



SCHOLARS
STRATEGY NETWORK

How Doubt Became a Weapon Against Constitutional Rights

Eric Scarffe, Florida International University

Four years after *Dobbs v. Jackson Women's Health Organization*, the most important part of Justice Samuel Alito's legacy may not be the end of *Roe v. Wade*, but the transformation of doubt into a constitutional weapon.

Historians have long documented how tobacco companies and the fossil fuel industry strategically manufactured uncertainty to weaken support for consumer and environmental protections. Today, the Supreme Court's conservative majority increasingly deploys a similar tactic in constitutional law, using doubt to erode protections for reproductive rights, voting rights and racial equality.