

Judge overrules 'partial-birth' ban: "Unconstitutionally vague"

News in the [June 29, 2004](#) issue

After a California judge declared that the “partial-birth” abortion ban is unconstitutional, progressive groups cheered the ruling and the White House vowed to defend the law.

U.S. District Judge Phyllis J. Hamilton of the U.S. District Court in San Francisco concluded June 1 that the 2003 law “poses an undue burden on a woman’s ability to choose a second trimester abortion” and is “unconstitutionally vague.”

Hamilton accepted virtually all the arguments put forth by the Planned Parenthood Federation of America, which filed suit to block the law, according to Associated Baptist Press. She also said the Partial-Birth Abortion Ban Act violates previous Supreme Court and appeals-court decisions requiring any law limiting abortion procedures to grant exceptions in cases in which a woman’s health may be at risk.

In addition, Hamilton determined that the law is unconstitutional because it bans procedures that physicians could be forced to use due to complications from otherwise legal abortion procedures, which she said would discourage abortion providers from performing all abortions.

Most obstetric and gynecological experts do not use the term “partial-birth abortion,” and it is not recognized in mainstream medical literature. Most medical sources call the procedure “intact dilation and extraction,” or “intact D&E.”