.

12 DR. SHAPIRO: I believe so. At least, that is how I heard it. But let
13 me make a particular suggestion here.

14 PROF. CAPRON: No. Well, excuse me. Well, it seems to me
15 Tom's point, you know, because we have all been listening to it read orally, goes on to
16 say they may deny that it is any more a danger than those other things. We haven't
17 yet-- The thought-- I mean, it is implicit in what he says, but it isn't clearly stated.
18 We are trying to write something that is easy to follow. It seems to me that completes
19 the thought. And then you go on to contrast it with something else.

20 DR. MURRAY: Why don't you suggest the language?

21 PROF. CAPRON: Well, the language is simply moving up--

22 DR. SHAPIRO: I understand what you are suggesting. If we move
23 up to the bottom of the other paragraph--

24 PROF. CAPRON: Six to eight, complete the previous paragraph,
25 and then begin the next paragraph with your thought.

26 DR. SHAPIRO: Well-- Is it on this issue, Bette?

27 MS. KRAMER: Uh-huh.

28 DR. SHAPIRO: Yes?

1 MS. KRAMER: I think this is very difficult. Would it be possible
2 to just get it out and Xerox it and take a look at it?

3 DR. SHAPIRO: Well, I was just going to make a suggestion like
4 that.

5 We have a section here in which we have now just, at least
6 tentatively speaking, substituted--for all intents and purposes--two different
7 suggestions. And so my suggestion is that we-- And people are really well disposed
8 to doing that, even though they might want to, as Alex said, want to think through
9 Alex's last comment.

10 So my suggestion is that we actually get this typed out if we can so
11 that people can look at it and go over it. We are going to be recessing once we are
12 through with some-- Probably in another 15 minutes. And then you can come back
13 and look at that in that context just so we can give it one final look before we--

14 And I don't know how the logistics here work, but we will try to get
15 that done. If not, we will just have to stumble through it another way.

16 Okay. All right. Let us go on to other issues in this particular
17 chapter.

18 Jim?

19 DR. CHILDRESS: As has already been said, I think we really are
20 indebted to colleagues for a great process and a great outcome.

21 My only two points have to do with two other headings, or
22 subheadings, that I think fail to fit well with the material that is being discussed under
23 those.

24 So first would be on [page] 64, "Cloning Values and the Family."
25 The phrase, the term "values" there just leaves me totally cold. I don't know what it
26 means in this setting. And I would just say "Cloning and the Family," or "Cloning,
27 Procreation and the Family," or something like that. I don't think it clarifies anything
28 here relative to the discussion that follows.

1 DR. SHAPIRO: It is the word "values" that you--

2 DR. CHILDRESS: Yes. I don't think it helps at all in this
3 discussion. It has no content for this particular part.

4 PROF. CHARO: So just "Cloning and the Family;" that was your
5 suggestion?

6 DR. CHILDRESS: "Cloning and the Family," I think, would be
7 perfect.

8 DR. SHAPIRO: All right.

9 DR. CHILDRESS: And then the other part--this is 71 and 72--is
10 where we are discussing arguments for maintaining personal autonomy and freedom
11 of inquiry. This is a section where we are offering the kinds of arguments that could
12 be given for allowing cloning.

13 So we start with the presumption in favor of personal autonomy and
14 then we--and I made this recommendation in a fax to Kathi--then we turn to
15 constraints of reproductive choice. At this point we want value of reproductive
16 choice, or something, because we are talking about the positive arguments, and then
17 go on to the freedom of scientific inquiry. So at this point we need to state that in a
18 positive way, rather than a constraint.

19 So just "Value of Reproductive Choice," or "Freedom of
20 Reproductive Choice."

21 PROF. CHARO: How about just "Reproductive Choice?"

22 PROF. BACKLAR: "Reproductive Choice."

23 DR. CHILDRESS: That would be fine.

24 PROF. CHARO: Easy.

25 DR. SHAPIRO: Other comments, Jim?

26 (No response.)

27 DR. SHAPIRO: Alta?

28 PROF. CHARO: Some minor things. Don't take it away from me.

1 Page 60, line 10. Talking about justifications for doing research on people when there
2 are risks. You have the phrase, "and otherwise untreatable." I would like to delete
3 that because the justification can be for the curing of illnesses that are not untreatable.

4 DR. SHAPIRO: This is on page 60.

5 PROF. CHARO: Page 60, line 10.

6 DR. SHAPIRO: Line 10.

7 PROF. CHARO: There are three words, "and otherwise
8 untreatable" toward the end of that line. I just thought we should delete that for
9 accuracy.

10 DR. LO: Alta, as long as we are there--

11 PROF. CHARO: Yes?

12 DR. LO: --can we say "treating" rather than "curing?"

13 PROF. CHARO: Sure.

14 DR. LO: Because we may not cure the disease.

15 PROF. CHARO: "Treating," sure. The prospect of treating an
16 illness. Sure.

17 DR. SHAPIRO: That is a helpful-- Thank you, Bernie. That is
18 very helpful.

19 PROF. CHARO: Yes.

20 DR. SHAPIRO: That is much better.

21 PROF. CHARO: Anything else right there?

22 (No response.)

23 PROF. CHARO: Page 61, Footnote 2, where the argument about
24 whether or not you can harm somebody by failing to conceive them, which is the
25 Parfit paradox, still has some language in it that refers solely to psychological burdens.
26 I think that is because of earlier placement in the draft, and I would like to delete that.

27 So, in Footnote 2--one, two, three, four--five lines down--

28 DR. SHAPIRO: The "burden." You want to make that the

1 "burden?" Is that the--

2 PROF. CHARO: Five lines down, this view argues that all the
3 problems of having been born via such cloning, and delete "psychological burdens and
4 pressures."

5 And then on the second-to-last line, where it says "psychological
6 burdens," just write "burdens." And that will generalize it because Parfit was not
7 writing about cloning; these are Parfit's more generic comments. A copy of this we
8 should just like hand to Kathi on the side. Type-- Right.

9 And then one last one, wherever it was. Where was it? Page 75.

10 Well, actually, just as a side-line, on line 9, where the sentence
11 begins with the word "but," I think you want the word "therefore" for the segue.

12 Bette, were you going to talk about the extra example?

13 MS. KRAMER: Yes.

14 PROF. CHARO: Maybe I will defer to Bette because she pointed
15 something out to me.

16 DR. SHAPIRO: Bette?

17 MS. KRAMER: The first bullet at the bottom of page 75.

18 DR. SHAPIRO: Yes.

19 MS. KRAMER: There was another option that didn't get listed. I
20 am sorry. There was another option that didn't get listed, and that would be "to
21 conceive and use prenatal diagnosis with the possibility of using selective abortion."

22 PROF. CHARO: So the language would be, at line 32 after the
23 semi-colon following the word "adopt;" the language would be to "use prenatal
24 diagnosis and selective abortion;"

25 MS. KRAMER: Right. Acknowledging that that would be an
26 alternative that would be anathema.

27 PROF. CHARO: Avoided.

28 MS. KRAMER: Right.

1 DR. LO: (Inaudible.)

2 MS. KRAMER: Pardon?

3 DR. LO: --selective abortion. Yes.

4 MS. KRAMER: And if--

5 PROF. CHARO: No. This is just the list of things the couple--

6 MS. KRAMER: If we do make that inclusion, then I think we need
7 to look at the following page, page 76, line 11.

8 Pick up where it says, "In the first example, the possible
9 complications caused by having a child who is genetically identical to one of the
10 parents is weighed against the value of keeping the marital relationship free of the
11 ghost of an anonymous sperm or egg donor," or language alluding to correction by
12 adoption--excuse me--by abortion.

13 PROF. CHARO: You could in fact just add "or the need to resort to
14 selective abortion."

15 MS. KRAMER: Right. Thank you.

16 DR. SHAPIRO: Any comments by the commissioners on those
17 suggested additions?

18 (No response.)

19 DR. SHAPIRO: Any concerns?

20 (No response.)

21 DR. SHAPIRO: Okay. We will incorporate that in. Thank you
22 very much.

23 MS. KRAMER: And while I have the mike, if we could go back to
24 the introduction to this chapter, page 58, there is some language in there that gives me
25 a problem. It appears earlier, too, I think in something we haven't gotten to yet.
26 Maybe it is the Executive Summary. Lines-- It is on lines 8 and 9, where--

27 It is the language, "Confuse the predictability of certain of their
28 children's physical characteristics with the predictability of their personality and

1 character."

2 I think what we want to say is that, "whereas the former is
3 predictable, the latter is not." And to me it doesn't-- It is not clear that-- It is
4 confusing, what we are trying to say there. Are we trying to say that they are all
5 predictable; that they are all unpredictable?

6 PROF. CHARO: How-- Bette? May I offer a suggested
7 rephrasing?

8 DR. SHAPIRO: Yes.

9 MS. KRAMER: Please.

10 PROF. CHARO: How about if we were write, "especially if parents
11 were to assume that the predictability of certain of their children's physical
12 characteristics." Uh-oh. "Assume." "Implies the predictability of their personality
13 and character?"

14 MS. KRAMER: Say that once again please?

15 PROF. CHARO: What if we were say, "Especially if parents were
16 to assume that the predictability of certain of their children's physical characteristics
17 implies the predictability of their personality and character?"

18 MS. KRAMER: How about the "equal predictability?"

19 DR. : No.

20 MS. KRAMER: No? All right. Fine.

21 MR. HOLTZMAN: I have alternatives here.

22 MS. KRAMER: Okay.

23 PROF. CHARO: One from Column A and one from Column B?

24 MR. HOLTZMAN: Well, just somewhere in here we put in
25 language about the predictability of more highly genetically determined traits, so we
26 could find that language and recapitulate it in this opening.

27 DR. SHAPIRO: I am sorry. I am sorry, Steve.

28 MR. HOLTZMAN: The point we are trying to make here is the

1 confusion of those traits which are more highly genetically determinant with those
2 which are not.

3 DR. SHAPIRO: Yes.

4 MR. HOLTZMAN: There is, somewhere in this chapter, in this
5 draft, we have a phrase just to that effect.

6 DR. SHAPIRO: I will try to find it.

7 (Laughter.)

8 DR. SHAPIRO: Kathi?

9 DR. HANNA: It is in the Executive Summary.

10 DR. SHAPIRO: Right.

11 DR. HANNA: Roman Numeral II, lines 8-10.

12 PROF. CHARO: Can you give us a page, Kathi?

13 DR. SHAPIRO: Roman Numeral II.

14 PROF. CHARO: Oh. Thank you.

15 DR. MURRAY: I actually have an objection to that language as
16 well, so should I weigh in now?

17 DR. SHAPIRO: Yes. Tom, why don't you bring up your concerns
18 now, and let us try to do it in the context of the Ethics Chapter and we can come back.

19 DR. MURRAY: The problem-- There are a couple of problems
20 with the first 8 or 9, 9 and three-quarter lines. One of them is really clearest in that
21 line 7 and, really line 7--

22 DR. LO: I am sorry, Tom. Which page are you on?

23 DR. MURRAY: I am sorry. Fifty-eight.

24 DR. SHAPIRO: We are now on page 58 in the Ethics Chapter, the
25 abstract at the beginning of the chapter.

26 PROF. CHARO: And you are on all the lines up to line 9?

27 DR. MURRAY: Right at the moment I am on line 7.

28 PROF. CHARO: Okay.

1 DR. SHAPIRO: The same line that Bette was concerned with.

2 DR. MURRAY: Yes. Now, just to start with the sentence above,
3 and it begins above, "Others express a concern about a degradation in the quality of
4 parenting and family life if the child's physical development were no longer as
5 predictable..." And then it goes on.

6 Well, the problem is that that is not the only if. You have made it as
7 if that is the necessary condition for being concerned, so let me-- I have proposed
8 different language for the introduction, for the first 9 lines of the introduction.

9 DR. SHAPIRO: Would you read them?

10 DR. MURRAY: Okay. "The prospect of creating children through
11 somatic cell nuclear transfer has elicited widespread concern--"

12 PROF. CHARO: Wait, wait. I am sorry. Even just trying to hear it,
13 can you read more slowly?

14 DR. MURRAY: Sure.

15 PROF. CHARO: Thanks.

16 DR. MURRAY: "The prospect of creating children through somatic
17 cell nuclear transfer has elicited widespread concern, much of it in the form of fears
18 about harms to the children who may be born as a result.

19 "There are concerns about possible physical harms from the
20 manipulations of ova, nuclei and embryos, which are parts of the technology, and also
21 about possible psychological harms such as a diminished sense of individuality and
22 personal autonomy.

23 "There are ethical concerns as well about the degradation of the
24 quality of parenting and family life, as parents are tempted to seek excessive control
25 over their children's characteristics, to value children according to how well they meet
26 detailed parental expectations, and to undermine the acceptance and openness that
27 typify loving families.

28 "Virtually all people agree." And there we pick up from lines 9 and

1 10.

2 PROF. CHARO: Thank you.

3 DR. SHAPIRO: Well, just responding in general, Tom, it seems to
4 me it states better what was stated--I mean--attempted here.

5 DR. MURRAY: Yes. That is all I was trying to do.

6 DR. SHAPIRO: The issues are the same, but it is much better and
7 more clearly stated, and so it seems to me, if I can make a suggestion, we could
8 substitute that. But maybe--

9 Diane has had her hand up for a long time and I thought that-- You
10 all know, from long experience, I generally ignore people up-front left. I don't know
11 why. I have got some kind of genetic disability.

12 (Laughter.)

13 DR. SHAPIRO: Only one of many genetic disabilities I have.

14 DR. MURRAY: That is why you are a university president and not
15 a professional basketball player.

16 (Laughter.)

17 DR. SHAPIRO: One of the many reasons. But if you would excuse
18 me, Diane. I apologize.

19 Does anyone have concerns about what Tom just said? Then I want
20 to turn to Diane directly.

21 DR. SCOTT-JONES: I have something related to what Tom just
22 said, but then I will wait for my other thing that you are ignoring me about.

23 DR. SHAPIRO: All right. So Diane, then Carol.

24 DR. SCOTT-JONES: Okay. I just wanted to say that one of the
25 reasons that Tom's suggestions are good is that it would allow us to change the
26 ordering of psychological harms and physical harms, because Tom put the physical
27 harms first. And I think that is very important for us to do because that is what is so
28 important here. And it is done in the introduction to the Law and Policy Chapter.

1 That physical harms are presented first I think is really important to preserve that.

2 And I think in both of these sections that Tom has just mentioned it
3 is very important to get out the phrases about the predictability of a child's physical
4 development.

5 The statements imply that, in the normal case, a child's physical
6 development is fully unpredictable, but the word "physical," the word "development"
7 is wrong there because physical development is really quite orderly and predictable in
8 a child's life in that children sit up at about the same age, they start walking at about
9 the same age.

10 So we are not using the-- We are not using physical development
11 properly. It would have to be physical attributes or physical characteristics, or
12 something other than the process of development itself, which is really quite
13 predictable.

14 DR. SHAPIRO: Thank you. Carol has a comment about this, as
15 well.

16 And then we will come back, Diane, to your other concern, and I
17 apologize.

18 DR. GREIDER: Tom, could you-- Is this on? Could you just read
19 the part where it said, "Parents are tempted to seek control..."

20 DR. MURRAY: Sure. That sentence is, "There are ethical concerns
21 as well about the degradation of the quality of parenting and family life as parents are
22 tempted to seek excessive control over their children's characteristics.

23 DR. GREIDER: Could we say that "parents would be tempted to
24 seek?" Aren't we referring to the fear? It is a fear that parents would be tempted to
25 seek.

26 DR. MURRAY: Sure.

27 PROF. CHARO: Carol, actually the--

28 DR. MURRAY: Or maybe--

1 PROF. CHARO: Wait. I think instead of "as parents are tempted,"
2 if you just say "if," I think that might accomplish Carol's purpose.

3 DR. SHAPIRO: I think "if" or "may."

4 PROF. CAPRON: Carol's was stronger. She said, "They would be
5 tempted to seek." She was saying, "since parents would be tempted."

6 DR. GREIDER: The fear that parents would be tempted to seek, or-

7 -

8 PROF. CHARO: Yes. I don't think she was saying that they would
9 be.

10 DR. SHAPIRO: Or their parents may be tempted.

11 DR. GREIDER: "If" is fine with me. I just didn't want the "are
12 tempted."

13 DR. SHAPIRO: "If" works. "If" works.

14 DR. GREIDER: Okay.

15 DR. SHAPIRO: Thank you. Okay. Thank you. We have-- Do we
16 have a-- Is that one of the comments you made, Tom, that we have copies of? Do we
17 have a copy of that?

18 DR. HANNA: I will make copies of that.

19 DR. SHAPIRO: Okay. We will make a copy of that. Diane?

20 DR. SCOTT-JONES: Okay. One of the comments that I had has
21 already been taken care of about the ordering of physical and psychological harms.

22 The second concern that I have, if you look on page 74 where we
23 talk about "freedom of scientific inquiries," I have some concerns about the way in
24 which "freedom of scientific inquiry" is incorporated into the entire chapter.

25 And first, I am concerned that we may be setting up the freedom of
26 scientific inquiry as if it doesn't always include the idea that scientists behave
27 ethically.

28 And I think that one way to handle that is by inserting a statement

1 on page 74, line 13, where we state that, "Freedom of inquiry has been an enduring
2 American value." We might say, "Freedom of inquiry, tempered by a strong
3 expectation of ethical and responsible pursuit of knowledge."

4 And I think also it might be better if "freedom of scientific inquiry"
5 were not a subheading under the overall heading on page 71 of "Arguments For,"
6 because "Arguments For" are presented as if they would lead one to be a proponent of
7 human cloning, yet one could have a strong reality on freedom of scientific inquiry
8 and not be a proponent of human cloning.

9 For example, Ian Wilmut himself quite forcefully stated that he
10 would never want to pursue human cloning, but he would not be a person who would
11 not want to pursue scientific inquiries, so by placing it that way I think we are
12 promoting the idea that a scientist who values his or her freedom would want to press
13 ahead no matter what, in that--

14 I don't think that accurately characterizes the scientific enterprise.
15 And I think that needs a heading of the same level as the heading on page 71,
16 "Arguments For;" that freedom of scientific inquiry could simply be a heading at that
17 same level so that we are not subsuming it under the category of "Arguments in Favor
18 of Human Cloning."

19 And then I have-- And then my final concern about this section is
20 that, if you think about this section and its role as leading up to Law and Policy-- And
21 that is page 83, where-- Well, this chapter actually is entitled "Legal and Policy
22 Considerations."

23 But this chapter begins with discussions on the ethics of attempting
24 an experiment, so the ethical exercise has moved from this philosophical exercise that
25 has to do with what is a person to the exercise of how are you conducting experiments.

26 And I think the section on freedom of scientific inquiry might have a
27 few more sentences of elaboration so that it more properly lays the foundation for
28 what is going to come in "Legal and Policy Consideration," which is more a

1 consideration of the interim steps that would occur before one considers the
2 personhood of someone who is created by cloning.

3 So, for example, under "freedom of scientific inquiry," there are
4 very good paragraphs that talk about the limits that the Federal Government and states
5 already impose to regulate researchers' methods, and I think maybe just a little change
6 of words. And I haven't had a chance to work it out, all out, because I only recently
7 read those, but I think there needs to be a little bit stronger language.

8 For example, there are questions that many in the public might think
9 of when they read this section. For example, when research risks are not known, who
10 are the persons who would be solicited for research participation? Who are those who
11 would be studied? And I think we need to do a little bit more here to make the link
12 between the philosophical ideas about what is a person and the ideas that would be
13 used to guide scientific inquiry, if we were to proceed with this technology.

14 DR. SHAPIRO: If I could make a suggestion. Probably, you see,
15 this could come in other places. Just judging by many of the responses that I am
16 hearing about, a lot of people use this argument just exactly the way it is presented
17 here; that is as a reason in and of itself to allow it, so I think it is placed--

18 But I do like the suggestion you made, the phrasing you put in and,
19 indeed, one thing that I think is missing, Tom, and I think it could be worked with the
20 phrase you have suggested, that you suggested we put a phrase in, in line 13, page 74,
21 "tempered by a strong respect," and so on--that phrase.

22 I think it is important to get across the idea, which I don't think we
23 have quite done, but I think we can do it perhaps in this phrase, is that this is not just
24 an argument between scientists and non-scientists. Right? That these are issues of
25 concern to many scientists, just as they are to others who aren't scientists. And that
26 has not gotten here.

27 And I think, if you don't mind, we can work with the phrase you
28 have suggested and try to get that into this. But I think that would be helpful also.

1 Alex?

2 PROF. CAPRON: Yes. To pick up on what I understand to be your
3 latter point, we need to distinguish between the freedom of scientific inquiry, which is
4 a value held by scientists, and the variety of moral values that individual scientists
5 may hold as they believe appropriate to constrain their work.

6 And Ian Wilmut, not as a scientist but as a person, announced a
7 repugnance. It wasn't, as I see it-- I understand he wasn't talking about a scientific
8 limitation; that he couldn't do it. He was talking about reasons he didn't think it should
9 be done. That, in the process, it seems to me, he drew on arguments that are not
10 uniquely scientific.

11 And I think it would be-- I took the chairman's suggestion to be that
12 we make clear that scientists themselves may place limits on their work, and have
13 placed limits on the work that they do, but that the argument that they use to counter
14 any restraint is an argument of scientific freedom, or an argument that others could use
15 on their behalf.

16 DR. SHAPIRO: Diane?

17 DR. SCOTT-JONES: Can I just respond?

18 DR. SHAPIRO: Yes.

19 DR. SCOTT-JONES: Alex, we could just leave Ian Wilmut out of it
20 entirely. Maybe that wasn't a good choice. The idea is that a scientist, in pursuing his
21 or her work, is not intent on inquiry no matter what the cost; that is the constraint
22 doesn't occur at some later point. The constraint is there as part and parcel of doing
23 the research; that you always are thinking about the ethics of what you are doing.

24 And the right to scientific inquiry--and I think Alta may have made
25 the point earlier in some language that she suggested--that that right is to think and to
26 question and to challenge, but the moment you begin doing research that involves
27 other persons, the right to question and challenge and to know is constrained
28 immediately by that other person's rights.

1 So it isn't that you press ahead with this unfounded freedom, but the
2 moment you start to do the research and you stop--you are no longer just thinking
3 about it--you are constrained, and I believe responsible scientists accept that constraint
4 and respond.

5 How would we know--

6 PROF. CAPRON: I don't doubt that.

7 DR. SHAPIRO: I think we all agree with that.

8 PROF. CAPRON: Yes.

9 PROF. CHARO: I think actually one thing that has slipped in, if I
10 heard you correctly, Alex, that I don't think belongs here is the idea that this notion of
11 freedom of inquiry is something that scientists assert.

12 I think the goal of the section--and it is seconded by Diane's
13 suggestion about changing its heading, and that will require a little bit of rewriting
14 here--is that freedom of inquiry is something that is valued by society, and that it has
15 benefits that society wishes to preserve; that scientists themselves benefit from this
16 societal view.

17 But that scientists also in pursuit of this bring to their work a whole
18 set of professional ethics about how that work is done and that the discussion, among
19 members of the public who are not scientists and among people who are scientists, is a
20 communal discussion about what those ethics ought to be. And that they get their own
21 concrete form at the point at which we actually perform experiments that affect
22 identifiable people, at which point the scientific community cooperates with the public
23 in the regulation of that practice.

24 And put that way, it is not about scientists versus non-scientists, nor
25 is it about proponents of cloning versus opponents of cloning; it is about preserving
26 the societal preference for free inquiry while also preserving the kinds of limitations
27 that we both collectively agreed to place on ourselves when these efforts affect other
28 people.

1 DR. SHAPIRO: Thank you. Yes, Diane?

2 DR. SCOTT-JONES: Yes. I just wanted to add one additional
3 point to what Alta has said.

4 I think that because, in spite of regulations, researchers do have a
5 great deal of autonomy when they are in their own labs or when they are doing their
6 own research, so we need to promote the idea that there is going to be a lot of self-
7 regulation; that researchers themselves are expected to have these same values instead
8 of having two camps with different values because, in the end, we rely on individual
9 scientists in their every-day behavior to uphold these values.

10 PROF. CHARO: Harold, this may take a few sentences tucked in
11 various places. I wonder if during the next recess it might be possible to try to work it
12 out in writing and then try it out again when we reconvene?

13 DR. SHAPIRO: We will do so.

14 Other comments on this section? Tom?

15 DR. MURRAY: I will let Zeke go first.

16 DR. SHAPIRO: Excuse me.

17 DR. EMANUEL: That is okay.

18 DR. MURRAY: I have a lot so I will let you go first.

19 DR. EMANUEL: On page 63, this quote of John Robertson,
20 beginning on line 24.

21 PROF. CHARO: Of which page?

22 DR. EMANUEL: Sixty-three.

23 PROF. CHARO: Thank you. I am sorry.

24 DR. EMANUEL: We sort of insert this as if it were either self-
25 evident, without any explanation. I don't think it flows in the text and, more
26 importantly, I think the argument goes both ways. It is not in the--

27 I mean, the argument is originally Ramsey's argument contra those
28 advocating cloning. It is really an argument about crude genetic determinism on both

1 sides, whether you are pro-cloning or anti-cloning. So either we put it in the
2 appropriate place and recognize that it can be a fault of both sides, or we just delete
3 the whole thing, which is what I advocate.

4 DR. SCOTT-JONES: I would advocate delete.

5 DR. SHAPIRO: Twenty-four to 28?

6 DR. EMANUEL: Correct.

7 DR. SHAPIRO: I always give stars for people who are making this
8 smaller rather than larger.

9 (Laughter.)

10 DR. SHAPIRO: It is not essential to what is going on here.

11 DR. EMANUEL: Right. That is pretty clear.

12 DR. SHAPIRO: Tom?

13 Incidentally, we are going to take a break soon, both to get ourselves
14 organized around those things we have already changed and, of course, by 11:00 we
15 have public comments, so I really want to break in a few minutes. We can return, of
16 course, to this chapter.

17 PROF. CHARO: Point of order.

18 DR. SHAPIRO: Yes?

19 PROF. CHARO: During the break, could we ask them to check the
20 environmental controls? I think the fans must have been turned off.

21 DR. SHAPIRO: We can check. That got a lot of nods from the
22 audience for that suggestion.

23 Is there any-- I guess we need at least 15 minutes, so let us see if
24 there are any comments that are modest and then we can-- We will come back to this
25 chapter. We are not at the end of this chapter.

26 DR. MURRAY: I would just as soon wait and come back to it.

27 DR. SHAPIRO: Alex?

28 PROF. CAPRON: Yes. One particularly modest one, but not

1 insignificant I believe, at the bottom of page 71, line 36, since we are talking here
2 about not doing harm, it would strike me as good to add, before the "and" on line 36,
3 "equality, virtue, non-maleficence, and beneficence."

4 PROF. BACKLAR: Where?

5 PROF. CAPRON: It is among the values.

6 (Simultaneous discussion.)

7 PROF. CAPRON: And a slightly larger concern is on page 78, the
8 sentence beginning at line 26. And what I want to address is the language about
9 "insufficient evidence."

10 I would suggest that we begin the sentence the same way, "First and
11 foremost creating children in this manner is unethical at this time because..." And I
12 would go on, "...because present evidence indicates that such techniques would be
13 neither effective nor safe."

14 It is not an absence, insufficient evidence. We have 277 attempts to
15 create a lamb, many resulting in abortions of the lamb, non-implantations, defects that
16 may have been involved in causing those problems. It is evidence.

17 DR. GREIDER: Can you repeat what you just said?

18 PROF. CAPRON: Yes. Strike "of insufficient." After the word
19 "evidence," add the word "indicates." Strike "are" later in the sentence, and add
20 "would be neither," and strike the next "and," and make it "nor." So it would read,
21 "Because--" Oh, excuse me. I left out the word "present." Add "present" in place of
22 the word "of."

23 "Because present evidence indicates that such techniques would be
24 neither effective nor safe."

25 DR. GREIDER: Why would you want to say "neither effective?"
26 Do we know that the technique would not be effective?

27 PROF. CAPRON: Well, that word was already here. I was just
28 adopting it.

1 DR. LO: What about "efficient?"

2 DR. SHAPIRO: No. We don't--

3 DR. : Can we just leave it?

4 PROF. CHARO: Yes.

5 DR. SHAPIRO: Steve, do you have a comment?

6 MR. HOLTZMAN: Alex is trying to make a point about, beyond
7 the insufficiency of the evidence, based on one publication, we are in a position to say
8 it is not safe. Full stop.

9 PROF. CAPRON: Present evidence.

10 MR. HOLTZMAN: Right?

11 PROF. CAPRON: That is the present evidence we have. There are
12 times, it seems to me, when one has a large accumulation of evidence and people
13 argue, "Is that sufficient?" You have done all the studies of this, and you have done
14 the studies of that. Is that sufficient to show that it would be; that they are effective
15 and safe. That isn't the situation we are in now. The only evidence we have indicates
16 that it wouldn't be.

17 MR. HOLTZMAN: So you just wanted to say, "because evidence to
18 date indicates that such techniques are neither effective nor safe?"

19 PROF. CAPRON: And if it were-- If the main point we are trying
20 to make is that it is not safe, then it is not safe.

21 PROF. CHARO: I think we should delete "effective," just from a
22 scientific standpoint. If we believe that Dolly exists, it has to be effective to some
23 degree, so I think we should just--

24 DR. MIIKE: May I chime in on this?

25 DR. SHAPIRO: Yes. You know that Larry has been--

26 DR. MIIKE: If we are going to get so technical on this issue,
27 effectiveness in the jargon applies to in normal practice. Efficacious applies to in a
28 controlled setting. So-- And I would simply say that there is no evidence in humans

1 of anything of this here. So--

2 But I will accept "insufficient" or "total lack" or whatever, but, you
3 know, whatever, whatever.

4 (Laughter.)

5 PROF. CAPRON: It just seems to me this is a stronger situation.
6 We have evidence that would, if it were before an IRB, they wouldn't say, "You have
7 insufficient evidence." You have the kind of evidence that indicates this would be
8 unsafe to do it.

9 DR. EMANUEL: Negative evidence.

10 PROF. CAPRON: Negative evidence. Evidence of lack of safety.
11 It is-- And I-- "Insufficient" is kind of, "Well, I don't know."

12 DR. SHAPIRO: We will deal with this. This is not at the core of
13 what we are recommending here, but I think a number of suggestions are quite fine.
14 We don't -- I think we are going to get rid of the word "insufficient," not because I
15 think it is wrong, but because it just brings up issues every time we raise it here, so we
16 might as well get rid of it. There are lots of ways to say it, and we will say it is not
17 safe, and we will handle that without the word "insufficient."

18 PROF. CAPRON: I had one further question which only arose
19 because of the change that Bette made. And what page was that, Bette, your change?
20 It was that bullet.

21 DR. SHAPIRO: Seventy-five.

22 PROF. CAPRON: Seventy-five.

23 DR. GREIDER: And 76.

24 PROF. CAPRON: The way that was constructed before, the couple
25 was faced with a choice which, on the one hand, was foregoing children, or adopting.
26 And they were saying, "Well, if they wanted to have a child with some genetic link
27 their only choice was between using donor gametes or attempting to clone."

28 That then becomes the point on page 11--excuse me--page 76,

1 beginning on [line] 11, in the first example, "Possible complications caused by having
2 a child who is genetically identical to one of the parents is weighed against..."

3 That quite correctly has introduced another option that they have,
4 but that means that this is not, is no longer an accurate statement of what they are
5 weighing. We really need to say, "They are weighing the moral risk of going through
6 selective abortion against having a child who is genetically identical or having,
7 introducing this ghost of the gamete donor into their relationship."

8 They now really have three choices, all of which relate to having a
9 genetically related child, each of which has a moral problem. So the sentence is no
10 longer accurate because we--

11 MR. HOLTZMAN: It is not that it is inaccurate; it is incomplete.
12 So that I think we all agree with Bette's suggestion. We then have to go to the bottom
13 of 75, flesh out that, and then go to the sentence you are pointing to and flesh out what
14 is at stake with each of the different scenarios. So I think that Bette or yourself, or one
15 of us, could just write the additions.

16 PROF. CAPRON: And we do have to do that though.

17 DR. SHAPIRO: Yes. Right. All right.

18 DR. SHAPIRO: Let me just summarize where we are and what we
19 will try to do in the next short while.

20 Well, if you go right back to the beginning of this chapter, Tom had
21 suggestions for replacing more or less then first nine lines. Just a minute. I shouldn't
22 have to go through this. Well, we are going to come back to this chapter. We are not
23 through.

24 PROF. BACKLAR: But it is because of what you are going to say--

25 DR. SHAPIRO: Yes? All right.

26 PROF. BACKLAR: --that I wanted to say that when I came on the
27 plane yesterday, I read all of Tom's suggestions and they were very apropos to this
28 chapter, and it might be very useful if we could have copies of that right now as we go

1 into this next break.

2 DR. SHAPIRO: Thank you. Well, that is a good and interesting
3 suggestion. Just hold on a second.

4 We want to replace the first nine or so--I have forgotten exactly
5 what it is--lines of the abstract, which is on page 1. Page 58, the first page of chapter
6 4. It is page 58.

7 Then we also have outstanding an effort to deal with expanding the
8 sentence, or perhaps adding sentences and so on, on line 28 on page 59. This was the
9 "NBAC did not revisit the issue..." And we have agreed we want to expand on that.

10 I won't review now some of the very short things that were given to
11 us that we all agreed on quickly.

12 We will take out the [lines] 24-28 on [page] 63.

13 Again, we will change the heading on [page] 64, as we will the
14 heading on [page] 67.

15 And then, of course, we have there the-- We have agreed we will
16 not start that section with the first paragraph that is there now. We will start it with
17 what is currently line 6, on page 68, although that has been modified by some
18 suggestions Bernie has given. And that involves a little rearranging, and so on, so we
19 have a challenge to get some text right in that area.

20 Then, if you look on page 69, lines 3-8, there are one or two
21 different suggestions which we are going to get typed up which really goes right
22 through those that we will have to get focused on.

23 Again, introducing a new word on line 36. That is not an issue for
24 us.

25 We will change the title on [page] 72. Again, it doesn't seem to be
26 an issue.

27 Then on "freedom of scientific inquiry," we do have some additional
28 sentences and modifications to add here to get that correct.

1 And ditto at the bottom of page 75, line 11, et cetera, to 76.

2 And, again, in the conclusions regarding the sentence we just talked
3 about, writing without "insufficient" in it, which I have now decided we will do, but I
4 think we don't have any disagreement on the issue basically there.

5 Now, let me-- We will all have to reassemble in five minutes for
6 public comments. So perhaps what we will do, after I make some assignments here in
7 a minute, is to just take a five-minute break, reassemble for public comments. We
8 then may recess almost immediately after that to begin some more serious work on
9 this language.

10 So if I could now review what I have just gone through, just to make
11 sure we know who will take some responsibility for these issues when we do get a
12 chance to recess somewhat later.

13 Tom, I have just suggested you will get your material done.

14 I will take the initiative and maybe Steve and Bernie can help me on
15 the issue of "NBAC did not revisit," and what comes after that.

16 And let me just make sure. Does anybody want to take the initiative
17 for dropping a quote?

18 (No response.)

19 DR. SHAPIRO: The next issue really surrounds how we are going
20 to work out the issues when we start the section on the good life, and so on. That is on
21 page 67.

22 Bernie, do you want to take a look at that? And I will work with--
23 Is that all right, Bernie?

24 DR. LO: Sure.

25 DR. SHAPIRO: Did I hear "yes?"

26 DR. LO: Yes.

27 PROF. CHARO: You heard a "yes."

28 DR. SHAPIRO: Okay. And Tom will have some other material

1 then.

2 Also, why don't you work with Diane and Bette on the two issues
3 that came up, under "freedom of scientific inquiry," and then "policymakers'
4 dilemma," which is selected abortion issues.

5 PROF. CHARO: Got it.

6 DR. SHAPIRO: Because that needs to be straightened out as well.
7 And I think that should get us into pretty good shape on those issues, or other issues.

8 So we will just take a real break now for five minutes. Public
9 comments start in five minutes.

10 DR. COX: Cox has his hand up.

11 DR. SHAPIRO: I beg your pardon?

12 DR. COX: Cox has his hand up.

13 PROF. CAPRON: Cox.

14 DR. SHAPIRO: David Cox has his hand up. What is-- I thought
15 you said "hand out," rather than "hand up."

16 (Laughter.)

17 DR. SHAPIRO: But, anyhow, David, yes?

18 DR. COX: I have one comment and I am sorry to bring this up.
19 And it comes at the very initial thing where you changed, in the Introduction, the
20 footnote.

21 DR. SHAPIRO: Ah, back in the introduction.

22 PROF. CHARO: Page 1, [line] 1?

23 DR. SHAPIRO: Yes. Page 1, [line] 1. That is right. Yes?

24 DR. COX: And in doing that, there is an inconsistency that is very
25 simple to change.

26 DR. SHAPIRO: Well, then please give us the change.

27 DR. COX: It is on lines 23-25.

28 DR. SHAPIRO: Yes?

1 DR. COX: The sentence says, "Although for the past 10 years
2 scientists who routinely clone sheep and cows from embryo cells, this was the first
3 successful"--

4 (Simultaneous discussion.)

5 PROF. CHARO: He's right.

6 DR. SHAPIRO: Yes. Yes.

7 DR. COX: --"somatic cells." And I would insert there "an adult
8 somatic cell."

9 DR. SHAPIRO: Yes. Okay. That is very helpful. Thank you very
10 much, David.

11 PROF. CAPRON: "A somatic cell from an adult animal." Is that all
12 right?

13 DR. COX: "An adult animal." That is correct.

14 PROF. CHARO: Oh, David, you win the "picky award."

15 MR. HOLTZMAN: Mr. Chairman?

16 DR. SHAPIRO: Yes.

17 MR. HOLTZMAN: I assume we are going to come back and revisit
18 the implication of the change in the footnote in terms of what it is we are
19 recommending?

20 DR. SHAPIRO: Presume so.

21 (Laughter.)

22 MR. HOLTZMAN: Okay.

23 DR. SHAPIRO: Thank you. We now have four minutes.

24 (Whereupon, at 10:58 a.m., there was a brief recess.)

25 STATEMENTS BY THE PUBLIC

26 DR. SHAPIRO: We now have public comment. Once again, I
27 remind you of every one of the rules that the commission has adopted in this respect,
28 namely that we allow five minutes for each speaker. I ask people to stick to that time.

1 I will remind them when the time comes to an end, at which time they are expected to
2 wind up their remarks, both to respect those that maybe want to speak afterwards and,
3 of course, the commission's own time-table to try to finish our report.

4 The first speaker is Mr. Randolph Wicker, a public relations director
5 and founder, Clone Rights United Front. Is Mr. Wicker here?

6 And, yes, would everybody please come up and use this microphone
7 over here so we can get it to the transcript.

8 And I would ask all of the commissioners to please speak directly
9 into your microphone, however uncomfortable that may be, or unnatural that may be
10 for you, and that if you prefer not to lean forward close to your microphone you can
11 always pick this up and do it that way, for those of you who are entertainers and so on.

12 But, in any case, Mr. Wicker, I apologize for interrupting. We are
13 pleased to have you here today.

14 MR. RANDOLPH WICKER

15 MR. WICKER: Thank you very much.

16 I have been sitting here all morning listening to the report. The
17 report is a lengthy list of worries and fears about any pro-cloning viewpoints-- Pardon
18 me, I have to put on my glasses. Any pro-cloning viewpoints are dismissed or simply
19 used as lead-ins to anti-cloning arguments dismissing them.

20 Your report mentions reproductive rights and then proceeds to tell
21 us that we, as individual American citizens, should allow politicians to decide whether
22 we should even have the right to choose reproductive cloning technology if we desire
23 to do so. Every individual should be able to make his or her own decision regarding
24 that issue.

25 The fact of the matter is, some day soon--Dr. Ian Wilmut predicts
26 within the next two years--the world's most famous child will be born, the first human
27 being conceived through cloning.

28 The Flat Earth Society didn't keep Columbus from discovering the

1 New World. The Luddites couldn't stop the Industrial Revolution. And the Clone
2 Rights United Front rejoices in knowing that nothing can abort or prevent the
3 promising age of human cloning from dawning.

4 There has been much talk about the dangers. Cloning could result in
5 human deformity, for instance. I share those concerns. But research, research on
6 human cloning, is the only way to perfect human cloning techniques.

7 Outlaw human cloning and research on human cloning research
8 pushes the entire area into back alleys, like abortion used to be. In this case, it will be
9 Banana Republics, the Bahamas, Morocco, some country in the world where
10 somebody has a fifty or sixty thousand dollar lab and the scientists, or the geneticist
11 that wants to make himself world famous and advance the scientific knowledge
12 through cloning of human beings.

13 You are creating a self-fulfilling prophecy by outlawing human
14 cloning because the fact of the matter is that when we are denied the state-of-the-art
15 facilities, it goes into the back alleys and that it is much more likely to result in human
16 deformity and some terrible, terrible results. So even in your good intentions, your
17 good intentions are going to result in very bad results.

18 I have also thought a great deal of talk here today about the control
19 of child. You know, if you are going to spend 20 or 25 years of your life raising a
20 child, I think that parents have a basic right to decide, as much as humanly possible,
21 what kind of child that is going to be.

22 Now, that isn't total control. All you are going to do is find a child.
23 You are going to have intelligence, musical ability, good health. You are going to be
24 given the raw materials. That child is going to be an individual human being. You
25 know, that child is going to result in a unique individual as a result of the different
26 experiences that that person has.

27 And also much of this is saying about this child wouldn't be a real
28 human being. It would be a copy. Now, this would be a twin 20 or 30 years removed

1 from the adult that was supposedly, you know, gave the original DNA. I mean, there
2 is a total difference in background. We don't think of identical twins as lesser human
3 beings because there are two of them, and they come and are born at the same time,
4 reared in the same environment, have many more similar circumstances, you know,
5 controlling them than any one that was cloned, that human cloning would have.

6 So really what you are really going to do is-- you really have been
7 doing here--is insulting, insulting unborn human beings, human beings that will be
8 conceived through cloning, who will be just like any other child in the world. They
9 will be their own unique people. Their future won't be controlled because daddy was a
10 famous scientist, or daddy was a famous doctor.

11 They will grow up and, maybe through their life experiences, they
12 won't even want to go near medicine. Many people know people like that in their
13 family. They raise their kid.

14 What about the issue-- You talk so much about this carbon copy
15 thing. No one talked about something which I have always been annoyed with. The
16 nerve of some people to call themselves "junior." I happen to be named junior. I
17 changed my name legally because I wasn't the second somebody else. I was the first
18 myself.

19 And I think that that is something which we also fail to overlook is
20 that you do not make a child into your image. Parents are only peripherally involved
21 in the outcome of their children.

22 I would hope, I do hope, that some of the good things in this report
23 are adopted by Congress. I was especially concerned there would be a law drawn that
24 was too broad, that would interfere with other research in the, you know, related areas.

25 I think you people are not in the easiest spot. If you read my earlier
26 statement, you have been given the impossible task of trying to decide something we
27 don't even know the questions that we are trying to ask here today.

28 Like the Atomic Energy [Commission] trying to decide in 1941-- A

1 commission deciding, "What are we going to do about atomic energy?" In 1941, they
2 didn't even know what the bomb was like.

3 Or a highway commission, in 1902, deciding what we are going to
4 do for an interstate commerce when we don't even know what kind of cars there are
5 going to be and how they are going to run.

6 So you really have an impossible job.

7 And with 90 percent of the public opposed to human cloning, I think
8 the dialogue in this area can only, only enlighten, and I think with enlightenment will
9 come change of attitude. And by the time the debate has ended, 90 percent of the
10 people will be in support of our position, right now a minority, and that is that human
11 cloning is a reproductive option that should be available to all.

12 Thank you.

13 DR. SHAPIRO: Thank you very much. Thank you for being here
14 today.

15 Is anyone else here who would like to address the commission at
16 this time? Yes?

17 Could you please come up to the microphone and give your name
18 and affiliation, if any, that is appropriate?

19 MR. ALAN GRAYSON

20 MR. GRAYSON: My name is Alan Grayson.

21 DR. SHAPIRO: Excuse me. What is the name again?

22 MR. GRAYSON: Alan Grayson.

23 DR. SHAPIRO: Grayson. Thank you.

24 MR. GRAYSON: You all have prepared a report that is informative
25 and thorough and intellectually honest. However, I believe that the conclusion is not
26 supported by the evidence.

27 The evidence that you have for you at this time is one animal which
28 you describe as, in your own words, "an apparently quite normal sheep." On the basis

1 of that, you have concluded there is a need to make human cloning illegal. The
2 conclusion simply does not follow from the evidence.

3 Now, what you have is one healthy animal and you have, as Mr.
4 Capron pointed out earlier, one experiment in which there were 277 efforts.

5 Now, I ask you to think, in the early 1970s, when *in vitro*
6 fertilization was first coming about, how many unsuccessful efforts were made then
7 before there was one successful one?

8 Similarly, even today, the majority of efforts in *in vitro* fertilization
9 are unsuccessful. Two-thirds of them are unsuccessful. Does anyone here believe that
10 *in vitro* fertilization is therefore unsafe and should be banned? Does anybody believe
11 that it is ineffective? You can ask the results of those efforts. They don't consider
12 them to be ineffective.

13 Again, the conclusion does not follow from the evidence.

14 You must also bear in mind that we are at a very early stage here
15 and, in fact, only minor changes in the procedure that Dr. Wilmut created can result in
16 a much more high success rate.

17 Dr. Greider has done research in this area. She has done research
18 regarding the effect of telomerase on telomeres, which are a function of the cell and its
19 life. It might be that a small change in the procedure that was used, for instance the
20 introduction of telomerase at an early point in the procedure, or some other change
21 that we can't even imagine now--because it is up to you all, the scientists to find it--
22 can result in a major change in the efficacy of this procedure. It is simply too early to
23 say that it is unsafe and it is too early to say that it is ineffective.

24 Again, consider pregnancy itself. The fact of the matter is a large
25 number, a very high percentage, of embryos in pregnancy spontaneously abort. Now,
26 would any of you draw the conclusion from that that pregnancy is unsafe and that we
27 should ban it? I think not.

28 So, again, you need to consider where we are at this stage and you

1 need to consider that it is too early to draw any conclusion regarding the safety or
2 efficacy of this procedure.

3 The proper conclusion at this point is merely, merely, that you need
4 to collect the evidence and you need to develop the science and then, at that point,
5 maybe you can draw the conclusion that the procedure is unsafe or ineffective.

6 And I am speaking only of the purported physical danger involved
7 here. After all, your conclusion is that there may be physical danger involved and,
8 therefore, as a result of that, it should be banned.

9 You also make speculative arguments. And I think you must
10 concede that they are only speculative arguments running the effect of the psychology
11 on a child. Nothing but speculation has been offered in that regard.

12 The fact of the matter is that the parent of clone might feel closer to
13 that child than the parent of child conceived in a regular sexual fashion. We simply
14 don't know. There is no way to know at this point. We may never know except when
15 we actually have the experience.

16 Nothing in this report recognizes the fact, the obvious fact, that
17 parents prefer biological reproduction to adoption. And why is that? What is the only
18 difference between biological reproduction and adoption? The only difference is the
19 fact that there is a genetic bond between the parent in that circumstance and a child.
20 And isn't that all the more true with cloning? Nothing in this report recognizes that
21 very basic fact.

22 So I have to call on you to reconsider what you have done. The fact
23 that something is potentially unsafe is normally not enough to make it illegal, not in
24 our society.

25 Smoking kills 40 percent of all smokers, yet it is legal. Here you
26 have no evidence whatsoever of any actual physical danger and yet you propose to
27 make this illegal. I think you will find that once you make it illegal for any period of
28 time, you probably will have made it illegal for all time. And that, ladies and

1 gentlemen, is wrong. So I must call on you to reconsider. Thank you.

2 DR. SHAPIRO: Thank you very much.

3 PROF. CAPRON: Could you state your-- Do you have an
4 institutional affiliation?

5 MR. GRAYSON: No, I don't.

6 DR. SHAPIRO: Thank you. Anyone else like to comment to the
7 commission at this time?

8 (No response.)

9 DR. SHAPIRO: Thank you. Since there is no one else at this time,
10 our public comment session is over.

11 DR. SHAPIRO: Let me now turn back to the task before the
12 commission. There is a number of assignments that we have to work on. And my
13 proposal is that we do so now. That we take a recess so individual members can work
14 on assignments and report back to us. I think that would be an effective thing to do at
15 the moment. And that we try to be back here--I don't know--in what; about a half an
16 hour? Do people feel they can do that? Work in half an hour.

17 In that case-- Yes?

18 DR. MURRAY: Let us take a lunch break.

19 DR. MURRAY: It is 11:30 a.m. Some of us haven't had anything
20 to eat today. I don't know when you think the lunch break would be appropriate.

21 DR. SHAPIRO: Well, lunch. What is that?

22 (Laughter.)

23 DR. SHAPIRO: I think-- Well, if you-- It certainly would be
24 appropriate--

25 DR. MURRAY: A working lunch. You add 15 minutes to it.

26 DR. SHAPIRO: Why don't we make it, if we want-- And perhaps
27 that is a good idea, Tom. Thank you. Perhaps what we could do is try to be back here
28 by 12:30 p.m., which is an hour, and people will, for those who aren't working, could

1 have a more leisurely lunch, and for those who are, it--

2 And I hope members of the commission who have not yet read the
3 latest version of the Law and Policy Chapter will also take advantage of this moment
4 to do that.

5 Thank you very much. We will reassemble at 12:30 p.m. Please,
6 everyone--let me just--especially the commission members, please make a special
7 effort to be back here at 12:30 p.m. There are some members who have to leave town
8 early and I really hope that we can all fully participate in our discussions.

9 (Whereupon, at 11:29 a.m., there was a lunch recess.)

10 DR. SHAPIRO: Let us get to the assignments we made during our
11 recess. There are a number of assignments which are in the process of being typed out
12 and/or printed so that we can share them with members of the commission that deal
13 with suggested changes that were developed during our previous hour. And I thought
14 that, before we act on those, we should actually see them in front of us. There are
15 number of those being produced now.

16 So, if the commission has no objection, what I would like to do now
17 is go to the Law and Policy Chapter, since I don't want to accumulate too many
18 changes in the Ethics Chapter without stabilizing on some of them, then going on to
19 others that still need to be developed.

20 LAW AND POLICY CHAPTER

21 DR. SHAPIRO: And so what I propose now is that we turn now to
22 the Law and Policy Chapter to see what comments we have there. We will be circling
23 back through all these because there are changes in virtually every one of the chapters,
24 so that we will be circling back. And so why don't we go now to the Law and Policy
25 Chapter, which starts on page 83?

26 DR. : Eighty-three.

27 DR. SHAPIRO: Eighty-three. Thank you.

28 And let me turn to Alta to see what comments she may have to

1 begin this with. Alta?

2 PROF. CHARO: Okay. The chapter in response to comments by
3 Larry Miike and Bette Kramer at the last meeting has added a section that specifically
4 summarizes--

5 DR. SHAPIRO: Remember, everybody, talk directly into the mike
6 as you can.

7 PROF. CHARO: Excuse me. In response to comments from Bette
8 Kramer and Larry Miike at the last meeting, there is an added section that attempts to
9 summarize, ever so briefly, the laws that exist at the federal and state level that might
10 have some effect, even indirectly, on attempts to clone a human being.

11 And there has been some copy editing, and for that I thank all the
12 people who made suggestions.

13 The only problems I would like to just let you know about right
14 away are two extremely minimal things.

15 On page 83, line 4, in the abstract, I think a word was dropped
16 somewhere, and so the line should read "nuclear transfer should reflect the
17 commission's best judgement..." Just a typo.

18 And then, just to show you that we are looking--right?--on page 101,
19 the last five references need to be formatted.

20 The chapter is now open to destruction.

21 (Laughter.)

22 DR. MIIKE: I have--

23 DR. SHAPIRO: Yes, Larry?

24 DR. MIIKE: These are minor. After I denigrate minor comments, I
25 am going to make some minor comments.

26 I think we have already talked about, on page 92 on the last board,
27 that we are really talking about not our counterparts but about other nations.

28 PROF. CHARO: Thank you. Right.

1 PROF. CAPRON: The only--

2 DR. MIIKE: And it is also on page 83 in the abstract.

3 PROF. CHARO: "To cooperate with other nations," would be the
4 way you would rephrase it. Correct?

5 DR. MIIKE: Right. Yes.

6 DR. SHAPIRO: Which line is this on, Larry?

7 DR. MIIKE: It is the last bullet. Jim Childress has suggested "with
8 other nations."

9 DR. SHAPIRO: Oh, yes. I see it.

10 DR. MIIKE: Yes. Just--

11 PROF. CHARO: And what was the other page, Alex?

12 PROF. CAPRON: It is the abstract, line 17-18.

13 DR. MIIKE: Okay. The other--

14 PROF. CAPRON: Page 83.

15 DR. MIIKE: The only other comment I have is on page 98, when
16 we are discussing sunset provisions. I don't think you really can end the law by a
17 "declaration of some review body," so looking at line 12--

18 PROF. CHARO: What page are you on, Larry? I am sorry.

19 DR. MIIKE: Page 98, when we are talking about discussing the
20 sunset provisions on how one might end it.

21 PROF. CHARO: Right.

22 DR. MIIKE: On page 98, on line 12, instead of "upon declaration
23 by some sort of review body," I would have to say it would have to be "upon a
24 recommendation of some review body."

25 PROF. CHARO: Right. "Upon a recommendation." Okay.

26 DR. MIIKE: And then, in the next paragraph, starting on line 18, I
27 wouldn't consider a "review body an alternative to a time-limited sunset period," but a
28 "review body in conjunction with a time-limited period." I think we have discussed

1 this before where one sets up a time in which the legislation sunsets, but in some
2 appropriate time before that there is a review body that looks at the accumulating
3 evidence and makes some recommendation that can be considered by the
4 policymakers at the time that the legislation has ended. So--

5 PROF. CHARO: Larry--

6 DR. MIIKE: --it is not an alternative. It is--

7 PROF. CHARO: Yes. May I ask you though for clarification, the
8 goal at this point was not to set forth what we are going to recommend, but simply to
9 set forth the way people have said these options could be structured.

10 DR. MIIKE: No. I understand that but--

11 PROF. CHARO: And so, on that basis, would it make sense to say
12 that "One alternative is just X number of years, another alternative is a review body,"
13 and when we get to the recommendations we actually make the choice.

14 DR. MIIKE: Well, if you want to go ahead with that, that is fine
15 with me, because I was just also going to add that, in the actual recommendation
16 section, it is dealt with in that manner. It is not laid out that way, but--

17 PROF. CAPRON: May I suggest that we just say, "Here, a third
18 alternative would be to combine the sunset clause with a review that occurs before the
19 expiration of the sunset."

20 DR. MIIKE: That is fine with me.

21 DR. SHAPIRO: Does that seem all right with you all?

22 PROF. CHARO: Yes.

23 DR. SHAPIRO: All right. Where would that go in. Excuse me.

24 PROF. CAPRON: That would go in--

25 PROF. CHARO: Right after the word "sunset" on line 22, and it
26 would simply read, "A third alternative"--

27 PROF. CAPRON: Correct.

28 PROF. CHARO: --"would be to combine the creation of a review

1 body with a sunset clause of a specific number of years."

2 PROF. CAPRON: Well, it would combine the sunset clause with a
3 "review body that would come into effect before the expiration of the sunset."

4 PROF. CHARO: That is actually what it already says right there.

5 DR. MIKE: In a way.

6 PROF. CAPRON: Well, it is kind--

7 DR. MIKE: Well, you get the gist of it.

8 PROF. CAPRON: Well, maybe we can just combine these two.

9 PROF. CHARO: You just like leave me to fuss?

10 (Laughter.)

11 DR. SHAPIRO: Just say, "A third alternative would be to combine
12 these two." It is a very straightforward--

13 PROF. CAPRON: Combine these two. Right.

14 PROF. CHARO: Combine these two. Good. Nobody will know
15 what it means and it won't matter.

16 DR. SHAPIRO: Thank you. Let us see who else has comments
17 here. Any other comments on Law and Policy?

18 (No response.)

19 DR. SHAPIRO: Okay. Thank you very much. Let us go back now
20 to the Ethics Chapter and at least take up some of these issues. Let me pass out--

21 PROF. CAPRON: I do have-- I am sorry. I just have one on page
22 85, line 11. I would suggest we replace "destruction of" with "creating and
23 destroying" because the ethical issue for some people arises in that combination of
24 being both the creator and the destroyer.

25 PROF. CHARO: "Creating and then destroying?"

26 PROF. CAPRON: So we would strike then "destruction of" and
27 say, "It would probably involve creating and then destroying." It is a point. I am
28 sorry I didn't--

1 DR. SHAPIRO: No, no. I am glad you brought it up. That is much
2 better.

3 ETHICAL CONCERNS CHAPTER (CONTINUED)

4 DR. SHAPIRO: All right. Let us go back now to the Ethics
5 Chapter and, in particular--

6 Well, why don't we wait until the whole thing is handed out?

7 These are a series of suggestions that Tom has made to us, some of
8 which were dealt with this morning, others of which you may very well bring up this
9 afternoon. But I want to focus first on the ones that came up this morning, if that is all
10 right with you, Tom.

11 DR. MURRAY: Good.

12 DR. SHAPIRO: And if we could begin, so to speak, at the
13 beginning of the chapter, you had something to replace essentially the first lines of the
14 abstract, the first lines of the abstract, page 1, lines 2-9.

15 Why don't the commissioners take a moment right now just to read
16 this and see if you agree with Tom, as we seemed to this morning when he read it
17 orally; that this would be a beneficial substitution.

18 DR. MURRAY: One change is it should be "if parents," four lines
19 from the bottom. What you have is what I sent originally with the correction.

20 DR. SHAPIRO: Yes. "Detailed if parents..."

21 DR. MURRAY: "Family life, if parents." This came up in Carol's
22 comments.

23 DR. SHAPIRO: When you say "how well they meet detailed," just
24 say "overly detailed." We use "excessive" to modify "control" up above. Forget it. It
25 is not central to anything.

26 DR. MURRAY: That would be fine. No problem.

27 PROF. CAPRON: Where are we on that?

28 DR. SHAPIRO: Just in the three lines from the bottom of what Tom

1 has. It says, "how well they meet detailed parental expectations."

2 PROF. CHARO: This can't be right.

3 DR. SHAPIRO: Do you see that?

4 PROF. CAPRON: Yes. Overly.

5 DR. SHAPIRO: Bernie?

6 DR. LO: I just point out that the line numbers, I think, are referring
7 to a previous version and don't work for the version we have today.

8 PROF. CHARO: Oh, okay.

9 (Simultaneous discussion.)

10 DR. MURRAY: I can-- I have correlated here what is-- This is in
11 response to the May 27th, the later draft of the Ethics Chapter, June 2nd, not for what
12 we have in our books today.

13 DR. SHAPIRO: That is right.

14 PROF. CAPRON: So it is after "unacceptable risks." Is that right?

15 DR. SHAPIRO: Right.

16 DR. MURRAY: I will be glad to tell you what the corresponding
17 current page numbers and line numbers are. This would-- This passage would
18 substitute for the first 9, nearly 9 full lines of page 58.

19 DR. SHAPIRO: The first line would be after that because I thought
20 I had indicated it.

21 DR. MURRAY: Right.

22 DR. SHAPIRO: Is there any objection? Now that you have had a
23 chance to read this, is there any objection to making a substitution?

24 (No response.)

25 DR. SHAPIRO: All right. That substitution will be made. Let me
26 now--

27 PROF. CHARO: No. I am sorry. I do. I apologize, but I was
28 behind you because I was still writing up our science thing.

1 Didn't we agree that we were going to change the word "as" to "if"
2 in the sentence about parents?

3 DR. SHAPIRO: Yes, we did. Not only that, you didn't hear us do
4 it. All that heavy decision-making.

5 (Laughter.)

6 DR. SHAPIRO: All right. If I could stick with some of Tom's
7 suggestions for a moment, I will just try and-- We have, in our current draft, page 69,
8 there were really two things that Tom suggested that we do which would substitute, as
9 I understand it, for lines 3 through 8 and a half, but there are two different inputs. Do
10 you want to point to which those are, Tom?

11 DR. MURRAY: Yes. It would be the fourth page of the document
12 that you have from me and it currently reads-- Page 12, line 9. This is immensely
13 confusing. I apologize. But can you see where it is? It says, "...only desires or well
14 being."

15 DR. SHAPIRO: Where is that, Tom?

16 DR. LO: Tom?

17 DR. MURRAY: Yes?

18 DR. LO: Can we wait until what we did gets printed out.

19 DR. MURRAY: Oh, right. I am sorry.

20 DR. LO: Because we incorporated a larger set of changes.

21 DR. MURRAY: With your assignment, Bernie and I rewrote this
22 section, which is now titled, "Treating Persons as Objects."

23 DR. SHAPIRO: Right.

24 DR. MURRAY: And I have given Kathi a disk with that file on it,
25 but I am sure you don't have that yet. But it incorporates some of this language, but
26 we probably ought to wait until that has been printed out.

27 PROF. CAPRON: Is that in process now?

28 DR. HANNA: Pardon me?

1 PROF. CAPRON: Is that in process of being printed out now?

2 DR. HANNA: I don't know.

3 DR. MURRAY: It is out of your hands? You don't have the disk?

4 DR. HANNA: I have the disk, but I don't have it here.

5 DR. SHAPIRO: Can we get it to somebody to get it printed?

6 (Simultaneous discussion.)

7 DR. MURRAY: The file name is "Treating Persons as Objects." It
8 is the only file on the disk. And I hope Bernie doesn't have any viruses on his
9 computer because they would just have been communicated to mine.

10 DR. SHAPIRO: Henrietta, could we get this reproduced? That is
11 another issue that comes up in a number of places and I want people to have a copy of
12 that.

13 What I have just handed Henrietta is the concerns that some
14 members of the commission had regarding the sentence that said that "NBAC did not
15 revisit this issue," when we talked about embryo, use of embryos for research. That
16 appears in the Executive Summary, it appears in the Introduction, and it appears again
17 in the Ethics Chapter, which we are now looking at.

18 We have drafted something which replaces that phrase; that is Steve,
19 Zeke and myself and I think Bernie also redrafted that. I think we have something that
20 works pretty well there and meets the concerns that some commissioners have, but
21 that will take you a few minutes to-- It is already typed up, but we don't have that
22 printed out.

23 So, Bernie, when do you expect your material to be back?

24 DR. LO: Well, I think Margaret has it--

25 DR. SHAPIRO: Okay. Alta, what about the material that you and
26 others were working on?

27 PROF. CHARO: We were working under the assumption that we
28 weren't going to be able to be late, so we didn't have time to type it up, so we are going

1 to have to walk it through you talking.

2 DR. SHAPIRO: All right.

3 PROF. CHARO: We should have been more aggressive about our
4 typing. Diane had said so.

5 Pages 74 and 75, "scientific inquiry." We have changed it mostly by
6 shrinking and slight reorganization to delegalize and to emphasize the ethical aspects.
7 May I suggest I try to simply slowly read it straight through as it will now sound?

8 DR. SHAPIRO: Just tell us where it is going to begin.

9 PROF. CHARO: Page 74.

10 DR. SHAPIRO: Yes.

11 PROF. CHARO: Line 10 is where we currently have the heading of
12 "Freedom of Scientific Inquiry."

13 DR. SHAPIRO: Right.

14 PROF. CHARO: And we are proposing to move that to a center
15 heading. We are moving it up. It is a separate topic. And it will now read as follows.

16 "There is no doubt that the freedom of scientific inquiry, tempered
17 by a strong expectation of ethical and responsible pursuit of knowledge, has been an
18 enduring American value.

19 "Historically, scientific inquiry has been protected and even
20 encouraged because of the great social benefit the public recognizes in maintaining the
21 sanctity of knowledge and the value of intellectual freedom.

22 "But the importance we attach to free scientific inquiry does not
23 mean a science without moral constraints. International statements about the ethics of
24 research with human subjects, such as the Nuremberg Code and the Declaration of
25 Helsinki make it abundantly clear that science, however valuable, must observe moral
26 boundaries.

27 "Scientific research must not endanger community safety or the
28 rights or interests of its human subjects. Likewise it must not inflict unnecessary

1 suffering on animals.

2 "Thus, both the Federal Government and the states already regulate
3 the researchers methods in order to protect the rights of research subjects and
4 community safety. Research may be restricted, for example, to protect the subjects
5 autonomy by requiring informed consent and by reviewing the choice of who should
6 serve as research subjects against principles of justice.

7 "Thus, where the government can prove that restrictions on cloning
8 and cloning technology are sufficiently important to the general well being of
9 individuals or society, such restrictions are likely to be upheld as legitimate,
10 constitutional government actions, even if scientists were held to have a First
11 Amendment right of scientific inquiry.

12 "Therefore, even if scientific inquiry were found to be a
13 constitutionally protected activity, the government could regulate to protect against
14 compelling harms, such as the current physical risks posed by somatic cell nuclear
15 transfer techniques.

16 "The freedom to pursue knowledge is distinguishable from the right
17 to choose the method for achieving that knowledge since the method itself may
18 permissibly be regulated.

19 "Although the government may not prohibit research in an attempt
20 to prevent the development of new knowledge, it may, and should, restrict or prohibit
21 the means used by researchers if they harm others.

22 "Ultimately, researchers themselves are responsible for maintaining
23 ethical and scientific standards and must strive to integrate the two in their work."

24 I know. It is hard to follow. I am sorry.

25 DR. SHAPIRO: No, it is not hard to follow.

26 PROF. CAPRON: It is mostly just a rearrangement.

27 PROF. CHARO: Mostly just a rearrangement. There is a little bit
28 of redundancy that was hard for us to spot as we were rearranging.

1 PROF. CAPRON: I have three comments.

2 First, it is much cleaner by getting out what amounts to legal
3 argumentation.

4 The second is that we will have to change the overall heading which
5 says, "Freedom of Inquiry." That is just an obvious thing.

6 The third, somewhat more substantively, is what I felt was missing
7 there was your decision to extract the first sentence, or some version of the first
8 sentence, because this isn't a free-floating argument that is just about scientific inquiry.
9 Isn't it really-- Doesn't it grow--

10 As the chairman said a little while ago, he hears it, people saying,
11 "Well, isn't one reason to keep your hands off of this is that we believe and scientists
12 believe that they should have the freedom to pursue?"

13 PROF. CHARO: At the risk of speaking for other members of the
14 total--that we are trying to write this and, boy, communal writing is hard, isn't it?--no.
15 The answer to that is no.

16 It is not about why this is an argument in favor of cloning. It is, in
17 fact, a free-floating issue; that people can be quite supportive of the freedom of
18 scientific inquiry and come to a variety of conclusions about how one might or might
19 not do cloning.

20 That freedom of inquiry is something that stands separate from total
21 freedom about the means one uses and then, when one looks at the means you are
22 going to use for inquiry, one tests that against the other kinds of harms that are at
23 issue.

24 People have used this argument in support of cloning, but you could
25 also use this argument to say, "We want to maintain free inquiry in that prohibiting
26 cloning of human beings doesn't, in any way, tread on that in a significant fashion."
27 And so it is not just an example of a pro-cloning argument.

28 PROF. CAPRON: Well, no. In the end, as with the other

1 arguments, we in effect answer the claim. I mean, the arguments about reproductive
2 choice and autonomy start off being presented by us as arguments that people use to
3 justify it, but then we answer that in the paragraphs that are under that heading.

4 I totally agree with where you come out in saying it is the difference
5 between inquiry and the methods that are used and that we place limits on it, but it
6 seems to me, in the context of the report, it made more sense to have the other lead-in.

7 DR. SHAPIRO: Jim, then Carol.

8 DR. CHILDRESS: I would support Alex's point. It seems to me
9 that we are parallel here where what we are doing is looking, as our chair suggested
10 earlier, at the kinds of arguments that people have made. That doesn't mean that any
11 of these arguments we would find to be decisive, but they are ones that we are trying
12 to examine. We are looking at the pros and cons.

13 And so we start with the way in which the argument might be used.
14 Scientific inquiry, reproductive choice, and autonomy might be used to support
15 cloning, and that is to oppose the prohibition, and then see what the limitations of
16 those arguments are.

17 And so I think we are dealing, in each of these sections, with
18 countervailing values. We are asserting the point this is a value some appeal to, but
19 then also showing the limitations of the way in which it may run up against another
20 important value. So I support Alex's suggestion.

21 DR. SHAPIRO: Carol?

22 DR. GREIDER: I just have a comment from a practical standpoint,
23 having been invited as a visitor to the table that was drafting this.

24 We had to decide, in a very short period of time, which way we
25 were going to come out. Was it going to be a separate heading or, currently as it is,
26 part of the pro and con? And we came out with it being a separate heading because
27 we all felt that it stood on its own as an issue.

28 Now, it could be redrafted in the ways that you guys have both

1 suggested, but that would take another major rewriting.

2 DR. CHILDRESS: No.

3 PROF. CAPRON: I don't care about you can have it as a separate
4 heading. It is just that, as the topic is introduced, some proponents of cloning have
5 relied upon an argument of scientific, free scientific inquiry. And then everything else
6 that follows about that, there is no doubt that scientific inquiry-- The language that
7 was there.

8 DR. SHAPIRO: Okay. Let me make a suggestion and-- Excuse
9 me, Zeke? I am sorry.

10 DR. EMANUEL: Well, it is about the technical aspects of what you
11 just said.

12 DR. SHAPIRO: The suggestion is that we not focus on whether it is
13 a separate heading or not. We will decide that when we put the final thing together
14 late tonight sometime. I don't know when that is going to be. That is not central to
15 this issue.

16 However, I think the other issue brought up, that is whether this is
17 really free-floating, I must say that I am somewhat sympathetic with you that we
18 wouldn't have gone to this issue had we not, had it not been--we may not have gone
19 there, let me put it that way--had this issue not be raised in the context.

20 And so even-- And I don't think it needs a total rewriting either. I
21 think even the first sentence in the current version may be used in some way to create
22 that bridge I think quite easily. So I rather like what the rewriting has done. I think it
23 does-- It is a significant enhancement overall.

24 But I still think--Alta, if you don't mind--if we could connect this to
25 the fact that this really was an issue and it continues to be raised over and over again.

26 If I could make a second comment, again with respect. And that is
27 the one aspect of this morning's discussion that we have not yet reflected here, and
28 there may be others, is the fact that this is not, for the most part, a struggle between

1 scientists and others. Namely the scientists are involved with setting these ethical
2 standards and support them for the most part. I mean, most scientists that I know
3 support all these things and are very anxious to work in that environment.

4 I just would like us, somehow with a phrase or a sentence, within
5 what you have written, to reflect that perspective.

6 DR. EMANUEL: Actually, that goes to the first sentence you read.
7 If you wouldn't mind re-reading it.

8 PROF. CHARO: What--

9 DR. EMANUEL: Your first sentence.

10 PROF. CHARO: The one that we now have, or the one that we had
11 after we reintroduced--

12 DR. EMANUEL: Yes. The one that you--

13 PROF. CHARO: Well, the one that--

14 DR. EMANUEL: --that you wrote.

15 PROF. CHARO: "There is no doubt that the freedom of scientific
16 inquiry, tempered by a strong expectation of ethical and responsible pursuit,--"

17 DR. EMANUEL: It is exactly that phrase, "tempered by a strong
18 expectation."

19 It seems to me it is not tempered by a strong expectation; it seems to
20 me what we want is "one conducted adhering to ethical standards." Right? It is not
21 tempered. You are not tempering science. That is not what we are trying to do. I
22 mean, we believe that it is integral to the correct comment of the--

23 PROF. CHARO: May I try to follow with rephrasing on you, Zeke?

24 DR. EMANUEL: Yes.

25 PROF. CHARO: "There is no doubt that the freedom of ethically
26 and--" Sorry. "There is no doubt that the freedom of ethical and responsible pursuit
27 of knowledge has been an enduring American value."

28 DR. EMANUEL: Yes.

1 DR. SHAPIRO: Other comments for Alta?

2 We will try to get this printed out later on this afternoon so we can
3 take a final look at that.

4 Any other comments? Yes, Diane?

5 DR. SCOTT-JONES: I just have one comment about the whole
6 section now, because when we were discussing the changes at lunch--I am sorry--
7 when we were discussing the changes at lunch, we were concerned how it would
8 effect this overall section, the heading on page 71, "Arguments For Maintaining
9 Personal Autonomy and Freedom of Inquiry."

10 As I am reading it now there is a listing, actually other items, that
11 are not in this section under headings. For example, first the "presumption of
12 individual liberty;" that is there. Second, "reproductive freedom;" that is there. Third,
13 "scientific inquiry." But then there is support and a final objection that are not in this
14 section. The section ends with "freedom of scientific inquiry."

15 And I am just wondering what happened there? Because the
16 argument is that we should leave scientific inquiry in because it belongs here as one of
17 these reasons for cloning, but the others aren't there.

18 MS. KRAMER: Yes, they are.

19 DR. SCOTT-JONES: Where are they? They are missing.

20 MS. KRAMER: Well, it is under the "policymakers."

21 DR. SCOTT-JONES: Oh, then it is a different-- It is set-aside
22 under a separate heading the way we were requesting--

23 PROF. CAPRON: We all believed that this could be a separate
24 heading.

25 DR. SCOTT-JONES: Oh.

26 DR. SHAPIRO: Yes. Well, we haven't agreed. We have agreed
27 that we are going to review this whole thing--

28 DR. SCOTT-JONES: We agreed that we would think about it later-

1 -

2 DR. SHAPIRO: We will try to--

3 DR. SCOTT-JONES: --and I was just saying is there a reason why
4 those next ones are separate headings?

5 DR. SHAPIRO: "Next ones," being referring to what, in this case?

6 DR. SCOTT-JONES: I am sorry.

7 DR. SHAPIRO: Oh, beginning on page 75.

8 DR. SCOTT-JONES: Page 75. If you look back at the heading
9 under which that comes, it says, fourth there, "Reasons so Compelling in Individual
10 Cases." And then 75 has a centered heading, "The Policymakers' Dilemma."

11 DR. SHAPIRO: We will review that. I mean, you are really
12 making a very good point. We will review that.

13 Yes?

14 DR. MIIKE: I just-- Maybe the simplest way to look at it is that we
15 now have a title called "Arguments for Maintaining Personal Autonomy and Freedom
16 of Inquiry." And then later on we have "The Policymakers' Dilemma, a Consideration
17 of Exceptional Cases."

18 I guess "The Policymakers' Dilemma" involves all of these issues.
19 Reproductive freedom versus other-- Yes. So maybe that may be-- The simpler
20 solution is just to talk about the policymakers' dilemma and put all of these under that
21 heading.

22 PROF. CAPRON: Well, "The Policymakers' Dilemma" had to do
23 with what do you do when you have a policy and then you have some exceptional
24 cases? Do you change the policy for the cases or--

25 DR. MIIKE: Well, "The Policymakers' Dilemma" is also trying to
26 balance freedom of scientific inquiry against all these other issues, so--

27 DR. GREIDER: Just change that heading to "Consideration of
28 Ethical, of Exceptional Cases," and delete "Policymakers' Dilemma."

1 DR. MIIKE: It seems to me a simple solution is just sort of fool
2 around with the headings.

3 DR. SHAPIRO: That was suggested.

4 DR. MIIKE: Yes.

5 DR. SHAPIRO: I suggested we wouldn't do it very effectively
6 sitting here, is my only suggestion.

7 DR. CHILDRESS: It is a very good suggestion.

8 PROF. CHARO: Harold?

9 DR. SHAPIRO: Yes.

10 PROF. CHARO: To tie up the loose end on exactly that, that
11 "Consideration of Exceptional Cases," you would ask--

12 DR. SHAPIRO: Yes. That is right.

13 PROF. CHARO: May I just do that? Because it is only like two
14 sentences.

15 DR. SHAPIRO: That sounds like famous last words.

16 (Laughter.)

17 PROF. CHARO: Page 75, line 32, after the word "adopt;" simply
18 add "to use prenatal diagnosis and selective abortion."

19 And then, on page 76, line 14, after the word "donor," add the
20 phrase "or avoiding selective abortion."

21 DR. SHAPIRO: How about doing that once more just to make sure
22 the commissioners--

23 PROF. CHARO: Page 76, line 14, after the word "donor," insert "or
24 avoiding selective abortion."

25 DR. SHAPIRO: And do you want to also repeat the other one, if
26 you don't mind?

27 PROF. CHARO: The first one was on page 75, line 32, after the
28 word "adopt;" we would insert "to use prenatal diagnosis and selective abortion;"

1 DR. SHAPIRO: Comments? Alex?

2 PROF. CAPRON: Yes. I would just suggest reversing your
3 addition and putting it before "keeping," so the value of-- Because that is the order it
4 comes earlier, and the other phrase is much longer and harder to follow. So you
5 would say, "The value of avoiding selective abortion or of keeping the marital
6 relationship free."

7 PROF. CHARO: I am not sure. I didn't know which--

8 DR. SHAPIRO: Fourteen.

9 PROF. CHARO: Seventy-five or 76?

10 DR. SHAPIRO: Seventy-five or 76?

11 PROF. CAPRON: On 76--

12 PROF. CHARO: Seventy-six.

13 PROF. CAPRON: --on 14, you were adding the phrase, "or of
14 avoiding selective abortion." I am just suggesting that come before "of keeping the
15 marital relationship free." It is a simpler phrase. It is the sequence in which it is used
16 on page 75.

17 PROF. CHARO: Okay. So it would now be weighed against--this
18 would be line 13--"against the value"--insert--"of avoiding selective abortion or of
19 keeping the marital relationship free."

20 PROF. CAPRON; Correct.

21 MR. HOLTZMAN: I think back on 75 it needs a little more re-
22 work.

23 PROF. CHARO: Really? What do you mean?

24 MR. HOLTZMAN: Because then if you go to the next sentence,
25 "Because..."

26 PROF. CHARO: Right.

27 MR. HOLTZMAN: I think there you are sort of citing the reasons
28 of why they wish to avoid, so you end up having to say something like, "Because they

1 very much want to have some genetic link to the child they rear, they dislike the
2 thought of introducing--"

3 PROF. CHARO: How about, "They dislike the thought of selective
4 abortion?"

5 MR. HOLTZMAN: Well, let me finish. Okay.

6 PROF. CHARO: Oh.

7 MR. HOLTZMAN: Delete "and because."

8 "They dislike the thought of introducing a third adult into their
9 relationship in the form of a gamete donor or they wish to avoid the prospect of
10 selective abortion, they opt for cloning." Okay?

11 PROF. CAPRON: I had a simpler suggestion which I think I gave
12 to Alta which--

13 PROF. CHARO: No.

14 PROF. CAPRON: What? You didn't get it? All right.

15 If they-- Excuse me. On page 75, line 33, strike "because they,"
16 and to keep the focus where it belongs we would say, "If they are unwilling to
17 contemplate aborting an effective fetus but very much want to have some genetic link
18 to the child they rear, they must decide between the latter two choices," which have
19 just been issued.

20 And then it goes on and says, "disliking the thought of introducing,
21 blah, blah, blah, they opt for cloning." That is-- I mean, that is really the contrast we
22 want to offer is people who decide they want to have IVF--excuse me--AIV or egg
23 donation and have only a half connection versus those who would have cloning and
24 have only a half connection. That would be either the mother or the father. That is
25 where the real--

26 And then we wouldn't need this phrase on page 76. We would keep
27 that a clean contrast between egg donation with ghosts that produces versus the
28 complications caused by having the child identical. So it is fewer changes.

1 DR. SHAPIRO: Those are useful suggestions. I think we are--

2 PROF. CAPRON: One way or another, we need it.

3 DR. SHAPIRO: Yes. It is agreed by the commission this is an
4 important addition here, and we will certainly handle it in some appropriate way. And
5 those are very useful suggestions.

6 Let me now turn to--I don't know if it is Tom or Bernie, or who--but
7 "Treating People as Objects."

8 DR. MURRAY: Both.

9 DR. SHAPIRO: Both. Why don't we pass these around? And,
10 Tom, I don't know whether to turn to you or Bernie. Bernie, why don't you start us off
11 here?

12 DR. LO: Okay. This is--

13 PROF. CHARO: Microphone.

14 DR. LO: This is material that replaces material starting on page 67,
15 line 32. We need some more copies here.

16 DR. SHAPIRO: Page 67?

17 DR. LO: Page 67, line 32. That section on "Objectification." We
18 talked about this.

19 DR. SHAPIRO: Right.

20 DR. LO: This is text trying to incorporate the points we talked
21 about this morning.

22 DR. SHAPIRO: Thank you.

23 DR. LO: Okay. So the first suggestion is to change the header to
24 "Treating People as Objects." And then we would start with the paragraph on the
25 sheet that was just Xeroxed and handed out to you. "Opponents of somatic cell
26 nuclear cloning fear that the resulting children will be treated as objects rather than as
27 persons. This concern often underlies discussions of whether such cloning amounts to
28 making rather than begetting children, whether the child who is created in this manner

1 will be viewed as less than fully separate from, or equal to, the older twin whose
2 nucleus was used.

3 "In sum, will being cloned from the somatic cell of an adult result in
4 the child being regarded as less than a person whose humanity and dignity are to be
5 nurtured towards attainment of a good life?" That last phrase may not be very
6 eloquent.

7 And then we would skip down to page 68, line 17, in the current
8 text.

9 "One reason this discussion can be hard to capture and articulate is
10 that certain terms, such as 'person'..." We would pick up from there and go through to
11 line 69 [sic], line 3, where we then substitute the following material that is on the
12 Xerox you were just given.

13 We pick up with "That is, to objectify a person is to act towards the
14 person without regard to that person's own desires or well being, to control the person
15 rather than to engage him or her in a mutually respectful relationship.

16 "Objectification, quite simply, is treating the child as an object, a
17 creature less deserving of respect for his or her moral agency because of the manner in
18 which she was created.

19 "Commodification is sometimes distinguished from objectification
20 and concerns treating persons as commodities, valuing them according to externally
21 derived standards and, at the extremes, treating them as something that can be bought
22 and sold in the marketplace."

23 And we continue.

24 "Some may deny that objectification is any more in danger in
25 somatic cell nuclear transfer cloning than in other widely accepted practices such as
26 genetic screening or, in the future perhaps, gene therapy.

27 "These procedures aim either to avoid having a child with a
28 particular condition or to compensate for a genetic abnormality, but to the extent that

1 the technology is used to benefit the child by, for example, allowing early preventive
2 measures of phenylketonuria, no objectification of a child takes place."

3 "When cloning is undertaken"--we go now to line 10 on page 69--
4 "When cloning is undertaken not for any purported benefit of the child..." And then
5 continue through to the end of that paragraph in that section.

6 DR. SHAPIRO: Trish?

7 PROF. BACKLAR: In the-- When you start off in the first
8 paragraph, and it starts with the last sentence in the first paragraph, "In sum, will being
9 cloned from the somatic cell of an adult..." I think we mean more than an "adult." It
10 could be cloned from a somatic cell of a child. So perhaps we would want to change
11 that.

12 Oh, I am sorry.

13 DR. SHAPIRO: It has been suggested, Trish. What would you like
14 us to have there? I agree.

15 PROF. CAPRON: "Exempting person."

16 PROF. BACKLAR: "An existing person."

17 DR. SHAPIRO: That is better, isn't it?

18 PROF. BACKLAR: Right.

19 DR. SHAPIRO: Thank you.

20 PROF. CAPRON: Excuse me.

21 DR. SHAPIRO: I am glad you caught that. I understand the point,
22 but I don't understand just where it is. Oh, I see. Okay.

23 PROF. BACKLAR: From the first paragraph. The last sentence in
24 the first paragraph.

25 PROF. CAPRON: Wouldn't it be more accurate to begin this
26 paragraph by saying, "Some opponents of somatic..."

27 DR. LO: Yes. That is fine.

28 DR. MIKE: Also, Bernie, just a typo in the sentence, the paragraph

1 that begins, "There is..." The word before "at" you read as "to" rather than--

2 DR. LO: I am sorry, Larry. Where?

3 DR. SHAPIRO: The word before "at" is "to."

4 DR. EMANUEL: "That is to objectify a person is 'to,'" not as you
5 have it now.

6 DR. LO: Oh, oh, oh. Okay. Yes. I apologize.

7 DR. EMANUEL: Can I-- This valuing them "according to
8 externally derived standards," I think that is not commodification. I think that is
9 actually objectification. Commodification has to do with, has to attempt the sale of
10 money.

11 DR. LO: Yes.

12 DR. EMANUEL: I mean, commodification is the money part of
13 objectification.

14 DR. LO: So why don't we--

15 DR. EMANUEL: You need to take that phrase and put it in the
16 objectification.

17 DR. LO: So why don't we move that, change the syntax and move it
18 into the first sentence. "To objectify is to..."

19 DR. EMANUEL: Right.

20 DR. LO: --"value them according to..." Somewhere in there should
21 be "to value them according to externally derived standards."

22 DR. EMANUEL: Exactly.

23 DR. LO: Right.

24 DR. MURRAY: How about if you put it right after "to control the
25 person."

26 DR. LO: Right.

27 DR. EMANUEL: Yes.

28 DR. MURRAY: Is that okay?

1 DR. LO: That works.

2 DR. EMANUEL: The other thing I was going to suggest is it is not
3 clear to me that now this phrase, "to be viewed as less than fully separate from, or
4 equal to, the older twin whose nucleus was used," is apropos.

5 PROF. CAPRON: Where are we?

6 DR. EMANUEL: In the top-- I am sorry. I apologize. In the top
7 paragraph about half-way down.

8 If you read that phrase, "or whether the child who is created in this
9 manner will be viewed as less than fully separate from, or equal to, the older twin..." I
10 mean, the issue here is no longer separation or equality.

11 DR. MURRAY: I am sorry. Where is that?

12 DR. LO: What page?

13 DR. EMANUEL: Your top paragraph. I mean, I would suggest,
14 "whether treated as a fully independent moral agent," or something like that.

15 DR. LO: I am sorry, Zeke. It will be "viewed as..."

16 DR. EMANUEL: "Fully independent or fully autonomous moral
17 agent." Because it is not separation and equality that is at stake in objectification.

18 DR. LO: That is fine.

19 DR. MURRAY: Keeping with the-- This is the contrast phrase of
20 the sentence. So it will be "viewed as less than," and then use your words, "fully..."

21 DR. EMANUEL: "...independent moral agent."

22 DR. MURRAY: That is fine with me.

23 DR. EMANUEL: I mean, because moral agency is what is at stake.

24 DR. MURRAY: But we want to keep the "as less than" because it is
25 a contrast.

26 DR. EMANUEL: Yes.

27 PROF. CAPRON: Another thought. In the next paragraph when
28 you are talking about moral agency, there is a "because" clause. The sentence

1 beginning, "Objectification, quite simply, is treating the child as an object, a creature
2 less deserving of respect for his or her moral agency." It is not necessarily because of
3 the manner in which he or she is created.

4 DR. MURRAY: Right.

5 PROF. CAPRON: And I think we should drop that.

6 DR. MURRAY: Yes.

7 PROF. CAPRON: That might give us an opportunity to--

8 DR. LO: I thought it was because of Charo's point?

9 PROF. CAPRON: But that is not objectification. That is-- That is
10 my-- That was my point about this whole thing which is, having stated the general
11 principles, you need to apply them to cloning. That is not a definition. You are giving
12 a definition of objectification.

13 DR. MURRAY: Okay. I understand.

14 DR. LO: Why don't we say, Alex, "less deserving of respect for his
15 or her moral agency, in this case because of the manner in which," or, "in this case
16 because he or she was created through nuclear transfer somatic cell cloning." Just sort
17 of apply the general definition to the specific--

18 DR. MURRAY: No, no, no, no.

19 PROF. CAPRON: What are we doing with the "value them
20 according to their..." Because I thought that could be brought up here. We are saying,
21 "Objectification is treating as an object, a creature less deserving of respect for his or
22 her moral agency, a thing to be valued according to externally derived standards."

23 That is a more complete definition of objectification. It brings in
24 both of those. It says you are not a moral agent and we are going to value you
25 according to external standards. That is a good definition of objectification. Then let
26 us not try to cram cloning as an example of that into the same sentence.

27 DR. LO: Okay. That is fine. And it can either go there or in the
28 first sentence.

1 PROF. CAPRON: Do you see what I am doing?

2 DR. LO: But then do you want an additional sentence closing the
3 loop on--

4 PROF. CAPRON: Yes. That is what I wanted to use--

5 DR. MURRAY: Well, the next paragraph picks up the cloning
6 examples so I think we could drop the phrase, in the middle of that--

7 DR. LO: "because of the manner."

8 DR. MURRAY: --"because of the manner." I would propose just
9 dropping the phrase.

10 DR. LO: Just drop it.

11 PROF. CAPRON: But the other way to do that is to simply use the
12 existing sentence on page 69 that we had, lines 6-8, as the tail-end of this.

13 We have now defined objectification. We have now defined
14 commodification. And you say, "To those who view the intentional choice by another
15 of one genetic make-up as a form of manipulation by others, there is a risk that
16 somatic cell nuclear transfer cloning represents a form of objectification or
17 commodification of the child."

18 Wouldn't that work? And then we have said-- You know, we have
19 defined it and we have said how it relates.

20 DR. LO: So that would be the last sentence of this middle
21 paragraph.

22 PROF. CAPRON: After "marketplace."

23 DR. LO: Right. That works.

24 DR. SHAPIRO: Insert the sentence on line 6-8?

25 PROF. CAPRON: Right.

26 DR. SHAPIRO: Are you sure you agree?

27 DR. LO: All right. It is getting there.

28 DR. GREIDER: I have one other point if we are done with that one.

1 DR. SHAPIRO: Yes, Carol?

2 DR. GREIDER: The very last paragraph. The first sentence reads--

3 DR. SHAPIRO: Last paragraph where?

4 DR. GREIDER: The last paragraph on the new thing that was
5 handed out. The first sentence that begins, "Some may deny somatic cell nuclear
6 transfer cloning..." then ... "in other widely accepted practices such as genetic
7 screening or, in the future perhaps, gene therapy." Since there are only two examples
8 there, I think using "widely accepted" is not appropriate since gene therapy is not
9 necessarily widely accepted.

10 DR. LO: Let us delete "gene therapy" and just use the "genetic
11 screening."

12 DR. GREIDER: You could do that. That would be fine.

13 DR. SHAPIRO: Arturo?

14 DR. BRITO: Going back to the first, the very first paragraph that
15 you corrected, where it starts, "Some opponents now..." I am having difficulty with the
16 very last sentence and I don't know if it is--

17 DR. LO: Yes. No. It is--

18 DR. MURRAY: It is a problem.

19 DR. BRITO: The tail-end of that sentence.

20 DR. MURRAY: Excuse me. If you drop "gene therapy," you lose
21 the meaning of the sentences that follow. Boy.

22 DR. GREIDER: Okay. My suggestion was say, "Cloning then in
23 other practices currently in use such as genetic screening or, in the future perhaps,
24 gene therapy."

25 DR. SHAPIRO: It is "other current practices?"

26 DR. GREIDER: "Other current." Yes. Thank you.

27 DR. SHAPIRO: "Other practices."

28 DR. LO: "Other current practices."

1 DR. GREIDER: "Current practices." Just omit the term "widely
2 accepted." But you keep the "or, in the future perhaps, gene therapy."

3 DR. MURRAY: Okay.

4 DR. LO: Okay.

5 DR. GREIDER: So-- Okay? So it would read, "Some may deny
6 that objectification is any more a danger in somatic cell nuclear transfer cloning than
7 in other current practices such as genetic screening or, in the future perhaps, gene
8 therapy."

9 DR. SHAPIRO: Okay. Is this a new point or on this area?

10 DR. BRITO; No. It is a new point. I thought we were done with
11 that.

12 DR. SHAPIRO: We will come back shortly. I am sorry.

13 Bernie, could you--excuse me--could you pull together these
14 recommendations?

15 DR. LO: Yes.

16 DR. SHAPIRO: Not right this second, but over the next half-hour
17 or forty minutes or so, and let us get a fresh copy of this and make sure that we have it
18 right.

19 DR. LO: Fine.

20 DR. SHAPIRO: Let me now turn-- While I know we have many
21 other issues to take up, but I want to try to return to some issues that we had this
22 morning.

23 Let me now pass out another paragraph or so. And this is a
24 paragraph which, in some form--I don't want to indicate the exact words in each place,
25 exact same words in each place--but in some form this is the paragraph that will go in
26 the Executive Summary, in the Introduction and, again, in the Ethics Chapter.

27 And just to-- Let me see if I can just identify the exact places where
28 they will go.

1 PROF. CAPRON: If we look in the Executive Summary--

2 DR. SHAPIRO: Yes.

3 PROF. CAPRON: --it is line 34, of Roman Numeral I.

4 DR. SHAPIRO: On Roman Numeral I. Let me indicate what has
5 happened. This is a suggested few sentences that would replace the phrase, "NBAC
6 did not review these particular concerns in the context of this report." Instead, it is
7 going to fix up--

8 We have another typo here, I see.

9 It really was a-- This paragraph is an attempt to respond to the
10 feeling of the commissioners that what we had written here was too terse. Let me just
11 read it out.

12 Rather than, "NBAC did not review these particular issues," and so
13 on, it would read, "The unique prospect vividly raised by Dolly is the creation of a
14 new individual genetically identical to an existing or previously existing individual, a
15 'delayed' genetic twin." "Delayed," of course, is conceived in quotation marks. "This
16 prospect has been a source of the overwhelming public concern about cloning, of such
17 cloning."

18 "The commission recognizes that any creation of embryos for
19 research purposes alone raises serious ethical issues, however these ethical issues have
20 already been extensively discussed and the use of somatic cell nuclear transfer to
21 create embryos raises no new issues in this respect.

22 "The unique and distinctive ethical issues raised by the use of
23 somatic cell nuclear transfer techniques relate to, for example, serious safety concerns,
24 individuality, family integrity and treating children as objects. These ethical concerns
25 arise only when creating a child.

26 "Consequently, the commission focuses attention on the use of
27 somatic cell cloning for the purposes of creating," and so on.

28 And that, or something like that--close to that--is proposed to go in,

1 in that spot. And there are equivalent spots--again, I don't want to tie myself down to
2 the exact words, but the general idea--in the Introduction, and I will tell you where that
3 would go in the Introduction. Page 3, line 32, or 31 and 32. It would go in there. And
4 I believe I have almost got it memorized. It is either 58 or 59.

5 PROF. CAPRON: It is 59.

6 DR. SHAPIRO: It is 59.

7 Let me just, in the mathematical properties of numbers, I will have
8 to think about what is special about 59. There are too many of those. That is not--

9 So that is the general idea, but I really would like some response to
10 this. How do you feel? Alta?

11 PROF. CHARO: If this is going to go in, I would like to just
12 suggest one small change toward the end.

13 DR. SHAPIRO: Good.

14 PROF. CHARO: The sentence that reads, "These ethical concerns
15 arise only when creating a child," I think is not quite accurate. Some of these concerns
16 are raised when it is only at the level of creating an embryo. I think, if I am reading
17 your intent, "These ethical concerns arise in a new form only when creating a child."
18 And in this way, we will not discount the concerns of people who oppose embryo
19 research.

20 DR. LO: That is a good point.

21 DR. SHAPIRO: I think that is directly consistent with what we
22 were-- Thank you. Do you want to just repeat that?

23 PROF. CHARO: "These ethical concerns arise in a new form only
24 when creating a child."

25 DR. GREIDER: I don't understand that because "these--" What is
26 "these" referring to in that clause?

27 PROF. CHARO: Earlier in the paragraph, the point is being made
28 that the concerns about embryo research have not been changed by virtue of a new

1 way to make embryos, but the concerns about child safety, et cetera, have been
2 changed by virtue of a new way of using cloning to create embryos that then go on to
3 becoming a child.

4 DR. LO: No. But the--

5 DR. GREIDER: "These" refers to the sentence immediately
6 previous.

7 DR. SHAPIRO: Correct.

8 PROF. CAPRON: The simplest way to do that is to change the
9 sentence--

10 DR. GREIDER: That is the "these--"

11 PROF. CAPRON: Yes. I agree with Carol entirely. What if you
12 simply said, "nuclear transfer techniques--for example, serious safety concerns--arise
13 only with creating a child."

14 DR. EMANUEL: That was one option we had adjusted before.

15 DR. GREIDER: That, I think, is more clear.

16 DR. MIIKE: Well, the simplest way to do this is just to extend the
17 sentences out as ending as objects, with your dash there, and just say that--

18 DR. GREIDER: "; these ethical concerns."

19 DR. MIIKE: Just so that they are expressly linked to the sentence
20 before.

21 DR. GREIDER: Thank you.

22 DR. MIIKE: But, anyway, everybody is-- Whatever.

23 DR. SHAPIRO: Okay. I think that is a helpful suggestion.

24 PROF. CAPRON: One way or another, make it clear that the
25 "these" is limited so that--

26 DR. SHAPIRO: No. That is right. All right. I will assume, with
27 these changes, that we can-- This will be again in the appropriate form. We have to--

28 As with all these things, you have to read them from beginning to

1 end to get the language right and make sure you are not upsetting a structure, so you
2 are just going to have to allow us some editorial freedom of just how to insert that into
3 various places.

4 Okay. Let me now-- That will go in there.

5 I think it is true that there were a lot of smaller changes which we
6 are not going to revisit right now.

7 But I think we have revisited those issues which we wanted to
8 redraft and insert something new in this chapter, but we hadn't finished with the
9 chapter. We wanted to leave open the possibility that there were other comments,
10 suggestions, changes, and so on, and so forth.

11 So let us now stick with the Ethics Chapter and see what other
12 additional concerns will be coming up.

13 Arturo, did you have something?

14 DR. BRITO: Yes. Bernie and I were working on it.

15 On the very first chapter of the corrections that you already--
16 Excuse me. On the very first paragraph of the already made, where it starts, "Some
17 opponents..." The very last sentence, "and some were being cloned from the somatic
18 cell of an existing person resulting in the child," et cetera.

19 That is very confusing to me--and I have read it over and over again,
20 and I think Bernie has a suggestion which he may bring up right now--for two reasons.

21 Number one--

22 DR. SHAPIRO: This is not a mis-sheet.

23 DR. LO: It is a corrected sheet.

24 DR. BRITO: It is a very compound sentence and I think it almost
25 contradicts itself toward the end where it says, "to be nurtured toward attainment," or
26 it sounds like a contradiction. That is number one.

27 Number two, where it refers to "obtainment of a good life," with the
28 reference there, I think we need to expand on that just a little bit because I am not sure

1 to everybody--even though you have the reference there--knows what a "good life" is.
2 And just at least saying "the essential qualities of humanity that present a good life," et
3 cetera. So if you--

4 DR. LO: Yes. No. I agree with Arturo that that sentence, towards
5 the tail-end, sort of falls into obscurity.

6 I would suggest simplifying by cutting, and just say, "In sum, will
7 being cloned from a somatic cell, another person, result--"

8 DR. : "Existing person."

9 DR. LO: --"an existing person result in a child being regarded as
10 less of a person, whose humanity and dignity will not be fully respected?"

11 PROF. CHARO: Fine.

12 DR. LO: In there.

13 DR. MURRAY: You don't want the comma.

14 DR. SHAPIRO: You don't need the comma there.

15 DR. LO: Okay. Thank you.

16 DR. SHAPIRO: Okay, Bernie. So you will incorporate that?

17 DR. LO: We are going to incorporate those. I have my assistant
18 working diligently now on that.

19 (Laughter.)

20 DR. EMANUEL: You brought your assistant to the meeting. How
21 wonderful.

22 DR. SHAPIRO: We need all the help we can get.

23 DR. LO: Roll up the windows.

24 (Laughter.)

25 DR. SHAPIRO: Okay. Other comments or suggestions for change
26 in the Ethics Chapter?

27 DR. MURRAY: I have several.

28 DR. LO: Yes. I was going to say, Tom, I don't know if we covered

1 the major points you wanted to make and, if so, I can take over what you are doing.

2 That is a fair trade.

3 DR. MURRAY: I can put this aside for awhile. I am very respectful
4 and mindful of the-- I am respectful and mindful of the limited time we have, so I am
5 not going to-- So I am going to skip over lots of the things I have and try to just focus
6 on those that I think may be of some substance.

7 And if you think what I am talking about is non-substantive, just
8 say, "Knock it off, Tom. Move on." And I will.

9 (Laughter.)

10 DR. MURRAY: I would like to-- I think this one is worth
11 reviewing. This is on page 58. I would like to-- I am going to just go right to the
12 follow-on of what I have here.

13 On line 30, I would strike the word "philosophical," as by
14 implication the other concerns were non-philosophical and also the implication-- The
15 only concerns here aren't philosophical, and I think that is erroneous in both ways.

16 I would also want to say I would delete the sentence that says, "In
17 short," and on the first page of my hand-out to you, about two-thirds of the way down,
18 the sentence I have there is, "As with the concerns offered in opposition to cloning,
19 those offered in its defense must also be evaluated for the possibility and
20 persuasiveness." I would like that in there. I think all the arguments have to meet the
21 same standards.

22 (Simultaneous discussion.)

23 DR. MURRAY: The first page of what you got from me, about
24 eight lines from the bottom, in the middle, towards the end of the paragraph there.

25 PROF. CHARO: After "light."

26 DR. MURRAY: Yes. After "light."

27 DR. SHAPIRO: Oh, you want to take, "as with concerns offered..."

28 DR. MURRAY: I would want to take "in short" out of the current--

1 The sentence that begins now on line 32, with "in short," and replace it with "as with
2 the concerns offered in opposition," et cetera.

3 DR. SHAPIRO: Any comments?

4 DR. MURRAY: This isn't responsive. It struck me as a kind of
5 double-standard that was sort of hung over from the initial way that that opening
6 chapter was phrased.

7 DR. SHAPIRO: Any comments about that? Is that acceptable to
8 members?

9 (No response.)

10 DR. SHAPIRO: Okay. Moving on.

11 DR. MURRAY: I want to jump to page 65. This would be on the
12 third page of my hand-out. It is the entry under page 7, lines 33-34. It actually refers
13 to, on the new draft, page 65, line 5.

14 And the language is just-- I would say it should be "fundamentally"-
15 - On line 5, it is "fundamentally at odds with--" And I think "indeterminacy" is not at
16 issue here, so I would say the "acceptance and openness characteristic of good
17 parenting."

18 This is on-- The draft is line 65, line 5.

19 DR. SHAPIRO: So you would like to replace from "at odds," to
20 "parenting," which is on line 6--

21 DR. MURRAY: Right.

22 DR. SHAPIRO: --with this phrase here, "at odds with acceptance
23 and openness characteristic of good parenting."

24 DR. MURRAY: Right. Right.

25 DR. SHAPIRO: Any comments from members of the commission?

26 (No response.)

27 DR. SHAPIRO: Silence here--

28 DR. BRITO: I am having trouble following where, on the

1 corrections-- And I am having trouble understanding what you are saying completely
2 here. You are kind of--

3 PROF. CAPRON: Page 7, the third page of his corrections. Page 7,
4 line--

5 DR. BRITO: Okay.

6 MR. HOLTZMAN: Tom?

7 DR. MURRAY: Yes.

8 MR. HOLTZMAN: In this one, on page 65, what I do like in there
9 is the concept of "unconditional love."

10 PROF. BACKLAR: Yes. I-- That is just what I was going to say.

11 MR. HOLTZMAN: Because I think so much of what the concern
12 about is with cloning is that it will be conditioned on them having the characteristics
13 sought.

14 DR. MURRAY: Can I-- Can I suggest then that we say, "that odds
15 with the acceptance of unconditional love, characteristic of good parenting."

16 PROF. BACKLAR: Right.

17 DR. MURRAY: May we say that?

18 PROF. CAPRON: What about "openness?" You had--

19 MR. HOLTZMAN: I liked all three concepts.

20 DR. MURRAY: You want all three?

21 PROF. BACKLAR: Yes.

22 DR. MURRAY: Okay.

23 PROF. CAPRON: "Acceptance, openness and unconditional love."

24 MR. HOLTZMAN: Right.

25 PROF. CAPRON: So it is just a one-word change.

26 DR. MURRAY: Yes. I am for all of them so that is all right.

27 Except it is not just "that is currently associated, that is characteristic."

28 DR. SHAPIRO: Yes. Well, we will use your word "stronger." We

1 will use your sentence and add "unconditional love" at the end of the sentence. That is
2 the way I understand it to be the guts of the remark.

3 DR. MURRAY: Right.

4 DR. SHAPIRO: If that is it?

5 DR. MURRAY: Yes.

6 This may be minor. Also on page 65, line 22, just a little bit further
7 down that page. The current sentence, that line reads, "part of others, begin to affect
8 the child's self-image." And, I mean, I think we want something stronger so I propose,
9 "part of others, warp the child's emerging self-understanding."

10 DR. SHAPIRO: Good.

11 DR. MURRAY: It is just a stronger formulation I think of the same
12 idea.

13 DR. SHAPIRO: So it will read, "if so, Wilmut's expectations, on the
14 part of others, warp the child's emerging self-understanding."

15 DR. MURRAY: Exactly.

16 DR. SHAPIRO: This is now on line 21-22, on page 65.

17 PROF. CHARO: Okay.

18 DR. SHAPIRO: Okay. Tom?

19 DR. MURRAY: On page 66, look at the paragraph that ends with
20 line 18.

21 DR. SHAPIRO: Yes?

22 DR. MURRAY: There are some fairly straightforward answers to
23 that objection, and I propose language. If you have my proposals, you will see it.

24 "Opponents of human cloning may counter that the fact that bad
25 things happen is never a good reason to encourage more bad things. Likewise, that
26 people often make the best of a bad situation is not a good reason to create more bad
27 situations.

28 DR. SHAPIRO: And you propose that to go at the end of the

1 paragraph that begins, "On the other hand..."

2 DR. MURRAY: That is correct.

3 DR. SHAPIRO: All right. First of all, does everybody understand
4 the additional--I guess--two sentences that Tom is proposing to add at the end of line
5 18, on page 66?

6 Again, does anybody have any reservations about this?

7 (No response.)

8 DR. SHAPIRO: Okay. Thank you.

9 DR. MURRAY: On 74, in place of current lines 1-9 actually. In my
10 hand-out to you it would be listed as page 17, lines 1-6. It is the paragraph beginning
11 "Constitutional law."

12 DR. SHAPIRO: All right. Let us just wait a second so that people
13 can read this through.

14 DR. MURRAY: Okay.

15 DR. SHAPIRO: And you propose to substitute that paragraph for
16 the paragraph on the top of page 74?

17 DR. MURRAY: Yes.

18 DR. SHAPIRO: Is that correct, Tom?

19 DR. MURRAY: Yes.

20 DR. SHAPIRO: So let us focus on that for a moment.

21 DR. MURRAY: And my reasons are not that I disagreed with the
22 substance, I just thought it was a rather difficult paragraph to read in the original.

23 DR. SHAPIRO: This is one of those starred recommendations
24 which decreases the number of words while it increases it. Let us see how people feel
25 about it.

26 DR. EMANUEL: I like the last bit of the existing paragraph where
27 it talks about the main reason being--true or not--but a main reason being "intrusion
28 into the private realm." I mean, it seems to me that is much of what is at stake here.

1 And I think that could be appended to the end of what Tom has suggested.

2 DR. MURRAY: I would welcome that.

3 DR. SHAPIRO: Let us see if there are other sections. We will
4 come back and put this together in a moment. Let us see if there are other suggestions.

5 Yes, Bernie?

6 DR. LO: My suggestion, Tom. You start out with "Constitutional
7 law..." Can we rephrase that to make it more of an ethics argument than a
8 constitutional law?

9 DR. MURRAY: Well, the reason I did that was that this particular
10 entry does a great deal sort of with reproductive liberty as a kind of legal idea, a
11 constitutional idea. I didn't want to lose all that. I don't-- It is okay with me if you
12 want to do away with that phrase.

13 DR. LO: Well, because I think "deference to individual choices
14 regarding reproduction," or something, so that--

15 PROF. CHARO: I think--

16 DR. SHAPIRO: I had thought of this initially as really quite
17 grounded in our own commission's ideas which aren't universally shared, as I
18 understand it. And that is what I thought was being reflected in this initial paragraph.
19 I have no real objection to the one that is substituting. Therefore, it may be that we
20 will want to stick to that, even U.S. Constitutional Law.

21 PROF. CAPRON: I think it is more accurate, what is on line 4 now,
22 where it says, "Constitutional law has viewed certain aspects of reproductive choice as
23 fundamental--"

24 DR. SHAPIRO: Right.

25 PROF. CAPRON: --rather than saying, "They may protect
26 reproductive choice as fundamental to ordered liberty." That is just a misstatement of
27 the constitutional law.

28 DR. SHAPIRO: I agree with that.

1 PROF. CAPRON: I think Tom was rewriting from a previous draft.

2 DR. SHAPIRO: Yes. I think it would be--

3 DR. MURRAY: Should I just-- Do you want to just dump this
4 substitution?

5 DR. SHAPIRO: I think it is not right as it currently stands, Tom, in
6 my view.

7 DR. MURRAY: Okay. I would be in favor of just dumping it then.

8 DR. SHAPIRO: Okay.

9 DR. MURRAY: And leave it as it is.

10 DR. SHAPIRO: A double star. We don't have to add anything to it.

11 MS. KRAMER: I do think the last sentence in that paragraph, the
12 one that begins on line 5, beginning, "Thus, one is free to argue..." is unduly complex
13 and complicated and it loses its meaning.

14 DR. SHAPIRO: We will try to get a couple of sentences in there.

15 DR. MURRAY: You know, what we could do is we could say--
16 We could take the second--my second-- sentence, "We are free to argue that
17 reproductive choices ought to be made in the light of communal values." We could
18 meld them.

19 PROF. CAPRON: I hope we can avoid the "we," because it is never
20 clear who the "we" is. That is fine for an individual scholarly article.

21 DR. SHAPIRO: We will work on that, Tom, and let us just leave it.

22 DR. MURRAY: Page 76, lines 29-31. This isn't worth a lot of time.
23 I mean, I propose to substitute, on my hand-out, which comes under page 20, lines 19-
24 21. Well, it was page 20, lines 19-21.

25 And with my rewriting it becomes, "It may be that a policy which
26 prohibited the creation of children"--it should be--"through somatic cell nuclear
27 transfer cloning would ban a handful of scenarios for which some people would feel
28 sympathy. Nonetheless, it may be necessary to forbid the practice overall in order to

1 protect other crucial societal values."

2 I don't think this is worth a lot of time.

3 DR. SHAPIRO: Well, no. Let us just see where--

4 DR. BRITO: Tom, once again, where are you on your correction?

5 DR. MURRAY: On my correction? I am on--

6 PROF. CAPRON: Page 20, line 19.

7 DR. SHAPIRO: Page 20, lines 19-21.

8 DR. MURRAY: Yes.

9 DR. SHAPIRO: And it is the paragraph that reads, "It may be that a
10 policy," and that would replace--if the commission feels set about it--the paragraph
11 that begins, "But regardless," which is on page 76, line 29.

12 DR. : I like yours better.

13 PROF. BACKLAR: I like yours better.

14 DR. MURRAY: You want to substitute it with the one I wrote?

15 PROF. BACKLAR: Yes.

16 DR. SHAPIRO: Okay.

17 DR. MURRAY: Just-- I suppose one more.

18 DR. SHAPIRO: Okay.

19 DR. MURRAY: Well, one more for sure.

20 (Laughter.)

21 DR. MURRAY: Page 79. It is the last--the very last--note in my
22 hand-out to you. And it is the change to page 79, lines 10-12. The sentence that
23 begins, "Many important issues..."

24 And the language I propose to substitute for that sentence is, "Many
25 important issues remain unresolved such as the nature and scope of our moral interest
26 in the freedom to make procreative choices, and whether that freedom should
27 encompass creating a child through somatic cell nuclear transfer cloning."

28 I just thought that was a more inclusive formulation. Not everyone

1 thinks it is a right in the sense, in the strict sense, but--

2 DR. SHAPIRO: Let us take a moment to read that.

3 PROF. BACKLAR: I like it. Yes.

4 DR. SHAPIRO: Are there any objections?

5 DR. BRITO: Are you omitting the last sentence then in the--

6 DR. MURRAY: No.

7 DR. BRITO: So that is a substitute? Okay.

8 DR. MURRAY: It is a straightforward one-for-one.

9 I will mention the last thing and it is to delete, on page 78, lines 20-
10 22, I propose deleting those lines. I don't think they add anything. Page 78, lines 20-
11 22. I just don't think they add anything, and they sort of raise-- Just say "it is not
12 possible to answer these questions," because some people think it is possible, and I
13 don't think we add anything with that particular formulation.

14 DR. SHAPIRO: Bernie?

15 DR. LO: Yes. I wanted to actually suggest we take a look at one
16 more of your suggestions, Tom.

17 DR. SHAPIRO: Could we do this one first?

18 DR. LO: Okay. I am sorry.

19 DR. SHAPIRO: Is that all right, Bernie?

20 DR. LO: Okay. Sorry.

21 DR. SHAPIRO: It is true that some people don't think it is possible.
22 Think it is possible. It doesn't mean that we think it is possible.

23 DR. MURRAY: Right.

24 DR. SHAPIRO: So would it be--

25 DR. MURRAY: The second-- Actually, Harold, the second
26 sentence too is a reason I wanted to delete it.

27 DR. SHAPIRO: Yes.

28 DR. MURRAY: Because it just kind of hangs there.

1 DR. SHAPIRO: Yes. I agree more with the second than the--
2 Could we use the first sentence just to put out at the end of the last paragraph?

3 DR. MURRAY: You said, "It is difficult to answer these
4 questions," would sort of be no problem.

5 DR. SHAPIRO: Yes. That would be preferable and consistent.

6 DR. MURRAY: Okay.

7 DR. SHAPIRO: That is better actually. And we can delete the rest.
8 Okay.

9 Bernie?

10 DR. LO: Tom? On Tom's hand-out, it is listed as page 21, lines 20-
11 22, which corresponds in our line text to page 77, lines 29-31.

12 DR. SHAPIRO: Could you just repeat that again? I think I missed
13 some--

14 DR. LO: Page 21, lines 20-22 in Tom's Xerox.

15 DR. SHAPIRO: Page 21.

16 DR. LO: Sort of the middle of that page.

17 DR. SHAPIRO: Yes. I have got it.

18 DR. LO: "Furthermore..." There is a "furthermore" sentence on
19 page 77, line 29, going to line 31. I actually like Tom's wording better than what is
20 currently in the text in terms of--

21 DR. SHAPIRO: Where is that in the text right now? I see Tom's
22 recommendation.

23 DR. LO: Page 77, line 29.

24 DR. SHAPIRO: And so it is the "Furthermore, attempts to
25 distinguish acceptable from unacceptable," and so on.

26 DR. LO: "The presumptuous," I think I like Tom's language better.
27 And "deemed acceptable" I think I like better as well. So substitute. So just a one-to-
28 one swap with the sentence.

1 DR. : I support that.

2 DR. SHAPIRO: Yes.

3 PROF. BACKLAR: I do too.

4 DR. SHAPIRO: Anybody have any problem with that?

5 (No response.)

6 DR. SHAPIRO: Thank you. Okay. Any other suggestions? Yes,

7 Alex?

8 PROF. CAPRON: On page 78, line 31, we now say "...because it
9 undermines important social values and will always retain the potential to cause harms
10 to the resulting child."

11 I think the kinds of harms we are talking about there, since the
12 previous part of the sentence says maybe it could get to be safe, would be the
13 psychological, or I don't know if we want to say "psychological or other harms." And
14 I would say, "We will always risk causing psychological or other harms to the
15 resulting child," instead of "retain the potential to cause." It just--

16 DR. SHAPIRO: Do you want to say that again, Alex?

17 PROF. CAPRON: Yes. Strike "retain the potential to cause
18 harms"--

19 DR. SHAPIRO: Yes. Right.

20 PROF. CAPRON: --and say, "risk causing psychological or other
21 harms." We catalogue what those are.

22 DR. SHAPIRO: And does that seem acceptable to the commission?

23 (No response.)

24 DR. SHAPIRO: Thank you. Okay.

25 Any other? Excuse me. Diane, yes?

26 DR. SCOTT-JONES: Since we are giving relatively small changes,
27 I would like to give one on the first page of the chapter, if I can find it.

28 PROF. CAPRON: The Ethics Chapter?

1 DR. SCOTT-JONES: Yes. On page 58, if you look at line 15, it
2 seems that "accepting" should be "exceeding," to be consistent with the others in the
3 listing there.

4 It says that, "People have frequently expressed fears that a
5 widespread practice of such cloning would undermine important social values such as
6 opening the door to a form of eugenics or by attempting some to manipulate others as
7 if they were objects instead of persons and exceeding"--instead of "accepting"--"the
8 moral boundaries." So all the others are in the negative.

9 DR. SHAPIRO: Good. Yes.

10 PROF. CAPRON: Would "trespassing" be another word?

11 DR. MURRAY: Well, no. "Exceeding" is the word.

12 DR. SCOTT-JONES: "Exceeding."

13 DR. SHAPIRO: I think "exceeding" works, yes.

14 PROF. CAPRON: I am glad you did that. I couldn't figure out what
15 that sentence meant with that clause, and you correct it further.

16 DR. SHAPIRO: Okay. Other suggestions?

17 DR. SCOTT-JONES: On page 63, lines 16 and 17. —The word
18 "it" is used about five or six times in the same sentence and it could read, "Another
19 way might be to create the child as a later twin so that he or she will believe the future
20 has already been set"--strike "for it"--"by the choices made and the life lived by the"--
21 instead of "its"--"earlier twin."

22 DR. SHAPIRO: That is fine. Okay. Other concerns on this
23 chapter?

24 (No response.)

25 DR. SHAPIRO: Okay. You will--

26 PROF. CAPRON: Wait a minute. Yes, I have one. Tom's point
27 about he had some change that we were supposed to be making on page 58, in the text
28 there, that seemed to me to get part of the way.

1 If what we are really trying to say is in this chapter is we see the
2 need to look at the objections and the counter-arguments for the other cases, we could
3 do that very economically with many fewer words--potential stars.

4 We could do that by, after the word "objections," on line 30, say,
5 "Attempt to examine the plausibility and persuasion of these objections and of the
6 counter-arguments for arguably compelling and specific cases for deploying the
7 technology." End of paragraph. It gets everything in.

8 We have already cut together the sentences that these concerns had
9 to be tested against.

10 DR. SHAPIRO: No. We have not cut that. Not according to my
11 notes, in any case. What we cut out there was simply a word.

12 DR. MURRAY: Just the word "philosophical."

13 DR. SHAPIRO: Yes. And then we added--

14 PROF. CAPRON: The response is more positive regarding-- It
15 seems to me that we are really talking about the "objections and of the counter-
16 arguments or arguably compelling and specific cases for deploying this technology."

17 I would suggest that that says what we are doing here and it treats
18 the two of them equally, which was Tom's concern with his last substitute sentence;
19 that we are going to use the same plausibility and persuasive standards for both. We
20 just say it all at once and get it over with.

21 Do you need me to repeat that?

22 DR. SHAPIRO: No. I just want to-- I am just trying to look back
23 at Tom's suggestion.

24 DR. MIKE: I am ready for the forest anytime.

25 (Laughter.)

26 DR. SHAPIRO: Yes. Okay. That sounds like a good idea. I am
27 going to have to leave it all out and see before deciding on that because-- Well, it
28 seems like a good idea. As Larry said, we are beginning to see a lot of trees and not

1 the forest.

2 All right. I want to thank everyone for their very thoughtful
3 comments on this chapter. It has been a chapter that we have struggled with more than
4 any other for this. And I think it is improving all the time. I have no doubt if we spent
5 another week at this it would improve even more, and another year at this, even more.
6 And so I think, however, that we have something we can feel pretty good about right
7 now.

8 We will work, either late this afternoon, tonight, or whenever we get
9 a chance, to incorporate all these changes. You will have to understand that, as we get
10 these incorporated in, we may have to make alterations in the wording, and so on, to
11 make it fit together in some kind of a coherent way. And it is very important that we
12 do that.

13 SOMATIC CELL DEFINITION DISCUSSION

14 DR. SHAPIRO: Now, during the discussions on e-mail during this
15 last week, and some discussions some of us were having over the break, in and around
16 lunch, we, I think--certainly speaking for myself, in any case--began to think that there
17 was some ambiguity in what it is we are recommending having to do with how we
18 define various things.

19 Now, Steve and myself and Alex and Zeke and others tried to work
20 this out to make sure that we could clarify it. And I want-- This would be issues that
21 would be reflected in the Executive Summary in the way we define somatic cell
22 nuclear transfer cloning and also will have some implications in the Introduction.

23 For those of you who have followed our e-mail discussions last
24 week, which is sort of hard, it being so voluminous--you can sort of easily get tired
25 and sort of impatient with it--we will recognize the issues, and I would like to turn to
26 those now.

27 And let me turn to Steve, who agreed, after our discussion at lunch,
28 to draft some amending language to the draft here. And, Steve, would you, one--first--

1 describe what it is that was of concern to us as we talked this through and, two, what
2 language seemed to us to get at the issue and clarify it.

3 This is quite an important issue, so I want us to think about this
4 carefully.

5 MR. HOLTZMAN: Right. I don't think we are dealing-- It is not
6 just a semantic issue at all.

7 DR. SHAPIRO: That is right. It is not a semantic issue, that is
8 correct.

9 MR. HOLTZMAN: As we have defined somatic cell, which is the
10 correct way to define a somatic cell, it is a cell with a full complement of two sets of
11 chromosomes, a diploid cell. Such a cell could be derived from a paradigm adult skin
12 cell, someone who looked like me. It could also be derived from an embryo, a embryo
13 after all the results of fertilization itself consists of diploid cells.

14 So we have defined somatic cell as a diploid cell, regardless of
15 whether it is embryonic or whether it comes from an adult or a child.

16 When you then look at the Wilmut procedure, what he did, what we
17 say is special about it as opposed to what went before it, is that the nucleus he
18 transferred was from a cell which was presumptively differentiated--right?--was no
19 longer totipotent, no longer presumptively had the potential to give rise to lineages
20 other than the lineage, a limited set of lineages. All right?

21 And if you look at all of our study, in fact, our concerns about the
22 safety, everything we looked at, we looked at that one set of experimentation. We do
23 note in the science section that there is another form of nuclear transplantation
24 involving nuclei from somatic cells, but specifically those somatic cells which are of
25 the embryo, and that there is a 10-15 year history of experimentation with that
26 procedure, which we did not review.

27 Hence, we are not in the position to be making any statements about
28 the safety of that, and we don't. What we reviewed and spent our time focusing on

1 was the Wilmut procedure; that is, somatic cell nuclear transplantation transfer
2 wherein the source of the nucleus transferred is a non-embryonic cell.

3 And so what I believe-- Well, this morning when we said, "Let us
4 define somatic cell to mean not just an 'adult cell,' rather any diploid cell, we changed
5 the definition of what it is we are suggesting should be prohibited or with respect to
6 which there should be a moratorium. It has that implication.

7 And I don't believe that that is what we intend if you just look
8 consistently throughout what we have described throughout this report.

9 So, there is a series of changes that we discussed which would focus
10 on what I think it is that we are, with respect to which we are making
11 recommendations. Namely, Wilmut's file cloning.

12 Should I stop there, or should I go to those changes?

13 DR. SHAPIRO: No. Let us go to those changes because I think that
14 that really helps focus the issue.

15 DR. GREIDER: Can I just ask for clarification? So you posed the
16 problem here and now you are suggesting that we will resolve that in a particular way?
17 You are about to suggest a way--

18 MR. HOLTZMAN: Yes.

19 DR. GREIDER: --in which to resolve it? Because one could
20 resolve it in one way, or in another way.

21 MR. HOLTZMAN: Yes.

22 DR. SHAPIRO: At least two ways.

23 MR. HOLTZMAN: Yes.

24 DR. GREIDER: Okay.

25 MR. HOLTZMAN: The alternative way of resolving it is to say--is
26 know--what we are dealing with here is any form of nuclear transplantation regardless
27 of the source of the nuclei.

28 DR. GREIDER: Okay.

1 MR. HOLTZMAN: That is what we have been dealing with for the
2 past 90 days. So the resolution, where all we are dealing with was Wilmut's style of
3 cloning, would go something like the following.

4 Why don't you start with-- Well, the changes would be both in the
5 Introduction and the Executive Summary. Why don't we start on the Executive
6 Summary?

7 If you go to the sentence starting on line 7--

8 PROF. CHARO: Page? First page of the Executive Summary?

9 MR. HOLTZMAN: First page.

10 DR. SHAPIRO: Roman I.

11 MR. HOLTZMAN: Roman I, line 7. "The technique involving
12 transplant in the genetic material of an adult sheep apparently obtained from a--"
13 Delete the word "fully." I think we said that earlier, right?

14 DR. SHAPIRO: Right.

15 MR. HOLTZMAN: So, "obtained from a differentiated non-
16 embryonic somatic cell." And then the sentence goes on as it continues.

17 PROF. CHARO: Are you going to take questions with each
18 change?

19 MR. HOLTZMAN: Okay.

20 PROF. CHARO: "Non-embryonic." Also "non-fetal?" Since there
21 was fetal cell work going on with cattle, at least, I believe it was.

22 MR. HOLTZMAN: Fine.

23 PROF. CHARO: I am just asking. I am not pushing.

24 MR. HOLTZMAN: Yes. I am trying-- I think what we all are clear
25 on is somewhat--

26 PROF. CHARO: Okay.

27 MR. HOLTZMAN: Okay. You know, yes, Dolly was seven years
28 old. The same issue arises if Dolly was one year old. So do you mean a child; do you

1 mean an adult?

2 PROF. CHARO: Right.

3 MR. HOLTZMAN: We are just trying-- I think the issue here-- I
4 am sorry. What were you going to say, Carol?

5 DR. GREIDER: We say, "an adult sheep," on line 7, that same
6 sentence.

7 MR. HOLTZMAN: Right.

8 DR. GREIDER: Take the "adult sheep." And isn't an "adult sheep"
9 obviously not an embryonic?

10 MR. HOLTZMAN: That is fine. Okay. I was just trying to get
11 clear, okay?

12 DR. GREIDER: I don't have an objection to adding the "non-
13 embryonic." I think it might be somewhat redundant to say that an adult sheep is not
14 embryonic.

15 PROF. CAPRON: At least in this case--

16 DR. GREIDER: Yes.

17 PROF. CAPRON: --but there may be other cases.

18 MR. HOLTZMAN: That is fine.

19 PROF. CAPRON: So we are not going to make that change?

20 MR. HOLTZMAN: Okay. That is fine. Okay.

21 You go to line 12. What I am going to suggest here is that we are
22 going to-- If you read the sense of the whole paragraph, what you are doing is we are
23 going to end up contrasting Wilmut Dolly-style cloning with the work that has gone
24 before involving transfer of nuclear embryos, so what I want to do is make the
25 definition come at the end of the paragraph so it is clearer.

26 So, effectively, I am going to remove the words referred to in this
27 report as "somatic cell nuclear transfer," and instead say, "This cloning technique is an
28 extension of research that has been ongoing for 40 years. The demonstration that a"--

1 and I inserted the words-- "non-embryonic somatic cells gene expression could be
2 reprogrammed," et cetera, et cetera.

3 And then add a sentence at the end. "In this report, we refer to the
4 technique first reported by Wilmut of nuclear transplantation using somatic cell nuclei
5 derived from non-embryonic cells as 'somatic cell nuclear transfer.'"

6 DR. EMANUEL: In the current last sentence of that paragraph,
7 what would be wrong with saying, "a differentiated somatic cell?" I mean--

8 DR. GREIDER: Differentiated is shades of gray.

9 MR. HOLTZMAN: Yes.

10 DR. GREIDER: I mean, you can be a little bit differentiated, you
11 can be a little bit more differentiated, and you can be a little bit more differentiated.
12 Where are you going to--

13 DR. EMANUEL: Well, I think the basic difference is totipotent and
14 anything else.

15 DR. GREIDER: But there are differentiated cells that could, people
16 might argue, could be totipotent.

17 DR. EMANUEL: Not without reprogramming the pluripotent. I
18 mean, what we want--

19 DR. GREIDER: All I am saying is that I don't think it is necessarily
20 obvious; that some degree of differentiation. Somebody might argue that it is
21 expressing a particular marker and, therefore, it is differentiated.

22 For instance, ES cells express ES cell markers. So someone might
23 argue that these are ES cells. It is a differentiated cell type, and ES cell is a
24 differentiated cell type, and yet it is totipotent.

25 I am not saying this is necessarily true and all scientists believe this,
26 but I am saying that it is not obvious to me that this is not true. That you are hoping
27 the definition "differentiation" means non-totipotent.

28 DR. EMANUEL: Well, but you are taking--I take it--non-

1 embryonic to mean non-totipotent. Right?

2 DR. SHAPIRO: How about another word? How about
3 "specialized."

4 PROF. CHARO: David?

5 DR. SHAPIRO: David?

6 DR. COX: I have my hand up.

7 DR. SHAPIRO: I am beginning to see it.

8 PROF. CAPRON: It is a little spooky rising out from under the
9 table.

10 DR. SHAPIRO: David?

11 DR. COX: I really take Steven's point, and I think it is right on, and
12 I support it. But the issue is that we are focusing on Wilmut's technique where a cell
13 came from something that was other than an embryo or a fetus. Okay? And I am
14 quite-- I think that getting into whether it is differentiated or not differentiated really
15 isn't as much to the point as the fact that it is not embryonic or fetal.

16 DR. SHAPIRO: Thank you. I also think that, as we get to our--
17 The great advantage of using non-embryonic here is, when we get to our
18 recommendations, we know what it is, with a great deal more clarity, what it is that we
19 are recommending.

20 DR. COX: I totally agree with that.

21 DR. EMANUEL: Do we want to say "non-embryonic, non-fetal,"
22 or just "non-embryonic?" I mean, that is a big difference because there are terminally
23 differentiated fetal cells.

24 DR. SHAPIRO: All right. I had thought of this, as I was thinking
25 this through, as non-embryonic. And I am just trying to think it through clearly
26 whether adding that changes something that I don't want to change. I am not sure. I
27 have to think it through.

28 DR. GREIDER: Yet, from the scientific standpoint, at least what

1 was reported in the papers, there were embryonic and fetal cells that were in some of
2 the other papers, and so it might clarify even more to add both of those words--"non-
3 embryonic and non-fetal." And I don't think it hurts to add that.

4 DR. SHAPIRO: Let us-- I want to think it through, but let us put it
5 in now. I can't think of any reason why I object at the moment.

6 PROF. CAPRON: Mr. Chairman, are we, at some point, going to--

7 DR. SHAPIRO: We are going to type this out. Yes. We are going
8 to have to take a break.

9 PROF. CAPRON: Does this effect, in any way, the sentence that
10 begins on line 9? I can't-- I couldn't follow all the changes you were making there.

11 DR. SHAPIRO: I don't think it does.

12 PROF. CAPRON: So that sentence is, if you just read that sentence
13 through, once you get into all the changes you are talking about, it becomes even
14 odder. "...was different from prior attempts to create identical offspring from a pair of
15 adult animals."

16 Since Dolly contained the genetic material of only one parent, what
17 are the "prior attempts to create identical offspring from a pair of adult animals?" Is
18 that called sexual reproduction?

19 DR. GREIDER: That is called blastomere splitting.

20 MR. HOLTZMAN: Blastomere splitting, embryo splitting.

21 PROF. CAPRON: Well, I think it would be much more helpful if
22 we said that, "by splitting the blastomere," rather than leaving it vague, because
23 otherwise it sounds like it could be maybe just trying to produce twin rams, or
24 something.

25 DR. MURRAY: I think Alex is right about that. We should be very
26 clear about that.

27 DR. SHAPIRO: Well, let us go on and see. We can always come
28 back. This is all going to have to be--

1 MR. HOLTZMAN: Okay. The same sort of changes then would
2 play themselves out in the Introduction on page 1 of the Introduction. You can
3 basically see where it would happen.

4 The sentence starting with, "The technique..." And line 5, "involve
5 transplanting the genetic material of an adult sheep apparently obtained from..."
6 Okay? It is the same kind of change. If we put in "non-embryonic, non-fetal," would
7 we feel it is necessary?

8 And then, down below, starting on line 11, "used a cloning
9 technique." Delete "referred to in this report as somatic cell nuclear transfer." So it
10 reads, "It used a cloning technique to produce an animal."

11 In line 15, "A demonstration that..." Delete "somatic cells."

12 But rather would read, "The demonstration that nuclei from non-
13 embryonic, non-fetal somatic cells could be reprogrammed." And then you would
14 insert at the end the same definition. "In this report we refer to the technique first
15 reported by Wilmut, of nuclear transplantation using somatic cell nuclei derived from
16 non-embryonic cells, as 'somatic cell nuclear transfer.'"

17 So that is substantially the same changes as earlier.

18 DR. SHAPIRO: Let me make a suggestion on this. My suggestion
19 is that we take a bit of a recess now, that we really get these typed out so we can look
20 at them carefully, and then--I guess Bernie has already gone to get that done--and we
21 will try to get it done over the next 15 minutes so we can reassemble and look at it.

22 PROF. CAPRON: Before we break, isn't there another shoe to drop
23 that is very important?

24 DR. SHAPIRO: Yes.

25 PROF. CAPRON: And we really ought to--

26 DR. SHAPIRO: All right. Do you want to--

27 MR. HOLTZMAN: Well, okay. The other shoe, which comes up at
28 the bottom of page 2 of the Executive Summary--

1 DR. SHAPIRO: Right.

2 MR. HOLTZMAN: --where, if you look at the logic of our
3 argument so far, up to this point we have said that there is one example of Wilmu-
4 style cloning, it was one for 277, it is clearly not safe, and that alone would provide
5 justification for prohibition.

6 We are then saying here, beyond the issue of safety, and we argue,
7 "A set of concerns which have led us to suggest that it is appropriate at this time for
8 there to be a temporary prohibition while the nation has an opportunity to debate the
9 moral and ethical concerns that have arisen from a certain prospect; that prospect
10 being the creation, if you will, of individuals genetically identical to existing or
11 previously existing individuals.

12 "And while the sole object of our deliberations has been that
13 prospect arising from Wilmu-type cloning, we also recognize, as people, if you will,
14 that were that prospect to be presented by any other technique, then a similar concern
15 would arise; that is, the non-safety concern would arise."

16 PROF. CHARO: Wait. Run that one again.

17 MR. HOLTZMAN: "If the non-safety concern we are addressing
18 here arises from the prospect of individuals being created who are genetically identical
19 to previously existing or existing people, then were that prospect equally available
20 through any other method, regardless of the particular method, you would still have
21 that concern."

22 So, for example, that concern was pointed out by the Embryo
23 Research Panel because it was presented by, for example, freezing nuclei from
24 embryos, putting them away, and then bringing up the delayed twin, serial twinning.
25 Okay?

26 So it just seemed to me--and, again, I believe the commission
27 rightfully focused on Wilmu cloning--I would go to the paragraph that starts with
28 "Beyond the issue of safety," and crosses over the page onto 3. "We conclude with--

1 The commission therefore concluded that there should be imposed a period of time in
2 which no attempt is made to create a child using somatic cell nuclear transfer."

3 I would personally be inclined to insert something, whether as a
4 footnote or whatever, that the "Commission also observes that the use of any other
5 technique to create a child genetically identical to an existing or previously existing
6 individual would raise many, if not all, of the same non-safety-related ethical concerns
7 raised by the creation of the child by somatic cell nuclear transfer."

8 PROF. CAPRON: "Raised by somatic cell nuclear transfer from..."

9 PROF. CHARO: "Non-embryonic, non-fetal somatic cells."

10 (Simultaneous discussion.)

11 PROF. CAPRON: I think it is here important to underline "somatic
12 cell nuclear transfer" from a board, or previously existing person.

13 MR. HOLTZMAN: Whatever.

14 PROF. CAPRON: Because it is here, at this point, that we want to
15 say, "We have decided that we didn't investigate and, therefore, do not have safety
16 information on the transfer of a nucleus from an embryonic cell to an enucleated cell
17 and the creation of one or more copies."

18 We are not talking about the safety of that, but we recognize that
19 many of the same issues would arise if you created a clone, in the traditional use of the
20 word clone, a group of identical, froze some, implanted three, got one child and, five
21 years later--

22 (Simultaneous discussion.)

23 PROF. CAPRON: Yes.

24 DR. SHAPIRO: Larry?

25 DR. MIKE: I agree only in the sense that whenever you start
26 dissecting these issues, any particular subset will apply in other situations.

27 And in our particular conclusions, and I would like to be able to
28 reach closure on this before I leave within an hour, to me what we have hung our hats

1 on right now, for the immediate time, is the safety issue. And we have said that these
2 meet-- These-- We have identified all of the ethical concerns, religious and ethical
3 concerns, that have arisen.

4 But we have not said we favor one side or the other. We have said
5 that is an open issue and that is why we really need to reopen that issue again. And
6 the issues that are raised in similar situations are really hanging their hat on those
7 religious and ethical concerns.

8 So I have no problem with saying that, when we look at these
9 particular subsets of issues, they are going to be overlapping, but as long as we stop
10 there and point out that many of the issues that we raise would apply to these other
11 situations, and obviously that is for more public discourse, and then we are going to
12 bring in those areas. As long as we are clear about that.

13 MR. HOLTZMAN: And that is all I am saying is we observe there
14 is that overlap.

15 DR. SHAPIRO: And could I just make a very small comment? An
16 amendment--not amendment--but perhaps an addition to what you said, Larry. I think
17 I agree with everything that you have said, with one possible change in emphasis.

18 That I think--it is my own view--that it is quite true that the safety
19 issue in Wilmut-type cloning is key and very important and may be persuasive all by
20 itself, but to me it is quite important that--at least I feel it is quite important for myself--
21 -that I carry that with unresolved issues on the moral and ethical side. It is critical to
22 the package as I see it.

23 That is, one--I could rank them I suppose--but one doesn't stand
24 without the other, in my view, for the moment. Now, maybe over time one of these
25 will disappear and we will only be left with one, or perhaps no concerns. I don't know
26 what will happen. I think you meant that; I just wanted to be sure.

27 DR. MIKE: Yes, I did.

28 PROF. CHARO: May I just double-check my understanding though

1 of exactly what is going to go in here? I think I have got it, but I just want to ask.

2 The statement is going to be substantively that we recognize that any
3 technique to create a delayed twin of somebody who has already been born will raise
4 many of the same concerns as have been identified here. Have I got it right?

5 MR. HOLTZMAN: Many of the same non-safety concerns, yes.

6 PROF. CHARO: Many of the non-safety concerns. Thank you. I
7 just wanted to make sure I got it clear.

8 DR. GREIDER: I would also argue we don't want to rule out that
9 the safety concerns aren't there. We just don't know. We haven't--

10 MR. HOLTZMAN: We haven't looked.

11 DR. GREIDER: So I don't want it to be worded that there are no
12 safety concerns there.

13 MR. HOLTZMAN: Yes. It is only-- It is because it is in the
14 paragraph dealing with, "Beyond safety..."

15 DR. SHAPIRO: Bette?

16 MS. KRAMER: Yes. I think I am puzzled. Are you saying, with
17 regard to safety concerns, that if there were these other techniques where safety was
18 not an issue that we would still, that we will still take the position in opposition?

19 DR. SHAPIRO: I am not sure what we would do. I am just
20 expressing my own view.

21 MS. KRAMER: Okay.

22 DR. SHAPIRO: That, as I have thought this through, that these
23 things as a package are quite powerful and, as a matter of fact, they are
24 overwhelmingly powerful.

25 I don't know what I would feel if someone would solve either one or
26 the other of these. If someone would solve for me all the moral and ethical issues to
27 my satisfaction and/or someone would solve all the safety issues. I am not sure where
28 I would-- I am speaking only for myself. I am certainly not speaking for anybody

1 else.

2 I think it is very-- So that I would judge from that, that it is quite
3 important that we pay attention to both of these issues in the discussions that go
4 forward.

5 MS. KRAMER: I agree with that, but I don't think that we really
6 addressed how we would feel.

7 DR. SHAPIRO: That is correct.

8 MS. KRAMER: Right. Okay.

9 DR. SHAPIRO: I am just talking for myself.

10 MS. KRAMER: Okay. Okay.

11 DR. SHAPIRO: Well, let me make a suggestion. I think that I
12 would like-- Bernie is going to be bringing back some language. Steve is going to be
13 bringing something back, some language, I think quite critical. So let us take a quick--
14 I don't know how quick it will be--but as short a recess as we can to get that material.

15 I ask people to look over the recommendations. Okay? I don't
16 know whether to call the changes so far modest or not. Because that is where we are
17 going to be going immediately after this break.

18 (Whereupon, at 2:24 p.m., there was a brief recess.)

19 DR. SHAPIRO: Okay. All right. Let us see. I think we have most
20 of the commission members here. Could I have everybody's attention, please?

21 We are now nearing a time where we are going to lose a number of
22 commission members who have to make planes at 4:00 p.m., or even earlier.

23 So I would like now to focus our attention, if you don't mind, on the
24 non-substantive-- I want us to now look at the non-substantive issues right now. That
25 is, for those of you who can stay, we will be here for a long time yet today; that is, we
26 will be here in Washington somewhere working on the report. And we would be glad,
27 if you have any further suggestions, to certainly try to think and take account of them.

28 But I really would like-- I think all of you have in your place now a

1 redraft of the material that Bernie and Tom and others had for what was in and around
2 page 67 and 68.

3 DR. MURRAY: I wouldn't spend time on it because we are
4 redrafting it as you speak.

5 DR. SHAPIRO: Yes. But the redrafts are really rather modest in a
6 sense, and I think we can read it to the editor, or whatever, to get this in, in some
7 appropriate way. But I just want to tell you that this is now available if any of you
8 would want to look at it.

9 RECOMMENDATIONS

10 DR. SHAPIRO: And I would like to turn our attention to the
11 substantive issues that surround the recommendations, or substantive issues involved
12 in the particular recommendations which, of course, begin on page 106, and see if
13 there are concerns, substantive issues, in and around these recommendations.

14 For those of you who have sort of editorial comments about things
15 being expressed one way or another, please write them down and we will certainly
16 consider them, but I don't want-- If they are a matter of the idea itself, of course, that
17 is essential--that we do it-- because I am going to ask the question very shortly
18 whether, with all the various amendments that we have made, you find for it and its
19 recommendations satisfactory, and proceed that way.

20 So if you could focus your attention then on pages 106 and 107.

21 Comments, questions?

22 (No response.)

23 DR. SHAPIRO: If there are no comments or questions, then I see
24 them, as a substantive matter, that you are in agreement with those recommendations
25 as articulated.

26 Let me now--

27 PROF. CAPRON: I thought you were doing that in the new text. If,
28 on the recommendation, have we figured out how we are going to word the safety

1 issue?

2 DR. SHAPIRO: I haven't returned to that. That is the "insufficient."

3 And, no, I haven't. But we will just have to-- I don't think we want to deal with that
4 right now. I just haven't had time to turn my attention to that.

5 Let me now ask questions about the chapters of the report--

6 DR. CHILDRESS: Harold?

7 DR. SHAPIRO: Yes. Excuse me. I am sorry.

8 DR. CHILDRESS: Alta and I did work out a reformulation--but she
9 had it on her notes--regarding the center section. If we are doing it at 107, at the top of
10 107, because of the awkwardness of it, and since she took it with her I am not sure I
11 can remember it exactly. Alex, you saw it as well.

12 PROF. CAPRON: Right.

13 DR. CHILDRESS: Can we do it? "Governed by the twin
14 protections of independent review and informed consent--"

15 PROF. CAPRON: "...as provided by..."

16 DR. CHILDRESS: --"as provided by existing human research
17 protections."

18 PROF. CAPRON: Or "regulations."

19 DR. CHILDRESS: "Regulations." Thank you.

20 DR. SHAPIRO: It sounds like a good addition.

21 PROF. CAPRON: It just simplifies this. There was some
22 confusion.

23 DR. SHAPIRO: Thank you. That is very helpful.

24 Other comments?

25 (No response.)

26 DR. SHAPIRO: Are there further comments, questions, issues of a
27 substantive nature which you wish to raise regarding other aspects of the report that
28 has been before you?

1 I want to remind all the commission members that we will go
2 through all of this. There is undoubtedly going to be some editing, and so on, that is
3 involved, but that we certainly will not make any substantive changes.

4 MS. FLYNN: The very last paragraph.

5 DR. SHAPIRO: Yes?

6 MS. FLYNN: The very last paragraph of the recommendations.
7 This is an information question, where we are encouraging information and education
8 to the public in the area of genetics and so forth. And then it goes on to say, "Where
9 these effect important cultural practices and commitments." What is the reference
10 there?

11 DR. SHAPIRO: First of all, I am glad you pointed that out because
12 I think somewhere we lost the word "especially," other than trying to--

13 We were trying to just make a special reference that this is
14 especially important when developments in science impact, or are thought to impact,
15 values and cultural commitments and practices. But the word "especially" was left
16 out. I am glad you pointed that out. It doesn't say now what had been intended.

17 DR. MIKE: Laurie, are you asking what are cultural practices?

18 MS. FLYNN: I would like-- An example of one would be helpful
19 in illuminating how they interact, or what the interaction is that we see.

20 DR. SHAPIRO: Well, the most obvious example is, of course, what
21 this whole report is about. Here is a scientific development that is impacting, or at
22 least many people believe will impact, very important social, cultural values, and so
23 on and, therefore, having appropriate education in this area is critically important.

24 But it also comes up in areas such as, especially areas surrounding
25 both birth and death and biological areas where people have commitments, values,
26 social values that surround those things and are impacted by new scientific
27 understanding.

28 PROF. CAPRON: I mean, the cultural practices we spent a lot of

1 time talking about are good parenting and so forth.

2 DR. SHAPIRO: That is right.

3 PROF. CAPRON: The word "commitments" we used most often in
4 the report with the word "religious" before it. And I don't know whether "religious" or
5 "value" commitments would be appropriate to make that a little bit less sounding like
6 an Irish rock and roll group.

7 (Laughter.)

8 MS. FLYNN: It would have helped me understand it.

9 DR. SHAPIRO: I could have--

10 PROF. CAPRON: "Value" or "religion."

11 MS. FLYNN: Yes. It would have helped me understand what we
12 were getting at.

13 DR. SHAPIRO: So what is your suggestion, Laurie?

14 MS. FLYNN: "Beliefs, values," whatever.

15 DR. SHAPIRO: "Beliefs" might be closer.

16 DR. MIKE: (Inaudible.)

17 DR. SHAPIRO: Thank you, Larry. All right. Comments,
18 questions?

19 DR. COX: Can Cox ask a question?

20 DR. SHAPIRO: Yes, David. I am sorry. It is hard to think of you
21 as a flat item in a black box on a table.

22 (Laughter.)

23 DR. SHAPIRO: You will be glad to know that you are right up in
24 front, in front of this whole audience, holding forth every time you raise your voice,
25 and to say nothing of raising your hand.

26 DR. COX: Well, thank you, Harold. Okay.

27 My question has to do with additional material that will be
28 submitted to the report. And, in particular, the proposed legislation that Alex wrote.

1 So we haven't really discussed that yet today. And is it your intention to just propose
2 legislation that will go along with the report?

3 DR. SHAPIRO: No. That is not my intention that that will happen.
4 We decided that we really didn't have time to consider carefully any proposed
5 legislation, or sample legislation, therefore decided not to proceed. We may indeed
6 respond to proposals of that type over the next weeks, or months, and indeed may even
7 be asked whether we would like to propose some, but that is something for the future.
8 It certainly will not be part of this report.

9 We will be issuing--a week, two weeks, three weeks from now; I am
10 not sure how long it will take us to get it together--the papers that were commissioned
11 by NBAC that lie behind some of this material, but we will not have time to put that
12 out, to release it with the report simultaneously, so that will come later.

13 DR. COX: Thank you very much.

14 DR. SHAPIRO: You are welcome.

15 Other comments, questions?

16 (No response.)

17 DR. SHAPIRO: If there are none, I am going to interpret that as
18 your agreement to go ahead with this report, together with its recommendations, with
19 all the various amendments that we have decided on together today, subject to really
20 editorial changes, if that is necessary, to make the report hang together and read as a
21 coherent document.

22 (No response.)

23 DR. SHAPIRO: Okay. Then the formal part of our meeting, or our
24 meeting altogether, is adjourned. Those of you who have some material that you still
25 own us, please hand it in. If you have other minor editorial suggestions, please let me
26 know about it because we are going to be working on this immediately.

27 Thank you very much.

28 (Whereupon, at 2:55 p.m., the meeting adjourned.)