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COURT DISMISSES SUIT TO PROTECT POCKETBOOKS OF MISSOURIANS

TAXPAYERS VOW TO APPEAL AND SUE RECIPIENT COMPANIES WHO TAKE TAX DOLLARS FOR ABORTION AND CLONING

JEFFERSON CITY – The lawsuit filed by Missouri Taxpayers Fred N. Sauer and the Missouri Roundtable for Life was dismissed today by Cole County Circuit Judge Richard Callahan. Missouri Taxpayers Fred N. Sauer and the Missouri Roundtable For Life are deeply troubled that the court dismissed their lawsuit to protect public funds from being spent on abortion, cloning and in other ways that conflict with existing Missouri law, with the will of the Missouri legislature, and with the understanding of voters in Missouri who voted on Amendment 2 in 2006.

“We strongly disagree with the court’s decision and, in the interest of protecting Missouri taxpayers, will continue to press our claim in the Court of Appeals,” said Fred N. Sauer, a founder of the Missouri Roundtable for Life and a plaintiff in the case. **“Since the defendants admitted on the record that they do not know if the restrictions apply, we will also be forced to sue any and all recipients of grant money from the Life Sciences Research Trust Fund and its related entities. We will not let tax dollars go unrestricted to these groups that are privately controlled and may be used to make profits off abortions and research the legislature banned!”**

Their taxpayers’ suit, filed in Cole County Circuit Court, sought to immediately stop public funds from being transferred from the Missouri Treasury to the Life Sciences Research Trust Fund as a result of the budget bill HB2007 which was signed by the governor on Friday, June 27, 2008. The Defendants moved to dismiss the case. Judge Callahan heard the arguments for and against the Defendants’ Motion to Dismiss at a hearing on October 29, 2008.

“We wanted the Court to answer two very simple questions” said Fred N. Sauer. **“First, do the restrictions that bar the use of public funds for abortion services, human cloning, and prohibited human research that are part of the Life Sciences Research Trust Fund law still apply after the voters passed Amendment 2 in 2006? And, second, does Amendment 2 limit the force the legislature to appropriate funds in perpetuity to any institution that does certain research?”**

This first question focuses on the Missouri Life Sciences Research Trust Fund, the Missouri Life Sciences Research Board, and the related quasi-governmental entity the Missouri Technology Corporation (MTC). The Life Sciences Research Trust

fund includes specific funding prohibitions imposed by law at its formation in 2003; specifically, there are restrictions against the use of public monies from the Fund for abortion services, human cloning, and prohibited human research. Before the Fund, its Board, and MTC proceed with funding decisions in distributing the public funds appropriated in HB2007, Missouri taxpayers need to know if these prohibitions remain in force or if they have been changed in any way. If those restrictions have been changed at all because of Amendment 2, the Life Sciences Research Trust Fund ceased to exist.

The second question this lawsuit raises is based on the fact that Amendment 2, passed by voters by a small margin in 2006, appears to have created a perpetual entitlement to taxpayer funds for some entities. According to the clear language of Amendment 2 (see Art. III, § 38(d).5 and Art. III, § 38(d).7.) and Amendment 2's public proponents (one of whom, Don Rubin, is currently involved in distributing public funds through his role on the MTC Board), Amendment 2 protects any entity that receives public funds and does embryonic stem cell research (with private or public money) from ever having their appropriation reduced in any way. That is, any entity that receives any public funds may never receive less if they do embryonic stem cell research. This is clearly stated on the website of the group, led by Mr. Rubin, that promoted Amendment 2 – see *Frequently Asked Questions and Answers* (“Does the Missouri Constitution now require any state or taxpayer funding for stem cell research?”) at <http://www.missouricures.com/site/PageServer?pagename=faq#initiative>. If the elected legislators' appropriation authority has been limited in this manner, taxpayers deserve to know BEFORE any public funds are distributed to the Life Sciences Research Trust Fund because the legislature may never be able to reduce, in later years, appropriations to organizations receiving taxpayer money from the LSRTF.

The Missouri Roundtable for Life and Mr. Sauer plan an immediate appeal.

To learn more about the Missouri Roundtable for Life, please visit www.moroundtable.org