Written by MARK SHERMAN, Associated Press Writer
Thursday, April 19, 2007

WASHINGTON — The Supreme Court's new conservative majority gave anti-abortion forces a landmark victory Wednesday in a 5-4 decision that bans a controversial abortion procedure nationwide and sets the stage for further restrictions.It was a long-awaited and resounding win that abortion opponents had hoped to gain from a court pushed to the right by President Bush's appointees. For the first time since the court established a woman's right to an abortion in 1973, the justices said the Constitution permits a nationwide prohibition on a specific abortion method. The court's liberal justices, in dissent, said the ruling chipped away at abortion rights.

The 5-4 decision written by Justice Anthony Kennedy said the Partial Birth Abortion Ban Act that Congress passed and Bush signed into law in 2003 does not violate a woman's constitutional right to an abortion.

Siding with Kennedy were Bush's two appointees, Chief Justice John Roberts and Justice Samuel Alito, along with Justices Antonin Scalia and Clarence Thomas.

The law is constitutional despite not containing an exception that would allow the procedure if needed to preserve a woman's health, Kennedy said.

"The law need not give abortion doctors unfettered choice in the course of their medical practice," Kennedy wrote in the majority opinion.

Doctors who violate the law could face up to two years in federal prison. The law has not taken effect, pending the outcome of the legal fight.

LOCAL REACTION

As expected, the ruling yielded clashing reactions locally from pro-choice and pro-life forces."To day's decision is a devastating setback for women's health," Northern Adirondack Planned Parenthood Chief Executive Officer Kathie Wunderlich said in a statement.

"The core protection of women's health and safety in Roe v. Wade has been gutted by this decision.

"It's outrageous that politicians, not doctors, will be making health-care decisions for women."

Champlain Valley Right to Life Co-chairs Bart and Wanda Gaffney fully supported the decision.

"It's a good start in the right direction," said Mr. Gaffney.

"This decision was important because it upheld the ban even though it didn't allow for an exception that allows the procedure to protect the woman's health," said Mrs. Gaffney, who added that the decision may now spur abortion-ban efforts at the state level.

"And this was the first time that the Supreme Court banned a specific medical procedure," she added.

OPPOSING OPINION

In dissent, Justice Ruth Bader Ginsburg said the ruling "cannot be understood as anything other than an effort to chip away at a right declared again and again by this court."Dr. LeRoy Carhart, the Bellevue, Neb., doctor who challenged the federal ban, said, "I am afraid the Supreme Court has just opened the door to an all-out assault on" the 1973 ruling in Roe. Wade.

The administration defended the law as drawing a bright line between abortion and infanticide.

Reacting to the ruling, Bush said that it affirms the progress his administration has made to

defend the "sanctity of life."
"I am pleased that the Supreme Court has upheld a law that prohibits the abhorrent procedure of partial birth abortion," he said. "Today's decision affirms that the Constitution does not stand in the way of the people's representatives enacting laws reflecting the compassion and humanity of America."
It was the first time the court banned a specific procedure in a case over how — not whether — to perform an abortion.
Abortion rights groups as well as the leading association of obstetricians and gynecologists have said the procedure sometimes is the safest for a woman. They also said that such a ruling could threaten most abortions after 12 weeks of pregnancy, although Kennedy said alternate, more widely used procedures remain legal.
The outcome is likely to spur efforts at the state level to place more restrictions on abortions.
"I applaud the Court for its ruling today, and my hope is that it sets the stage for further progress in the fight to ensure our nation's laws respect the sanctity of unborn human life," said Rep. John Boehner of Ohio, Republican leader in the House of Representatives.
Jay Sekulow, a prominent abortion opponent who is chief counsel for the conservative American Center for Law and Justice, said, "This is the most monumental win on the abortion issue that we have ever had."
Said Eve Gartner of the Planned Parenthood Federation of America: "This ruling flies in the face of 30 years of Supreme Court precedent and the best interest of women's health and safety. ... This ruling tells women that politicians, not doctors, will make their health care decisions for them." She had argued that point before the justices.
The procedure at issue involves partially removing the fetus intact from a woman's uterus, then crushing or cutting its skull to complete the abortion.
Abortion opponents say the law will not reduce the number of abortions performed because an alternate method — dismembering the fetus in the uterus — is available and, indeed, much more common.
The cases are Gonzales v. Carhart, 05-380, and Gonzales v. Planned Parenthood, 05-1382.