
Appeals court overturns stem cell research ban

(AP) – April 29, 2011

WASHINGTON (AP) — Opponents of taxpayer-funded stem cell research lost a key round in a federal appeals court Friday.

In a 2-1 decision, a panel of the U.S. court of appeals in Washington overturned a judge's order that would have blocked taxpayer funding for stem cell research. The judges ruled that opponents of taxpayer-funded stem cell research are not likely to succeed in their lawsuit to stop it.

The panel reversed an opinion issued last August by U.S. District Judge Royce Lamberth, who said the research likely violates the law against federal funding of embryo destruction.

"We're thrilled with this decision and look forward to allowing federally funded scientists to continue with their work without political constraints," said Sean Tipton, a spokesman for the American Society for Reproductive Medicine.

Researchers hope one day to use stem cells in ways that cure spinal cord injuries, Parkinson's disease and other ailments. Opponents say the research is a form of abortion because human embryos must be destroyed to obtain the stem cells.

The 1996 law prohibits the use of taxpayer dollars in work that harms an embryo, so private money has been used to cull batches of the cells. Those batches can reproduce in lab dishes indefinitely, and the Obama administration issued rules permitting taxpayer dollars to be used in work on them.

The lawsuit was filed by two scientists who argued that Obama's expansion jeopardized their ability to win government funding for research using adult stem cells — ones that have already matured to create specific types of tissues — because it will mean extra competition.

Lamberth, the chief judge of the U.S. District Court in Washington, issued a preliminary injunction in August to block the research while the case continued.

The Obama administration immediately appealed and requested the order be stopped. The appeals court quickly ruled that the research could continue at the National Institutes of Health while the judges took up the case.

The opinion tossing Lamberth's ruling was written by Judge Douglas Ginsburg, nominated to the court by President Ronald Reagan, and supported by Judge Thomas

Griffith, a nominee of President George W. Bush. The dissent came from Judge Karen LeCraft Henderson, a nominee of President George H.W. Bush; she agreed with the lower court judge that the lawsuit was likely to succeed.

As a result of the appellate ruling Friday, the original lawsuit can continue before Judge Lamberth, but the taxpayer-funded research also will go on. Lamberth hasn't thus far either held a trial or issued a final ruling, which he could do based on court filings without taking testimony.

Once the cells are culled, they can reproduce in lab dishes indefinitely. So government policies said using taxpayer dollars to work with the already-created batches of cells is allowed.

The Obama administration has expanded the number of stem cell lines created with private money that federally funded scientists could research, up from the 21 that President George W. Bush had allowed to at least 75 so far. To qualify, parents who donate the original embryo must be told of other options, such as donating to another infertile woman.

Congress twice passed legislation specifically calling for tax-funded stem cell research, which Bush vetoed.

Associated Press writer Pete Yost contributed to this report.

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