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The Honorable Lawrence VanDyke
Judge, U.S. Court of Appeals for the Ninth Circuit
Research Summary

Age: 53 (born December 12, 1972)

2020 – Present: Judge, U.S. Court of Appeals, Ninth Circuit
2019 – 2020: Deputy Assistant Attorney General, Environment & Natural Resources Division, U.S. Department of Justice
2015 – 2019: Solicitor General, Office of the Nevada Attorney General
2013 – 2014: Solicitor General, Montana Department of Justice
2012: Assistant Solicitor General, Office of the Texas Attorney General
2007 – 2012: Associate, Gibson Dunn & Crutcher LLP
2006 – 2007: Law Clerk, Judge Janice Rogers Brown
2005 – 2006: Associate, Gibson Dunn & Crutcher LLP
Education: Harvard Law School (J.D.) 2005; Bear Valley Bible Institute (B. Th.) 2002; Montana State University (B.S. Eng.) 2000.

Judicial Philosophy and Separation of Powers:

- VanDyke expressed respect for Supreme Court precedent as a Circuit Judge, as well as appreciation for judicial restraint.
    - He said, "My role as a [state] Supreme Court justice would be different, obviously. ***Legislators make the law. Justices apply the law; they shouldn't be legislating from the bench.***"[1]
    - Judge VanDyke believes, "It is never appropriate for lower courts to depart from Supreme Court precedent."[2]
    - When asked about circuit court judges questioning Supreme Court precedent, Judge VanDyke stated, ***"It may be appropriate, at times, for a circuit judge to identify areas in which Supreme Court cases appear to be inconsistent or in conflict. . . .*** But the Supreme Court has also made clear: 'If a precedent of this Court has direct application in a case, yet appears to rest on reasons rejected in some other line of decisions, ***the Court of Appeals should follow the case which directly controls,***

[1] Questions from Senator Feinstein Question #3, S. Questions for Answer, https://www.judiciary.senate.gov/imo/media/doc/VanDyke%20Responses%20to%20QFRs.pdf, at PDF p. 2. (emphasis added).
[2] Questions from Senator Feinstein Question #21(a), S. Questions for Answer, https://www.judiciary.senate.gov/imo/media/doc/VanDyke%20Responses%20to%20QFRs.pdf, at PDF p. 18.

leaving to this Court the prerogative of overruling its own decisions.' (citation omitted). Circuit judges must always follow those instructions."[3]

- Even more laudably, Judge VanDyke dissented from a majority despite preferring its conclusion. VanDyke wrote, "This is not an easy interpretive case, and ***I personally like the majority's conclusion better than mine***. . . . A statute that [does what the majority claims] may be what this country needs, but it isn't what Congress gave us in [the relevant section]. And ***it's not my role to transform this statute into what I wish it was***."[4]
- In a dissent he authored, VanDyke wrote that "[the 9th Circuit] court ***is a legal institution, not a political one***. Thus it must insist that parties provide adequate *legal* justifications for the relief they seek, whatever their underlying political motivations may be."[5]
- VanDyke wrote in an opinion that, while courts must respect the text when interpreting the law, they must also recognize that judges are restrained by reality, and that a text need not be outrageously specific to be enforced. His concurrence stated, "A categorical mismatch [between a federal and state law resulting in an unenforceable statute] does not automatically result just because arguably a state statute impliedly covers more conduct or controlled substances than its federal counterpart. . . . ***The statutory text cannot be read in a vacuum detached from reality***."[6]

Faith & the Public Square:

- When he was solicitor general of Montana, VanDyke joined a brief asserting the Establishment Clause does not always require exclusion of religious symbols and messages in public spaces.
  - The brief stated, "***The First Amendment bars the select sandblasting of religious symbols from the public square***."[7] The brief VanDyke joined also stated, "Plainly, 'simply ***having religious content or promoting a message consistent with a religious doctrine does not run afoul of the Establishment Clause***.'"[8]

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[3] Questions from Senator Feinstein Question #21(b), S. Questions for Answer, https://www.judiciary.senate.gov/imo/media/doc/VanDyke%20Responses%20to%20QFRs.pdf, at PDF p. 18 (emphasis added).
[4] *Rajaram v. Meta Platforms, Inc.*, 105 F.4th 1179 (9th Cir. 2024), https://cdn.ca9.uscourts.gov/datastore/opinions/2024/06/27/22-16870.pdf, at PDF p. 28 (emphasis added).
[5] *E. Bay Sanctuary Covenant v. Biden*, 93 F.4th 1130 (9th Cir. 2024), https://cdn.ca9.uscourts.gov/datastore/opinions/2024/02/21/23-16032.pdf, at PDF p. 7 (emphasis added).
[6] *U.S. v. Davis*, 33 F.4th 1236, 1245-46 (9th Cir. 2022), https://casetext.com/case/united-states-v-davis-2768 (emphasis added).
[7] Brief of the State of Mont. and the Am. Legion as Amici Curiae in Support of Appellees and Affirmance, *Freedom From Religion Found., Inc., v. Weber*, https://ffrf.org/uploads/legal/shrine-montana-american-legion.pdf, at PDF p. 17 (emphasis added).
[8] Brief of the State of Mont. and the Am. Legion as Amici Curiae in Support of Appellees and Affirmance, *Freedom From Religion Found., Inc., v. Weber*, https://ffrf.org/uploads/legal/shrine-montana-american-legion.pdf, at PDF p. 18 (emphasis added).

- VanDyke appropriately blasted the Ninth Circuit for its use of an overbroad test for an Establishment Clause violation.
    - In a case before the Ninth Circuit, a fire chief had been fired because of taking time off work to attend a Christian-led leadership conference. He subsequently sued. The district court granted summary judgment, and the plaintiff subsequently filed a petition for rehearing en banc. The court affirmed the summary judgment and denied the rehearing. VanDyke authored a dissent from the denial of rehearing en banc.
    - In the dissent, VanDyke asked the reader to imagine a hypothetical situation in which the Christian plaintiff was replaced by a lesbian who faced similar discrimination after attending an LGBT-led leadership conference.[9] He then wrote, "[d]oes ***anyone seriously doubt*** that if the plaintiff in this case were as described in the initial hypothetical above, this court would have failed to rehear this case en banc? . . . It's difficult to explain the difference in treatment here by ***anything other than a continued willingness to permit 'purg[ing] from the public sphere anything an objective observer could reasonably infer endorses or partakes of the religious***.'"[10] He further bemoaned, "[e]ven though ***the 'ghoul' of the endorsement test has now been 'repeatedly killed and buried*** [by the Supreme Court],' one could be forgiven for concluding that ***the reports of its death are greatly exaggerated***—at least out here on the Left Coast."[11]

Religious Liberty:

- VanDyke authored an opinion that gave religious organizations broad freedom in their selection of ministers.
    - VanDyke argued that "***the ministerial exception protects the 'freedom of a religious organization to select its ministers.'***. . . [T]he exception ***broadly ensures that religious organizations have the freedom to choose 'who will preach their beliefs, teach their faith, and carry out their mission.***'"[12]

Sanctity of Life:

- Even pre-*Dobbs*, VanDyke advocated for abortion bans.

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[9] *Hittle v. City of Stockton, Cal.*, 101 F.4th 1000 (9th Cir. 2024), https://cdn.ca9.uscourts.gov/datastore/opinions/2024/05/17/22-15485.pdf, at PDF p. 38–39.
[10] *Hittle v. City of Stockton, Cal.*, 101 F.4th 1000 (9th Cir. 2024), https://cdn.ca9.uscourts.gov/datastore/opinions/2024/05/17/22-15485.pdf, at PDF p. 41 (emphasis added).
[11] *Hittle v. City of Stockton, Cal.*, 101 F.4th 1000 (9th Cir. 2024), https://cdn.ca9.uscourts.gov/datastore/opinions/2024/05/17/22-15485.pdf, at PDF p. 72 (emphasis added).
[12] *Behrend v. San Francisco Zen Ctr., Inc.*, 108 F.4th 765 (9th Cir. 2024), https://cdn.ca9.uscourts.gov/datastore/opinions/2024/07/17/23-15399.pdf, at PDF p. 3 (emphasis added).

- As Montana Solicitor General, ***VanDyke filed an amicus brief in the Supreme Court defending an Arizona law that banned abortion after 20 weeks***.[13]

- As Montana Solicitor General, VanDyke recommended Montana join an amicus brief that argued that for-profit organizations should be exempt from the Affordable Care Act's contraceptive coverage requirement.[14]
- VanDyke showed further devotion to the sanctity of life when he recommended joining an amicus brief that argued against the constitutionality of a Massachusetts law mandating a "buffer zone" around abortion facilities.
    - VanDyke wrote, "***Massachusetts' limitation to abortion clinics alone raises content neutrality concerns right off the bat***. But the real content/viewpoint neutrality problem with Massachusetts' law is that it has specific exceptions for 'persons entering or leaving such facility' and 'employees or agents of the facility acting within the scope of their employment.' So for example, in Massachusetts an abortion clinic worker can 'counsel' someone within the buffer zone (or a pro-choice person who the clinic allows to 'enter' the clinic), but a pro-life protester cannot. ***This raises serious viewpoint/content neutrality concerns***."[15]
- Following the *Dobbs* decision, VanDyke wrote an order for the 9th Circuit upholding an Idaho law prohibiting abortion in all but a few circumstances.
    - VanDyke wrote, "Idaho enacted [its abortion ban] to effectuate that state's ***strong interest in protecting unborn life***. That public interest is undermined each day [its abortion ban] remains inappropriately enjoined."[16]

LGBT Issues:

- Judge VanDyke authored an opinion holding that the Miss USA organization was not required to allow a man who went by the name Anita Noelle Green to compete in its pageant.
    - VanDyke wrote, "As with theater, cinema, or the Super Bowl halftime show, beauty pageants combine speech with live performances such as music and dancing ***to express a message***. And while the content of that message varies from pageant to

[13] Questions from Senator Feinstein Question #11, S. Questions for Answer, https://www.judiciary.senate.gov/imo/media/doc/VanDyke%20Responses%20to%20QFRs.pdf, at PDF p. 13 (emphasis added).
[14] *Lawrence VanDyke*, NARAL PRO-CHOICE AM. (2020), https://www.prochoiceamerica.org/wp-content/uploads/2020/01/Lawrence-VanDyke_NARAL_110419-Updates.pdf, at PDF p. 2.
[15] *Email from VanDyke as solicitor general of Mont. to Tim Fox, Mark Mattioli, Jon Bennion, Cory Swanson, & John Barnes* (Sept. 10, 2013), https://s3.documentcloud.org/documents/1284252/foi-request-re-montana-solicitor-sept-2014.pdf, at PDF p. 267 (emphasis added).
[16] *U.S. v. Idaho*, 83 F.4th 1130, 1140 (9th Cir. 2023), *reh'g en banc granted*, *opinion vacated*, 82 F.4th 1296 (9th Cir. 2023), https://cases.justia.com/federal/appellate-courts/ca9/23-35440/23-35440-2023-09-28.pdf?ts=1695943924 (emphasis added).

pageant, it is commonly understood that ***beauty pageants are generally designed to express the 'ideal vision of American womanhood.*** "[17]

- VanDyke continued, "[T]he Pageant's message ***cannot be divorced from the Pageant's selection and evaluation of contestants***."[18]

- As a law student at Harvard, VanDyke wrote about concerns regarding the impact of children being raised in a homosexual home. He did not apologize for these views when pressured.
  - VanDyke wrote an op-ed in 2004 concerning the effects of children raised in homosexual homes.[19] When asked about whether he would renounce his statement referring to such marriages as "hurt[ing] families and consequently children and society," VanDyke replied, "As referenced in the question, there has been additional research in the intervening 15 years, but I have not reviewed that research and therefore do not have an informed opinion as to the current state of that research. There have been significant legal developments in this area of the law in the intervening 15 years, and, as in every area of the law, if confirmed I am committed to faithfully applying all precedent."[20]
- VanDyke has explicitly claimed there is a conflict between religious freedom and gay rights and has declared that religious liberty cannot preempted by gay rights.
  - During his time as Montana solicitor general, VanDyke recommended the state file a brief in a New Mexico case about a photographer who refused to provide services for a "same-sex commitment ceremony." VanDyke stated, "I think this is an important case for the future of religious freedom in America." He went on to explain, "This is an important case because ***there is a fairly obvious collision course between religious freedom and gay rights, and this case could be very important in establishing that gay rights cannot always trump religious liberty.***"[21]
- VanDyke submitted an amicus brief in support of the right of a California school's Christian Legal Society not to involve LGBT students.

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[17] *Green v. Miss USA*, 52 F.4th 773 (2022), https://adfmedialegalfiles.blob.core.windows.net/files/MissUnitedStatesOfAmericaDecision.pdf, at PDF p. 13–14 (emphasis added).
[18] *Green v. Miss USA*, 52 F.4th 773 (2022), https://adfmedialegalfiles.blob.core.windows.net/files/MissUnitedStatesOfAmericaDecision.pdf, at PDF p. 14 (emphasis added).
[19] Lawrence VanDyke, *One Student's Response to "A Response to Glendon,"* HARV. L. REC. (Mar. 11, 2004), https://hlrecord.org/one-students-response-to-a-response-to-glendon/. *See also* Questions from Senator Feinstein Question #10, S. Questions for Answer, https://www.judiciary.senate.gov/imo/media/doc/VanDyke%20Responses%20to%20QFRs.pdf, at PDF p. 12.
[20] *See also* Questions from Senator Feinstein Question #10(b), S. Questions for Answer, https://www.judiciary.senate.gov/imo/media/doc/VanDyke%20Responses%20to%20QFRs.pdf, at PDF p. 12.
[21] *Email from VanDyke as solicitor general of Mont. to James Julie* (Dec. 5, 2013), https://s3.documentcloud.org/documents/1284252/foi-request-re-montana-solicitor-sept-2014.pdf, at PDF p. 196 (emphasis added).

- The University of California, Hastings College of Law had a nondiscrimination policy in place which prevented student associations from excluding LGBT students. VanDyke sided with one such association, the Christian Legal Society, arguing in an amicus brief he filed in its support that the school's policy violated its freedom of association. He wrote, "[a]n expressive association's *input*—its members and their opinions—is often inextricably related to the association's *output*—its message and ideas."[22] He argued even LGBT groups required this freedom, stating "[g]ay organizations limit their membership for the same reason that countless expressive associations do so: ***a belief-centered group cannot maintain its distinctive voice and identity if its members reject its core beliefs***."[23]

Faith & Worldview:

- VanDyke is a 2002 graduate of the Bear Valley Bible Institute where he received a bachelor's degree in theology.[24] He also attended Oklahoma Christian University from 1992-1995, but no degree was conferred.[25]
- He belonged to the Buckingham Road Church of Christ in Garland, Texas from 2007-2012, and was a member of the Mission Committee at the church from 2009-2012.[26]
- Judge VanDyke interned for ADF and was a Blackstone fellow.
  - NARAL Pro-Choice America wrote: "VanDyke has been involved with the Alliance Defending Freedom (ADF). ***ADF's work includes funding cases and training attorneys about 'religious freedom,' the 'sanctity of life,' and 'marriage and family.'*** ADF has been designated as a hate group by the Southern Poverty Law Center. ***As a law student, VanDyke completed a Blackstone fellowship, which was funded by ADF*** under its previous name (the Alliance Defense Fund). VanDyke has been a frequent speaker at ADF's conferences and events and ***worked on 'constitutional and religious liberty' issues pro bono for ADF during his time in private practice***."[27]

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[22] Brief of Gays & Lesbians for Individual Liberty as Amicus Curiae in Support of Petitioner, *Christian Legal Soc. Chapter of Univ. of Cal., Hastings College of Law v. Martinez*, 561 U.S. 661 (2010), https://www.clsnet.org/document.doc?id=93, at PDF p. 17 (emphasis in original).
[23] Brief of Gays & Lesbians for Individual Liberty as Amicus Curiae in Support of Petitioner, *Christian Legal Soc. Chapter of Univ. of Cal., Hastings College of Law v. Martinez*, 561 U.S. 661 (2010), https://www.clsnet.org/document.doc?id=93, at PDF p. 18 (emphasis added).
[24] S. Questionnaire, https://www.judiciary.senate.gov/imo/media/doc/Lawrence%20VanDyke%20SJQ%20-%20PUBLIC.pdf, at PDF p. 1.
[25] S. Questionnaire, https://www.judiciary.senate.gov/imo/media/doc/Lawrence%20VanDyke%20SJQ%20-%20PUBLIC.pdf, at PDF p. 1.
[26] S. Questionnaire, https://www.judiciary.senate.gov/imo/media/doc/Lawrence%20VanDyke%20SJQ%20-%20PUBLIC.pdf, at PDF p. 6.
[27] *Lawrence VanDyke*, NARAL PRO-CHOICE AM. (2020), https://www.prochoiceamerica.org/wp-content/uploads/2020/01/Lawrence-VanDyke_NARAL_110419-Updates.pdf, at PDF p. 2 (emphasis added).

- VanDyke stated during his confirmation hearing, "It is a fundamental belief of mine that all people are created in the image of God, and they should all be treated with dignity and respect."[28]

Second Amendment:

- Judge VanDyke advocated for Second Amendment rights, even during COVID-19.
    - Josh Blackman wrote, "Judge VanDyke wrote that 'the need for armed protection in self-defense can arise at a moments' notice and without warning.' And, he observed, this fact 'is particularly true in these turbulent times of rising crime rates and mass police resignations due to low morale and the onslaught of legislative reform.' ***The Founders, Judge VanDyke observed, understood 'the acute need for Second Amendment rights during temporary crises.'*** The Second Amendment 'itself becomes meaningless when it is needed most -- especially to the victims of attacks,' if 'the government suspends these rights during times of crises.'"[29]
- VanDyke was also a member of the National Rifle Association.
    - Judge VanDyke stated on his 2014 NRA Candidate questionnaire that he believed all ***"gun control laws are misdirected" and that he opposed banning the sale or possession of any firearm.*** He also indicated that he would like to support legislation to repeal state restrictions on carrying guns in places such as banks, government office buildings, places where alcohol is served, and college campuses.[30]
- VanDyke authored an opinion striking down California's law against unlicensed open carry in a case in which appellants wished to open-carry handguns for personal protection.
    - VanDyke wrote, "[t]he right to carry a handgun for defense outside the home ***can be regulated only in ways closely analogous to regulations widely in effect in 1791 or 1868***."[31]
- VanDyke authored a concurrence defending the legality of advertising guns to minors.
    - VanDyke wrote, "***California wants to legislate views about firearms.*** The record for [a recently enacted California bill] indicates a legislative concern that marketing firearms to minors would 'seek…to attract future legal gun owners,' and that that's a negative thing. . . . [T]he State of California may not attempt to reduce the demand

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[28] SEN. JOSH HAWLEY, *Sen. Hawley at the Judicial Nomination of Lawrence VanDyke*, YOUTUBE (Oct. 30, 2019), https://www.youtube.com/watch?v=i4HQXM2zLss, at 3:50.
[29] Josh Blackman, *The 'Essential' Second Am.*, 26 TEX. REV. LAW & POL. 159, 199, https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3827441 (emphasis added).
[30] Questions from Senator Whitehouse Question #2(b), S. Questions for Answer, https://www.judiciary.senate.gov/imo/media/doc/VanDyke%20Responses%20to%20QFRs.pdf, at PDF p. 41 (emphasis added).
[31] *Baird v. Bonta*, 81 F.4th 1036 (9th Cir. 2023), https://cdn.ca9.uscourts.gov/datastore/opinions/2023/09/07/23-15016.pdf, at PDF p. 11 (emphasis added).

for lawful conduct by suppressing speech favoring that conduct while permitting speech in opposition. ***That is textbook viewpoint discrimination***."[32]

- In a very unusual move, VanDyke posted a "Dissent video" in *Duncan v. Bonta*, demonstrating basic firearm components and explaining that the components of a firearm should be considered protected by the Second Amendment.[33]

Educational Opportunity:

- VanDyke has been a proponent of teaching intelligent design in public schools. VanDyke wrote, "This group, known as the intelligent Design (ID) movement, also insists that ***'intelligent agency' provides an origins paradigm that is better supported by the empirical evidence and gives greater coherence to our scientific observations and philosophical intuitions than does the philosophy of methodological naturalism*** (MN) underlying evolutionary orthodoxy [citation omitted]."[34]

Administrative State:

- As Solicitor General of Nevada, VanDyke defended separation of power principles against administrative overreach.
    - At a Constitution Day event in 2016, VanDyke defended his actions as Nevada's Solicitor General, affirming that his office's challenges to administrative agencies "[were] driven by the view that ***there's specific roles for the government***."[35] He further expressed his support for his attorney general's view that "what [he's] against is ***unconstitutional, unilateral, federal executive action***. Obama said that he couldn't do this, and now he's doing it."[36]
- VanDyke authored an opinion minimizing the legal authority of an administrative agency's communications.
    - The case involved a student who filed privately against a school under the Americans with Disabilities Act (ADA), citing a letter from the Department of Education that had instructed schools to protect disabled students against bullying. Because the "[l]etters were [not] issued as the 'authoritative' or 'official position'

[32] *Junior Sports Mags. Inc. v. Bonta*, 80 F.4th 1109 (9th Cir. 2023), https://cdn.ca9.uscourts.gov/datastore/opinions/2023/09/13/22-56090.pdf, at PDF p. 21–22 (emphasis added).
[33] UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT, *Dissent video in 23-55805 Duncan v. Bonta*, YOUTUBE (Mar. 20, 2025), https://www.youtube.com/watch?v=DMC7Ntd4d4c&t=634s.
[34] Lawrence VanDyke, *Not Your Daddy's Fundamentalism: Intelligent Design in the Classroom*, 117 HARV. L. REV. 964, 965 (2004), https://doi.org/10.2307/4093466 (emphasis added).
[35] CLAREMONT INST., *Politicization of the Exec. Branch – Const. Day 2016*, YOUTUBE (Sept. 16, 2016), at https://www.youtube.com/watch?v=4kZicnD3ZBk, at 50:17 (emphasis added).
[36] CLAREMONT INST., *Politicization of the Exec. Branch – Const. Day 2016*, YOUTUBE (Sept. 16, 2016), at https://www.youtube.com/watch?v=4kZicnD3ZBk, at 50:02 (emphasis added).

of the Department of Education for purposes of private damage actions. . . . ***[T]hey lack any force of law*** for that purpose."[37]

History of Commitment to the Causes:

- VanDyke has demonstrated a strong commitment to biblical and conservative values since his time as a law student.
    - The radical group Alliance for Justice has criticized VanDyke for promoting constitutional positions on the subjects of the environment, life, the LGBTQ agenda, criminal justice, and education.[38] Dean of the Regent University School of Law Bradley Lingo wrote of VanDyke, "He graduated magna cum laude and joined me at the firm. ***He still had the same earnest, cheerful, almost-overly-friendly, eager demeanor he had the first day I met him. Harvard hadn't changed him a bit.*** Strike that. Harvard had changed him in one respect: The gentle giant from Montana was now laser-focused on appellate litigation and valued well-written legal briefs the way others value fine art."[39]

Government Overreach:

- Judge VanDyke wrote that closures of gun shops, ammunition shops, and firing ranges during COVID-19 violated the Second Amendment.
    - Judge VanDyke authored the majority opinion in *McDougall v. City of Ventura*, where he determined that the 48-day closure of gun shops, ammunition shops, and firing ranges in Ventura, California burdened conduct protected by the Second Amendment, based on a historical understanding of the scope of the Second Amendment right. VanDyke wrote a concurring opinion clarifying, *"'****[T]he right of the people to keep and bear arms' means nothing if the government can prohibit all persons from acquiring any firearm or ammunition***. . . . When COVID hit, Ventura County, California issued a series of public health orders that mandated a 48-day closure of gun shops, ammunition shops, and firing ranges. They did this while allowing other businesses like bike shops to remain open."[40]
- In an order defending the constitutionality of a state ban on abortion, Judge VanDyke defended the state's police powers.
    - VanDyke wrote, "[b]eyond [the state's strong interest in protecting unborn life], improperly preventing Idaho from enforcing its duly enacted laws and general

[37] *Csutoras v. Paradise High Sch.*, 12 F.4th 960 (9th Cir. 2021), https://cdn.ca9.uscourts.gov/datastore/opinions/2021/09/07/19-17373.pdf, at PDF p. 12 (emphasis added).
[38] *Lawrence VanDyke*, ALL. FOR JUSTICE, https://www.afj.org/nominee/lawrence-vandyke/.
[39] Bradley Lingo, *What I Wish I Told the ABA about Lawrence VanDyke*, NAT'L REV. (Nov. 2, 2019), https://www.nationalreview.com/2019/11/what-i-wish-i-told-the-aba-about-lawrence-vandyke/ (emphasis added).
[40] *McDougall v. Cty. of Ventura*, 23 F.4th 1095 (9th Cir. 2022), https://cdn.ca9.uscourts.gov/datastore/opinions/2022/01/20/20-56220.pdf, at PDF p. 5–6 (emphasis added).

police power also undermines the State's public interest in self-governance free from unwarranted federal interference."[41]

[41] *U.S. v. Idaho*, 83 F.4th 1130 (9th Cir. 2023), *reh'g en banc granted*, *opinion vacated*, 82 F.4th 1296 (9th Cir. 2023), https://cases.justia.com/federal/appellate-courts/ca9/23-35440/23-35440-2023-09-28.pdf?ts=1695943924, at PDF p. 16–17.