

Lifeline

*A Legal Network
in Support of Life*

A PUBLICATION OF THE LIFE LEGAL DEFENSE FOUNDATION

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Katie Short

Family Member Notification to Appear on November Ballot



California pro-lifers, as well as *Lifeline* readers in other states, are well aware that parental notification initiatives appeared on the California ballot in both 2005 and 2006. Unfortunately, both times the initiative was narrowly defeated, in large part due to unfavorable electoral cross-currents.

Pro-lifers, of course, are no strangers to setbacks. Anyone prone to give up after one, two, or even a multitude of defeats had better find another cause to support. That being said, pro-lifers also try not to be stupid or to waste resources on quixotic efforts. That's why the proponents of Propositions 73 and 85 are trying again, but also why they are incorporating the lessons learned from those prior experiences into their latest effort, Sarah's Law.

Sarah was a fifteen-year-old girl who died from a secret abortion. The abortionist tore her cervix during the procedure and sent her home to deal with the aftermath herself. She developed an acute infection and died a few days later. Had her parents known about the abortion, they could have sought medical care sooner and saved her life.

In addition to focusing on the dangers that secret abortions pose for young girls, Sarah's Law contains a provision not found in either of the two earlier propositions. This provision responds to the most frequently raised objection to parental notification: abusive

This provision responds to the most frequently raised objection to parental notification: abusive parents. Those dangers include not only physical risks but also the emotional and spiritual damage done to young girls pressured into sexual relationships and exploited by older men.

parents. Sarah's Law provides that, if a girl seeking an abortion tells the doctor that she fears abuse because she has been the victim of abuse by either parent, the doctor may instead notify another adult family member

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GENERAL RECAP & UPDATE

Roe v. Planned Parenthood (Ohio)—Civil action for damages and injunctive relief filed against PP for performing abortion on fourteen-year-old girl in violation of Ohio law. Claims on behalf of girl and parents include violation of parental notice and consent statutes, informed consent statute, and law requiring reports in cases of suspected child abuse. PP's motion to dismiss four of the claims was overruled, and PP unsuccessfully appealed that decision. Plaintiffs proceeded with discovery seeking redacted records of abortion on other minors. PP objected, but court ruled that records must be produced. PP appealed that decision and Supreme Court reversed trial court. **Victory!** Petition for rehearing in the Ohio Supreme Court accepted.

Logsdon v. Hains (Ohio)—Federal civil rights lawsuit for damages filed against two Cincinnati police officers for arresting

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sidewalk counselor at abortion clinic without probable cause. Lower court dismissed based on qualified immunity, but Sixth Circuit reversed, holding that a prudent officer would listen to witnesses on both sides, rather than only listening to clinic employee and telling pro-lifers to tell it to the jury. Case remanded for further proceedings in trial court.

Buchinger v. Santa Barbara City College—Pro-lifers arrested for remaining on campus and engaging in free speech activity. Complaint filed, motion to dismiss granted. Ninth Circuit affirmed dismissal.

Moreno v. Los Gatos (Calif.)—Pro-lifers arrested for picketing and distributing literature on public sidewalk outside high school. Police told them they had to stay 1,000 feet from the school. No charges filed. Complaint for civil rights violation filed. Town has agreed to permanent injunction and payment of attorney fees. Ninth Circuit ruled that Plaintiffs are also entitled to statutory damages under state law.

Rader v. Akins (Calif.)—Pro lifers forcibly removed from quad area at Riverside Community College. Civil rights action filed. **Victory!** Case settled for monetary damages and attorney fees.

Fairbanks v. Planned Parenthood (Ohio)—Lawsuit filed alleging that PP violated Ohio law by their failure to report the sexual abuse of minors. The suit alleges that Fairbanks was brought to PP by her father, who had been sexually assaulting her since she was thirteen. He sought an abortion for his daughter at PP to cover up the sexual abuse and resulting pregnancy. Although minor attempted to tell PP personnel of abuse, they ignored her and failed to report, allowing abuse to continue.

Jackson Mississippi v. Weimer (Miss.)—Pro-life picketer convicted of local sign ordinance violation. Appeal pending.

Sonora College v. Lord (Calif.)—Pro-lifers arrested for trespass on public college campus after complaints from pro-abort. Trial is set for April 28, 2008.

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FROM THE EDITOR

Dana Cody

Henry J. Hyde, 1924–2007

On November 29, 2007, the unborn lost one of the strongest advocates for their right to life in Congressman Henry J. Hyde. On the day Congressman Hyde died, National Review Online declared that the Hyde Amendment, which doubtless saved countless lives, is "... without question the most important piece of pro-life legislation ever to pass Congress."



It is only fitting that LLDf honor Congressman Hyde's memory in the first issue of *Lifeline* since his passing. If one were to imagine the greeting he received as he entered the gates of heaven, Congressman Hyde's own words are fitting:

When the time comes as it surely will, when we face that awesome moment, the final judgment, I've often thought ... you have no advocates, you are there alone standing before God and a terror will rip through your soul like nothing you can imagine. But I really think that those in the pro-life movement will not be alone. I think there will be a chorus of voices that have never been heard in this world but are heard beautifully and clearly in the next world and they will plead for everyone who has been in this movement. They will say to God, "Spare him because he loved us," and God will look at you and say not, "Did you succeed?" but "Did you try?"¹

Congressman Hyde's entire political career was nothing if not an awe-inspiring "try" on behalf of the unborn; certainly the Hyde Amendment can be characterized as a tremendous success. To learn more about the outstanding political career of Congressman Hyde, both his efforts on behalf of the unborn, and many other contemporary issues, LLDf recommends the book, *Catch the Burning Flag*, a collection of selected eloquent speeches and commentary by Congressman Hyde on many aspects of

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the abortion debate and other issues such as flag burning as a form of free expression, term limits, the role of government in education, the Iran-Contra Affair and the impeachment trial of Bill Clinton, during which Congressman Hyde served as Chairman of the House Judiciary Committee and lead House Manager for the impeachment trial.

Reading this book is akin to listening to a true Statesman articulate his thoughts and opinions on the issues of our day in a gentlemanly manner, even when the issues are rife with emotion. The book dispels the myth that abortion opponents are focused on only one issue.

Noteworthy is Congressman Hyde's keen insight regarding what were then future political events. For example, the presidential candidacy of Hillary Rodham Clinton. Congressman Hyde quotes Mrs. Clinton while campaigning for Bill: "If you elect him, you

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BUSH BEARS FRUIT

Wesley J. Smith

New discoveries pave the way for ethical stem-cell research, thanks to the president's policies.

November 20, 2007



Throughout his presidency, the Science Intelligentsia has castigated President Bush for placing limits on the federal funding of embryonic-stem-cell research (ESCR). Acting as if he had banned ESCR, which of course he hadn't, "the scientists" and their camp followers in the media and on Capitol Hill accused the president of withholding cures from the ill in order to impose his religious beliefs on a reluctant public.

Little noted in all of the caterwauling, was that ESCR and human-cloning research (SCNT) have been funded bounteously—to the tune of nearly \$2 billion. Not only has the National Institutes of Health put more than \$150 million in recent years into human ESCR (about \$40 annually), but according to a recent report put out by the Rockefeller Institute, to date about *\$1.7 billion* has poured into ESCR and SCNT from philanthropic sources—and this doesn't include the hundreds of millions granted annually by the states for cloning and ESCR experiments.

So what's really going on here? Yes, the president's policies have forced some research centers to set up separate labs for research on Bush-approved- and non-approved, stem-cell-research lines. But what really got under "the scientists" skin was the clarion moral message sent by the president: It is wrong to treat nascent human life as a mere natural resource to be sown, reaped, and consumed.

Big Biotech responded to the Bush policy by mounting a powerful public advocacy campaign aimed at both opening the federal spigots, and breaking the back of the moral opposition to ESCR and human cloning research. Railing against the president and supporters of his policy as "anti-science," ESCR/SCNT advocates accused Bush of denying sick people needed medical breakthroughs.

Human cloning via SCNT was redefined from "therapeutic cloning" in the advocates' lexicon to merely "stem-cell research." The change of term constituted a clever ruse that bundled and confused in people's minds, the morally acceptable advances being made in adult stem-cell research, the morally dubious human cloning project, and the use of "spare" embryos for research that were "going to be discarded anyway."

For awhile, the political tide ran powerfully in the cloners' direction. In November 2004, California voters passed Proposition 71, agreeing to borrow \$3 billion over ten years to pay private companies, and their business partners in major university research centers, to conduct human cloning research and ESCR. This was followed with bipartisan votes in Congress passing legislation to overturn Bush's policy. To this, the president responded with his only veto of the first term. This year, with the Democrats in control of both houses of Congress, that bit of Kabuki Theater was repeated—but the President's policy held.

Then, almost without being perceived, the tide began to turn. Amendment 2 in Missouri—which established a constitutional right in Missouri to conduct human cloning research—was expected to cruise to an easy victory, proving that even in the Bible Belt, people

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St. John Church in the Wilderness v. Scott (Colo.)—Pro-lifers who picket church with abortion ties enjoined from demonstrating on all sidewalks in the vicinity of the church, because signs upset churchgoers. LLDF filed amicus brief in support of pro per defendants appeal. Decision pending.

Aurora, Illinois—Multi-pronged attack on Planned Parenthood for lying its way to open an abortion "Mega-Mill" in Aurora, the fastest-growing city in Illinois. Cecile Richards, CEO of Planned Parenthood Federation of America, recently wrote her supporters that Aurora now represents "'Ground Zero' in the national fight to protect reproductive freedom." Four different lawsuits attack Planned Parenthood and compliant city officials for defamation, fraud, violation of municipal zoning regulations, and civil rights violations. Lawyers from the various pro-life organizations involved see this as an opportunity not only to prevent the operation of this suburban Dachau, but to achieve a breakthrough in municipal and zoning law as it relates to abortion providers.

North Carolina v. Survivors—Pro-lifers arrested at A-B Tech College for not complying with unconstitutional permit requirement. Trial set for April 15, 2008.

Hoye v. Oakland—Challenge to Oakland "Bubble Zone" law. Challenge filed Dec. 19, 2007. **Victory!** On Dec. 20, court told city to amend ordinance or have it enjoined. City amended ordinance and a second challenge is being prepared.

Roethlisberger v. Gwinnet County Georgia—Driver of Truth Truck arrested and jailed. Charges dismissed. Civil suit pending.

Colorado v. Wiechec—Pro-lifer attacked by police officer when serving lawsuit. Pro-lifer charged with Disturbing the Peace and Failure to Obey an Officer. **Victory!** Charges dismissed.

Flagstaff, Arizona v. Shaver et al.—Three pro-lifers cited for violating a residential picketing ordinance while picketing an abortionist's home. Criminal charges pending. Abortionist also sought restraining

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order to keep pro-lifers away from her home AND work, i.e., Planned Parenthood. **Victory!** after a hearing, the court modified the TRO, dissolving the order keeping them away from the clinic. Just days later, the pro-lifers saved a baby at the Planned Parenthood clinic.

In re Grand Jury, Sedgwick County, Kansas—Pro-lifers petitioned for grand jury to investigate possible criminal activity by late-term abortionist George Tiller, including illegal late-term abortions, record-keeping violations, and failure to comply with laws mandating reporting of suspected abuse. Tiller attempted to quash seating of grand jury; pro-lifers, represented by LLDF attorneys, intervened to uphold right of petitioners. Kansas Supreme Court denied Tiller's petition. Grand jury is now seated, and has subpoenaed documents. Tiller is seeking to have subpoenas quashed.

Vivian Skovgard v. Pedro (Ohio)—Civil action arising from unlawful arrests of two sidewalk counselors.

Colorado v. Joanne Cox (Colo.)—Sidewalk counselor charged with two incidents of violating Bubble Zone ordinance. Discovery reveals that, in at least one incident, the "victims" were Planned Parenthood employees posing as patients. Trial court judge recused himself because he had represented abortionists Warren Hern and his wife worked for Planned Parenthood. Case awaits assignment of new judge and new trial date.

Blythe v. Cypress College (Calif.)—Civil action for false arrest and violation of free speech rights against college and administrator who arrested pro-lifers for failure to confine their activities to "free speech area" that was in remote area of campus.

In Re Watters (Calif.)—Family of patient with severe brain stem hemorrhage which rendered the patient in a near comatose state was concerned feeding tube and other life-sustaining treatment would be stopped by medical care providers who insisted the patient would die in the hospital. After an LLDF associated attorney intervened it

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ASK THE ATTORNEY

An Interview with Phillip L. Jauregui of Birmingham, Alabama

Phillip L. Jauregui alternates between his law office in Birmingham and advocacy offices in Washington, D.C., as he balances professional and pro bono work. His volunteer efforts for Life Legal Defense Foundation have concentrated on cases that defend unborn children. Mr. Jauregui is president of the Judicial Action Group and executive director of the Judeo-Christian Council for Constitutional Restoration, Inc., both with offices in the nation's capital. He is a graduate of Cumberland School of Law at Samford University in Birmingham. His practice serves small businesses and individuals; the majority of his work is in estate planning and trusts. Mr. Jauregui and his wife, Jennifer, are the parents of two young sons. He is a trustee of the Church of the Highlands. Mr. Jauregui has appeared on several national television programs, including Hannity & Colmes, CNBC's Capitol Report, and Good Morning America.



What inspires you to do pro bono work for pro-life and related causes?

I lobby and work against judicial activism up in Washington, D.C., because of the importance such activism has in the areas of the law concerning unborn life, marriage, decency, and our national relationship with God. For me, this work is a ministry and my passion. It is related to every issue that is dear to me as a Christian.

How do you define judicial activism?

Judicial activism is when judges legislate from the bench. Judges are supposed to make decisions according to legislative guidelines put in place by the representatives of the people reflecting the will of the people. When that is not done, you get activism. *Roe v. Wade* is a great example. Not only is the word abortion not in the Constitution, neither is the word privacy. Even pro-abortion attorneys have agreed. For example, the dean of Stanford Law School, Larry Kramer, has written about this problem. I interviewed him a few years ago and he told me that he wanted abortion

to be legal but he wanted it to be legal by the will of 300 million Americans, not by the will of five justices on the Supreme Court. What Dean Kramer was saying is what I have been saying: Let the legislative branch do its work of making laws and let the court decide disputes between people.

But don't some people like the courts to make decisions on important issues that lawmakers can't seem to act upon?

The average citizen does not accept judges legislating from the bench. The average citizen hates the idea. The average citizen understands what Abraham Lincoln said: that government is of the people, for the people, by the people. When the court legislates, it rubs people the wrong way. On the other hand, most lawyers, who by nature of their roles are officers of the court, like the idea of the court legislating. The reason is that as the power of the court grows, the power of the attorney also grows. Some politicians also love the idea of the courts legislating.

Does your current work in the Life Legal Defense Foundation case concerning abortionist George Tiller of Kansas relate to judicial activism?

My work with the Judicial Action Group attempts to achieve legislative accountability. My work with Life Legal attempts to achieve courtroom accountability. The goal is the same; there is just a different approach depending upon whether I am working with the Judicial Action Group or Life Legal. If we can achieve accountability with J.A.G., we will allow people to vote on life issues someday. With Life Legal, we are working to save every life today.

If Tiller has nothing to hide, why is he obstructing the grand jury? Look at the face of a six-month-old child in the womb. You don't need to believe Jesus Christ is Lord to know that it's wrong to kill that child.

What is the latest on the current case?

A grand jury of Sedgwick County, Kansas, has responded to a petition of registered voters and has indicted abortionist George Tiller, who in my opinion is the most infamous of abortionists, responsible for performing allegedly illegal late-term abortions and causing deaths of women patients. The grand jury in January won the backing of a judge who granted a subpoena for clinic records for patients who wanted abortions after the 21st week of pregnancy. Tiller and his attorneys have put the proceedings on pause and are

fighting the disclosure of records. The case is pending in the Kansas Supreme Court, which will review the case but which probably will not hear oral arguments. We have submitted an amicus brief in the case.

What are the chances of success?

I feel hopeful that the truth is going to come out, whether in this current grand jury case or in another one. That is why we have to continue to be vigilant in all these venues. The grand jury members, citizens randomly selected to serve, took it upon themselves to pursue this case. Troy Newman of Operation Rescue testified before the grand jury, following which grand jury members requested a judge to subpoena the records. If Tiller has nothing to hide, why is he obstructing the grand jury?

Why are you pro-life?

When I was in college, Christ turned my life around and I decided to serve Him the rest of my days. During my senior year I really felt called to go to law school but I was confused because I wanted to serve God with my whole heart and it seemed that the obvious way was to go to seminary. Upon reflection it finally became clear to me that addressing problems in our culture is a ministry. For me, serving God with all my heart means serving as an attorney. God doesn't call all of us to the pulpit. The question of whether to be pro-life is answered by following the Bible. I don't know that you can serve God and think that it's all right to kill children. My pro-life philosophy is based in faith, in the truth of creation. I don't believe, however, that it is necessary to believe in God to say that it is wrong to kill a child in the womb. Look at the face of a six-month-old child in the womb. You don't need to believe Jesus Christ is Lord to know that it's wrong to kill that child.

What would you advise other attorneys who are weighing whether or not to volunteer for a pro-life cause?

This type of pro bono work is the most rewarding work we attorneys can do—period.

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was determined that the patient's feeding tube would remain.

Loebker v. John Doe (Ohio)—Long-time picketer's signs were intentionally run over by angry motorist. Suit for damages.

Condit v. John Doe (Ohio)—Pro-abortion driver attempt to run over picketer. Lawsuit pending.

LIFELINE MISSION STATEMENT

The mission of Life Legal Defense Foundation is to give innocent and helpless human beings of any age, and particularly unborn children, a trained and committed defense against the threat of death, and to support their advocates in the courtrooms of our nation.

LIFELINE EDITORIAL POLICY

The purpose of LLDf is set forth in our mission statement above. To that end, Lifeline welcomes all ideas, opinions, research and comments, and all religious and political points of view, so long as not seen to be clearly divisive, and so long as fundamentally based upon the twin pillars of truth and charity.

ON THE WEB

www.lldf.org

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(e.g., aunt, grandparent, older sibling). However, the doctor must also report the abusive situation to the proper authorities, so the situation can be addressed, not covered up.

This added protection for girls from abusive homes fully counters the “bad dad” argument so commonly raised, while still ensuring that young girls will be protected from the dangers of secret abortions. Those dangers include not only physical risks but also the emotional and spiritual damage done to young girls pressured into sexual relationships and exploited by older men.

Planned Parenthood and its ilk will, of course, fight Sarah’s Law tooth and nail, as they fight any proposal that interferes with their agenda of abortion on demand and sexual license for all, no matter how young and vulnerable. Although parental notification laws are in effect in more than half the states and have been shown to reduce teen abortion and teen pregnancy rates, Planned Parenthood insists that all a young girl needs is the “caring professionals” at their clinics, not her parents or other close family member.

Life Legal Defense Foundation fully endorses Sarah’s Law and encourages all pro-lifers to support this proposition, which will appear on the November ballot, in whatever way they can.

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[More information about Sarah’s Law and what can be done to help pass it is available on the web at friendsofsarah.com—Ed.]

WITNESS

Dorinda C. Bordlee & Nikolas T. Nikas

A winning strategy.

Martin Luther King. Mother Teresa. John Paul II. The life’s work of each of these unlikely champions was essentially to witness to the human-rights violations of their times. They did not speak from the government halls of power. They did not control personal fortunes. They did not command military forces. Yet the nonviolent witness of these ordinary people carried enough influence to inspire people around the world to question, to argue, to rally, to act. Their common method of social change was witness—the irresistible power of speaking the truth in love.

Their witness was by word and by deed. Instead of turning a blind eye to injustice and the degradation of the human person in its many forms, they did what they could, and challenged us to do the same. Rather than inciting violence, they let their love for broken humanity show forth without apology. By shining the light on the darkness in our souls and in our world, they were witnesses to man’s inhumanity to man. By becoming a living testimony to the injustices that they personally perceived, they made a profound difference.

And that is why pro-life citizens are winning in the human-rights movement against the crimes of abortion, human cloning, destructive human-embryo experiments, and euthanasia. We are winning because we have never forgotten that failing to witness is the only way we’d lose.

We are winning because the millions in this movement have continued to steadfastly witness in the courts, in the legislatures, in the media, in schools and universities, in the arena of electoral politics, and in communities of faith. Some witness around the kitchen table, or in the car driving with their children. Some witness when they hold the hand of a friend, look her in the eyes, and say, “I am here for you and your baby.”

There are witnesses who dedicate their lives to peaceful and prayerful protest in front of

the abortion facilities that exploit the lives of women and destroy their children. And there are witnesses in pregnancy-resource centers who counsel to and provide practical resources for women in unexpected pregnancies.

There are witnesses who advocate with maximum determination in the courtrooms and legislatures, and there are witnesses who organize fellow students to stand for the counter-cultural position that human life is not a cheap commodity.

There are witnesses who respect their vocation to heal by refusing to participate in life-destructive medical practices, and there are witnesses who give psychological and spiritual counsel those who have fallen prey to the lie of abortion.

There are witnesses who teach our young adults that human sexuality is a profoundly meaningful mutual gift of self that expresses the human call to love and be loved, rather than a casual sport that reduces men and women to objects to use and be used.

The hundreds of thousands who witness in today’s March for Life in Washington, D.C. and in other cities follow in the powerful and effective tradition of nonviolent civil protest. As they march for the principles of human dignity and equality, they represent the millions of unsung heroes who in countless ways serve as witnesses to the human lives

Their common method of social change was witness—the irresistible power of speaking the truth in love. And that is why pro-life citizens are winning in the human-rights movement against the crimes of abortion, human cloning, destructive human-embryo experiments, and euthanasia. We are winning because we have never forgotten that failing to witness is the only way we’d lose. We recommit as an act of witness to the millions whose lives were lost but never forgotten.

It is not the critic who counts, not the man who points out how the strong man stumbled, or where the doer of deeds could have done better.

The credit belongs to the man who is actually in the arena; whose face is marred by the dust and sweat and blood; who strives valiantly; who errs and comes short again and again; who knows the great enthusiasms, the great devotions and spends himself in a worthy course; who at the best, knows in the end the triumph of high achievement, and who, at worst, if he fails, at least fails while daring greatly; so that his place shall never be with those cold and timid souls who know neither victory or defeat.

In the tradition of nonviolent civil action, those who witness against the culture of death are succeeding in building a legacy of love for the least amongst us. By refusing to be silent, countless human lives have been and will continue to be saved. Today, the witnesses for life recommit to the mission of making abortion and other life-destructive medical practices unthinkable, unnecessary and illegal. We recommit as an act of witness to the millions whose lives were lost but never forgotten.

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[Dorinda C. Bordlee and Nikolas T. Nikas are attorneys and co-founders of Bioethics Defense Fund (bdfund.org), a public interest law firm that advocates against the human-rights violations of abortion, human cloning/destructive embryo experiments, and physician-assisted suicide through litigation, legislation and education.]

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devastated by 35 years of Roe v. Wade’s court-imposed regime of abortion on demand.

The witnesses who support the cause with their financial resources are indispensable witnesses to love — love that is defined by one human being making a sincere gift for another without expecting anything in return.

Those on the sidelines may not perceive the victories won each day in minds changed, laws made, hearts melted, and lives saved. But those of us who enter and remain in this cultural battle must remember the lesson from history that it is the witness that wins. Theodore Roosevelt probably said it best in his 1910 speech at the Sorbonne in Paris:

November LLDF Banquet



Pastor Walter Hoye, Nik Nikas and Laurie Hoye



Katie Short and Michael Wilmer



Edie Black and Bill May of CCG



Karen Hodel and Mary Ann Haeuser



Bob and Toni Taylor

Embryonic Stem Cell Research—Mythology 101: The 2007 LLDF Banquet

On November 10, 2007, LLDF held its fourteenth annual banquet. Once again the venue was the beautiful and historic Bellevue Club on the east shore of Lake Merritt in Oakland, California. The evening began with an invocation by Fr. Emmerich Vogt, O.P. Following the invocation, LLDF president John Streett welcomed the guests and introduced the board members. John served as master of ceremonies for the evening.

In addition to the featured speaker (see below), the annual “Year in Review” report has become a popular feature of the banquet. This year the report was delivered by LLDF Legal Director Katie Short. With her dry and self-deprecating wit, Katie gave a broad summary of the many and varied types of pro-life cases and causes in which LLDF and its pro bono attorneys had participated during the past year. She concluded with one particularly close to her heart: “The Board has kindly allowed me to talk for a couple of minutes about my hobby. Some people collect stamps. Some throw pottery. I do initiatives.” Katie briefly described the latest parental notification initiative taking shape in the State of California. (See SARAH’S LAW, p. 1.)

LLDF Executive Director Dana Cody then reported on the success of a seminar that had taken place the previous day, co-sponsored by LLDF and The Center for Bioethics and Culture. The seminar, entitled “Trading on the Female Body”, explored the impact of egg harvesting and cloning on women’s health. Jennifer Lahl, National Director of The Center for Bioethics and the Culture, followed Dana with some high-energy words of encouragement and an apparently impromptu but likewise spirited fundraising appeal on behalf of LLDF.

The featured speaker of the evening was David Prentice, Ph.D., Senior Fellow for Life Sciences at the Family Research Council in Washington, D.C. Dr. Prentice gave a lively and frequently humorous presentation on a subject about which he is clearly very serious: embryonic stem cell research (ESCR). “The problem with

the stem cell and cloning bioethics debate,” he began, “is the tremendous amount of misinformation out there.”

After providing a brief refresher course on stem cell biology, Dr. Prentice stated the basic issue succinctly: “You have to kill the embryo to get the embryonic stem cells to put in the dish for experiment—no two ways about it. Right away there’s a big problem: you have to destroy a human life.” It should come as no surprise to seasoned pro-life advocates that many people are impervious to what should be a conclusive moral argument such as this. Dr. Prentice gave as an example a former colleague of his who simply replied, “Well, science is my god.” So the battle must be joined at that level as well. The first task is to clear away the many myths which have grown up around the issue of ESCR, whereby people can deny, excuse, justify or promote it. As Dr. Prentice went on to demonstrate, the “conventional wisdom” is wrong on virtually every issue in the ESCR debate.

1) *Myth*: “ESCR is a new science.”

Fact: Scientists have been doing ESCR for over twenty-five years.

2) *Myth*: “They can make every cell in the body, so cures are right around the corner.”

Fact: ESCR is an inefficient science. It is difficult to get the cells to grow in a dish, and there are problems controlling differentiation and proliferation (tumors). Unlike adult stem cells, embryonic stem cells have led to no cures, and there are none to be expected in the foreseeable future.

3) *Myth*: “There is a ban on ESCR in the U.S.”

Fact: Over \$1,000,000,000 in taxpayer dollars has gone to fund ESCR in the U.S.

4) *Myth*: “The U.S. is falling behind in ESCR. We have been the world leaders in science and we have to keep moving ahead with ESCR.”

Fact: Since at least 1998, the U.S. has led the world in publications on all stem cell research. Almost half of all those publications are from the U.S. Publications from 17 other countries comprise the other half.

5) *Myth*: “ESCR will produce a huge economic benefit.”

Fact: ESCR is more likely to be a huge money loser. Take California as an example. With the passage of Proposition 71, the State was authorized to sell more than \$3 billion in general obligation bonds. Repayment of the bonds will cost the taxpayers about \$6 billion over 30 years. California’s total royalties could be as low as \$18 million, or just 0.06% of its \$3 billion investment.

6) *Myth*: “Thousands of frozen embryos in the fertility clinics are thrown away every day. We should at least get some good out of them.”

Fact: We do have a lot of embryos—400,000 according to a recent study. But it is not true that thousands are being thrown away, or that they should be. They can and should be adopted through programs such as the Snowflake Embryo Adoption Program (snowflakes.org).

7) *Myth*: “Cloning doesn’t make an embryo.”

Fact: Cloning, also known as “somatic cell

nuclear transfer” (SCNT) is the process by which the scientist transfers the nucleus (chromosomes) of a body cell into an egg that has had its chromosomes removed. The result is a one-celled embryo—a new life.

8) *Myth*: “Reproductive cloning and therapeutic cloning are not the same thing.”

Fact: The only difference is that with reproductive cloning you get a live clone (e.g., Dolly the sheep) whereas with “therapeutic cloning” you break the embryo apart, harvest the cells and put them in a dish for experiment. It’s not therapeutic for the embryo—the embryo dies. And there are no “therapies” from therapeutic cloning.

9) *Myth*: “Using cells from clones will solve the transplant rejection problem.”

Fact: This procedure has failed in experiments with mice. The mice rejected their cloned cells.

10) *Myth*: “Only a few religious zealots are against cloning embryonic stem cells.”

Fact: France, Germany, Canada, Norway, Switzerland and even the United Nations have all passed legislation (or U.N. resolution) against all human cloning.

An especially important fact, said Dr. Prentice, is that it is the adult stem cells that are already treating patients, not rats and mice. There are over 70 different diseases and injuries in which human patients have already been helped, numbering over 400,000 patients around the globe. Adult stem cells have improved the health of patients with heart damage, juvenile diabetes, multiple sclerosis, and spinal cord injury. If we really wanted to consider the needs of the patients first, said Dr. Prentice, we would be focusing all of our resources on this successful, ethical, and lifesaving adult stem cell research.

Much of the discussion at the beginning of this, the so-called “Bio-tech Century”, is currently focused on adult stem cell versus embryonic stem cell research. However, new

applications will be found for the emerging stem cell technology, and these applications will continue to give rise to moral and ethical issues: cloning organ donors without brains (so they can’t be called human), creating human embryos for research, patenting human lives, genetic engineering (“designer babies”), creating human/animal hybrids, etc. According to Dr. Prentice, the real questions are going to come down to: “What does it mean to be human? Who is going to count? To whom will we chose to assign value?”

“You have to kill the embryo to get the embryonic stem cells to put in the dish for experiment—no two ways about it. Right away there’s a big problem: you have to destroy a human life.”

It’s not therapeutic for the embryo—the embryo dies. And there are no “therapies” from therapeutic cloning.

Dr. Prentice closed his remarks with a call to action. Understanding the mythology that pervades the embryonic stem cell research debate is only a start.

“You’ve got to do something about it”, Dr. Prentice urged.

“It might just be writing a letter to the editor challenging these stories. It might be just telling a few friends and colleagues. It might be calling or writing your legislators. You’ve got to get involved in the fight, because this is a critical moment in human history.”

[Less than two weeks after Dr. Prentice’s talk, two respected scientific journals carried reports of a major breakthrough in stem cell research. Researchers have discovered a way to remodel adult stem cells so that they are functionally identical to embryonic stem cells. No embryos are generated or destroyed in the process. (see BUSH BEARS FRUIT, p. 3—Ed.)

Our Friends at the November LLDF Banquet



Speaker, Dr. David Prentice and LLDF board member, Nik Nikas



Jeff White, Mary Wynne and Tony Wynne



Ginny Hitchcock and Carmen McGuire



LLDF Chairman, John Streett and Mimi

(BUSH BEARS FRUIT CONT'D FROM PAGE 3)

wanted scientists to pursue ESCR/SCNT. But in the last two weeks of the campaign, public support for the measure plummeted in the face of the sheer power of Rush Limbaugh's broadcasting voice in the imbroglio over actor Michael J. Fox's pro ESCR/cloning political ads, and an effective last minute advertising campaign featuring St. Louis Cardinal baseball stars and popular actors which warned voters "don't be bought, don't be fooled." The measure limped home with a bare majority, winning the day politically, but denying its sponsors of the big moral boost they expected to receive from its passage.

Meanwhile, little reported by the mainstream media, adult stem-cell/umbilical-cord blood stem-cell research advanced at an exhilarating pace. Early human trials showed that adult stem cells from olfactory tissues restored feeling to patients paralyzed with spinal-cord injury. Bone-marrow stem cells appeared to prevent the worsening of progressive MS. People with Type-1 diabetes were cured with their own adult stem cells. Increasingly, Big Biotech's circus barker-call of CURES! CURES! CURES! seemed to be wearing thin. Then, just a few weeks ago, New Jersey voters shocked the science and political worlds by rejecting a \$450 million bond measure that, like California's Proposition 71, would have funded human cloning and embryonic-stem-cell research.

Returning to President Bush's stem-cell funding policy; even though it was politically unpopular, the President believed wholeheartedly that the raw talent, intelligence, and creativity of the science sector would find a way to obtain pluripotent stem cells (the ability to become any cell type) through ethical means. In speeches and news conference answers about the stem-cell issue, Bush repeatedly supported existing ethical areas of research, and called upon researchers to find "alternative" methods of developing stem-cell medicine without treating nascent human life "as an experiment." Toward this end, earlier this year Bush signed an executive order requiring the NIH to identify all sources of human pluripotent stem

cells, and invited "scientists to work with the NIH, so we can add new ethically derived stem-cell lines to the list of those eligible for federal funding."

The Science Establishment pouted and the *New York Times* castigated the president's call. But other scientists had already taken up the president's challenge, and their work was paying off. Experiments in mice by Rudolf Jaenisch at Harvard demonstrated proof of

Then, almost without being perceived, the tide began to turn. If this work pans out, there will be no need to create human cloned embryos for use in embryonic-stem-cell therapies.

principle for "altered nuclear transfer" (ANT), a theoretical method of deriving pluripotent stem cells without creating and destroying embryos. Don Landry, Professor at Columbia University Department of Medicine, developed a way to identify dead embryos for potential use in stem-cell research—which would be no more unethical than researching on cadavers. Perhaps most excitingly, Kyoto University's Shinya Yamanaka reprogrammed skin cells from the tails of mice, and reverted them back to an embryonic-like stem-cell state—offering tremendous hope that every therapeutic benefit scientists believed could be derived from therapeutic cloning, could instead be achieved by regressing a patient's own tissues.

Then, last week very big news: Ian Wilmut—who opened the Pandora's Box of human

cloning with the creation of Dolly the sheep, and who two years ago obtained a license from the United Kingdom's Human Fertilization and Embryology Authority to create cloned human embryos from the cells of Lou Gehrig's disease patients—stunned the scientific world with the sudden and unexpected announcement that he had rejected human cloning research, in favor of pursuing cell reprogramming as an ethical and uncontroversial means of obtaining pluripotent cells. Wilmut told the *Telegraph*:

The odds are that by the time we make nuclear transfer work in humans, direct reprogramming will work too.

I am anticipating that before too long we will be able to use the Yamanaka approach to achieve the same, without making human embryos. I have no doubt that in the long term, direct reprogramming will be more productive, though we can't be sure exactly when, next year or five years into the future.

Finally, today came the Krakatau of stem-cell announcements: *Reprogramming has been achieved using human cells.* As reported by the journal *Science*, researchers reverted human connective tissue cells back to an embryonic-stem-cell-like state—and then differentiated them into all three of the body's major tissue types. If this work pans out, there will be no need to create human cloned embryos for use in embryonic-stem-cell therapies.

I believe that many of these exciting "alternative" methods would not have been achieved but for President Bush's stalwart stand promoting ethical stem-cell research. Indeed, had the president followed the crowd instead of leading it, most research efforts would have been devoted to trying to perfect ESCR and human-cloning research—which, despite copious funding, have not worked out yet as scientists originally hoped.

So thank you for your courageous leadership, Mr. President. Because of your willingness to absorb the brickbats of the Science Establishment, the Media Elite, and weak-kneed

(CONT'D ON NEXT PAGE)

Republican and Democratic politicians alike—we now have the very real potential of developing thriving and robust stem-cell medicine and scientific research sectors that will bridge, rather than exacerbate, our moral differences over the importance and meaning of human life.

L

[Wesley J. Smith is a senior fellow at the Discovery Institute (discovery.org), an attorney for the International Task Force on Euthanasia and Assisted Suicide (internationaltaskforce.org), and a special consultant to the Center for Bioethics and Culture (thebc.org). This article was originally published November 20, 2007 by *National Review Online* (nationalreview.com) and is here reprinted by kind permission of the author.]

(EDITOR CONT'D FROM PAGE 2)

get me.” Switch the pronouns and, fairly or not, you have what is sure to be an important issue in the 2008 race. Always the consummate Statesman and gentleman, he then states: “That may not be fair to Mrs. Clinton, but fairness is often in short supply in contemporary politics.” Not only were his comments fair, they were on the mark.

Another intriguing segment of *Catch the Burning Flag* are Congressman Hyde’s speeches related to what he labeled “the melancholy procedure,” the impeachment trial of Bill Clinton. Having never heard the speech in its entirety, and remembering the tenor of the coverage by the media during the trial, after having read Congressman Hyde’s closing argument, a new understanding of the Clinton trial developed, altering this reader’s perception of this historic event.²

In a culture where we have become cynical about our politicians, *Catch the Burning Flag* seems to eradicate the cynicism, at least in part. As for Congressman Hyde, whose memory LLDF wants to honor, assuredly he can truly be hailed as “The Honorable Henry J. Hyde.”

¹ Editor’s note: Now to avoid a theological debate among friends, let us agree that we have an advocate in Jesus Christ if we accept and believe in His sacrifice and atoning blood.

² This particular speech is cited in a book entitled *In the Interest of Justice: Great Opening and Closing Arguments of the Last 100 Years* (Regan Books, 2004), Joel J. Seidemann.

[Life Legal Defense Foundation is making available copies of *Catch the Burning Flag: Speeches and Observations of Henry Hyde*—If you can give \$35 or more, we’ll send you a copy by mail. Just include a note with your donation, or write “Hyde book” on the memo line of your check. This will not affect the tax-deductibility of your donation. Illinois pro-life congressman Henry Hyde, who passed away at the end of November last year, would have been in the thick of our fight against Planned Parenthood’s new murder mill.—Ed.]

(DISTORTION CONT'D FROM BACK PAGE)

Just a few months before, WLS invited a similar panel of speakers and an attorney from Planned Parenthood was invited to speak from the heart about the use of her legal training. As we all know, Planned Parenthood is the largest provider of abortion in the United States.

While LLDF acknowledges that WLS is a private organization and consequently they have the freedom to discriminate as they see fit, what happened in this group of Sacramento attorneys? Did they forget about their oath? What kind of role are they modeling for up and coming lady lawyers? Did the women who were in an uproar forget that they are “pro-choice”? Once again abortion advocates have proven they are not about choice at all. Apparently they view their position as so tenuous that someone who is an abortion foe cannot even speak about her career in their presence.

Isn’t it ironic that WLS and Unity Bar of Sacramento nominated the Summer Law Fellowship Program of Sacramento County Bar Association for the 2008 State Bar of California Diversity Award? WLS apparently promotes diversity in other organizations but not their own.

Isn’t it also ironic that women have been fighting for equal rights for years and now that they have finally obtained positions of power in that quest, they are using that power to silence women who disagree with their viewpoint? **L**

[As those two great philosophers, Sonny and Cher sang, “And the beat goes on.”—Ed.]



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Abortion Distortion Alive and Well and in Sacramento

Upon admission to the California State Bar every attorney must take an oath of office which includes the following duty:

Duties of Attorney

It is the duty of an attorney to do all of the following:

1. To support the Constitution and laws of the United States and of this state.

State Bar Act, Article 4, §6068. Both the United States Constitution and the California State Constitution gives to its citizens the right to freedom of speech. The case law in this regard protects free speech so that there exists wide open robust debate on issues of public importance.

It is certainly surprising then that *Women Lawyers of Sacramento* (WLS), a group of lawyers who took an oath upon admission to the State Bar of California to support the Constitution and the laws of both the United States and the State of California, uninvited LLDf's Executive Director, Dana Cody, to speak at their April 24, 2008 luncheon titled *Lawyering From the Heart*. According to the President of the organization, who initially approved Ms. Cody's invitation to speak, the WLS Executive Committee was in an uproar that Ms. Cody was invited because of her pro-life beliefs.

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