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**SUIT FILED IN FEDERAL COURT AGAINST THE U.S. DEPARTMENT OF
HEALTH AND HUMAN SERVICES TO STOP FEDERAL FUNDING OF
RESEARCH INVOLVING THE DESTRUCTION OF LIVING HUMAN EMBRYOS**

WASHINGTON, DC. A [lawsuit](#) filed today in the United States District Court for the District of Columbia seeks to enjoin and overturn the [controversial guidelines](#) for public funding of embryonic stem cell research that the National Institutes of Health issued on July 7, 2009. The implementation of these guidelines marks the first time that taxpayer dollars will be used to fund research that will result in the destruction of human embryos. Since 1994, Congress has expressly banned NIH from funding research in which human embryos “are destroyed, discarded, or knowingly subjected to risk of injury or death.”

According to [Thomas G. Hungar](#), one of the lawyers for the plaintiffs, “the language of the statute is clear. It bans public funding for any research that leads to the destruction of human embryos. NIH’s attempt to avoid Congress’s command by funding everything but the act of ‘harvesting’ is pure sophistry. The guidelines will result in the destruction of human embryos and are unlawful, unethical, and unnecessary.”

The plaintiffs contend that the NIH guidelines violate the congressional ban because they “necessarily condition funding on the destruction of human embryos.” In addition, the plaintiffs also allege that the NIH guidelines were invalidly implemented, because the decision to fund human embryonic stem cell research was made without the proper procedures required by law and without properly considering the more effective and less ethically problematic forms of adult and induced pluripotent stem cell research.

President Obama, in announcing his [Administration’s policy](#) stated he was determined to fund ethically “responsible, scientifically worthy human stem cell research...to the extent permitted by law”. Sadly, these guidelines while claiming to “implement’ the President’s directions, fail his own test because they are not only unlawful, they are based upon an ethically irresponsible misunderstanding of available scientific evidence. One of the expert stem cell researcher plaintiffs, [Dr. James L. Sherley](#), explained that

“the great irony of the guidelines is that research involving stem cells safely derived from human adults and other sources presents the same if not greater potential for medical breakthroughs, without any of the troubling legal and ethical issues related to embryonic stem-cell research.” Clinical trials using adult stem cells have successfully reversed the effects of diseases such as lupus, multiple sclerosis, and rheumatoid arthritis. The plaintiffs argue that because NIH promulgated its guidelines with a preconceived determination to fund human embryonic stem cell research and without considering these scientifically and ethically superior alternatives, the guidelines are invalid regulations and should be struck down.

[Dr. David Stevens](#), Executive Director of [Christian Medical Association](#), an organization of more than 16,000 doctors who are also plaintiffs in the case, said “we are opposed to this proposed illegal and unethical federal funding of destructive embryonic research that would compel every American to cooperate with such unlawful human experimentation and the violation of our fundamental medical research ethic never to lethally experiment on one human being simply to benefit the interests of other human beings.”

Co-counsel for the plaintiffs, [Sam Casey](#), General Counsel of [Advocates International’s Law of Life Project](#), a public interest legal project specializing in cutting-edge bio-ethical issues, added: “The majority of the almost 50,000 comments that the NIH received were opposed to funding this research, and by its own admission, NIH totally ignored these comments. The so-called spare human embryos being stored in IVF clinics around the United States are not ‘in excess of need,’ as the NIH in its guidelines callously assert. They are human beings in need of biological or adoptive parents.”

The lawsuit is brought by a broad coalition of plaintiffs, including Dr. James L. Sherley, a former member of the MIT faculty, currently working as a senior scientist at the Boston Biomedical Research Institute; [Dr. Theresa Deisher](#), the founder, managing member, and research and development director of AVM Biotechnology; [Nightlight Christian Adoptions](#), a non-profit, licensed adoption agency dedicated to protecting and finding adoptive parents for human embryos conceived through *in vitro* fertilization; all individual human embryos whose lives are now at risk under NIH’s guidelines; parents seeking to adopt human embryos; and the Christian Medical Association, a non-profit association of doctors dedicated to improving ethical standards of health care in the United States and abroad. The [Alliance Defense Fund](#), a legal alliance of Christian attorneys and like-minded organizations defending religious freedom and the sanctity of human life, is also serving as co-counsel on the case and providing financial support.

A copy of the [complaint](#), as filed today, can be obtained by clicking the hyperlink here.

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