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Groups take two angles on stem-cell wording

By [Susan Miller](#)*Palm Beach Post Staff Writer*

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A top Florida constitutional expert is questioning whether a proposed amendment that would allow taxpayer funding of embryonic stem-cell research is such a tangle of legalese that it will confuse voters if it ever gets on the November 2006 ballot.

During the past week, two groups have come forward with proposed constitutional amendments — one supporting state funding for such research and one opposing it.

War of words

Stem-cell therapy

[A Boca family](#) travels to Mexico for stem-cell therapy they hope will heal heal quadriplegic Adam Susser, 4.

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Floridians for Stem Cell Research and Cures Inc., whose chairperson is Palm Beach County Commissioner Burt Aaronson, used all of the 75-word limit for state ballot summaries.

By comparison, Citizens for Science and Ethics Inc., headed by Boca Raton businesswoman Susan Cutaia, states its position in 19 words using direct, colloquial language.

"One of them is very simple, the other a little convoluted," said Dexter Douglass, a Tallahassee lawyer, who served as chairman of the Florida Constitution Revision Commission between 1997 and 1998.

Douglass, who reviewed both proposed amendments at *The Palm Beach Post's* request, stressed the importance of getting the ballot summary "accurate, palatable, and understandable" because that's what voters read when they go into the voting booth.

Of Aaronson's, he said: "It's technically correct, but they were being a little too legal. It could have been stated in much simpler terms."

Douglass suggested the group might have done better by hiring a spin doctor rather than a Harvard lawyer to write the summary. Harvard Medical School ethicist and lawyer Louis M. Guenin drafted the proposal.

Bernard Siegel, co-chair of Aaronson's organization, said the language was studied carefully and

his group is comfortable with it.

"This is complex subject matter and it took a long time to draft this because of the restraints that are present in Florida law," Siegel said. "I think someone will be able to go into the (voting) booth and look at our ballot measure and say 'yes, I support embryonic stem-cell research.' "

Douglass called Cutaia's language "clear and concise," but worried that it tied into a religious understanding of what a person is.

"When you call an embryo a living person, which is what they are doing, you get people off track."

That proposed amendment was drafted by lawyers at Ausley & McMullen, a Tallahassee firm.

Cutaia, who with her husband last year led a fight to block a petition drive that would have doubled the homestead exemption, said that experience provided her with a good training ground and an understanding that simple is better.

"I wanted to make it as clear, straightforward, and simplistic as possible so people could read it and know there is nothing else that it means, it is what it is," she said.

Three words that do not appear in her proposed amendment might prove more troubling than those words that do. It does not



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mention stem-cell research. Cutaia addressed the omission saying, "I am not opposed to stem-cell research. I am opposed to embryonic stem-cell research."

It could be read to imply, then, that any research, stem-cell or otherwise, that involves the destruction of a live human embryo, could not receive taxpayer money, noted Douglass.

"The test as to whether it's deceiving is subjective. If this is interpreted (by the Florida Supreme Court) as an effort to consciously establish a broader restriction than just stem-cell research, then it is misleading. You can rest assured that those sensitive to that issue will argue it does just that," he said.

Douglass suggested initiatives such as these are better suited for legislation because the issues are "too complicated for general consumption." But he added that because the legislature is so sold into what leadership wants, it would be difficult to get a consensus.

Both groups have a long road ahead before voters even get a crack at the amendments. They first must gather 61,000 signatures before Florida Attorney General Charlie Crist will review it. He must determine whether the amendments encompass a single issue and whether the ballot language accurately summarizes them. He then will submit them to the Florida Supreme Court for review. If it passes Supreme Court muster, the groups must collect 611,000 signatures to get their proposals on the November 2006 ballot.


The court traditionally has rejected ambiguous amendments that leave the true scope unknown.

"The court has had a hell of a time dealing with what is a single subject. These don't seem to rise to the level of having that problem," Douglass said.

But amendments that do make it into the constitution usually need a big-name sponsor, or a deep-pocket funding source. Neither group has either. Both are relying on grass-roots support: Aaronson is banking on his group's political and scientific ties; Cutaia, a eucharistic minister and member of the Council of Catholic Women, on the moral weight provided by religious organizations.

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