

Judge Allows Federal Funding of Embryonic Stem Cell Research



President Obama signing executive order

A federal judge's Wednesday ruling allows the federal government to continue funding embryonic stem cell research.

As U.S. District Judge Royce Lamberth sees it, his hands are tied by an appellate court decision that reversed his August 2010 order to stop funding based on a federal law prohibiting the practice.

"While it may be true that by following the Court of Appeals' conclusion as to the ambiguity of 'research,' this Court has become a grudging partner in a bout of 'linguistic jujitsu,' ... such is life for an antepenultimate court," Lamberth wrote in his ruling. "Therefore the D.C. Circuit's conclusion that the term 'research' in the Dickey-Wicker Amendment is ambiguous binds this Court."

The White House applauded the ruling. "Today, patients suffering from diseases like Alzheimer's, Parkinson's and heart disease and their families got good news when a federal judge ruled in favor of the government in a lawsuit challenging the Obama Administration's work to support stem cell research," said Stephanie Cutter, assistant to President Obama.

Alliance Defense Fund attorneys, together with Samuel B. Casey of the Jubilee Campaign's Law of Life Project and Tom Hungar of Gibson, Dunn & Crutcher, LLP, are weighing all appeal options.

"Americans should not be forced to pay for experiments that

destroy human life, have produced no real-world treatments and violate federal law,” said ADF Senior Counsel Steven H. Aden.

“The district court’s injunction simply enforced that law, which makes sure Americans don’t pay any more precious taxpayer dollars for needless research made irrelevant by adult stem cell and other research. 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.”

Hungar argued the case, *Sherley v. Sebelius*, before the U.S. Court of Appeals for the D.C. Circuit in December of last year with regard to the original injunction. They, together with Advocates International and ADF attorneys, represent doctors opposed to an Obama administration policy that authorized the National Institutes of Health to fund additional research projects that destroy human embryos even though a federal law known as the Dickey/Wicker Amendment specifically prohibits such funding.