

Court Denies Appeal Charging University for Illegally Using Aborted Fetal Tissue

A Minnesota Court of Appeals three-judge panel has dismissed an appeal of a judgment of the trial court dismissing a lawsuit against the University of Minnesota for illegally procuring and using aborted human fetal tissue for research.

The university was using fetal tissue for research in violation of a state statute prohibiting the practice. After the Thomas More Society filed a lawsuit to challenge this illegal practice, the trial court ruled in favor of the university and dismissed the lawsuit. On August 20, 2018, the appellate court denied the Thomas More Society's request to have the lower court's decision overturned. In May 2017, the Fourth Judicial District Court of Minnesota in Hennepin County dismissed the lawsuit, claiming there was no evidence that the university was breaking the law, that the university's review board requires researchers to comply with relevant state and federal laws, and that the court, therefore, had no jurisdiction in the matter. Rather than reexamining reasons for the lower court's dismissal, the appellate court interpreted a 2017 law requiring the university to report fetal tissue experimentation as creating an exception to Minnesota's law banning experimentation on aborted fetal tissue.

Attorney Erick Kaardal, Thomas More Society Special Counsel, represents those suing the school: Pro-Life Action Ministries, Inc., Brian Gibson and Bridget Busacker. He explained that Minnesota law makes it a "gross misdemeanor" to procure or use aborted human fetal tissue in most cases, and that the University of Minnesota sought to dodge that prohibition by using out-of-state providers. Now, the University of Minnesota

has found an unintended loophole in the recently enacted 2017 law as justification for continuing its long-illegal experimentation on aborted fetal tissue.

By upholding the lower court's decision to dismiss the case, the ruling will, according to Kaardal, allow the legislature to reconsider the University of Minnesota's approach to experimenting on aborted fetal tissue. Prior to the 2017 law, the taxpayer-funded state university's lack of transparency avoided this important bioethical discussion.

Kaardal commented, "The University of Minnesota has a bad history here. Prior to the 2017 law, the university had conducted its experimentation illegally. The school's lack of transparency hid its illegalities from public view. Now, with the Court of Appeals accepting the university's claim that the 2017 law contains a loophole for this kind of experimentation, the legislature can reconsider whether the university should be doing this kind of research at all. The University of Minnesota is running out of tricks that have allowed it to continue this bioethically questionable research without public review."

The lawsuit contended that the University of Minnesota, as a public institution that receives taxpayer money, has "used public funds for improper and unauthorized purposes." However, while the lawsuit was pending judicial consideration, a 2017 law was enacted requiring the university to have set procedures for, and report on, its fetal tissue experimentation. This was the law that the court referred to in excusing the university from Minnesota's ban on fetal tissue experimentation. The current ruling will allow the legislature to revisit the question of whether the University of Minnesota should be conducting fetal tissue research at all.

The initial discovery of the school's suspected illegal activity was made by the Center for Medical Progress. The non-

profit organization gained national attention along with its founder, David Daleiden, the undercover journalist who exposed Planned Parenthood's role in the alleged trafficking of aborted baby body parts. It was revealed that the University of Minnesota procured human fetal tissue from Advanced Bioscience Resources, Inc., of Alameda, California. Additionally, it was acknowledged that Advanced Bioscience Resources obtained tissue from induced abortions at clinics throughout the country.

Minnesota law prohibits the scientific study of fetal remains, except in cases where it is used to "protect the life or health" of the mother or unborn child, procure evidence in a criminal investigation, or determine parentage.

According to the Thomas More Society, further action is being considered, including educating citizens about this matter, in preparation for Minnesota's 2019 legislative session.

Read the Aug. 20, 2018, decision issued by the Minnesota Court of Appeals in *Pro-Life Action Ministries, Incorporated, et al. vs. Regents of the University of Minnesota*, [here](#).

Read more about the case, *Pro-Life Action Ministries, Incorporated, et al. vs. Regents of the University of Minnesota*, [here](#). {eoa}