

JUN 26, 2022

# Supreme Court Overturns Roe

This is The Weekly Letter for June 26, 2022. [About this newsletter](#)

## Big Story

On Friday, the Supreme Court overturned the 1973 *Roe v. Wade* decision, ending the constitutional right to abortion.

The case prompting the overruling of *Roe* was *Dobbs v. Jackson Women’s Health Organization*, where a Mississippi ban on abortion (with some exceptions) after 15 weeks was at issue. Although the Mississippi law fairly clearly violated *Roe*, the court could have upheld the law without overturning *Roe* outright. Indeed, Chief Justice John Roberts wrote that he would have preferred to reject only the fetal viability aspect of *Roe*. However, the court ruled to scrap the constitutional right to abortion altogether.

"The reasoning in *Roe* 'was exceptionally weak, and the decision has had damaging consequences,' Justice Alito wrote in his majority opinion. 'And far from bringing about a national settlement of the abortion issue, *Roe* and *Casey* have enflamed debate and deepened division. It is time to heed the Constitution and return the issue of abortion to the people’s elected representatives.'"

The liberal justices—Breyer, Kagan, and Sotomayor—decried that the court had issued "a decision greenlighting even total abortion bans" and wrote, "'With sorrow — for this court, but more, for the many millions of American women who have today lost a fundamental constitutional protection — we dissent.'" (Source: [NY Times](#))

With abortion no longer constitutionally protected, states now have free rein over abortion policy. [According to The Washington Post](#):

"The right will now be decided by state legislatures, as it had until *Roe* was decided, and could lead to the procedure being banned in more than half of all states.

The decision sets in motion ['trigger laws' in 13 states](#) that will ban abortion within 30 days and other antiabortion legislation that will severely limit access. Republican officials in some states moved quickly to sign orders implementing the bans immediately, while the Democratic governor of Illinois announced a special legislative session to ensure abortion access."

*The New York Times* reports on [reaction](#) to the ruling from supporters and opponents of abortion rights:

"James Bopp Jr., general counsel to the National Right to Life Committee, who has crusaded against abortion since the *Roe* decision in 1973, called Friday’s ruling 'a total victory for the pro-life movement and for America.' Still, he said, the job for anti-abortion forces was 'half-done.' The group was assembled for its convention in Atlanta when the decision was announced, and had already [drafted model legislation](#) to ban abortion in every state, with exceptions only for risks to the life of the mother."

"I knew this was coming but I didn't expect to feel such anger,' Amalie Hahn, 49, said in Jackson, Miss. 'You want to ban abortions in the state of Mississippi, but you don't want to take into account that Mississippi is one of, if not the worst state to give birth in. We are in the midst of a formula shortage and poverty is at an all-time high and they are forcing women to have babies. This is insane.'"

Because the court’s decision discards the precedent that the right to abortion is protected by constitutional privacy rights, there is concern that other rights protected as matters of privacy could also lose federal protection. According to a [Guardian article](#), Clarence Thomas wrote in his concurring opinion:

"In future cases, we should reconsider all of this court’s substantive due process precedents, including *Griswold*, *Lawrence*, and *Obergefell*."

"*Griswold v Connecticut* established a married couple’s right to use contraception without government interference in 1965. The court ruled in the 2003 case of *Lawrence v Texas* that states could not criminalize sodomy, and *Obergefell v Hodges* established the right for same-sex couples to marry in 2015."

However, in his majority opinion, Alito emphasized that the ruling applied only to abortion. The question is whether the distinction between abortion and other privacy issues makes sense and, if not, whether the court will reject constitutional protection for other rights in the future.

## Opinion

**Senators Elizabeth Warren and Tina Smith:** Americans can [fight back](#) for reproductive freedom. (NY Times, 6/25)

**Zack Beauchamp:** Alito’s logic for singling out *Roe* [doesn’t make sense](#). (Vox, 6/24)

**Fred Wertheimer and Norman Eisen:** Former President Trump’s January 2, 2021 phone call to Georgia Secretary of State Raffensperger is ["conclusive proof"](#) of Trump’s "illegal effort to steal the presidential election..." (NBC News, 6/21)

**Prime Minister Bob Loughman Weibur:** The UN General Assembly should ask the International Court of Justice for an advisory opinion regarding [legal obligations for climate justice](#). (Al Jazeera, 6/21)

**Ilya Somin:** The Supreme Court was right to support equal treatment for [secular and religious private schools](#). (NBC News, 6/21)

**Jahan Taganova:** Workplaces should rethink ["professional" dress codes](#). (Global Voices, 6/19)

**Tatiana Garavito and Nathan Thanki:** The victory of President-elect Gustavo Petro and Vice President-elect Francia Marquez in Colombia signals the emergence in Latin America of ["a new wave of socialism"](#) that puts climate justice at its core..." (Al Jazeera, 6/23)

**Jeremy Cliffe:** The results of this month’s parliamentary elections remake [France’s political landscape](#) again. (New Statesman, 6/22)

Have some thoughts about a current event? Want to reply to an opinion article featured in the newsletter? To create a conversation about the news, all are encouraged to share their views. Send your letter along with your name and where you're writing from to [theweeklyletternewsletter@gmail.com](mailto:theweeklyletternewsletter@gmail.com) or reply to this email. Please be aware that the newsletter is published on the website [theweeklyletter.ghost.io](https://theweeklyletter.ghost.io) and sent by email to subscribers. Letters that are hateful or contain misinformation will not be published.



If you are not yet subscribed to automatically receive The Weekly Letter in your email, you can subscribe on the website: [theweeklyletter.ghost.io](https://theweeklyletter.ghost.io)

If you are already subscribed and like what you’re reading, forward this newsletter to a friend!

< PREVIOUS ISSUE

BROWSE ALL ISSUES

NEXT ISSUE >

## Subscribe to The Weekly Letter

Sign up now to get access to the library of members-only issues.

Jamie Larson

SUBSCRIBE >