

# Stem cell debate may move to ballot

By [Dara Kam](#)

Palm Beach Post Capital Bureau

Friday, November 24, 2006

TALLAHASSEE — The fight over using taxpayer dollars to find a cure for diabetes or Parkinson's disease may create a new chapter in Florida's history.

Supporters and opponents of embryonic stem cell research have both collected enough signatures to begin the process of getting their measures onto the 2008 ballot.

That means that voters could approve a change to the constitution requiring that the state spend \$200 million over 10 years on embryonic stem cell research at the same time they could ban the state from spending any tax dollars on the same research.

"That's wild," said Lois Shepherd, a Florida State University law professor who specializes in bioethics and health law. "These seem to be polar opposites. There's no way you could do both. ... I've just never heard of anything like that before."

If both measures pass, legal experts predict the courts ultimately will have to rule on the issue.

Under an amendment approved by voters this month, changes to the constitution must be approved by at least 60 percent of the voters who cast ballots in an election, which dampens the chances that either measure will pass.

Of the 28 citizens initiatives that have made the Florida ballot since 1976, 15 passed by at least 60 percent.

The ballot language may affect the outcome, experts said.

The full text of the amendment supported by Floridians for Stem Cell Research and Cures, headed by Palm Beach County Commissioner Burt Aaronson, is 289 words; its summary is 75 words.

It would require the state to give \$20 million per year for 10 years to universities or nonprofit organizations for "embryonic stem cell research."

The full text of the amendment supported by Boca Raton mortgage banker Susan Cutaia, president of the political committee Citizens for Science and Ethics, is identical to its summary and totals 19 words:

"No revenue of the state shall be spent on experimentation that involves the destruction of a live human embryo."

The language difference could be used by opponents of the research to confuse voters, said Daniel Smith, a University of Florida political science professor.

It could also raise legal challenges, constitutional lawyer Dexter Douglass said.

"There's some question in interpretation," he said. "What is a live human embryo? Is a stem cell a live human embryo?"

Aaronson said that legal experts who have examined both petitions predict that the "live human embryo" language may be too vague to meet state Supreme Court muster.

Stem cells used in the research were created through in-vitro fertilization for infertile couples and were donated for research when they were no longer needed, according to the National Institute for Health Web site.

At the heart of the debate over embryonic stem cell research is when life begins.

Like the Terri Schiavo end-of-life case and abortion, the research pits opponents like Cutaia against scientists.

"Many taxpayers believe that the research presents a moral and ethical problem," Cutaia said. "You're going to take human life and destroy it so you can provide a better quality of life?"

Bernard Siegel, vice president of Floridians for Stem Cell Research and Cures, said he and other proponents of the technology have a "moral obligation to push forward" with it.

"To the man and woman in the street, it's a personal health issue to move this forward. At the same time, we have to be mindful that the opposition is potentially well-funded and are going to fight tooth and nail," Siegel said.

Several Florida Catholic dioceses, including the Diocese of Palm Beach, have contributed money to Cutaia's committee, although the \$71,000 she has collected falls far short of Aaronson's \$365,000.

A number of circumstances may make either measure moot by 2008.

Both groups are far from collecting the 600,000-plus signatures needed to get on the ballot, but have collected enough - about 10 percent - to have the Florida Supreme Court examine whether the petitions meet constitutional muster. However, the court has yet to rule.

And Florida's political landscape has changed: Gov.-elect Charlie Crist has said he supports embryonic stem cell research, while Gov. Jeb Bush, a Catholic, opposes it.

Proponents also hope that federal officials will overturn President George W. Bush's executive order banning new research on embryonic stem cell lines obtained after 2001.

The constitutional conundrum could be a good thing for voters, said Smith, an expert on citizens initiatives.

"I think it's OK to have this," he said. "It's actually what direct democracy should be about. If you have two competing measures, it makes it more than just a yes or no for voters."