

## Stem-cell ruling called 'victory for common sense'

Nancy Frazier O'Brien Catholic News Service | Aug. 25, 2010



Cardinal Daniel DiNardo, chairman of the U.S. bishops' pro-life activities, addresses the crowd at the annual March for Life rally in Washington Jan. 22.

WASHINGTON -- Cardinal Daniel N. DiNardo praised a federal judge's recent ruling that temporarily stopped federal funding for embryonic stem-cell research, but the U.S. Department of Justice said it would appeal the decision.

The cardinal, who heads the Archdiocese of Galveston-Houston and chairs the U.S. bishops' Committee on Pro-Life Activities, called the Aug. 23 decision by Chief Judge Royce C. Lamberth of U.S. District Court for the District of Columbia "a victory for common sense and sound medical ethics."

"It also vindicates the bishops' reading" of the Dickey-Wicker amendment, approved by Congress since 1996, which prevents federal funding of research in which human embryos are harmed or destroyed, Cardinal DiNardo said in an Aug. 25 statement.

In congressional testimony in 1999, the bishops' conference argued that "a mere bookkeeping distinction between funds used to destroy the embryo and funds used to work with the resultant cells is not sufficient" to comply with the amendment.

In his 15-page ruling granting a temporary injunction, Lamberth said Drs. James L. Sherley and Theresa Deisher, both adult stem-cell researchers, had standing to challenge the Obama administration's guidelines on stem-cell funding because they faced the possibility of losing funding from the National Institutes of Health when NIH funding for embryonic stem-cell research was expanded.

The lawsuit had originally been filed on behalf of the two doctors; Nightlight Christian Adoptions, an adoption and counseling agency that facilitates international, domestic and embryo adoptions; embryos themselves; two couples; and the Christian Medical Association. Lamberth ruled in 2009 that none of the plaintiffs had legal standing, but an appeals court overruled him only in the case of the two doctors.

The Aug. 23 ruling said the researchers' attorneys had shown that the Dickey-Wicker amendment "demonstrates that "the unambiguous intent of Congress is to prohibit the expenditure of federal funds on 'research in which a

human embryos or embryos are destroyed."

"By allowing federal funding of ESC research, the guidelines are in violation of the Dickey-Wicker amendment," Lamberth wrote.

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

Supporters of the Obama administration's guidelines for funding embryonic stem-cell research have argued that no embryos will be created and destroyed for the research since only already existing embryos created for in vitro fertilization and later discarded would be used.

In a conference call with media Aug. 24, 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.

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."

"A task of good government is to use its funding power to direct resources where they will best serve and respect human life, not to find new ways to evade this responsibility," he said.

Steven H. Aden, senior legal counsel for the Alliance Defense Fund, co-counsel in the lawsuit, said the decision "is simply enforcing an existing law passed by Congress that prevents Americans from paying another penny for needless research on human embryos."

"Experimentation on embryonic stem cells isn't even necessary because adult stem-cell research has been enormously successful," he added. "In economic times like we are in now, it doesn't make sense for the federal government to use precious taxpayer dollars for this illegal and unethical purpose."

The Catholic Church strongly supports adult stem-cell research but opposes any research that involves the destruction of human embryos.

Charmaine Yoest, president and CEO of Americans United for Life, said in an Aug. 23 statement that "the Obama administration has attempted to skirt the law by arguing that they are only funding research after the embryos are destroyed."

"Today's sensible ruling reconfirms what we already knew, that administration policy is in violation of the law," she added.

But Dr. Irving L. Weissman, director of the Stanford Institute for Stem Cell Biology and Regenerative Medicine, told The New York Times that the decision would be "devastating to the hopes of researchers and patients who have been waiting so long for the promise of stem-cell therapies."

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