



# Judge Rules Against Federal Law that Bans Female Genital Mutilation. Feminists Remain Silent

US District Judge Bernard Friedman ruled against a long-standing federal law that bans female genital mutilation (FGM) on young girls, which is a surgery that typically removes all or part of the clitoris. Judge Friedman says that Congress lacks the authority to pass such a law, because laws of that nature are reserved for the states to enact. The federal law was passed in 1996 under the Commerce Clause of the Constitution. The judge ruled the banning FGM under that clause is unconstitutional, because there is nothing about it that is commercial or economic. [Regardless of what one thinks about FGM, the judge ruled correctly, because the Constitution does not authorize the federal government to prohibit this practice. That authority – and a lot more – is reserved to the states. Therefore, the states are where this issue must be resolved. That's what the Constitution is all about.] -GEG

A federal judge on Tuesday ruled that the U.S. law banning female genital mutilation was unconstitutional and dismissed charges against several doctors in Michigan who carried out the procedure on underage girls as part Muslim sect's religious practice.

U.S. District Judge Bernard Friedman ruled that Congress had no authority to enact a law that criminalizes female genital

mutilation (FGM). "As despicable as [FGM] may be... [Congress] overstepped its bounds" by banning the procedure, the judge said.

The ruling came after defense lawyers challenged the 22-year-old genital mutilation law that hasn't been used until 2017 when Dr. Jumana Nagarwala was arrested and accused of mutilating the genitalia of young girls.

Nagarwala allegedly headed a conspiracy, which lasted more than 12 years and involved seven other people, and led to the mutilation of about 100 girls, according to prosecutors, as part of a religious procedure practiced by members of the Dawoodi Bohra, a Muslim sect.

While the charges of performing FGM were dropped, Nagarwala and other conspirators are still facing conspiracy and obstruction charges, according to the [Detroit Free Press](#).

A spokesperson for the U.S. Attorney's Office said officials are reviewing the judge's decision and will consider appealing it.

Women's rights groups condemned the ruling, saying it's a setback to the rights of women in the U.S.

"It's a giant step backward in the protection of women's and girls' rights," Shelby Quast, the Americas director of Equality Now, told the newspaper. "Especially when there is a global movement to eliminate this practice."

She said that 23 states don't criminal FGM, noting that "parents are aware of where there are laws against it and where there are not. And they will take advantage of that."

Michigan state Sen. Rick Jones also slammed the ruling.

"I'm angry that the federal judge dismissed this horrific case that affected upwards of a hundred girls who were brutally victimized and attacked against their will," he said in a

statement. "This is why it was so important for Michigan to act. We set a precedent that female genital mutilation will not be tolerated here ... I hope other states will follow suit."

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