

MEMORANDUM

TO: Members of the Missouri House and Senate

**FROM: Pam Fichter, President
Steve Rupp, Vice President
Gerard Nieters, Legislative Director**

RE: Opposition to SB 7 & SB 8 Without Pro-Life Language Listed Below

DATE: September 22, 2011

Missouri Right to Life has been consistent in its position on economic development bills introduced by this body for several years now. MRL has no position on economic development bills generally, but when that development allows for the destruction of innocent human life, MRL opposes that legislation. Bills that include unrestricted funding of life science research, including nanotechnology, biotechnology and pharmaceutical research provide the possibility for funding of such unethical research as cloning, embryonic stem cell research and research on aborted babies. MRL has been consistent and persistent over the last couple years in providing acceptable language that would prevent the killing of innocent human life via such research. That language follows:

Public funds shall not be expended, paid, or granted to or on behalf of an existing or proposed research project that involves abortion services, human cloning, or prohibited human research as defined in section 196.1127.

It has been suggested that reporting of appropriations to organizations doing the unethical research of cloning, embryonic stem cell research and research on aborted babies, will prevent the award of funds to such organizations. The only way to guarantee that no such funding will occur is to prohibit it. Requiring reporting of such funding suggests such funding will occur.

The biotechnology industry argues that MRL's language results in uncertainty and the fear of lawsuits in the industry. MRL submits that a prohibition of unethical research provides clear direction and thus the most certainty to the industry that unethical research will not be allowed in Missouri.

It has been suggested that MRL's proposed language is unconstitutional. However, all those who have made this allegation have failed to explain exactly the basis for their argument. Blanket assertions do not determine constitutionality. Their failure to support their allegation with any specific legal basis, makes their claim hollow.

Who would be contesting the constitutionality anyway? Certainly, not MRL. We like the language and would not want to challenge it. Only a pro-cloning entity (with standing) that wants to engage in the activity that MRL's language prohibits would contest its constitutionality. Of course, the biotech industry continues to maintain that it doesn't want to do this type of unethical research so it wouldn't contest the constitutionality of the language. It makes one wonder why they are so adamant then about not including the MRL language on the bill?

If someone did successfully challenge our language and it was ruled unconstitutional, the severability clause in MOSIRA would not nullify the rest of the law. Thus, the argument that our language would prevent businesses from locating in Missouri because of a possible challenge to the constitutionality of our language in MOSIRA is very weak.

While MRL has not seen the latest proposed draft of MOSIRA or future amendments that would subvert the above language, MRL understands that they could include MRL language but subject to a reference to Article III, Section 38(d), otherwise known as Amendment 2. Such language poses a serious threat to innocent human life for the following reasons: First, because Article III, Section 38 provides a definition of cloning inconsistent with medical science, this proposed language will actually allow for the public funding of cloning. Second, Article III, Section 38(d) currently does not have a funding mechanism, but this proposed language through its specific reference to Article III, Section 38 allows its funding through MOSIRA. Third, by specifically subjecting MRL's prohibitive language only to Article III, Section 38 and omitting any reference to the appropriation power granted to the legislature under Article III, Section 36 of the Missouri constitution, it provides a further erosion of the legislature's ability and power to appropriate funds as it sees fit.

Finally, MRL makes the following observation. While some in the legislature are spending significant time crafting various amendments to these economic development bills, attempting to reflect a respect for and supposedly provide protection of innocent human life, we find it incredible that, not only are they not seeking any counsel from the largest, most prominent pro-life organization in the state, they are actually trying to hide the language from the organization so as to avoid its review and analysis. Such behavior causes us to question the motives of some in this body.

In their current forms, SB 7 and 8 do not have clear pro-life protections and therefore do not prevent the killing of innocent human life and for that reason, MRL opposes both bills. And, for future amendments we hope that the House and Senate will be consistent in supporting the exact language of 196.1127 without any changes or additions.