

## The Problem with Proposal 2

### A statement by members of the President's Council on Bioethics\*

On Election Day, Michigan voters must decide whether to approve Proposal 2. Supporters say this constitutional amendment is needed to “legalize embryonic stem cell research” in Michigan.

As individual members of the President's Council on Bioethics we have studied, and advised the federal government on, issues relating to embryo research. Having read Proposal 2, we are gravely concerned that it has been so completely misrepresented by supporters. The facts as we see them are these:

1. Michigan law does not forbid using embryonic stem cells in research. It forbids experimenting on *human embryos themselves* in ways that harm or kill them: “A person shall not use a live human embryo...for non-therapeutic research if...the research substantially jeopardizes the life or health of the embryo.” The word “non-therapeutic” here means that the experiment does not benefit but only harms the embryo. Similar laws exist in other states such as South Dakota, Pennsylvania and Louisiana.

2. Proposal 2 would overturn *this* law, by authorizing “any research permitted under federal law on human embryos.” In fact *there is no federal law against any kind of human embryo research* (or against harmful experiments on born human beings), no matter how grotesque or useless that research may be. Federal laws on human experimentation generally regulate only the use of federal funds, leaving to the states the task of actually protecting human beings from harmful or dangerous research. If a state then says it will allow whatever federal law allows, this creates a vacuum in which almost nothing is forbidden or restricted.

3. While Proposal 2 itself contains a few additional limitations, almost all of these apply *only* to the destruction of human embryos for *stem cell* research. What will be almost completely unlimited and unregulated in Michigan will be experimentation using human embryos for any *other* research purpose – for example, to test new abortifacient drugs, refine techniques for genetic designing of human beings, or make human/animal hybrid embryos. The only limitation here is that these experiments must use “excess” human embryos originally created for fertility purposes, that are now unwanted and will otherwise be discarded. This may provide fertility clinics in Michigan with an incentive to create more embryos in the laboratory for their clients “up front,” to ensure there will be more “excess” embryos available at the end of the process for purely experimental use.

4. The proposal's other limitations apply only to stem cell research: The embryos may not be destroyed for their stem cells (but may be destroyed for other purposes) after 14 days; they may not be bought and sold for stem cell research (but may be bought and sold for other purposes). An especially meaningless “limitation” here is a provision that stem cell research must obey state and local laws on issues such as patient safety -- so long as those laws do not in any way restrict or discourage (or even “create disincentives for”) engaging in unrestricted stem cell research as promoted by this proposal.

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\* The signers speak as individuals, with institutional affiliations noted for identification purposes.

5. Proposal 2 refers throughout not only to “stem cell research” but to “stem cell therapies and cures” from embryo destruction, and the campaign supporting the proposal calls itself “Cure Michigan.” Yet embryonic stem cell research has not led to a treatment or clinical trial for any condition, and experts now say treatments may be many years away or never emerge. Adult and cord blood stem cells have been used to treat some conditions and are in clinical trials for many more, but Proposal 2 does not address these avenues except perhaps to distract attention from them.

In short, Proposal 2 would create a new constitutional right to engage in destruction of human embryos for any medical research purpose, without meaningful limitations. It is not primarily about stem cell research, or about “cures” unobtainable in other, less controversial ways. Michigan voters have a right to know this before they vote.

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