

Is genetic engineering research a constitutionally protected right?

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The dawn of cheap [genome editing techniques such as CRISPR](#) understandably have people across the political spectrum worried about what a future of designer babies, more pathogenic viruses, deextincted species, clones, and [glow-in-the-dark sushi](#) might look like. But does putting limits on genetic engineering violate scientists' constitutional rights?

The First Amendment has been interpreted by the Supreme Court to encompass not just the freedom of speech, but also the freedom of expression and expressive conduct, which likely includes acts of science, according to Alta Charo, a bioethicist and law professor at University of Wisconsin Law School.

"We understand that religious conduct can be protected," Charo said [at a DARPA conference in St. Louis](#). "When I fertilize an egg in a laboratory, am I conveying a message about the lack of need of a deity? In other words, am I expressing something that is in a fundamental way political?"

Though CRISPR, a new technology, has made genome editing easier than ever, this is not a new debate. [In a 1979 article published](#) in *Cornell Law Review*, James Ferguson considers whether all scientific inquiry, including genetic engineering (then called recombinant DNA research) should be protected by the First Amendment.

Ferguson notes that, should DNA editing be proven to be reasonably safe, it likely cannot be banned by the government. He comes to the conclusion that any sweeping restrictions on science almost certainly violate the First Amendment.

Read full, original post: [Genetic Engineering Is \(Probably\) Protected By the First Amendment](#)