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BIOETHICS IN PUBLIC POLICY: EXAMINING THE FACTORS CONTRIBUTING TO THE SUCCESS OF U.S. PRESIDENTIAL BIOETHICS COMMISSIONS

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Over the past 45 years, the United States federal government has convened seven national bioethics commissions to address emerging ethical dilemmas, with Presidents Clinton, Bush, and Obama each establishing a standing commission of their own. Nonetheless, little research exists to compare these commissions, their relative impact, and explanations for their success. I examine the impact of the past three presidential bioethics commissions using (1) citations to their work among legal scholars, ethicists, and public newspapers to measure their indirect impact and (2) citations to their work in case law and federal agency rule-making processes to measure their direct impact. Based on this research, I argue that each of the past three commissions has played a declining role in influencing public policy and the broader American view of bioethics. A confluence of factors has caused this decline, including lowered institutional support, lessening public interest in bioethical issues, and apathy among scientists and professional organizations as a result of perceived polarization of bioethics.

I. INTRODUCTION: HISTORICAL BACKGROUND AND PURPOSE

In 1972, the American public learned that for the previous 40 years, the federal government had knowingly withheld treatment from several hundred African-American men in Tuskegee, Alabama suffering from syphilis while pretending to offer them free medical care. The public outcry sparked by revelations of the Tuskegee Experiment prompted Congress to form the National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research. The National Commission, which convened from 1974 to 1978, marked the first creation of a federal bioethics commission intended to guide public policy. Over its four-year tenure, the commission published ten major reports which directly led to changes in federal standards for research, including the creation of institutional review boards to oversee research involving human test subjects and the implementation of strict requirements of informed consent. The most important report of the commission, the Belmont Report, continues to have a lasting impact: since 1995, its authority has been cited as a guiding influence for 12 rule changes and an

additional 12 proposed rule changes made by executive agencies ranging from the EPA to the Department of Homeland Security.[1]

In 1978, Congress mandated that a similar commission be convened by the president. This commission—the President's Commission for the Study of Ethical Problems in Medicine and in Biomedical and Behavioral Research—operated under Presidents Carter and Reagan until its dissolution in 1983. This committee was formed to continue the work of the National Commission, and over the course of its tenure it examined issues including the availability of healthcare based on income and residence, genetic engineering and testing, and the ethics of patient consent practices. After the President's Commission dissolved in 1983, the use of bioethics commissions declined for a time until President Clinton established a standing commission—the National Bioethics Advisory Commission—in 1995 to address a broader range of bioethical concerns. This commission established a precedent later followed by Presidents Bush and Obama, in which the president convenes a bioethics commission for the duration of their presidency to address ethical issues raised by scientific research and discovery. A full timeline of the history of U.S. Bioethics Commissions is given in Table 1.[2]

Each of these commissions was convened with the goal of providing the best possible ethical advice to policymakers and practitioners in light of the available scientific knowledge. Yet it is often difficult to determine how effective these commissions have been in achieving this goal. Few attempts have been made to compare the impact of these different commissions. Even the commissioners themselves do not appear to have been in agreement on the metrics by which success might be measured. This presents a potential problem, since it is likely that bioethical issues will continue to be important as new biotechnologies become increasingly sophisticated and readily available. It would stand to reason that future bioethics commissions, and the presidents who may convene them, would be well served by having an understanding of the best practices that can contribute to commission impact. Unfortunately, due to a failure to systematically compare the impact of these different commissions, this is the sort of knowledge that has been underdeveloped to date.

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[1] These figures are taken from a search of the Federal Register's online database for references to the "Belmont Report," accessed February 10, 2018. Search results are accessible at https://www.federalregister.gov/documents/search?conditions%5Bterm%5D=%22Belmont+Report%22.

[2] All information in Table 1 comes from Bioethics Research Library, "U.S. Bioethics Commissions," *Kennedy Institute of Ethics*, last updated July 11, 2016, https://bioethics.georgetown.edu/library-materials/digital-collections/us-bioethics-commissions/.

Commission Name	Tenure	Convening Body	Associated President	Reports Issued
National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research (National Commission)	1974-1978	Congress	Ford, Carter	10
President's Commission for the Study of Ethical Problems in Medicine and Biomedical and Behavioral Research (President's Commission)	1978-1983	President (under congressional mandate)	Carter, Reagan	12
Biomedical Ethical Advisory Committee (BEAC)	1988-1990	Congress	Reagan	0
Advisory Committee on Human Radiation Experiments (ACHRE)	1994-1995	President	Clinton	2
National Bioethics Advisory Commission (NBAC)	1996-2001	President	Clinton	6
President's Council on Bioethics (PCB)	2001-2009	President	Bush	8
Presidential Commission for the Study of Bioethical Issues (PCSBI)	2009-2017	President	Obama	10

Table 1. A List of U.S. Bioethics Commissions. This table lists all major U.S. Bioethics Commissions with their shorthand names. The BEAC failed to produce any reports before its parent congressional committee became deadlocked on abortion politics, while President Clinton convened the ACHRE to address only one specific issue and did not give it a broad mandate.

This project seeks to begin the process of filling in this gap by examining the past three presidential bioethics commissions. Although a number of studies have been published on the success of individual commissions, very few researchers have compared multiple commissions to examine comparative factors that can contribute to a commission's impact. The last significant attempt to systematically compare two or more commissions came in 1995, when Bradford Gray compared the impact of the National Commission (1974-1978) with that of the Presidential Commission (1978-1983).[3] Using much of Gray's methodology, I seek to compare the relative impact of the three most recent commissions, making occasional comparisons to the Presidential Commission when appropriate.[4] After discussing how impact and success can be measured and

[3] Bradford H. Gray, "Bioethics Commissions: What Can We Learn from Past Successes and Failures?" in *Society's Choices: Social and Ethical Decision Making in Biomedicine,* eds. Ruth Ellen Bulger, Elizabeth Meyer Bobby, and Harvey V. Fineberg, 261-306 (Washington: National Academies Press, 1995).

[4] These four commissions have been the most similar in terms of duration, structure, and composition; attempting to compare these commissions to commissions convened by Congress or convened only to address one specific question would introduce multiple extraneous variables. The last three commissions are also significant because established precedent since the 1990s appears to indicate that Congress is increasingly willing to defer to the president the task of creating and overseeing bioethics commissions. Though President Trump has not as yet

comparing these three commissions, I examine the question of why some commissions have made a greater impact than others. This discussion will be broken into two parts. First, I examine factors related to the internal structure, composition, and support of the commissions. Second, I discuss external factors including public interest in bioethics and presidential prioritization of bioethical issues.

I restrict my analysis primarily to the commissions of Presidents Clinton, Bush, and Obama for several reasons. The primary rationale is that these commissions have been drastically understudied; Gray's analysis, although it is one of very few resources on this topic, provides some level of insight into the other two major presidential commissions. Moreover, the commissions of Presidents Clinton, Bush, and Obama were the most similar in terms of the conditions of their creation, their structure, and the expectations set for them. Prior to President Clinton's creation of the NBAC, there was no precedent for the existence of a standing bioethics commission within the executive branch; by the time of President Obama, however, such a precedent did exist and the commissions of Presidents Bush and Obama were both clearly created to in large ways continue the work of their predecessor organization.[5] Examining these three commissions therefore is a useful way to focus attention on three relatively similar institutions, thereby reducing the number of extraneous factors that could affect their level of impact.

II. ASSESSING AND EVALUATING COMMISSION SUCCESS

Any bioethics commission is convened in order to provide advice and guidance to policymakers and practitioners. Though a critical component of a commission's success is the

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sustained the norm set by his three immediate predecessors, future bioethics commissions will most likely continue to be convened by the president with some general structure and mandate resembling those of the NBAC, PCB, and PCSBI.

[5] Some of the differences between the executive orders establishing these commissions will be discussed later, but they all share much of the same language. The mission of the PCB begins, "the Council shall advise the President on bioethical principles that may emerge as a consequence of advances in biomedical science and technology," while the mission of the PCSBI begins, "the Commission shall advise the President on bioethical issues that may emerge as a consequence of advances in biomedicine and related areas of science and technology." See President George Bush, "Executive Order 13237," November 28, 2001, https://bioethicsarchive.georgetown.edu/pcbe/about/executive.html; as well as President Barack Obama, "Executive Order 13521," November 24, 2009, https://bioethicsarchive.georgetown.edu/pcsbi/sites/default/files/2009-11-24%20Establishing%20the%20Presidential%20Commission%20for%20the%20Study%20of%20Bioethical%20Issues-2.pdf.

quality of the actual reports it produces, these commissions exist to influence policy. The clearest and most direct type of impact a commission can have consists of direct policy changes made by the federal government as a result of a commission's conclusions. A second form of impact can arise if a commission makes a substantial indirect impact by influencing public opinion or bringing an issue to the attention of a broader array of legal scholars or ethicists. These two types of impact will be the focus of my assessment, for the simple reason that there are reasonable methods to track the rough degree of influence a commission exerts on these areas. Other forms of impact—such as policy changes on the state level or in individual non-governmental entities like hospitals—are incredibly significant but impossible to comprehensively examine in a relatively short study.

In assessing the National Commission and the President's Commission, researcher Bradford Gray used citations as a method to track the impact of commission reports in various sectors of society. Gray used database searches to track the frequency with which the individual reports of each commission were referenced in court decisions, rule-making processes for federal agencies, law journals, bioethics journals, medical journals, and media publications.[6] This method certainly has some weaknesses; the authority of a bioethics commission may, for instance, be cited in an agency rule for primarily political (and not substantive) reasons. Additionally, using this method may bias the analysis in favor of older commissions, whose publications have had more time to accumulate citations. Nonetheless, tracking the number of citations to a commission's work is probably the best method available to measure the indirect impact of a commission upon bioethical issues in the media at large or within specific professions. The bias towards past commissions can be alleviated by examining only citations to a commission's work made within a specified amount of time after publication; as long as all publications have been available for that duration of time, there should be no bias in favor of older reports. Ideally, comparisons could be made not only between the number of times a commission's work was cited in policy changes, but also between the degree of influence which a report had on a policy change and the significance of the changes themselves. Barring this knowledge, however, a simple comparison between the raw number of citations can serve as an effective proxy for overall impact.

[6] Gray also surveyed former members to evaluate their own reported experiences of working on their respective commissions; this type of analysis, however, would extend beyond the scope of this research project.

To assess the success of each commission, I adopted a methodology more or less in line with that used by Dr. Gray. First, I tracked the number of references to the commissions themselves in law journals, bioethics journals, national media publications, case law documents, and the Federal Register.[7] For each search, I examined only citations made either during the tenure of the commission or within two years of its dissolution. The results of this first search are provided in Table 2.

Commission	Law Article Citations	Bioethics Papers Citations	Newspaper Citations	Case Law Citations	Federal Register Citations
NBAC (1995-2001)	434	67	126	3	81
PCB (2001-2009)	557	70	95	4	50
PCSBI (2009-2017)	138	12	3	3	1

Table 2. Citations to the Past Three Bioethics Commissions. The data in this table refer to citations to the commission itself, not to any particular action or report taken by the commissions. Date ranges were restricted to dates during which the commission was active, or within two years of its dissolution.

Although this research method is imprecise, a clear trend emerges. In every category except for citations within case law, President Obama's PCSBI has received far less attention as an organization than either of the commissions that preceded it. Moreover, while two of the citations to the NBAC from the Federal Register were made in final rule changes and another three came from proposed rule changes, neither the PCB nor the PCSBI has yet to be cited in any proposed or final rule changes.[8] When one considers that the NBAC was active for only six

[7] Using the HeinOnline Law Journal Library database, search performed January 7, 2019, accessible at https://heinonline.org/HOL/Index?collection=journals&set_as_cursor=clear; Using the EthxWeb database at Georgetown University, search performed January 7, 2019, accessible at https://bioethics.georgetown.edu/library-materials/bioethics-research-library-databases/ethxweb/; Using the ProQuest Historical Newspapers database, search performed January 7, 2019, accessible at https://search.proquest.com/advanced?accountid=11091&selectids=1006744,1006442,1005670,1006151,1006091,1007155,1007154,1006359; Using the case law search function on Google Scholar, search performed January 20, 2019, accessible at https://scholar.google.com/; Using the Federal Register online database, search performed January 20, 2019, accessible at https://www.federalregister.gov/. It is important to note that the online Federal Register service only includes federal documents dating back to 1994; however, since the first of the three commissions I am primarily interested in was convened in 1995, this only poses a problem when comparing the impact of the past three commissions to earlier ones.

[8] It should be noted, however, that while newspapers have very quickly stopped citing a commission after it dissolves, there does not appear to be any clear die-off trend in citations within agency rule changes. As noted on page 2, the Belmont Report, published in 1978, has been cited in fully 12 rule changes and 12 proposed rule changes since 1995. Of the five citations to the NBAC made in proposed or final rule changes, only one was made during the tenure of the commission itself. Nonetheless, the complete lack of any citations to either of its successor

years, while both of its successors were active for a full eight years, it appears that the general trend is that each commission received less overall attention, whether in government proceedings or public commentary, than its predecessor.

Nonetheless, this general trend may not translate to the actual work performed by the commissions. To take the analysis further, I examined each individual report authored by the commissions and performed the same set of database searches for each title, this time restricting the date range to only those citations made within five years of the report's publication. The average number of citations for the reports of each commission are provided in Table 3, while the full list of results (including the results of similar searches for the reports of the President's Commission of 1978-1983 for comparison) are provided in Appendix A.

Commission	Law Article Citations	Bioethics Papers Citations	Newspaper Citations	Case Law Citations	Federal Register Citations
NBAC (1995-2001)	61.5	6.7	3.5	0.5	3.7
PCB (2001-2009)	34.4	3.25	0.75	0.25	13.3
PCSBI (2009-2017)	11	0	0	0	0.5

Table 3. Citations to Reports Authored by the Past Three Bioethics Commissions. The data in this table represent the average number of citations made to each of the reports authored by the past three bioethics commissions. Date ranges were restricted to the five years immediately following publication of each report.

The general trends displayed here, with respect to the impact of each commission's actual output, mirror the overall trends with regard to the name recognition of the commissions themselves. Almost across the board (with the exception of citations in the Federal Register), the publications of each commission appears to have made a smaller impact than those of the commission before.

This conclusion is further supported by a few other considerations. While the NBAC and previous commissions were monitored by various research institutions quite closely, for instance, the PCB and the PCSBI were not deemed significant enough to merit similar attention. Upon creation of the NBAC, an arrangement was brokered between the NBAC and the Science and Technology Policy Institute, itself a subsidiary of the RAND Corporation, in which the RAND Corporation would devote resources to carefully monitor the work of the NBAC and its

commissions does appear to be consistent with the overall trend in citations among the last three commissions, in which each successive commission has received less attention overall than its predecessor.

reception. The result of this agreement, a 200-page monograph, extensively details the responses to each of the NBAC's reports from governmental agencies, the public, professional societies, and the international community.[9] No similar analysis was performed for the PCB and no similar analysis appears to be underway for the PCSBI.

If the metric for the success of a bioethics commission is the impact that it makes, then it seems that each of the past three presidential bioethics commissions has been progressively less successful than the last. Whether one examines the direct effects of the commissions' work on public policy, the indirect effects of their work on shaping public or professional discourse, or even the amount of attention paid to their proceedings by prominent research institutions, the same trend appears to emerge. (It is important to note that, as shown in the data provided in Appendix A, the reception of the NBAC's reports was roughly comparable with the reception of the reports of the President's Commission convened a decade and a half earlier.) Although the research method adopted here is imprecise, the recurrence of the same trend across nearly all types of database searches can reinforce the core conclusion that since at least the 1990s, the impact of the presidential bioethics commissions has been on the decline.

II. POSSIBLE EXPLANATIONS

Many factors can decrease the impact of a commission's work. These factors can, however, be broadly divided into two categories: factors internal to the structure of the commission itself, including its composition, funding, and time commitment, and larger systemic factors external to the commission, including the level of public interest in bioethical issues or the importance of bioethics to political campaigning. In this section I will examine significant internal factors as well as some of the broad factors affecting the role of bioethics over the past two decades. Ultimately, the overall takeaway is that a confluence of interrelated factors appears to be driving the trend of declining commission impact over the past two decades.

[9] See Elisa Eiseman, *The National Bioethics Advisory Commission: Contributing to Public Policy*, (Santa Monica: RAND Science and Technology Policy Institute, 2003).

II.A. Internal Factors

In many respects, each of the past three presidential commissions have been remarkably similar. Each has consisted of between 13 and 18 experts, including a mix of scientists, philosophers, ethicists, and medical practitioners. Each was housed under the Department of Health and Human Services and received similar levels of support staff. Nonetheless, four differences are worth highlighting, all of which could help explain the receding influence of the commissions since the 1990s: the degree of funding, the frequency of meetings, the prominence of commission members, and the scope of the subjects discussed by the commissions.

The language creating these three commission in Executive Orders 12975, 13237, and 13521, respectively, is similar in many places. They nonetheless differ in how they outline the funding procedures for members of the commissions. The PBAC was created with the understanding that "members . . . shall be compensated in accordance with Federal law," while the PCB instead stated, “Members of the Council *may* be compensated to the extent permitted by Federal law for their work on the Council [my emphasis],” and the PCSBI stated, "Members of the Commission shall serve without compensation."[10] Though travel expenses and the like were covered by the Department of Health and Human Services for members of each commission, members of the PCB and the PCSBI faced far fewer financial incentives to perform their work. These differences in funding may serve to explain another difference among the commissions, for while the NBAC met a total of 48 times over the course of its six-year tenure, the PCB met only 36 times over the course of its eight-year tenure, and the PCSBI met even less, finishing its eight-year term with only 26 meetings.[11]

Both the funding arrangements and the meeting frequency trends appear to correlate well with the observed overall trend of bioethics commissions' declining influence. Less clear-cut are the effects of the scope of topics addressed by the commissions and the prestige of their members. In terms of the commissions' original charters, the NBAC was created with a specific

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[10] President Bill Clinton, "Executive Order 12975," October 3, 1995, https://bioethicsarchive.georgetown.edu/nbac/about/eo12975.htm; Bush, "Executive Order 13237."; Obama, "Executive Order 13521."

[11] "Meetings," *National Bioethics Advisory Commission*, accessed February 9th, https://bioethicsarchive.georgetown.edu/nbac/meetings.html; "Meetings," *The President's Council on Bioethics*, accessed February 9th, https://bioethicsarchive.georgetown.edu/pcbe/meetings/index.html; "Meeting Twenty-Six: August 31, 2016, Philadelphia, PA," *Presidential Commission for the Study of Bioethical Issues*, https://bioethicsarchive.georgetown.edu/pcsbi/meetings.html.

mandate—to examine standards for research involving human subjects and the use of gene information (especially in patenting)—but with the possibility of expanding its own mandate, while the other two commissions were created with a highly vague mandate from the beginning that was meant to allow them considerable freedom in choosing the topics they wanted to address.[12] The commissions also approached these initial mandates quite differently: the NBAC choose largely to remain within its stated charter to examine the ethics of research involving human subjects, departing only once on the specific request of President Clinton to examine the ethics of cloning, a request that was prompted by the widely reported cloning of Dolly the sheep. By contrast, the PCB addressed itself to a wide ranging of issues, including cloning, biotherapy, care for the aging, reproductive technologies, and the determination of death in medical settings. The PCSBI took advantage of its wide mandate to address a number of disparate issues, and though—like the PCB—some of its reports addressed themselves to broad emerging issues, such as the protection of human subjects, others were remarkably narrow in scope. One report, for example, focused exclusively on STD research in Guatemala between the years 1946 and 1948.[13]

One senses that the commissions had markedly different conceptions of their own role. The tone of their reports is often strikingly different. While many of the PCSBI's reports take a markedly academic tone, carefully and rigorously examining the philosophical nature of a problem, the NBAC's reports move more quickly to address specific policy implications. The PCB's reports, by contrast, are more willing to address large-scale issues in comparatively broader strokes that do not necessarily have immediate policy implications. The PCB appears to have thought of itself as a public body striving to shape public opinion, not simply working to solve academic or legislative problems. This characterization is consistent with the make-up of the different commissions, for at one time or another the PCB's members included a number of individuals who were well-known spokespeople for a host of ideological positions within the conservative movement: Charles Krauthammer, Michal Sandel, Francis Fukuyama, and Robert

[12] See "Executive Order 12975," "Executive Order 13237," and "Executive Order 13521."
[13] Presidential Commission for the Study of Bioethical Issues, "'Ethically Impossible': STD Research in Guatemala from 1946 to 1948, September 2011, https://bioethicsarchive.georgetown.edu/pcsbi/sites/default/files/Ethically%20Impossible%20(with%20linked%20historical%20documents)%202.7.13.pdf. The report sought to draw lessons from the purposeful infection of Guatemalan citizens with STDs and made frequent comparisons to the Tuskegee Experiment, but though its lessons are immensely valuable, the sharp historical focus likely limited the impact the report could make in mainstream reporting.

P. George all served at some time or another on the commission. Neither the NBAC nor the PCSBI enjoyed similar "star power" from among prominent liberal or progressive intellectuals.

Taken together, these factors appear to generate some plausible explanations for the waning influence of bioethics commissions. As the security of commissions' funding has decreased, so has the frequency of their meetings, though each of these commissions has also produced a larger number of reports than their immediate predecessor. And while there is no clear trend in the scope of projects tackled by the commissions or the prestige of their members, it appears plausible to suggest that the PCB enjoyed the attention it did—at least relative to the near-total anonymity of the PCSBI—due in part to its relatively influential members and its willingness to tackle large issues. Future presidents looking to craft effective bioethics commissions would likely be well served by establishing secure funding and seeking to include at least a few reasonably well-known intellectuals on their commission rosters.

Even so, these internal factors do not seem able to fully explain the reduced success of more recent bioethics commissions. A fuller picture must include trends occurring in the broader United States which affect the place of bioethics in society.

II.B. External Factors

When discussing the influence of bioethics commissions, it would be helpful to know how seriously bioethics is taken in broader society and how much media attention is given to bioethical issues. Unfortunately, little information exists as to the importance of bioethics in broader American society. Although public polling research firms such as Pew regularly survey Americans about their views on specific bioethical issues, they do not reliably ask Americans how strongly they feel about bioethics as a whole or the importance they attach to bioethical issues in making decisions about voting or party affiliation. Nonetheless, a rough approximation of the significance that bioethics plays in national discourse can be gained by using another database search.

Using the ProQuest Historical Newspapers database, I searched for several key bioethical terms over different time ranges to see if any general trends emerged. Out of nine terms I examined, although two increased and two decreased more or less continuously between 1980 and the present, five terms peaked in usage during the period 2000-2009, including some traditionally associated as core bioethical concerns (e.g. "cloning," "stem cell") and the term

"bioethics." The results of these searches are shown in Appendix B. While merely suggestive, there may be something of significance to these results if we look at the way in which recent political campaigns have approached bioethics as an issue. During the 2016 presidential election, bioethics was virtually absent from the campaign.[14] President Trump has yet to convene a bioethics commission of his own, yet has faced virtually no political repercussions for this omission. Virtually no news organizations or media outlets—excluding those explicitly focused on bioethics reporting and commentary—urged the creation of a new bioethics commission, apart from the (now-defunct) *Weekly Standard*. [15] By comparison, both Barack Obama and John McCain had stated positions on a number of major bioethics issues during the 2008 campaign, far more than either candidate in the 2016 election had.[16] Many commentators broadly identify the early 2000s as the period of peak public interest in bioethics.[17]

What is driving the declining interest in bioethics? There are several explanations, but one major factor seems to be the politicization of the issue, beginning early in the Bush presidency. Where bioethics was once regarded as a bipartisan issue largely removed from divisive political topics, some scholars have noted that many advisors to George W. Bush came to see the topic as one which could be used to shore up Evangelical support and create a new national issue which would likely enjoy broad support.[18] In 2005, for instance, advisor Leon R. Kass, the president of the PCB, circulated a memo calling for "a bold and plausible 'offensive' bioethics agenda."[19] By 2005, over half a dozen well-funded conservative organizations, many with religious ties, had sprung up to promote conservative positions on bioethics. Though a few progressive bioethics organizations existed at the time, none enjoyed funding or support anywhere near comparable that afforded to their conservative counterparts.[20]

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[14] See "Bioethics & the 2016 Election," *Bioethics Research Library*, accessible at https://bioethics.georgetown.edu/2016/02/bioethics-the-2016-election/.
[15] For the *Weekly Standard* op-ed, see Wesley J. Smith, "Bioethics in the Age of Trump," *The Weekly Standard*, December 16, 2016, https://www.weeklystandard.com/wesley-j-smith/bioethics-in-the-age-of-trump.
[16] See "Obama and McCain on Bioethics," *The Hastings Center*, accessible at https://www.thehastingscenter.org/obama-and-mccain-on-bioethics/.
[17] See, for instance, Jonathan D. Moreno, "How Bioethics Has Pushed America Left," *Huffington Post*, July 29, 2015. Accessible at https://www.huffingtonpost.com/jonathan-d-moreno/how-bioethics-has-pushed_b_7897472.html. This claim is consistent with the results of database searches for bioethics-related terms.
[18] See Kathryn Hinsch, "Bioethics and Public Policy: Conservative Dominance in the Current Landscape," *Women's Bioethics Project*, November 2005, pp. 5-6, http://www.generations-ahead.org/files-for-download/articles/bioethicsandpublicpolicy.pdf.
[19] Rick Weiss, "Conservatives Draft a 'Bioethics Agenda' for President," *Washington Post*, March 8, 2005, http://www.washingtonpost.com/wp-dyn/articles/A15569-2005Mar7.html?noredirect=on.
[20] Hinsch, "Bioethics and Public Policy," p. 4.

The "star power" which lent the PCB at least some of its influence also opened it up for trenchant criticism. Many critics viewed the council as stacked towards conservative positions and therefore perceived its positions as suspect, though it is not clear that the council wilfully excluded voices that would have dissented from conservative views.[21] A significant turning point came in 2004, when Elizabeth Blackburn, a Nobel laureate in physiology, was removed from the PCB. Blackburn publicly accused the administration of having fired her for disagreeing with the views of Leon Kass and the other prominent conservatives on the PCB.[22] Whether or not the firing was motivated by a desire to punish dissent, it did a great deal to alienate the scientific community from the work of bioethics commissions.

If President Bush began to intentionally polarize bioethics, President Obama did not do much to reverse the trend. Upon assuming the presidency, Obama disbanded the PCB without warning and before it was able to hold its final meeting; some speculated that the move was prompted by a criticism authored by 10 PCB members of President Obama's stance on embryonic stem cell research.[23] This sudden move was made despite the fact that the PCB had substantially altered its composition in the second term of the Bush administration to be less polarizing, even replacing chairman Leon Kass with Edmund Pellegrino, who was widely seen as being less ideological. Reid Cherlin, a White House press officer, defended the sudden disbanding by criticizing the PCB as "a philosophically leaning advocacy group" and stating that the Obama administration sought instead a commission that "offers practical policy options."[24]

Mere polarization alone does not explain the trends in bioethics commissions and their impact. If it did, President Bush's attempt to capture bioethics as a conservative issue could plausibly have caused a decline in the attention paid to bioethics under the Obama administration, but this should have been succeeded by a return to bioethics under President

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[21] See Adam Briggle, "The Kass Council and the Politicization of Ethics Advice," *Social Studies of Science* 39, no. 2 (April 2009), pp. 314-316 for the criticisms of the Council and pp. 316-322 for Briggle's assessment of the validity of these criticisms.
[22] Elizabeth Blackburn, "Bioethics and the Political Distortion of Biomedical Science," *New England Journal of Medicine* 350, no. 14 (April 2004), pp. 1379-1380.
[23] See Ryan M. Antiel, "Obama and the President's Council on Bioethics: An Insider's View," *The Hastings Center,* July 13, 2009, https://www.thehastingscenter.org/obama-and-the-presidents-council-on-bioethics-an-insiders-view/.
[24] Nicholas Wade, "Obama Plans to Replace Bush's Bioethics Panel," *New York Times*, June 17, 2009, https://www.nytimes.com/2009/06/18/us/politics/18ethics.html?scp=1&sq=President%27s%20Council%20on%20Bioethics&st=cse.

Trump. The absence of a current bioethics commission indicates that this is not the case. Politicization of bioethics may, however, have had the unintended consequence of causing bioethics to be perceived less seriously by scientists and professional organizations. If politicization results in apathy, it is not surprising that bioethics commissions have played an increasingly smaller role in public policy since the early 2000s.

IV. CONCLUSION

Based on data regarding the influence of the past three presidential bioethics commissions among legal academia, ethicists, national media publications, court decisions, and federal agency rule-making procedures, it seems that bioethics commissions have been becoming less successful in making an impact since at least the 1990s. To a significant extent, this may simply be the result of flagging national interest in bioethics; if this is the case, it is hard to imagine how a future president could generate a more impactful commission. Nonetheless, several internal factors seem to influence the operations of bioethics commissions, and as a result, their overall impact. Future presidents looking to establish successful bioethics commissions would be advised to provide secure funding for members, encourage members to meet frequently and to address issues with broad implications, and include at least a few members with significant name recognition. This last suggestion, however, may be risky, for if a president stacks a commission with well-respected but generally partisan intellectuals, as President Bush appears to have done, the effect may be to increasingly present bioethics as a partisan issue, contributing to a further decline in national interest.

Appendix A. Impact of the last three bioethics commissions. Citations to law articles are taken from HeinOnline Law Journal Library; citations to case law from Google Scholar case law search; citations to bioethics papers from EthxWeb at Georgetown University; newspaper citations from ProQuest Historical Newspapers; and citations to the federal register taken directly from the Federal Register database. The first number indicates the total number of citations to a report since publication; the second indicates citations in the first five years following publication. The reports of the President's Commission (1978-1983) are included for comparison.

Report Title	***Law Article Citations***	***Case Law Citations***	***Bioethics Papers Citations***	***Newspaper Citations***	***Federal Register Citations***
Cloning Human Beings (1997)	254 | 181	0	0	15 | 15	1 | 1
Research Involving Persons with Mental Disorders That May Affect Decisionmaking Capacity (1998)	43 | 20	1 | 1	9 | 9	1 | 1	6 | 5
Research Involving Human Biological Materials (1999)	88 | 27	0	4 | 4	1 | 1	6 | 5
Ethical Issues in Human Stem Cell Research (1999)	130 | 63	1 | 1	11 | 11	1 | 1	1 | 1
Ethical and Policy Issues in International Research: Clinical Trials in Developing Countries (2001)	34 | 16	0	1 | 1	1 | 1	5 | 4
Ethical and Policy Issues in Research Involving Human Participants (2001)	128 | 62	1 | 1	15 | 15	2 | 2	5 | 3
NBAC Averages	143 | 61.5	0.5 | 0.5	6.7 | 6.7	3.5 | 3.5	4 | 3.7
Human Cloning and Human Dignity: An Ethical Inquiry (2002)	102 | 73	1 | 1	0	2 | 1	22 | 14
Beyond Therapy: Biotechnology and the Pursuit of Happiness (2003)	69 | 39	0	3 | 3	4 | 4	21 | 19
Monitoring Stem Cell Research (2004)	76 | 60	0	0	0	22 | 22
Reproduction and Responsibility: The Regulation of New Biotechnologies (2004)	81 | 56	1 | 1	1 | 1	1 | 1	20 | 20
Taking Care: Ethical Caregiving in Our Aging Society (2005)	24 | 17	0	1 | 1	0	16 | 16
Human Dignity and Bioethics: Essays Commissioned by the President's Council on Bioethics (2008)	31 | 17	0	17 | 17	0	6 | 6
The Changing Moral Focus of Newborn Screening: An Ethical Analysis by the President's Council on Bioethics (2008)	7 | 5	0	1 | 1	0	2 | 2
Controversies in the Determination of Death: A White Paper by the President's Council on Bioethics (2008)	11 | 8	0	3 | 3	0	7 | 7
PCB Averages	50.1 | 34.4	0.25 | 0.25	3.25 | 3.25	0.88 | 0.75	14.5 | 13.3

New Directions: The Ethics of Synthetic Biology and Emerging Technologies (2010)	28 | 20	0	0	0	0
"Ethically Impossible" STD Research in Guatemala from 1946 to 1948 (2011)	12 | 10	0	0	0	0
Moral Science: Protecting Participants in Human Subjects Research (2011)	24 | 21	0	0	0	2 | 2
Privacy and Progress in Whole Genome Sequencing (2012)	35 | 34	0	0	0	0
Safeguarding Children: Pediatric Medical Countermeasure Research (2013)	0	0	0	0	0
Anticipate and Communicate: Ethical Management of Incidental and Secondary Findings in the Clinical, Research, and Direct-to-Consumer Contexts (2013)	21	0	0	0	1
Gray Matters: Integrative Approaches for Neuroscience, Ethics, and Society (2014)	1	0	0	0	0
Ethics and Ebola: Public Health Planning and Response (2015)	2	0	0	0	1
Gray Matters: Topics at the Intersection of Neuroscience, Ethics, and Society (2015)	1	0	0	0	1
Bioethics for Every Generation (2016)	0	0	0	0	0
PCSBI Averages	12.4 | 11	0	0	0	0.5
Defining Death (1981)	74 | 22	0	1 | 1	48 | 23	0
Protecting Human Subjects (1981)	171 | 24	2 | 0	6 | 3	1 | 1	1 | 0
Whistleblowing in Biomedical Research (1981)	16 | 7	2 | 0	4 | 4	0	0
Compensating for Research Injuries (1982)	39 | 13	0	7 | 7	0	0
Splicing Life: The Social and Ethical Issues of Genetic Engineering with Human Beings (1982)	50 | 14	0	0	5 | 5	10 | 0
Making Health Care Decisions (1982)	400 | 96	7 | 0	8 | 6	0	1 | 1
Deciding to Forego Life-Sustaining Treatment (1983)	507 | 189	44 | 24	10 | 8	1 | 1	0
Implementing Human Research Regulations (1983)	25 | 10	0	0	2 | 2	2 | 2
Screening and Counseling for Genetic Conditions: The Ethical, Social, and Legal Implications of Genetic Screening, Counseling, and Education Programs (1983)	79 | 27	1 | 1	0	1 | 1	0
Securing Access to Health Care (1983)	189 | 61	0	6 | 6	0	0
President's Commission Averages	155 | 46.3	5.6 | 2.3	4.2 | 3.5	5.8 | 3.3	1.4 | 0.2

Appendix B. Importance of bioethical issues over time. This graph was created by searching for a number of bioethics-related terms in the ProQuest Historical Newspapers dataset. Because the dataset appears to be more robust in the 1980s and 1990s than the 2000s and 2010s, I standardized the use of each term relatively to a term ("Congress") whose usage was theoretically more or less constant as a percentage of all articles. I then charted the usage of each term within each decade as a percentage of its highest use (so that all terms peaked at 1). The result graph is shown below.