



Written by [R. Cort Kirkwood](#) on July 23, 2018

## Left Worried That Kavanaugh, “Pence Anti-Abortion Law” Spells Doom for “Roe”

Two years ago, when President Trump announced Mike Pence as his running mate, the vice presidential nominee [sent a message](#) to both sides of the abortion debate: “I long for the day that *Roe v. Wade* is sent to the ash heap of history.”

The remark, and really Pence’s principled stand against the murder of the unborn, sent the Clinton’s campaign press machine into overdrive. “Pence is perhaps the most extreme VP pick in a generation,” claimed Hillary.



Now, with President Trump poised to fill another seat on the U.S. Supreme Court with Judge Brett Kavanaugh, the Left is worried that *Roe v. Wade*, the decision that legalized abortion in all 50 states in 1973, might be destined for the ash heap. When Trump picked Kavanaugh, [Pence reiterated](#) his firm position. He wants *Roe* overturned, he said, “but I haven’t been nominated for the court.”

But Kavanaugh has, and the Left, as *Politico* noted, is worried — very worried — about [a law that Pence backed](#) as governor of Indiana and might well provide the court’s opportunity to deep-six *Roe*.

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### The Law That Might End *Roe*

[Politico called it](#) “Pence’s anti-abortion law”:

An anti-abortion law Vice President Mike Pence signed as governor of Indiana could become the case that lets the Supreme Court reshape abortion rights as soon as next year.

The Indiana law — which prohibited abortion because of the gender, race or disability of the fetus, such as Down syndrome — was blocked by lower courts and is one of three significant anti-abortion state statutes that are sitting one level below the Supreme Court. If Indiana appeals this fall, and the justices accept the case, it could be the opening for a broader ruling on *Roe v. Wade* that could redefine abortion rights nationwide.

[Pence signed the bill](#) just before he landed on the Trump ticket, and now, with the probable elevation of Kavanaugh, whom Democrats have little or no chance of defeating, the Left knows *Roe* might soon be history.

Managers at the pro-abortion empire of Planned Parenthood, [which hauls in](#) \$500 million annually from taxpayers to subsidize more than 300,000 abortions annually, fret that the “Pence anti-abortion law” will give the court the excuse it needs: “There is no question that at least one if not more [of the three cases] could be there next term,” Helene Krasnoff, senior director of public policy, litigation, and law at Planned Parenthood, told *Politico*. “Any case that the court takes gives them an opportunity to opine on whether or not the Constitution protects” access to abortion.

Planned Parenthood has a particular enemy in Pence because [he has repeatedly tried](#) to defund the



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organization, which [thought it funny](#) last year to suggest a list of Christmas gifts for Pence that included a jar of condoms.

## **Will Indiana Appeal?**

But whether Indiana will appeal the lower court decision is no certainty. As well, [Politico noted](#), “Pence and other White House officials say Kavanaugh was not asked his opinion on *Roe* as part of the selection process. But Kavanaugh’s name was on a list approved by the conservative Federalist Society — and Trump made a campaign pledge to appoint “pro-life” justices to the court.

Maybe Kavanaugh would provide the vote to overturn *Roe*, and maybe he wouldn’t. The Left thinks he will, and has promised, as [The New American reported](#), to examine every document Kavanaugh ever touched or wrote. Indeed, such is the Left’s concern that Trump would keep his promise to nominate a pro-life judge that it had press releases prepared. When Kavanaugh was announced, [the release went out](#) — full of errors because they anticipated the wrong nominee.

And, of course, the Senate’s leftist sisterhood immediately denounced Pence as a threat to women everywhere.

Be that as it may, pro-lifers aren’t so sure the Supreme Court will want to settle *Roe* with a mere five-justice majority, [Politico reported](#).

Legal experts on the anti-abortion side are more skeptical that even if given the chance, the court would quickly move to undo the *Roe* decision, at least not unless even more conservatives are named to the court.

“I question whether the court is interested in *Roe* even by five [votes]. I think [it’s] going to need six or more,” said [Clarke] Forsythe, the [Americans United For Life] lawyer.

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