

Judge dismisses lawsuit against funding embryonic stem-cell research

WASHINGTON - Attorneys for two scientists who use only adult stem cells in their work said they were “weighing all of their options for appeal” after a Washington judge ruled July 27 that federal funding of embryonic stem-cell research may continue.

Chief Judge Royce C. Lamberth of U.S. District Court for the District of Columbia dismissed a lawsuit that had briefly ended all federal funding of embryonic stem-cell research in August 2010. The ban lasted only until late September and was permanently overturned in April.

In his latest decision, Lamberth said using federal money to pay for research involving embryonic stem cells derived using private funds did not violate the Dickey-Wicker Amendment. The amendment has been approved annually by Congress since 1996 to prevent federal funding of research in which human embryos are harmed or destroyed.

Lamberth said his court “has become a grudging partner in a bout of ‘linguistic jujitsu’” and was compelled to conclude, as a federal appeals panel had in April, that the amendment’s wording was ambiguous in relation to research involving embryonic stem cells created using private funds.

Alliance Defense Fund senior counsel Steven H. Aden had been among the attorneys representing researchers Theresa Deisher of AVM Biotechnology in Seattle and Dr. James Sherley of the Boston Biomedical Research Institute, who said the Obama administration’s decision to expand federal funding of embryonic stem-cell research would harm their chances of obtaining funding for their own adult stem-cell research.

“Americans should not be forced to pay for experiments that destroy human life,

have produced no real-world treatments and violate federal law,” Aden said in a July 27 statement. “The law is clear, and we intend to review all of our options for appeal of this decision.

“In these tough economic times, it makes no sense for the federal government to use taxpayer money for this illegal and unethical purpose,” he added.

The Catholic Church opposes any research that harms the human embryo and the U.S. Conference of Catholic Bishops has backed the goals of the lawsuit against federal funding of embryonic stem-cell research.

“We believe that the language and history of federal statutory law on embryo research fully supports a final ruling against” the National Institutes of Health guidelines that permit federal spending on embryonic stem-cell research, said Richard Doerflinger, associate director of the USCCB Secretariat for Pro-Life Activities, after a three-judge panel of the Court of Appeals for the District of Columbia lifted the ban on such funding April 29 and sent the case back to Lamberth.

The panel said at the time that opponents of embryonic stem-cell research were not likely to prevail in their suit against the federal funding.

Doerflinger was not available for comment after the July 27 ruling.

When Lamberth issued his Aug. 23, 2010, injunction that temporarily stopped federal funding for embryonic stem-cell research, Cardinal Daniel N. DiNardo called it “a victory for common sense and sound medical ethics.”

The cardinal is archbishop of Galveston-Houston and chairs the USCCB Committee on Pro-Life Activities.