



Written by [Dave Bohon](#) on October 5, 2017

Indiana to Challenge Overturning of State's Down Syndrome Abortion Ban

Indiana's attorney general announced that he will appeal a federal judge's ruling that overturned the state's ban on aborting pre-born babies diagnosed with Down syndrome.

U.S. District Court Judge Tanya Walton Pratt (appointed by President Obama) issued a permanent injunction overturning Indiana's "Sex Selective and Disability Abortion Ban" (HEA 1337), signed into law in 2016 by then Governor Mike Pence. The measure bans abortions based on the sex or race of a child, as well as a prenatal diagnosis of "Down syndrome or any other disability." Additionally, the law requires that abortionists deal in a dignified fashion with the remains of babies they kill, rather than disposing of or selling the bodies.



In her ruling, Judge Pratt declared that "it is a woman's right to choose an abortion that is protected, which, of course, leaves no room for the State to examine, let alone prohibit, the basis or bases upon which a woman makes her choice."

In June Pratt sided with the state's Planned Parenthood franchise when she granted a preliminary injunction against the law, agreeing with the abortion giant that the ban was unconstitutional and violated women's privacy.

Indiana Attorney General Curtis Hill said that Pratt's ruling amounted to "genetic discrimination" and the state would appeal the injunction. "By declaring unconstitutional a state law that would bar abortions based solely on race, sex, or disability such as Down syndrome, a federal judge has cleared the path for genetic discrimination that once seemed like science fiction," Hill said in a statement. "This state has a compelling interest in protecting the dignity of the unborn and in ensuring they are not selected for termination simply because they lack preferred physical characteristics."

Mike Fichter, president of Indiana Right to Life, expressed his group's disappointment in the ruling, noting that "Planned Parenthood, the ACLU, and Obama-appointed Judge Pratt do not represent the majority of Hoosiers." He added that "it's a shame Planned Parenthood cares more about their bottom line than recognizing the worth of children with Down syndrome. No one should be targeted for abortion solely because of their sex, race, national origin, or a potential disability like Down syndrome."

LifeNews.com reported that Pratt has a history of rulings that support the abortion industry. "In March, Pratt sided with Planned Parenthood and the ACLU in their lawsuit against Indiana's ultrasound requirement in the Dignity for the Unborn Act that specified an ultrasound be done at least 18-hours before the abortion," the pro-life news site noted. "Pratt also blocked provisions of a 2011 Indiana law that denied taxpayer funds to abortion businesses and required that pregnant women be told about an



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unborn child's ability to feel pain."

Currently, North Dakota is the only state with legislation protecting pre-born babies from abortion because of a doctor's diagnosis of a possible disability.

Clarke Forsythe, senior counsel for Americans United for Life, said that Pratt's ruling was "unfortunate, but not entirely unpredictable," adding that "these cases are making clear the power of the court and the power of *Roe v. Wade*, and that all other political means are not effective until *Roe v. Wade* is overturned and the court is changed."

In related news, on October 1 President Trump [issued a statement](#) recognizing October as Down Syndrome Awareness Month and calling for an end to discrimination of individuals with the disability. "Sadly, there remain too many people — both in the United States and throughout the world — that still see Down syndrome as an excuse to ignore or discard human life," the president said. "This sentiment is and will always be tragically misguided. We must always be vigilant in defending and promoting the unique and special gifts of all citizens in need. We should not tolerate any discrimination against them, as all people have inherent dignity."

The president added that the "approximately 250,000 Americans with Down syndrome truly embody the great spirit of our nation. They inspire joy, kindness, and wonder in our families, our workplaces, and our communities. We will always endeavor to make sure that their precious gifts are never maligned or taken for granted."

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