

Pro-Life REPORTER

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The Case of the Missing Moratorium

A Tale of Criminal Politics and Murderous Science

Execution by Executive Order

This strange tale of political intrigue and criminal conspiracy within the great labyrinth of the National Institutes of Health begins, not without a sense of irony, on January 22, 1993, at the White House where President Clinton, in celebration of 20th Anniversary of Roe vs Wade, dutifully signed an awaiting Executive Order instructing the Secretary of HHS Donna Shalala to "advise the public that the Public Health

Service is directed to rescind the moratorium imposed on March 22, 1988 which prohibits Federal funding of research involving transplantation of human fetal tissues from induced abortions." Two accompanying anti-life directives suspended the "Gag Rule" and opened the door to the importation of the human pesticide "RU-486".

In the flurry of excitement which greeted the announcement that henceforth Federal funds would made be available to suck the brains

out and scavenge for whole organs of a new classification of living human beings known by the acronym TBAs [that's NIH slang for To-Be-Aborted], no one seemed to notice that an Executive Order directed at expunging the companion **IVF Moratorium** was missing. On Capital Hill no one seemed to know the legislative whereabouts of the missing **IVF Moratorium**, or, more to the point, no one cared. ♦

Senate Acts on NIH Revitalization Bill

What did matter was that the full Committee of the Senate Committee on Labor and Human Resources had just voted out, unanimously, **S1—The NIH Revitalization Act of 1993**—a \$10 billion national 'health package' "to amend the Public Health Service Act to revise and extend the programs of the NIH, and for other purposes".

Title I Part II Research on Transplantation of Fetal Tissue Sections 111.-114 of the Revitalization Act contained the language which would **codify** Clinton's anticipated directives of January 22 on womb robbing. According to Committee Chairman Edward M. Kennedy: "Now, with President

Clinton's help and support, this important research [i.e. retrieval and transplantation of fetal tissue from live healthy to-be-aborted babies] can proceed free of the ideological roadblocks [i.e. the Bush Administration vetoes] that have no place in biomedical research."

On February 16, 1993 when **S1** reached the Senate floor for full debate there was no serious organized opposition to the removal of the ban on fetal transplantation fetal tissue. Arguments, pro and con generally fell along party lines. Media coverage conveniently focused national attention on the Nickles Amendment to bar aliens infected with the AIDS virus from entering the United States.

It was expected that abortion proponents like Senator Feinstein would rally round their Chief's Execution Orders. Feinstein hailed the "ground-breaking" research using aborted babies, as a means of offering "great hope for people with debilitating diseases."

The Senator from California was followed by another enthusiastic supporter of **S1**, Thurmond of South Carolina who declared, "This is not an abortion issue. It is a research issue. It is not about taking lives. It is about saving and improving lives." (emphasis added)

Senator Mark Hatfield, who had the gall to identify himself as "a pro-life Senator" used a similar argument

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Senate Acts on NIH Revitalization Bill

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stating that he viewed the fetal transplantation research issue *"as a pro-life issue but not as an abortion issue. I strongly believe that we must look beyond abortion to the research benefits fetal tissues holds, remembering to consider the sanctity of all life."* (emphasis added)

It is difficult to decide which was worse—Hatfield's morals or his science. One could write a book about both.

Just let me note here that throughout this pathetic debate on the transplantation of human fetal tissue [defined in the Act as *"tissue or cells obtained from a DEAD human embryo or fetus..."*], no Senator, on either side of the issue, mentioned the missing IVF Moratorium, for reasons which will soon become clear.

S1 however did contain several important provisions directly connected to the **IVF Moratorium**.

One of these provisions permits the Secretary of HHS to establish **Ethics Advisory Boards** with powers far beyond their predecessors—powers in fact to bypass both the Congress and a Presidential veto. The gentleman from North Carolina, Senator Jesse Helms, took on the Bard of Chappaquiddick on the question of the constitutionality of EABs, which under provisions of **S1**, are unelected and unaccountable to the people and whose majority decisions are **final and mandatory**! Amendment 48 introduced by Helms to delete the EAB provision failed 23 to 74.

More unfortunate still was the absence of any debate at all on **S1's** provision under **Title XVII Section 1701** to establish the **National Foundation for Biomedical Research** for the ostensible purpose of funding and collaborating biomed-

cal research from universities, industry and non-profit corporations. Patently, the Foundation is as unconstitutional as the newly-empowered Ethical Advisory Boards. This "extramural" NIH Think-Tank, while reaping the benefits of incorporation by NIH officials, and Congressional appropriations using tax-payers money, is not bound by NIH prohibitions or regulations and is accountable neither to Congress nor to the President. ♦

House Receives NIH Revitalization Bill

By early March of 1993, **S1** had made its way to the House of Representatives where the fate of TBAs, assigned to a status below that of the NIH's experimental primate colony, fared even less well than in the Senate, if that can be imagined.

Under House rules, amendments to **S1 [H.R.4]** were added to the **NIH Revitalization Act of 1993**, and House and Senate conferees appointed to iron out the differences.

On May 25, House members, debated and approved the Conference Report on the Senate measure.

Congressman Chris Smith's description of the cannula technique for aspirating the living fetus's brains for transplantation before the abortion dissection and evacuation failed to make the point that **S1** granted researchers access **only to a dead embryo or fetus, not a live one**.

Stranger still, no one asked about the IVF Moratorium.

The final House vote on **S1[H.R.4]** was 290 yeas, 130 nays and 12 not voting.

Three days later, the Senate gave agreement to the Conference Report and **S1** made its way to the White House for the President's signature.

On June 10 **The NIH Revitalization Act of 1993** became Public Law 103-43. ♦

Human Embryo Panel Holds Hearing

It wasn't until almost a year later in mid-January of 1994 that the issue of the missing **IVF Moratorium** surfaced again. The occasion was an obscure announcement in **The Federal Register** that an newly-appointed **NIH Human Embryo Panel** would hold a series of public hearings on the federal funding of human embryo research including the production, experimentation and destruction [i.e. IVF].

I was tipped off by my colleague Suzanne Rini, author of **Beyond Abortion—A Chronicle of Fetal Experimentation** who was just completing her next literary bombshell on the Eugenic Mafia—a chronicle on the New Biocracy. Suzanne herself had been apprised of the hearings by a pro-life colleague living in the Washington D.C. area. That the national alarm should be set off initially by two lone individuals—a writer and a teacher-philosopher rather than a lobbyist for one of the multi-million dollar national pro-life offices that grace the Capital's landscape or the D.C.-based United States Catholic Conference, is in itself very instructional.

Not surprisingly, The Human Embryo Panel which had been assigned the task of drafting "guidelines" on the types of human embryo research and experimentation the American taxpayer should underwrite, was composed of a litany of New Order clones including its Chairman, Steven Muller, a member of the Rockefeller-created Council on Foreign Relations and those shopworn Ethics Advisory Panel perennials, Ken Ryan and Pat King [of Georgetown University Law School.! Good Grief!]. ♦

On the Trail of the Missing Moratorium

By now it was clear that somewhere between Clinton's Executive Order of January 22, 1993 and the National Institutes of Health's creation of the Human Embryo Panel, the life of the Bush Administration's **IVF De Facto Moratorium** [defacto because all IVF grant proposals had to be approved first by an Ethics Advisory Board and no such Board had as yet been reconstituted] had been **terminated**.

Picking up the trail of this missing statutory corpus delicti proved no easy task as the Congressional aides I contacted couldn't even remember what **S1** was all about much less cough up a single detail on the missing **IVF Moratorium**. Ironically, it was the staff of the Embryo Panel at the NIH that provided the first substantial lead. The applicable language which expunged the **IVF**

*It wasn't until I read
the fine print*

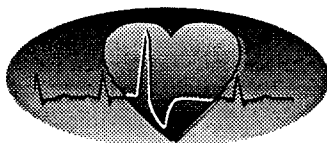
Moratorium was, according to one officer, to be found in the NIH reauthorization measure passed the previous year, i.e. **The NIH Revitalization Act of 1993**.

The next week was spent researching, copying and studying all the relevant public records from **The Federal Register** and **The Congressional Record** including the hundreds of pages of Congressional debate on **S1** which, as I already indicated, contained no direct reference to the fate of the **IVF Moratorium**. This was obviously in sharp contrast to the 250 lines cataloguing the legislative rules, lines of authority etc. of the lifting of the **Moratorium on Research on**

Transplantation of Fetal Tissue as proscribed by Congress.

It wasn't until I read the fine print of the **Public Law 103-43 of June 10, 1993 103d Congress, Title I, Subtitle A, Part III, Miscellaneous Repeals, Section 121, Paragraph (c) of the Act** that I chanced upon the following: The provisions of section 204(d) of part 46 of title 45 of the Code of Federal Regulations (45 CFR 46.204(d)) shall not have any legal effect. Alas! The statutory provision for removing the prohibition on Federal funding of IVF was there staring back at me all the time! I simply did not know the Federal Regs well enough to decipher the code. I suspect that most of the members of Congress who voted on **S1**—for or against—with the exception of certain Insiders like Kennedy and Waxman, suffered the same shortcoming.

The issue of Congressional intent, of course, is not merely academic. When controversy arises over any Federal legislation, the question of Congressional intent is paramount. Given the nature of the identification of the IVF repeal as 45 CFR 46.204(d) I believe a case can be made that Congress did not know what it was voting on when it debated **The Revitalization Act of 1993**. Further, I believe that certain parties within the White House, the NIH and the Congress conspired to insure that the Congress would be deliberately kept in the dark. ♦



Rockefeller Think-Tank Exposes NIH Scam

Clearly, Congress had been had. It's been had before I know, but never I think, in so royal a fashion!

How certain **NIH** officials carried off this Congressional sting might have remained one of those mysteries of the Unseen Hand, were it not for the peculiar trait of some of these odd fellows who fill the rank and file of the New Order to gloat over their victories at the grave site of their victims—supine members of Congress always being the object of special rejoicing.

My appreciation to Dan Callahan's **Institute of Society, Ethics and the Life Sciences** located in **Hastings N.Y.** for being so gracious as to provide us with some behind-the-scene details of the **NIH operation**.

According to Joseph Palca, Science Correspondent for National Public Radio, in an article titled "A Word to the Wise" [March-April 1994 issue of **The Hastings Center Report**], officials at the National Institutes of Health, particularly the National Institute of Child Health and Human Development, have been unhappy with the Federal the defacto **Moratoriums** against the funding of IVF and fetal transplantation research.

So, beginning in the late 1980s, "quietly, persistently" NIH officials lobbied [presumably with taxpayers' money and on taxpayers' time] to end both **Moratoriums**.

"In 1988 the plan nearly worked," says Palca. However, the plans for chartering a new Ethics Advisory Board [EAB] which would insure a steady supply of fresh and healthy fetuses for transplantation and "for other purposes" met some bureaucratic roadblocks and were temporarily stalled. By the time they were

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Rockefeller Think-Tank Exposes NIH Scam

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cleared away, Bush had moved into the White House and "plans for a board were put on the back shelf," says Palca.

With Clinton's election things appeared to be much brighter. This time NIH officials "with lobbying support from the American Fertility Society and the willing cooperation of Kennedy in the Senate and Waxman in the House, came up with a virtually foolproof scheme of "simply eliminating the requirement that the Ethics Advisory Board approve IVF research projects. Language doing that was slipped into the NIH Revitalization Act of 1993," says Palca. With Congressional attention, little as it was, focused exclusively on the Fetal Transplantation Moratorium, "Title I, Subtitle A, Part III, Section 121, Paragraph (c) attracted very little attention."❖

NIH Officials Move to Cover Their Tracks

However, shortly after S1 was signed into law, Duane Alexander, Director of the NICHD must have had some second thoughts about the deal the NIH had cut with Kennedy and Waxman because, according to Palca, he sought and received permission to create an ad hoc advisory panel, i.e. **The Human Embryo Panel**, mentioned at the beginning of this article, to address the subject of IVF and embryo research even though at this point it was not technically necessary.

A second, though not necessarily conflicting version of the origins of the Human Embryo Panel is that

when NIH Director Varmus put out a call for IVF grant proposals in *The Federal Register* he received some 40 proposals, some of which were not connected in any way with IVF infertility techniques. So a Steering Committee of here-to-anonymous NIHers were rounded up to select a **Panel** of their cronies who were charged with holding a series of quiet, intimate hearings at the Bethesda Marriott with some specially invited guests and token but safe opposition; drawing up "guidelines" for IVF and human embryo research; and finally recommendations to Varmus in June of 1994.

It should be noted that throughout his article, Palca, like any good ad man "sells the sizzle" of IVF—that is, the infertile couple who desperately needs the industry's services. Any reference to damaged women or fetuses, or 'extra' human embryos in 'frozen concentration cans' or those homegrown for experimental purposes, let's say to increase abortifacient efficiency or improve parthenogenic technique for lesbians mothers, is tactfully avoided.

At the time Palca filed his story with the Hastings Center everything seemed to be going according to Hoyle. Congress—one year later was still oblivious to the fact that it had voted to remove the singular roadblock to IVF and embryo research [i.e. the EAB requirement] when it passed **The NIH Revitalization Act of 1993**. Only a handful of people know about the public hearings. So the conclusion of his article seems to have made good sense at the time. After the Panel sends its recommendations to the NIH Director states Palca, "*the government should start supporting a much broader portfolio of research in the new world reproductive technology. Quite an achievement for one small sentence.*"

Quite an achievement indeed!❖

Panel Not Home Free Yet

Perhaps when the final chapter of **The Missing Moratorium** is written Mr. Palca's forecast may be the correct one. On the other hand, God, in His Mercy, may grant our nation a short reprieve—time perhaps for its citizens to recover from their state of moral asphyxiation—time to face the Biocracy straight on and ask ourselves if this is the kind of world we want our children and our grandchildren to inherit. In which case the **Human Embryo Panel** may find itself heading into stormy seas, ship-wrecked on the shoals of public outrage and a litany of law suits aimed at shutting down its operations and shifting the IVF and embryo research controversy onto the national scene where it belongs. In which case Mr. Palca's "A Word to the Wise" may prove to have been one word too many!❖



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