



Written by [Bob Adelman](#) on July 18, 2023

County Judge Blocks Iowa's New Heartbeat Law

A county judge [blocked implementation](#) of Iowa's new "heartbeat" law on Monday, just three days after it became effective. Iowa now allows abortions up to 20 weeks, or five months, into a pregnancy.

This is likely to be a temporary respite for the abortion industry in Iowa. Said Abbey Hardy-Fairbanks, the medical director of the abortion provider Emma Goldman Clinic in Iowa City:

We are deeply relieved that the court granted this relief so essential health care in Iowa can continue.

We are also acutely aware that the relief is only pending further litigation and the future of abortion in Iowa remains tenuous and threatened.



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Jennifer Konfrst, a Democrat from Windsor Heights, called the temporary hold "a win for reproductive freedom" while incomprehensibly adding that the hold "will save lives."

No, it will not, according to Iowa Governor Kim Reynolds:

In their own words, the abortion industry stressed the need for a temporary injunction so they could continue with 200 scheduled abortions in the next two weeks. While life was protected for a few days, now even more innocent babies will be lost.

An attorney for the ACLU expressed similar relief, affirming that the temporary hold "protect[s] the bodily autonomy rights and freedom of Iowans, as well as their health and safety, while this unconstitutional and dangerous abortion ban is litigated."

A close look at the judge's ruling raises a question: Why the hold? Why not let the law, passed overwhelmingly by the Iowa state legislature for the second time in five years and signed by the state's governor, remain in effect while it was being litigated?

Judge Seidlin tried to explain why:

This court does not get to declare that our Supreme Court [when it let a lower court's ruling against an identical law passed in 2018 remain in place] got it wrong and then impose a different standard.



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Such would be an alarming exercise of judicial activism.

But the Iowa Supreme Court didn't "get it wrong," it deadlocked on the issue.

Instead, as he himself wrote in his opinion,

Generally, the issuance of an injunction invokes the equitable powers of a court and courts apply equitable principles. To prove that it is entitled to a temporary injunction, Petitioners [i.e., Planned Parenthood et al.] must show that (1) they are likely to succeed on the merits; (2) in the absence of the injunction they will suffer irreparable harm; and (3) injunctive relief is warranted considering the circumstances confronting the parties and [quoting a prior case] "balanc[ing] the harm that a temporary injunction may prevent against the harm that may result from its issuance."

After the litigation plays out, it's highly likely that the Iowa Supreme Court will rule in favor of the unborn as that high court already ruled last year that there is no fundamental constitutional right to abortion, overturning a prior decision.

Last year, more than 4,000 lives were lost to the abortion industry in Iowa, which will now continue unabated while the issue of protecting the life of an unborn baby is being debated and litigated.

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