

The Annotated Bobblehead

Justice Anthony Kennedy

Justice Kennedy has had a hand in the opinion-writing for many of the most prominent Supreme Court decisions of the past two decades. Incorporating just those cases into his portrait would have resulted in an inappropriately rococo figure. He has also delivered his fair share of opinions in the less famous but no less interesting cases that we are also committed to celebrating. Please see below for our best effort at a limited but representative and distinctive set of samples of his work.

“*Roe’s* essential holding, the holding we reaffirm, has three parts. First is a recognition of the right of the woman to choose to have an abortion before viability and to obtain it without undue interference from the State. ...

Second is a confirmation of the State’s power to restrict abortions after fetal viability, if the law contains exceptions for pregnancies which endanger the woman’s life or health. And third is the principle that the State has legitimate interests from the outset of the pregnancy in protecting the health of the woman and the life of the fetus that may become a child. These principles do not contradict one another; and we adhere to each.”

Planned Parenthood v. Casey, 505 U.S. 833 (1992); see also *Lee v. Weisman*, 505 U.S. 577 (1992).

On original jurisdiction, state versus federal sovereignty over submerged lands, and the nature and significance of juridical bays, as well as an appreciation of the beauty of Glacier Bay National Park, see *Alaska v. United States*, 545 U.S. 75 (2005).



“While the line between measures that remedy or prevent unconstitutional actions and measures that make a substantive change in the governing law is not easy to discern, and Congress must have wide latitude in determining where it lies, the distinction exists and must be observed. There must be a congruence and proportionality between the injury to be prevented or remedied and the means adopted to that end.” *City of Boerne v. Flores*, 521 U.S. 507 (1997).

He isn’t a footnote fan, but his dislike is no hobgoblin. Thus, rarely, his opinions include an asterisk. *McConnell v. FEC*, 540 U.S. 93 (2003); *Denver Area E.T.C. v. FCC*, 518 U.S. 727 (1996). For more on this subject, and the validity of a state tax affecting cargo containers used in international trade under the Commerce, Import-Export, and Supremacy Clauses, see the packaging for this figurine. *Itel Containers v. Huddleston*, 507 U.S. 60 (1993).