

LAWRENCE VANDYKE ON ABORTION

Highlights

- Lawrence VanDyke opposed abortion rights.
 - In *Horne v. Isaacson*, VanDyke supported an Arizona law that banned abortion at 20 weeks.
 - In a brief, VanDyke called for the overturning of *Roe v. Wade* and claimed that fetuses could feel pain.
 - VanDyke ruled to uphold Idaho's near-total abortion ban.

VanDyke Opposed Abortion Rights

IN A BRIEF FOR HORNE V. ISAACSON, VANDYKE DEFENDED A LAW THAT BANNED ABORTION AFTER 20 WEEKS AND CALLED FOR OVERTURNING ROE V. WADE

In *Horne v. Isaacson*, Arizona Defended Its 20-Week Abortion Ban. According to the Center for Reproductive Rights, “In 2012, Arizona passed legislation prohibiting abortion beginning at 20 weeks gestation (18 weeks as measured from the first day of a pregnant woman’s last menstrual period (LMP)). The narrow exceptions to the ban permit an abortion only if the woman is facing a medical emergency that could lead to death or serious physical impairment. The ban takes effect at or only shortly after the time many women receive prenatal testing to diagnose severe or lethal fetal anomalies. CRR challenged the ban in federal court and sought a preliminary injunction to prevent the ban from taking effect on August 2, 2012. We argued that the ban violates clear United States Supreme Court precedent that prohibits the states from banning abortion prior to viability.” [Center for Reproductive Rights, [7/12/12](#)]

VanDyke Co-Authored An Amicus Brief Defending The 20-Week Abortion Ban, Suggesting That Fetuses Feel Pain At 20-Weeks Gestation. According to an amicus brief co-authored by VanDyke in the case *Horne v. Isaacson*, “A growing body of evidence suggests that an unborn child can suffer pain by twenty weeks’ gestation. Scientific literature has shown that a fetus at this stage has the human attributes necessary to feel pain. To suffer pain, a human must have a nervous system capable of responding to the stimuli causing the pain.” [VanDyke – amicus brief for *Horne v. Isaacson*, [10/2013](#)]

In An Amicus Brief, VanDyke Asked The Supreme Court To “Revisit” *Roe v. Wade*. According to an amicus brief co-authored by VanDyke, “If the Ninth Circuit correctly held that its decision is compelled by this Court’s precedent in *Roe v. Wade* and its progeny, should those precedents be revisited in light of the recent, compelling evidence of fetal pain and significantly increased health risk to the mother for abortions performed after twenty weeks gestational age?” [VanDyke – amicus brief for *Horne v. Isaacson*, [10/2013](#)]

- **The Supreme Court Denied The Writ Of Certiorari, Affirming The Lower Court Decision To Strike Down Arizona’s Abortion Ban.** According to the *New York Times*, “The Supreme Court on Monday declined to hear an appeal from Arizona officials seeking to revive a state law that barred most abortions after 20 weeks of pregnancy. The justices offered no reasons for turning down the appeal, as is their custom. The case concerned an Arizona law, enacted in 2012, that prohibits abortions, except in certain medical emergencies, when the fetus reaches 20 weeks gestation, dated from the woman’s last menstrual period. [...] In May, a three-judge panel of the United States Court of Appeals for the Ninth Circuit, in San Francisco, ruled that the Arizona law was unconstitutional ‘under a long line of invariant Supreme Court precedents,’ starting with *Roe v. Wade* in 1973.” [New York Times, [1/13/14](#)]

VANDYKE RULED TO UPHOLD IDAHO’S NEAR-TOTAL ABORTION BAN

VanDyke Ruled To Uphold Idaho’s Abortion Ban. According to KMVT News, “The Ninth Circuit Court of Appeal has sided with Idaho and has overturned a lower court’s decision on the state’s abortion law. On Thursday, a three-judge panel of 9th Circuit Court of Appeals issued a unanimous order granting Idaho’s request to temporarily suspend the injunction while the state pursues an appeal against the District Court’s ruling. The federal government used the Emergency Medical Treatment

and Labor Act of 1986 to impede Idaho's regulation of abortion. The panel made clear that law was enacted to ensure that the poor and uninsured, receive medical care at hospitals receiving Medicare reimbursement, does not preempt nor conflict with Idaho law, which permits abortion when medically necessary. Judge VanDyke's ruling underscored that the US Supreme Court had returned the issue of abortion to the elected representatives of the people. Furthermore, the Court acknowledged that the federal government had initiated legal action against the state by employing an unrelated law." [KMVT News, [9/29/23](#)]

- **Idaho's Law Was A Near-Total Abortion Ban.** According to ABC News, "Idaho's Defense of Life Act, which took effect in August 2022, prohibits nearly all abortions, with exceptions for reported cases of rape or incest or when 'necessary to prevent the death of the pregnant woman.'" [ABC News, [4/24/24](#)]