

'Partial-birth' abortion ban upheld

by UPI

WASHINGTON - U.S. Supreme Court Wednesday upheld the federal ban on "partial-birth abortions" in a major victory for the Bush administration and abortion foes.

Justice Anthony Kennedy wrote the opinion for the majority as the court split 5-4 voting to uphold the 2003 law as written. Kennedy -- joining Chief Justice John Roberts and Justices Samuel Alito, Antonin Scalia and Clarence Thomas -- said lawsuits challenging the law banning "partial-birth" abortion should not have been allowed.

The proper way to make a challenge, if an abortion ban is claimed to harm a woman's right to abortion, is through an as-applied claim," Kennedy wrote.

The decision said the federal ban would be unconstitutional "if it subjected women to significant health risks" but that "safe medical options are available."

Writing for the minority, Justice Ruth Bader Ginsburg said the decision failed "to take seriously" the 1992 Supreme Court decision reaffirming *Roe vs. Wade* and a 2000 decision that struck down a state "partial-birth" abortion law.

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