

Injunction blocking funding of embryonic stem-cell research overturned

WASHINGTON - A federal appeals court has permanently lifted the injunction that had briefly stopped federal funding of embryonic stem-cell research.

The Sept. 28 ruling by the U.S. Court of Appeals for the District of Columbia Circuit allowed funding for the research to continue while a lawsuit filed by Drs. James L. Sherley and Theresa Deisher proceeds.

The two researchers who work with adult stem cells have challenged the Obama administration's guidelines on stem-cell funding, saying they faced the possibility of losing funding from the National Institutes of Health when NIH funding for embryonic stem-cell research was expanded.

NIH already had resumed the funding Sept. 9 when the appeals court temporarily lifted an injunction granted Aug. 23 by Chief Judge Royce C. Lamberth of U.S. District Court for the District of Columbia. Lamberth said the guidelines violated the Dickey-Wicker amendment, approved annually by Congress since 1996, which prevents federal funding of research in which human embryos are harmed or destroyed.

Lamberth also ruled that "the guidelines threaten the very livelihood of plaintiffs Sherley and Deisher" because their "injury of increased competition ... is actual and imminent."

Cardinal Daniel N. DiNardo of Galveston-Houston, chairman of the U.S. bishops' Committee on Pro-Life Activities, said Lamberth's August ruling was "a victory for common sense and sound medical ethics" that vindicated the bishops' reading of the Dickey-Wicker amendment.

White House spokesman Robert Gibbs said he was "heartened that the court will allow NIH and their grantees to continue moving forward while the appeal is

resolved.”

“President (Barack) Obama made expansion of stem-cell research and the pursuit of groundbreaking treatments and cures a top priority when he took office,” Gibbs said Sept. 28.

The Catholic Church opposes any stem-cell research that involves the destruction of human embryos. Catholic leaders and scientists have said therapies and treatments developed from adult stem cells and other morally licit research material have produced promising results, while no actual treatments have been developed from research using embryonic stem cells.

Dr. Francis S. Collins, NIH director, said the Lamberth ruling “pours sand into that engine of discovery” at a time “when we were really gaining momentum” with embryonic stem-cell research.

“This decision has the potential to do serious damage to one of the most promising areas of biomedical research,” he said Aug. 24.

But Cardinal DiNardo said he hoped the decision would “encourage our government to renew and expand its commitment to ethically sound avenues of stem-cell research.”

In testimony Sept. 16 at a hearing on “The Promise of Human Embryonic Stem-Cell Research” before the Senate Appropriations Committee’s Subcommittee on Labor, HHS and Education, Collins said NIH “is strongly committed to research using adult stem cells” because it has already “produced clinically validated and widely used treatments” and “there may be other clinical applications for which they prove useful.”

“NIH has invested many hundreds of millions of dollars over the years in adult stem-cell research,” he added. “Indeed, annually we are spending almost three times as much on adult stem-cell research as on human embryonic stem-cell research.”

In court documents, NIH officials estimates that the government spent \$88 million for embryonic stem-cell research in fiscal year 2008 and \$91 million in fiscal 2009 and that it would spend \$92 million in fiscal 2010. Expenditures for human

nonembryonic stem-cell research were estimated at \$297 million in fiscal 2008, \$305 million in 2009 and \$311 million in 2010.