

MEMORANDUM

TO: Honorable Members of the Missouri House of Representatives

FROM: James S. Cole, General Counsel
Pam Fichter, President

RE: HB 2377 Life Science Research

DATE: April 24, 2008

Unfortunately, Amendment 2 (Mo. Const., Art. III, sec. 38(d)), has not yet been repealed. Amendment 2 outlaws the type of restriction contained within HCS HB 2377. The relevant language in Amendment 2 of one such provision says,

“To ensure that no governmental body or official arbitrarily restricts funds . . . as a means of inhibiting lawful stem cell research or stem cell therapies and cures, no state or local government body or official shall eliminate, reduce, deny or withhold any public funds provided or to be provided to a person that . . . lawfully conducts stem cell research . . .”

Certainly, there are “restrictions” in HCS HB 2377. To make sure the Legislature gets the point, subsection 7 of Amendment 2 says,

“No state or local law . . . shall . . . restrict, obstruct, or discourage any stem cell research or stem cell therapies or cures that are permitted by this section . . . or . . . create disincentives for any person to engage in . . . such research . . . “

The language of Amendment 2 is very clear. The biotech industry did not want the Legislature to restrict otherwise available funds, like the Legislature did in respect to trying to keep family planning funds from abortionists in the 1990's. If there is any doubt on the clarity of the matter, Amendment 2 addresses such doubt. Subsection 7 of the Amendment provides that all doubtful language is “construed in favor of the conduct of stem cell research and the provision of stem cell therapies and cures.” That ties it up for the cloners, and there is no room to wiggle with restrictions. Money for legitimate research should be routed through other agencies, where no restrictions would be necessary. And it should not be routed through the Missouri Technology Corporation which is headed by Donn Rubin a key leader in the passage of Amendment 2.

A lawsuit has already been filed because of the limitations of last year's appropriation to the Life Science Research Board, based on the provisions of the Board's governing statute, sections 196.1000 through 196.1127. The plaintiffs claim hundreds of millions of dollars in damages. Restrictions on appropriations to the Life Science Research Board, then, face a double obstacle: the governing statutes of the LSRB as well as Amendment 2. If the cloners decide that the time is right, they can sue to hold the limitations attempted by several bill's this year and last. It is hard to see how they could lose if they sued.

The state should not be opening the door to state funding in either appropriations, tax credits or any form of business financing for the destruction of human lives by anyone, whether by abortionists, by those who call themselves scientists, or those who call themselves businessmen. Taking a chance on lawsuits is taking a chance that human lives will be lost, because human cloning has been successfully achieved, according to recent, credible reports. The language of HCS HB 2377 , opens the door to the cloners to obtain state money for their operations by the expedience of a lawsuit.

For these reasons, Missouri Right to Life is opposed to HCS HB 2377.