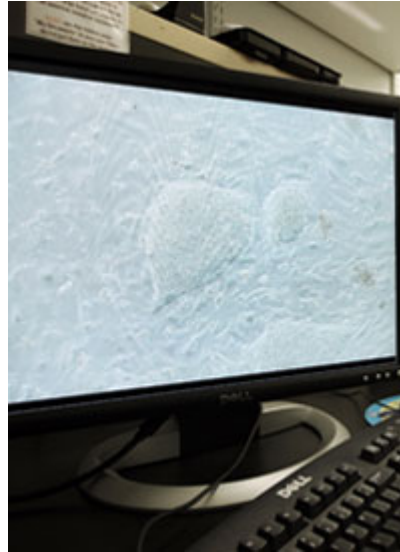




Written by on March 9, 2009

## Obama Lifts Ban on Embryonic Stem-cell Research

"Rather than furthering discovery, our government has forced what I believe is a false choice between sound science and moral values," said Obama. "In this case, I believe the two are not inconsistent. As a person of faith, I believe we are called to care for each other and work to ease human suffering. I believe we have been given the capacity and will to pursue this research and the humanity and conscience to do so responsibly."



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The *Washington Post* quoted Melody C. Barnes, director of Obama's Domestic Policy Council, who said in a telephone interview on March 8: "The president believes that it's particularly important to sign this memorandum so that we can put science and technology back at the heart of pursuing a broad range of national goals."

The *Post* also quoted Harold Varmus, who co-chairs Obama's Council of Advisors on Science and Technology, as stating, "We view what happened with stem-cell research in the last administration as one manifestation of failure to think carefully about how federal support of science and the use of scientific advice occurs. This is consistent with the president's determination to use sound scientific practice, responsible practice of science and evidence, *instead of dogma in developing federal policy.*" (Emphasis added.)

Varmus added: "As a result of lifting those limitations, the president is in effect allowing federal funding of embryonic stem research to the extent it's permitted by federal law — that is work with [human embryonic] stem cells themselves, not the derivation of those stem cells."

The announcement brought rapid comment from Rep. Eric Cantor, the number-two ranking Republican in the House, who said Sunday on CNN's "State of the Union" that the administration's priorities should be on employment, rather than funding for embryonic stem-cell research: "Frankly, federal funding of embryonic stem-cell research can bring on embryo harvesting, perhaps even human cloning that occurs. We don't want that.... And certainly that is something that we ought to be talking about, but let's take care of business first. People are out of jobs."

A report in the *Christian Post* observed: "Obama's intent to lift restrictions on the controversial type of stem-cell research has been known for some time and is even articulated as part of his administration's agenda on [the White House's Website](#). The White House agenda item dealing with the subject states: "Advance Stem Cell Research: Support increased stem cell research. Allow greater federal government funding on a wider array of stem cell lines." Curiously, the item is listed under the category of "Technology," rather than other likely categories such as "Ethics," "Family," or "Health Care."



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The *Christian Post* also quoted a statement issued by Tony Perkins, president of the Family Research Council: "I believe it is unethical to use human life, even young embryonic life, to advance science. While such research is unfortunately legal, taxpayers should not have to foot the bill for experiments that require the destruction of human life."

Perkins continued: "We should be increasing funding for adult stem-cell treatments, which have been used to treat patients for over 70 diseases and conditions, and we should fund the historic achievements in reprogramming ordinary skin cells into embryonic-like stem cells without compromising ethics by destroying life."

Comments from members of the scientific community provided insight into the fact that traditional ethical concerns seem to have had negligible impact upon the thinking of many modern researchers. The AP quoted Dr. George Daley of the Harvard Stem Cell Institute and Children's Hospital of Boston, who said: "I feel vindicated after eight years of struggle, and I know it's going to energize my research team."

When the question was raised as to whether the Obama decision would remove prohibitions on creating embryos specifically to harvest their stem cells — a matter still to be determined — Dr. Mark A. Kay, a researcher at Stanford University's School of Medicine, told the *Washington Post*: "*I don't personally have any problem creating embryos for embryonic stem cell research.* But if he decides that embryos that have already been created and are going to be discarded are the ones that would be used, that would be reasonable as well. *These things* exist and are going to be discarded. It's really mind-boggling to me *these things* are going to be discarded and scientists haven't been allowed to use them to do research." (Emphasis added.)

Dr. Kay's callous reference to human embryos, which theologians of many faiths believe to be human beings with human souls, as "these things" reminds this writer of a remark made by the notorious mass murderer, Adolf Hitler, in *Mein Kampf*: "Certainly the Jew is also a man, but the flea is also an animal."

A common theme among proponents of the Obama order — originating with Obama himself — is that his action will somehow remove "politics" from scientific research. The *New York Times*, for example, reported on March 9 that "Mr. Obama's announcement on Monday will be part of a broader initiative to make good on his pledge to separate science and politics." As with the phrase "separation of church and state," however, this new mantra, "separation of science and politics," reverse the true order of government as stated in our Constitution. Our Constitution serves primarily to insulate the people and states from too much government in Washington, yet these phrases (one trite, the other likely to become so) promote bigger, bolder, and more intrusive government.

The First Amendment's prohibition against Congress making laws respecting an establishment of religion was an obvious restriction against the United States having a Church-of-England-type established church — yet it has been misconstrued to give federal courts the power to interfere in matters that should be reserved to the states or the people.

Likewise, the Constitution does not give any power to Congress to appropriate funds for scientific research, nor to establish the National Institutes of Health (NIH), which will oversee the expenditure of these unconstitutional federal funds. In fact, the Constitution's sole reference to science, under Article I, Section 8, is to "promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries."

In other words, the government is authorized to grant patent protection to scientists, nothing more.



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From a constitutional point of view, therefore, stem-cell research is not a federal matter at all, whether we are speaking of funding it, legitimizing it, or prohibiting it. As with other issues of ethical concern governing human behavior, the matter should be left to the states.

It must be said, however, that given the serious ethical considerations of artificially bringing into existence what many people believe is a human life — for the purpose of experimenting upon and ultimately destroying that life — makes federal funding of such activity particularly onerous. It makes taxpayers pay for actions they find morally repugnant. The proponents of using federal funding for such research claim that the Obama order will result in a "separation of science and politics," but it does just the *opposite*. All federal funding must be approved by members of Congress, who are, by trade ... politicians.

### **A Postscript From History**

During the so-called "Doctors' Trial" (*United States of America v. Karl Brandt, et al.*) the first of 12 trials for war crimes that the United States authorities held in their occupation zone in Nuremberg, Germany, after the end of World War II, 23 defendants (including 20 medical doctors) were accused of having been involved in Nazi human experimentation. As a result of that and subsequent trials at Nuremberg, U.S. officials, established the 10 points of the Nuremberg Code. The [U.S. National Institutes of Health, Office of Human Subjects Research](#), lists the points as follows:

### **Directives for Human Experimentation**

#### **NUREMBERG CODE**

1. The voluntary consent of the human subject is absolutely essential. This means that the person involved should have legal capacity to give consent; should be so situated as to be able to exercise free power of choice, without the intervention of any element of force, fraud, deceit, duress, over-reaching, or other ulterior form of constraint or coercion; and should have sufficient knowledge and comprehension of the elements of the subject matter involved as to enable him to make an understanding and enlightened decision. This latter element requires that before the acceptance of an affirmative decision by the experimental subject there should be made known to him the nature, duration, and purpose of the experiment; the method and means by which it is to be conducted; all inconveniences and hazards reasonable to be expected; and the effects upon his health or person which may possibly come from his participation in the experiment.

The duty and responsibility for ascertaining the quality of the consent rests upon each individual who initiates, directs or engages in the experiment. It is a personal duty and responsibility which may not be delegated to another with impunity.

2. The experiment should be such as to yield fruitful results for the good of society, unprocurable by other methods or means of study, and not random and unnecessary in nature.

3. The experiment should be so designed and based on the results of animal experimentation and a knowledge of the natural history of the disease or other problem under study that the anticipated results will justify the performance of the experiment.

4. The experiment should be so conducted as to avoid all unnecessary physical and mental suffering and injury.

5. No experiment should be conducted where there is an a priori reason to believe that death or disabling injury will occur; except, perhaps, in those experiments where the experimental physicians also serve as subjects.

6. The degree of risk to be taken should never exceed that determined by the humanitarian



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importance of the problem to be solved by the experiment.

7. Proper preparations should be made and adequate facilities provided to protect the experimental subject against even remote possibilities of injury, disability, or death.

8. The experiment should be conducted only by scientifically qualified persons. The highest degree of skill and care should be required through all stages of the experiment of those who conduct or engage in the experiment.

9. During the course of the experiment the human subject should be at liberty to bring the experiment to an end if he has reached the physical or mental state where continuation of the experiment seems to him to be impossible.

10. During the course of the experiment the scientist in charge must be prepared to terminate the experiment at any stage, if he has probable cause to believe, in the exercise of the good faith, superior skill and careful judgment required of him that a continuation of the experiment is likely to result in injury, disability, or death to the experimental subject.

Reprinted from Trials of War Criminals before the Nuremberg Military Tribunals under Control Council Law No. 10, Vol. 2, pp. 181-182.. Washington, D.C.: U.S. Government Printing Office, 1949.

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