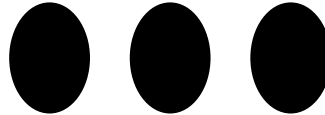




Written by [Dave Bohon](#) on May 2, 2011

Federal Court Rules in Favor of Embryonic Stem Cell Research

In what is being heralded as a victory for the Obama Administration, a three-member panel of the U.S. Court of Appeals in Washington, D.C. ruled on April 29 that the federal government can continue to fund embryonic stem cell research while a federal case seeking to permanently block funding makes its way through the courts.



As reported by the [Associated Press](#), in its 2-1 decision the panel ruled that opponents are not likely to succeed in their lawsuit to stop federal financing of stem cell research and overturned a district judges order that would have blocked the funding. The panel reversed an opinion issued last August by U.S. District Judge Royce Lamberth, who said the research likely violates the law against federal funding of embryo destruction.

The White House hailed the ruling as a victory for medical research and the patients who will supposedly benefit. Responsible stem cell research has the potential to treat some of our most devastating diseases and conditions and offers hope to families across the country and around the world, White House spokesman Nick Papas said.

Similarly, Lisa Hughes of the Washington, D.C.-based Coalition for the Advancement of Medical Research said that her organization was thrilled with the decision. This is a victory for patients all across America, she said. This is also great news for the scientific community, so that they may continue to apply for grants and know their research will be able to move forward.

While proponents say that embryonic stem cells could be used to help cure patients with spinal cord injuries, Parkinsons disease, and other debilitating ailments, opponents point out that the research destroys fully viable human embryos, which had the potential to grow into human beings in a mothers womb. Although all current research supposedly comes from embryos harvested years ago, pro-life leaders warn that actively moving forward will open the door to the destruction of new embryos.

AP reported that a 1996 law prohibits the use of taxpayer dollars in work that harms an embryo, so private money has been used to cull batches of the cells. Those batches can reproduce in lab dishes indefinitely, and the Obama Administration issued rules permitting taxpayer dollars to be used in work on them through the National Institutes of Health.

According to [Baptist Press News](#), the 1996 measure is known as the Dickey-Wicker Amendment, which is renewed by Congress each year and which prohibits research in which a human embryo or embryos are destroyed, discarded, or knowingly subjected to risk of injury or death.



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While pro-life leaders argue that that the amendment completely bans federal funding of embryonic stem cell research, Mr. Obama has moved forward with research funding, insisting that the law only prohibits using federal funds in the destruction of embryos, while leaving intact the funding for research on the destroyed cells.

The panel majority sided with the Obama argument, calling the language of Dickey-Wicker amendment ambiguous. Writing the majority opinion for himself and fellow judge Thomas Griffith, Judge Douglas Ginsburg said that because Congress wrote the law in the present tense, it was entirely reasonable for the National Institutes of Health to understand Dickey-Wicker as permitting funding for research using cell lines derived without federal funding, even as it bars funding for the derivation of additional lines. Ginsberg wrote that the use of the present tense in a statute strongly suggests it does not extend to past actions.

But in her minority dissent Judge Karen Henderson insisted that the Dickey-Wicker Amendment was clear in its intent, writing that it was meant to ban federal funding of research rather than the destruction of human embryos for research purposes.

Explained Henderson, Research, then, is the express target of the ban the Congress imposed with respect to the destruction of a human embryo. This makes perfect sense because in 1996, according to the record, hESC [human embryonic stem cell] research had barely begun. The Congress, recognizing its scant knowledge about the feasibility/scope of hESC research, chose broad language with the plain intent to make the ban as complete as possible.

Baptist Press noted that while embryonic stem cell research has received significant publicity but has yet to lead to any cures, research with adult stem cells, which destroys no embryos, has produced therapies for 73 afflictions, including cancer, juvenile diabetes, multiple sclerosis, heart damage, Parkinsons, sickle cell anemia and spinal cord injuries according to Do No Harm, a coalition promoting ethics in research.

Similarly, Experiments with induced pluripotent stem (iPS) cells have demonstrated promising results and generated a great deal of interest in recent years among scientists, reported the Baptist news site, with researchers enjoying success in reprogramming adult skin cells into cells that have virtually the identical properties of embryonic ones, which have the ability to change into any cell or tissue in the body.

Dr. David Prentice, Senior Fellow for Life Sciences with the [Family Research Council](#), called the court decision disappointing, noting that as Judge Henderson had declared, the logic for the current decision is a case of linguistic jujitsu rather than straightforward interpretation of the law. Human embryonic stem cell research relies on the destruction of young human embryos as experimental fodder.

Meanwhile, added Prentice, thousands of patients are alive and have improved health after treatments using adult stem cells, including for spinal cord injury, heart damage, blindness, and dozens of other conditions.

Concluded the pro-life physician, Federal taxpayer funds should go towards helping patients first, not unethical experiments. We believe that further court decisions will support congressional protections of young human life and divert federal funds toward lifesaving adult stem cells.

Photo: Human embryonic stem cells in a cell culture



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