



MEMORANDUM

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Stem Cell Research

While stem cell research may hold the promise of significant medical breakthroughs, experimenting on stem cells obtained from human embryos requires the destruction of those embryos and is thus morally wrong. Moreover, embryonic stem cell research is unnecessary; there is much promise in the area of stem cell research that does not require the destruction of human life. Therefore, the ACLJ opposes embryonic stem cell research, and government funding of that research.

“A stem cell is a [unique] cell [in] that [it] has the ability to divide (self-replicate) for indefinite periods – often through the life of the organism.” NIH, StemCells: Scientific Progress and Future Research Directions, 6/01. These stem cells can be found in embryos, fetuses, and adults. Unlike other cells within the human body, stem cells have the ability to develop from unspecialized into specialized cells. Stem cells are the building blocks from which all human cells are derived.

Not every stem cell has the ability to develop into each of the cells that comprise the human body. But, embryonic stem cells are one source of these chameleon-like cells. Embryonic stem cells are derived from a five to six day old human embryo. It is these embryonic stem cells, capable of developing into any cell type, that have been so highly prized by scientists since they were first derived in labs in 1998. John Gearhart, *New Potential for Human Embryonic Stem Cells*, 282 SCI. 1061–62 (1998).

The fully developed human body also contains stem cells. These adult stem cells have numerous sources including bone marrow, blood, the cornea and retina of the eye, the brain, skeletal muscle, dental pulp, the liver, skin, the lining of the gastrointestinal tract, and the pancreas.

While research on human embryonic stem cells has never been illegal in the United States (despite sound arguments that it should be), federal funding of embryonic stem cell research has become a very contentious ethical and legal issue. Domestic Policy Council, The White House, *Advancing Stem Cell Science Without Destroying Human Life*, at 5, Jan. 9, 2007, available at <http://georgewbush-whitehouse.archives.gov/dpc/stemcell/2007/index.html>. Supporters of federal funding for embryonic stem cell research give four main defenses to ethical challenges: the endless scientific possibilities; the regulatory control that comes with funding; the belief that an embryo is not a person; and the fact that many embryos do not survive, meaning research kills some embryos destined to die anyway. However, the ACLJ believes that the sanctity of human life outweighs these arguments.

Since 1995, Congress has attached the Dickey Amendment to each of the Labor, Health and Human Services, and Education appropriations acts. That amendment provides:

None of the funds made available in this Act may be used for—

- (1) the creation of a human embryo or embryos for research purposes; or
- (2) research in which a human embryo or embryos are destroyed, discarded, or knowingly subjected to risk of injury or death greater than that allowed for research on fetuses in utero under 45 CFR 46.208(a)(2) and Section 498(b) of the Public Health Service Act [1](42 U.S.C. 289g(b)) (Title 42, Section 289g(b), United States Code).

See, e.g., 2009 P.L. 111-8 sec. 509(a). Thus, federal law prohibits funding a research project that would destroy a human embryo. However, it does not prohibit embryonic stem cell research on already-existing lines of stem cells.

In March 2009, however, President Obama issued an executive order removing federal restrictions on funding for stem cell research. The Federal Court of Appeals for the D.C. Circuit upheld the administration's conclusion that the Dickey Amendment merely limits federal funds from being used on the destruction of embryos but does not prohibit federal funds from being used for research on the stem cells derived from embryos that have already been destroyed. Thus, as long as the stem cell lines are not derived using federal funds, federal funds may be

used in the research conducted on those stem cells. *Sherley v. Sebelius*, 2011 U.S. App. LEXIS 8686 (D.C. Cir. Apr. 29, 2011).

Federal funding of embryonic stem cell research is not necessary for the scientific community to realize benefits from stem cell research. First, such funding is not necessary because of the opportunities presented by adult stem cell research. Also, current research with embryonic stem cells has proven disappointing. Funding adult stem cell research can provide the benefits of stem cell research without the ethical dilemmas.

Moreover, only adult stem cells are currently being applied in clinical trials to the benefit of humans. In fact, “[a]ll successful treatments in humans have been with non-embryonic stem cells.” Sheryl Pitner, *Straight Facts of Stem Cell Research*, LINCOLN J. STAR (NEB.), Feb. 12, 2007. “There are no successes in humans with embryonic stem cells. No human clinical trials are underway.” *Id.*

Adult stem cells, however, are currently being used in treatment for various types of cancer, auto-immune disease, stroke, cartilage and bones diseases and regenerating corneas. Researchers are currently using adult stem cells for the same treatments others hope embryonic stem cells may someday provide. *See, e.g.*, Pitner, *Straight Facts of Stem Cell Research*.

Using the natural tendency of adult stem cells to meet the needs of the human body is a wiser course of action than attempting to control embryonic stem cells, cells which are alien to the adult human body and which have a tendency to form cancerous tumors. *Code of Silence; Another Source of Useful Stem Cells has Been Found—and the Media and the Cloning Crowd are Trying to Keep it Quiet*, THE DAILY STANDARD, Feb. 7, 2007. With adult stem cells, one could potentially use his or her own stem cells in any medical treatments developed using stem cells, thereby lessening the potential of rejection.

To obtain or derive embryonic stem cells, scientists must take a developing human embryo, puncture the cell wall, and extricate the inner cells from the rest of the embryo. What’s left of the embryo is then tossed in the trash. Such action obviously results in the death of the embryo. A human embryo is simply a human being that has not yet been given the opportunity to grow, be born, and develop into childhood and adulthood. Deriving of embryonic stem cells kills a person. Killing one innocent person for the medical benefit of others is ethically wrong.

All humans have intrinsic value, not because of what they can do, but because of what they are. We all possess the right to life and the right to be treated humanely and with dignity. It is simply

not an option to treat some human beings as sub-human objects so that other humans can receive a benefit.

There is no valid justification for using one human being as a means to benefit others. Our nation has never accepted—whether on ethical or moral grounds—the practice of sacrificing a human life to advance science. The sanctity of human life trumps the interests of science.

In the final analysis, it is unnecessary and unethical to support federal funding of embryonic stem cell research. The ACLJ supports *alternative avenues* of human stem cell research. These methods, including adult, umbilical cord, and amniotic fluid stem cell research, have produced significant results without raising the ethical and legal issues associated with experimentation on human embryos. Sound moral principles must determine the future of science; not all that scientists can do is moral and ethical.