Washington Insider

The November 2008 elections brought new challenges for those working to ensure that public policy in the United States respects the inherent dignity of each human life. After eight years of a president who generally championed the pro-life position on bioethics issues such as stem cell research and human cloning, as well as on abortion, voters elected a new president with a history of holding diametrically opposed views on these matters. Besides winning the White House, Democrats also strengthened their hold on Congress, with Democratic victories usually (though not always) translating into reduced support for pro-life initiatives.

Objectively it seems clear that the Republican party's official pro-life position on these issues was not responsible for the party's electoral losses. As in past elections, a pro-life position showed itself to be a political asset for candidates.[1] The pro-life movement also suffered somewhat less severe losses than the Republican party did in Congress, as some incoming Democrats hold a pro-life position and some departing Republicans did not. However, this asset was overpowered in the elections by President Bush's waning popularity and by growing fear of an economic collapse, blamed (rightly or wrongly) on the party holding the White House. In the end, pro-life support on issues such as federal abortion funding was reduced by about sixteen votes in the House of Representatives and at least six in the Senate; support on bioethics issues such as embryonic stem cell research and human cloning is probably reduced to a similar degree.

[1]See D. O'Steen, "Massive Pro-Life Effort Aids Candidates," *National Right to life News* 35.11 (November–December 2008), http://www.nrlc.org/news/2008/NRL11/Effort.html.

The result is that not only pro-life policies established during the Bush administration over the last eight years, but even long-standing policies enacted during previous administrations, including the 1995 ban on federal funding of research in which human embryos are created or destroyed, may be at risk.

Ironically, the increased political clout for those favoring destructive human embryo research comes at a time when the scientific and medical justification for pursuing such research is weaker than ever.

Underscoring the growing divide between Catholic moral principles and the dominant political direction in Washington on these issues, the Holy See released a new instruction on bioethics in December 2008 that reaffirmed and elaborated the Catholic Church's objections to various misuses of biotechnology to demean human dignity, including unethical practices that are about to receive increased support and funding from the federal government.

Embryonic Stem Cell Research

Some pro-life policies of recent years are the result of executive action, and have survived because of President Bush's pledge to veto any law reversing them. These could be eliminated by President Obama on his own authority once he takes office on January 20. One example is President Ronald Reagan's Mexico City policy of 1984, upheld by the first President Bush but rescinded by President Clinton in 1993, then reinstated by the second President Bush in 2001 and still in force. This policy prevents U.S. population-assistance funds from subsidizing organizations that perform and promote abortion as a family planning method abroad.

Equally vulnerable is the embryonic stem cell policy established by the second President Bush on August 9, 2001.[2] This prevents federal funding of research using human embryonic stem cells, if the embryos were destroyed for their stem cells after the date the policy was established. The stated intent of the policy was to support some basic research on the capabilities of human embryonic stem cells, without creating a financial incentive for researchers to continue destroying embryos for such research.

This policy has been opposed by a majority of both House and Senate for years. In 2007, a Stem Cell Research Enhancement Act (S. 5 of the 110th Congress) to reverse the Bush policy was approved by the Senate 63 to 34, and by the House 247 to 176, but was vetoed by President Bush and did not become law. Given a president willing to sign the bill, such legislation has ample votes for passage (including more than the sixty votes needed in the Senate to invoke cloture and end any filibuster). President Obama can also end the Bush policy by his own executive order; in that case legislation would not be necessary, but may still be pursued to define additional guidelines for the research, allocate funding levels for it, and make the new policy more permanent.

[2] "Federal Policy," National Institutes of Health Stem Cell Information Web site, last modified October 6, 2006, http://stemcells.nih.gov/policy/.

Besides the question of executive versus legislative action, there is a more substantive question: If the Bush policy will no longer exist, what will replace it?

If an executive order simply nullified the Bush policy and did nothing more, human embryos from any source could be destroyed for federally funded research, subject only to the most general standards or guidelines deemed applicable by the National Institutes of Health. This could provide a broadly unregulated mandate for research using cells from newly destroyed embryos, as the NIH has never actually funded such research and no specific regulations for it are now in effect.

A different approach has been recommended by the Center for American Progress, a liberal organization with close ties to the Obama transition team. Jonathan Moreno, a senior fellow at the center who directs its bioethics project, was named in November as coordinator of bioethics efforts for the president-elect's team.[3] In early December, the center released policy recommendations for the new administration on embryonic stem cell research, authored by another of the center's senior fellows, Rick Weiss (former science writer for the *Washington Post*).[4]

Weiss essentially recommends returning to the kinds of regulations that the Clinton administration approved in 2000 but never implemented to the point of issuing grants;[5] for example, the cells must be derived only from embryos produced for reproduction that are now considered "in excess of medical need" and slated for destruction; parents must give written informed consent; no financial inducements may be offered to donors; and the policy should make it clear that federal funds will not be directly used to create, harm or destroy human embryos, in accord with the Dickey amendment that Congress has approved as part of the Labor/HHS appropriations bill every year since 1995.

Some of these parameters are also included in the chief legislative proposal for reversing President Bush's policy, the Stem Cell Research Enhancement Act (H.R. 7141) sponsored in the 110th Congress by Reps. Diana DeGette (D-CO) and Mike Castle (R-DE). However, their legislation does not mention the Dickey amendment or explicitly reaffirm its policy against using federal funds to create or destroy embryos.

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[3]See J. Reichard, "HHS Transition Team Leaders Named," *CQ Healthbeat News*, November 14, 2008, http://www.commonwealthfund.org/healthpolicyweek/healthpolicyweek_show.htm?doc_id=728453#doc728459. For an account of a conference at the Center for American Progress, demonstrating its very political and seemingly amoral approach to public debates in bioethics, see R. Doerflinger, "Washington Insider," *National Catholic Bioethics Quarterly* 6.3 (Autumn 2006): 418–420.

[4]R. Weiss, "A Call for a New Federal Embryonic Stem Cell Research Agenda," Center for American Progress Web site, December 4, 2008, http://www.americanprogress.org/issues/2008/12/stem_cells.html.

[5]National Institutes of Health, "National Institutes of Health Guidelines for Research Using Human Pluripotent Stem Cells," *Federal Register* 65.166 (August 25, 2000): 51976–51981; corrections at *Federal Register* 65.225 (November 21, 2000): 69951.

Others may want a broader policy and a more radical change of direction. For example, Professor Alta Charo of the University of Wisconsin at Madison, a member of the NIH Human Embryo Research Panel that first recommended federal funding of destructive human embryo research in 1994, has for many years advocated funding research that requires specially creating embryos solely for research purposes; she was named to the Obama transition team in November to work on health care policy.[6]

Human Cloning

It is also unclear whether the new Congress may act on the issue of human cloning. Due to the shift in congressional votes, a genuine ban on human cloning for any purpose seems like a more distant goal than ever. The question is whether a "clone-and-kill" proposal—a bill to allow unlimited cloning of human embryos for research, while forbidding placing such an embryo in a womb to allow its survival—may move forward.

In the 110th Congress a proposal of the latter kind, H.R. 2560, sponsored by Rep. DeGette, was defeated in the House by a vote of 204 to 213. The 111th Congress might have the votes to pass such a bill. However, such measures have been put forward in the past chiefly to head off genuine bans on the use of the cloning procedure to produce human embryos. If the prospect of a genuine ban has diminished, biotechnology companies and researchers may lose their enthusiasm for the fake ban. For that matter, in recent years some researchers and organizations have abandoned any pretense of having a principled stand against so-called reproductive cloning, and have said there may be legitimate uses for bringing cloned humans to live birth.[7] These advocates may think their goals are best served by passing no legislation, leaving in place the legal vacuum that now exists in the great majority of states on human cloning.

Science versus Politics

This political shift toward research relying on the destruction of developing human life coincides with a scientific shift in the opposite direction, as researchers increasingly turn to stem cells obtained in morally unobjectionable ways.

The most startling recent breakthrough in this field is the successful reprogramming of ordinary adult human cells into the equivalents of embryonic stem

[6] J. Feld, "UW Professor Named to Obama's Transition Team," *Daily Cardinal*, November 19, 2008, http://www.dailycardinal.com/article/21414.

[7] See W. Smith, "Ian Wilmut: Human Cloner," *Weekly Standard*, February 16, 2005, http://www.weeklystandard.com/Content/Public/Articles/000/000/005/248cqsgl.asp. The Ethics Committee of the American Society for Reproductive Medicine, an active member of the political coalition promoting embryonic stem cell research and the cloning of human embryos for research (Coalition for the Advancement of Medical Research), stated that there is no "clear consensus" on "a compelling need" to prohibit reproductive cloning. Ethics Committee of the ASRM, "Human Somatic Cell Nuclear Transfer (Cloning)," *Fertility and Sterility* 74.5 (November 2000): 875, http://www.asrm.org/Media/Ethics/cloning.pdf.

cells, called induced pluripotent stem cells, or iPS cells. *Science*, the journal of the American Association for the Advancement of Science, has hailed this development as the "breakthrough of the year"—the most significant breakthrough of 2008 not only in stem cell research, but in all of science.[8] The three researchers most closely associated with the development of iPS cells also received the prestigious Massry Prize for 2008, an award often seen as a prelude to the Nobel Prize.[9]

The ability to reprogram adult human cells into "pluripotent" stem cells was first announced by Dr. Shinya Yamanaka of Kyoto and Dr. James Thomson of University of Wisconsin late in 2007. However, in the past year numerous research teams have confirmed their result, and found effective ways to produce these cells without using the retroviruses and genes that raise the most serious concerns about cancer formation. Perhaps most notably, researchers have already begun producing "patient-specific" iPS cells from patients known to have various serious illnesses, to better study how these illnesses arise and might be treated.[10] The drive to generate pluripotent stem cells that are genetically matched to particular patients has been the chief justification offered for trying to produce human embryos by cloning—an effort that has been plagued for a decade by false promises, abject failures, and even fraud. Now iPS cells are quietly achieving what cloning researchers have only dreamed of being able to do. Accordingly, embryonic stem cell researchers are either incorporating iPS cells into their ongoing research or switching over to it completely.[11]

Meanwhile, stem cells from adult tissues and umbilical cord blood continue their steady progress in addressing a growing number of human illnesses and dis-

[8] See G. Vogel, "Breakthrough of the Year," *Science* 322.5909 (December 19, 2008): 1766–1767.

[9] University of Wisconsin–Madison News Release, "James Thomson Receives 2008 Massry Prize Honoring Stem Cell Researchers," news release, December 18, 2008, http://www.news.wisc.edu/16090. The other recipients were Dr. Shinya Yamanaka of Kyoto University, who first developed the iPS technique, and Dr. Rudolf Jaenisch of MIT, who further refined the technique and used it to reverse a blood disease in animals.

[10] D. Wahlberg, "University of Wisconsin–Madison Stem-Cell Team Replicates Disease in Lab Dish," *Wisconsin State Journal*, December 22, 2008, http://www.madison.com/wsj/topstories/324873.

[11] For example, while the British Parliament has agreed to allow researchers to use animal eggs to produce "hybrid" cloned human embryos for stem cell research, funding agencies are largely ignoring this avenue and are funding iPS research instead. Harry Moore, head of reproductive biology at Sheffield University, says, "What has happened is the field has moved on. You could argue that iPS cells are a more important area than hybrids now." Speaking as chief executive of Great Britain's Medical Research Council, which had pressed for government approval of the "hybrid" research, Sir Leszek Borysiewicz explains and defends this trend: "Fighting for the right to carry out such research does not mean that it should get priority over other applications which score higher and *hold more promise*" (emphasis added). I. Sample, "Rival Stem Cell Technique Takes the Heat out of Hybrid Embryo Debate," *Guardian*, January 13, 2009, http://www.guardian.co.uk/science/2009/jan/13/hybrid-embryos-stem-cells.

abilities. In December 2008, for example, Spanish researchers announced that they had managed to grow a new working trachea for a young woman by "seeding" the woman's own adult stem cells onto a matrix of connective tissue obtained from a donor.[12]

Public enthusiasts for embryonic stem cell research have responded to these breakthroughs in the three usual ways: simply ignoring or downplaying them; insisting (without evidence) that stem cells obtained by destroying embryos will achieve the same things and more, if only the floodgates of unlimited federal funding are opened; and even hijacking the recent advances by pretending that breakthroughs using iPS or adult cells were actually achieved using embryonic stem cells.

Rep. DeGette, for example, authored an opinion piece in the *Denver Post* urging President-elect Obama to overturn President Bush's restrictions on embryonic stem cell research—and citing the Spanish advance in rebuilding a woman's trachea as an example of the kind of research this will allow the United States to pursue. The fact that the Spanish study was done entirely with adult stem cells, which President Bush has funded and championed, was lost on her.[13]

Other advocates, such as Jonathan Moreno and George Daley, grudgingly acknowledge that progress has been made with iPS and adult cells, but maintain that embryonic stem cells remain the "gold standard" in this field.[14] While this slogan is tossed out as though its meaning were self-evident, what it seems to mean is simply that cells obtained by destroying embryos were developed first so everything else must be measured against them. It cannot mean that such research has provided treatments or other scientific breakthroughs that other cell sources have yet to match, for the opposite is the case. As noted above, iPS cells are far ahead in producing human patient-specific cells; earlier they showed they could treat a blood disease in mice that researchers had tried in vain to reverse with embryonic stem cells obtained by cloning.[15] Stem cells from adult tissue and cord blood are clearly the gold standard for human treatments, and are likely to remain so for a long time to come.

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[12] P. Macchiarini et al., "Clinical Transplantation of a Tissue-Engineered Airway," *Lancet* 372.9655 (December 13, 2008): 2023–2030.

[13] D. DeGette, "Restoring Stem Cell Research," *Denver Post*, December 31, 2008, http://www.denverpost.com/opinion/ci_11338837. In fact, DeGette's article says wrongly that it was an esophagus that was rebuilt. In her zeal to promote a federal policy that she says will be "based on science, not politics," she ignores scientific distinctions between the digestive and respiratory systems as well as between adult and embryonic stem cells.

[14] For "gold standard" quotes, see David Masci, "The Case for Embryonic Stem Cell Research: An Interview with Jonathan Moreno," *Pew Forum on Religion & Public Life*, July 17, 2008, http://pewforum.org/events/?EventID=193; and C. Hulse, "Democrats Debate Methods to End Stem Cell Ban," *New York Times*, January 2, 2009, http://www.nytimes.com/2009/01/03/washington/03stem.html.

[15] For details and citations, see R. Doerflinger, "Washington Insider," *National Catholic Bioethics Quarterly* 8.1 (Spring 2008): 24.

The most recent breakthrough study on embryonic stem cells confirms that they are especially good at one thing: unpredictable tumor formation. Mickie Bhatia and colleagues at McMaster University found that in embryonic stem cells "the very qualities researchers use to pick out a robust cell line may in fact be bestowed by precancerous transformations." Bhatia says, "Current measurements are not capable of distinguishing the difference between great stem cells and cancer stem cells in vitro." Martin Pera, a stem cell researcher at the University of Southern California in Los Angeles, adds that finding ways to detect the abnormal cells in an embryonic stem cell culture is one of the "major challenges" in the field: "Ultimately it may be difficult or impossible to rule out with certainty that a given culture is totally free of abnormal cells."[16] Embryonic stem cells may be the "gold standard" for causing cancer.

This field is most likely about to suffer from a far more serious divorce between politics and science than before, with politics driving the nation's attention and resources toward the research that is most morally objectionable as well as least likely to provide a safe treatment for patients.

The War on Conscience

One of the last regulatory actions of the Bush administration in December 2008 was to issue a final rule on the protection of conscience rights in health care, especially in the context of abortion.[17] This legal clarification is both important and long overdue, as one of the three federal statutes it implements and enforces was enacted thirty-six years ago, but regulations have never been issued to help implement it.[18]

The new rule clarifies the scope of key terms in the underlying statutes. For example, it explains that protection against forced "assistance" in performing abortions and sterilizations encompasses protection against being forced to provide referrals. It requires institutions receiving health care funds from the Department of Health and Human Services to certify that they will comply with its nondiscrimination policy, and it provides a mechanism for health professionals to report violations of their conscience rights by contacting the HHS Office of Civil Rights.

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[16] Bhatia and Pera are quoted in M. Baker, "Robust Embryonic Stem Cells May Harbor Precancerous Surprises," *Niche*, January 5, 2009, http://blogs.nature.com/reports/theniche/2009/01/robust_embryonic_stem_cells_ma.html. For the Bhatia study, see T. E. Werbowetski-Ogilvie et al., "Characterization of Human Embryonic Stem Cells with Features of Neoplastic Progression," letter, *Nature Biotechnology* 27.1 (January 2009): 91–97.

[17] "Ensuring That Department of Health and Human Services Funds Do Not Support Coercive or Discriminatory Policies or Practices in Violation of Federal Law," Final Rule, *Federal Register* 73.245 (December 19, 2008): 78071–78101.

[18] For the full text of the three statutes, see USCCB Secretariat of Pro-Life Activities, "Federal Laws Protecting Conscience Rights Implemented through HHS Rule of December 18, 2008," December 2008, http://www.usccb.org/prolife/Dec08fedconslaws.pdf. The oldest of these is 42 USC §300a-7, the [Frank] Church amendment, which was first enacted in 1973.

It is also important to note what the final regulation does not do. It does not redefine the legal term "abortion" to include the potential anti-implantation effect of some drugs marketed as contraceptives, though an early draft leaked to the *New York Times* in July had proposed this as an option.[19] It does not generally protect against discrimination by private entities, as the laws in question chiefly apply to discrimination practiced by government entities themselves or in the course of a federally funded project. It does not reach beyond the scope of the underlying statutes to cover procedures other than abortion, though it does cover such other procedures when that is explicitly called for in certain sections of the thirty-six-year-old statute (42 USC §300a-7). And it does not show a bias toward protecting only pro-life health professionals, as several provisions of this same law forbid discrimination against physicians and nurses as well as students and trainees in the health professions because they are willing *or* unwilling to perform abortions and sterilizations (42 USC §300a7 [c] and [e]).

The regulation also has implications for the ability of scientists who respect early human life to survive in their chosen research fields, in what may be a new age of unethical embryo research. The oldest law implemented by the rule protects researchers in federally funded programs from being forced to participate in a "research activity" to which they have a moral or religious objection (42 USC §300a-7 [c][2] and [d]).

In short, this is a well-crafted, modest, responsible, and long overdue regulation that respects the freedoms of all. Naturally, it has been indignantly condemned as an unwarranted and unacceptable proposal by pro-abortion groups, which in this context cannot seriously be called "pro-choice." They have urged President Obama to suspend the final rule by executive action as soon as he takes office. Any action to do so could send a signal that pro-life Americans are not welcome in the U.S. health care system under this administration. It would mark the end of any expectations that on this particular issue, the new president intends to reach across ideological lines to represent all the people.

As this article goes to press, Planned Parenthood and other pro-abortion organizations as well as the attorneys general of seven states have filed suits urging a federal judge to enjoin the conscience regulation as an unwarranted expansion of the laws the regulation enforces. Some plaintiffs raise constitutional issues as well, including the bizarre charge that this regulation honoring everyone's freedom of religion is an unconstitutional "establishment of religion." Even without action by the President or Congress, the regulation may be enjoined until federal courts resolve these suits.

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[19] R. Pear, "Abortion Proposal Sets Conditions on Aid," *New York Times*, July 15, 2008, http://www.nytimes.com/2008/07/15/washington/15rule.html.

[20] Rob Stein, "Lawsuits Filed over Rule That Lets Health Workers Deny Care," *Washington Post*, January 16, 2009, A4,

New Vatican Document: A Strong Contrast with Expected U.S. Policies

As Americans were preparing for a new president and Congress in late 2008, the most significant front-page news on bioethics in many newspapers was the issuance of a new Vatican document on contested bioethics issues. The instruction *Dignitas personae* (The Dignity of a Person) was publicly released by the Congregation for the Doctrine of the Faith on December 12, 2008, the Feast of Our Lady of Guadalupe.[20]

Analyses of the document's principles and conclusions, and its significance as a teaching document, will be available elsewhere. This brief account will only note specific conclusions that relate directly to current public policy debates:

- The document strongly reaffirms the Catholic Church's rejection of in vitro fertilization and human cloning, while praising efforts to cure infertility by assisting a husband and wife in giving rise to a new human being through their marital act. From an ethical viewpoint, so-called therapeutic cloning (cloning embryos for research that will destroy them) is judged as "even more serious" than "reproductive" cloning (cloning embryos to produce a liveborn child), because it involves deliberately destroying one human being for the sake of benefit to others. Many members of Congress, of course, assume that compared to cloning for reproductive purposes, cloning for purposes of stem cell research raises a less serious moral issue or none at all.
- Also reaffirmed is the Church's opposition to any stem cell research that involves destroying human life at any stage, and its support for morally sound research using stem cells obtained harmlessly from adult tissues, umbilical cord blood, and amniotic fluid. The new iPS technique, which reprograms adult cells directly into very versatile stem cells, is not specifically cited but presumably falls into this latter category.
- A caution is raised here about efforts to generate "products" that would not be "true" human embryos but may provide embryonic stem cells—generated, for example, by altering the human cloning technique so its product would lack the basic potential to function as an integrated organism.[21] The document does not reject these techniques outright, but reaffirms that it would be morally unacceptable to apply them to human cells unless or until one is certain that a human embryo will not be created and destroyed. In 2006, legislation to fund the exploration of such alternative techniques was unanimously approved by the Senate, but blocked in the House by supporters

[20] For the instruction and supportive materials, see the USCCB Web site, http://www.usccb.org/comm/Dignitaspersonae/.

[21] The techniques cited by the document are parthenogenesis, altered nuclear transfer (ANT), and oocyte assisted reprogramming (OAR). The latter two have generated considerable interest and debate in Catholic circles, not least in this journal.

of destructive embryonic stem cell research.[22] President Bush later issued an executive order allowing use of federal funds to explore such alternatives and use stem cells derived from them, as long as they "clearly" meet the criterion that they are "derived without creating a human embryo for research purposes or destroying, discarding, or subjecting to harm a human embryo or fetus."[23] As such his policy seems to comply with the Vatican's parameters. Since that order was issued, however, interest in alternative ways to derive "pluripotent" stem cells has largely shifted to the morally noncontroversial breakthrough of adult cell reprogramming, exploration of which the executive order also encouraged.

- Singled out for condemnation is the effort to produce human–animal "hybrid" embryos. The main form of such research being pursued at present, particularly in Great Britain, is the effort to use animal eggs for human "therapeutic cloning" experiments, to avoid the need to harvest huge numbers of women's eggs for such experiments at great risk to women. The instruction raises a specific objection to such experiments, in addition to the general objection to destructive human embryo research and a concern about unknown risks to human patients who may receive such "hybrid" cells: "From the ethical standpoint, such procedures represent an offense against the dignity of human beings on account of the admixture of human and animal genetic elements capable of disrupting the specific identity of man." A federal ban on creating human–animal hybrid embryos was introduced in the last Congress and will be reintroduced, with the support of the U.S. Conference of Catholic Bishops and others; it may be one of the few morally responsible legislative efforts in the bioethics field that have a chance of receiving serious consideration in the new Congress.[24]
- The document also warns against too readily engaging in research that relies on cell lines derived in morally unacceptable ways (e.g., fetal cell lines from abortions, stem cells from destroyed embryos). It is not enough, says the Holy See, to cite a "criterion of independence," claiming that such use poses no moral problem if one was not involved in actually destroying these lives or creating the cell lines. Rather, ethically responsible researchers have an obligation to distance themselves from such gravely unjust situations and "affirm with clarity the value of human life." While some material cooperation in evil may be justified for serious reasons—as when a parent uses a vaccine derived using fetal tissue from abortion, because no other means is available

[22] *Alternative Pluripotent Stem Cell Therapies Enhancement Act*, S. 2754, 109th Cong., 2nd sess. (May 5, 2006).

[23] "Expanding Approved Stem Cell Lines in Ethically Responsible Ways," Executive Order 13435 of June 20, 2007, *Federal Register* 72.120 (June 22, 2007): 34591–34593.

[24] See "Human-Animal Hybrid Prohibition Act of 2008," 110th Cong., S. 2358 (introduced by Senator Sam Brownback, November 15, 2007) and H.R. 5910 (introduced by Rep. Chris Smith, April 24, 2008).

for protecting children's health—the document calls on pro-life researchers not to condone or casually accept any future fruits from current research that denigrates human life.

- A passage in the instruction that surprised many is its largely negative judgment regarding "adoption" of frozen embryos. The question whether a Catholic couple may adopt or "rescue" a frozen embryo abandoned by his or her own parents, to give that human being a chance to grow and survive, has been vigorously debated in this journal and other Catholic publications. The document does not formally state that such efforts are intrinsically immoral, but cites problems of two kinds: moral considerations regarding the dignity of marriage and procreation, of the same kind that lead the Church to reject embryo donation to address a couple's infertility; and more circumstantial problems such as the need to coordinate with couples and clinics involved in IVF to engage in this kind of activity, raising issues of cooperation with evil and scandal. The instruction emphasizes that because there seems to be no morally acceptable solution to the plight of these frozen embryos, it is more urgent than ever to stop the production and freezing of embryos in laboratories in the first place. No IVF clinic should continue conducting "business as usual" in this regard on the assumption that Catholic couples will provide a convenient escape valve for any so-called extra embryos that need a new home. To illustrate one practical problem in this field: For several years the Labor/HHS appropriations bill has included a line item providing funds to make embryo adoption more available in the United States; but this item was inserted by Senator Arlen Specter (R-PA), a strong supporter of destructive embryonic stem cell research, to silence criticism that he and his allies want to destroy human embryos who might otherwise have been adopted and been born alive. From Senator Specter's viewpoint, if the government allows the option of embryo adoption, it is more justified than ever at classifying the embryos that remain as unwanted "excess" and destroying them for stem cells.
- The document also warns against drugs and devices that are marketed as contraceptive but are better described as "interceptive," because they can act by interfering with the implantation and hence survival of the newly fertilized embryo in the womb. The "morning-after" pill and IUD are cited in this regard, though without reference to particular drug formulations, and the document admits that the scientific evidence on the mode of action of such drugs continues to be debated. The document's central moral judgment on this point is that those who intentionally prescribe or use such drugs and devices *in order* to disrupt implantation, and thereby prevent the survival of any new human being who may have been conceived, are guilty of the sin of abortion. Unambiguous evidence that commonly used "contraceptive" drugs act as early abortifacients would certainly sharpen the divide between our secular health care system and Catholic morality, and expand the scope of potential threats to Catholic consciences in the health care field. The scientific debate on the evidence will continue, with this document underscoring its serious moral implications.

Conclusion

In short, the effort to guide progress in biotechnology and medical research in life-affirming and ethically responsible ways will face more serious challenges and obstacles than ever in Washington in the next few years. The irony is that some policy makers' campaign to place "science" before "politics" is really a drive to ignore sound ethical principles, which finds itself devoted to some increasingly obsolete scientific assumptions as to what avenues of research are most promising. The obligation of Catholics to speak against this trend, in defense of human dignity as well as the life and health of human patients, will be correspondingly all the more urgent.

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