



Written by [Dave Bohon](#) on August 28, 2012

## Federal Court Rules in Favor of Embryonic Stem-cell Research

A federal appeals court has ruled in favor of a lower court's decision, throwing out a lawsuit that challenged the Obama administration's funding of embryonic stem-cell research. A three-judge panel for the U.S. Circuit Court of Appeals for the District of Columbia upheld the lower court ruling that dismissed the suit challenging the funding which President George Bush had severely restricted during his administration.



As reported by [LifeNews.com](#), the lawsuit had argued that "Obama's executive order forcing taxpayer funding violated the 1996 Dickey-Wicker law that prohibits taxpayer [funding] of any scientific research that results in the destruction of human embryos, unborn children at their earliest days of life." The latest ruling means that under Obama's edict, tax money will continue to fund research on stem cells derived from embryos created by in vitro fertilization.

In August 2010, U.S. District Judge Royce Lamberth ruled that the executive order by Obama overturning the Bush administration's ban on funding of embryonic stem-cell research was a probable violation of the Dickey-Wicker amendment. Lamberth rejected arguments by the Obama administration that the wording of the amendment is ambiguous and thus allows federal funding for research on stem cells after they have been removed from embryos.

But in April 2011, the D.C. appeals court sided with the Obama administration's ambiguity argument, ruling that while the amendment "bars funding for the destructive act of deriving an [embryonic stem cell] from an embryo, it does not prohibit funding a research project in which an [embryonic stem cell] will be used." That ruling, concluded Judge Lamberth three months later, "constrained" him to dismiss the suit, a ruling that the appeals court panel affirmed in its August 24 decision.

Writing for the three-judge panel, Judge David B. Sentelle said that "Dickey-Wicker permits federal funding of research projects that utilize already-derived [embryonic stem cells] which are not themselves embryos — because no human embryo or embryos are destroyed in such projects. Therefore, unless they have established some 'extraordinary circumstance,' the law of the case is established and we will not revisit the issue."

Dr. David Prentice of the [Family Research Council](#) told LifeNews that his group was disappointed the court did not see the Obama administration's move as a violation of the Dickey-Wicker amendment. "Embryonic stem cell research relies on the destruction of young human embryos, and that destruction is integral to the research," Prentice pointed out. "There would be no embryonic stem cells available for federal funding without first harming and destroying a young human embryo, an act that is prohibited by the Dickey-Wicker language which is passed annually."

He noted that the proper enforcement of that amendment would result in the elimination of all taxpayer funds for embryonic stem-cell research. "Federal funding of embryonic stem cell research is a tragic



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waste of lives as well as taxpayer money,” he said, “since despite the promises made to gain the federal funding, there is not a single example of a successful treatment. Only adult stem cells have successfully treated any patient, now helping thousands of people for dozens of conditions.”

Shortly after Obama took office, he “overturned the protections President George W. Bush put into place that prevented taxpayer funding of new embryonic stem cell research but pushed millions of dollars into research associated with adult stem cells, which have already helped patients with more than 100 diseases and medical conditions,” recalled LifeNews. “Bush also pumped money into finding embryonic stem cell research alternatives that don’t involve destroying human embryos for their stem cells, and Obama overturned that executive order as well.”

Steven Aden, senior counsel for the [Alliance Defending Freedom](#), reacted to the ruling, saying,

Americans should not be forced to pay for experiments that destroy human life, have produced no real-world treatments, and violate federal law. That law’s clear intent has been utterly ignored. Congress designed that law so that Americans don’t pay any more precious taxpayer dollars for needless research made irrelevant by adult stem cell and other research. In the current economic climate, it makes even less sense for the Obama administration to use taxpayer money for this illegal and unethical purpose.



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