

Thursday, April 19, 2007

Supreme Court upholds partial birth abortion ban.

The Bill of Rights. (From the public domain.) Yesterday, the Supreme Court upheld the partial birth abortion ban in *Gonzales v. Carhart*, ___ U.S. _ (April 18, 2007). Abortion remains one of the most contentious Constitutional issues in the United States. This *Gonzales* case has implications far beyond abortion, including the extent to which the Bill of Rights will be read to broadly or narrowly protect individual liberties, the extent to which statutes will be limited or stricken for vagueness and overbreadth, and the extent to which the change in the Supreme Court's composition will alter the outcome of critical Constitutional decisions. As to the Supreme Court's changed composition through the additions of Chief Justice Roberts and Justice Alito -- and the departures of Chief Justice Rehnquist (through his death) and Justice O'Connor -- if Justice O'Connor were still on the Court, the outcome in this 5-4 decision may very well have been the opposite. Keep Supreme Court nominations in mind when voting in the upcoming presidential primaries and final election. Jon Katz.

Posted by Jon Katz in Constitutional Law at 02:00