



Written by [Dave Bohon](#) on July 30, 2011

Federal Judge Rules in Favor of Embryonic Stem-cell Research

As reported by [Baptist Press News](#), Lamberth issued the ruling “less than a year after suspending federal funding of embryonic stem cell research (ESCR).” Lamberth’s latest decision came “after the D.C. Circuit Court of Appeals removed his preliminary injunction on such grants.” In his opinion Lamberth said the appeals court decision “constrains this court,” compelling him to dismiss the challenge.



In issuing his 2009 executive order expanding ESCR funding, President Obama called on the National Institutes of Health (NIH) to come up with guidelines to implement his order. Last August, Lamberth ruled that the NIH guidelines violated the Dickey-Wicker Amendment, which prohibits federal funding for “research in which a human embryo or embryos are destroyed, discarded or knowingly subjected to risk or injury or death greater than that allowed for research on fetuses in utero.”

But a month after Lamberth’s ruling, a three-judge appeals court panel lifted Lamberth’s suspension while the lawsuit moved forward, and in April the panel sent the case back to Lamberth, “but virtually killed the challenge,” reported BP News.

In dismissing the suit Lamberth ruled that allowing federal funding for research using stem cells created using private funds is not a violation of the Dickey-Wicker Amendment. “This Court, following the D.C. Circuit’s reasoning and conclusions, must find that defendants reasonably interpreted the Dickey-Wicker Amendment to permit funding for human embryonic stem-cell research because such research is not ‘research in which a human embryo or embryos are destroyed,’” Lamberth stated in his opinion.

Scientists involved in the controversial research applauded Lamberth’s ruling. “We clearly think it’s the right decision,” said Dr. Jonathan Thomas of the [California Institute for Regenerative Medicine](#). “It will now lift the cloud that’s been hanging over researchers around the country.”

As reported by the [Christian Post](#), “Francis Collins, director of the National Institutes of Health and an evangelical Christian, stated in an interview that he felt it was worth using embryos to benefit human health if they would be otherwise discarded after fertility treatments.”

But Dr. David Prentice, a senior fellow for Life Sciences at the conservative [Family Research Council](#), called the ruling “unfortunate,” saying that it allowed “the flow of taxpayer funds to continue for this



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unethical, scientifically unworthy embryonic stem cell research.” He added that it was also a “sad day for patients, because it is not embryonic stem cells, but only adult stem cells that are currently treating patients and offering real hope for the future.”

James Sherley, one of the plaintiffs in the suit, who uses adult stem cells in his research, was set to file an appeal of the verdict, with the aid of the [Alliance Defense Fund](#), which represented him and Theresa Deisher in the lawsuit.

“Americans should not be forced to pay for experiments that destroy human life, have produced no real-world treatments, and violate federal law,” ADF senior counsel Steven Aden said after the verdict. “The law is clear, and we intend to review all of our options for appeal of this decision.”



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