

The Supreme Court

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I imagine that most Americans, even those who do not closely follow public affairs, have strong opinions regarding the Supreme Court. On Tuesday, January 31, 2017, President Trump announced his nomination to fill Justice Antonin Scalia's seat on the Supreme Court: Judge Neil Gorsuch of the Court of Appeals for the Tenth Circuit. As is becoming a hallmark of his presidency, President Trump made the announcement on primetime television creating an environment of suspense and intrigue we generally associate with our favorite television dramas.

In anticipation of the announcement, I picked up and started to flip through two of my favorite books on the Supreme Court: *The Nine* by Jeffrey Toobin and *The Brethren: Inside the Supreme Court* by Bob Woodward and Scott Armstrong. Both are fascinating books that give a rare view to the inner workings of the Supreme Court and focus on the dynamic between and relationships of the Justices. While I do not practice constitutional law, I am fascinated by the detailed discussion in both books of the personalities of the Justices and how those personalities shape the decisions and the direction of the Court.

The opening paragraph of *The Brethren* drives home the magnitude of the influence and weight of the decisions made by the Supreme Court: "Virtually every issue of significance in American society eventually arrives at the Supreme Court. Its decisions ultimately affect the rights and freedom of every citizen -- poor, rich, blacks, Indians, pregnant women, those accused of crime, those on death row, newspaper publishers, pornographers, environmentalists, businessmen, baseball players, prisoners, and Presidents." *The Brethren: Inside the Supreme Court*, Bob Woodward and Scott Armstrong, 1979. *The Brethren* tells the story of the Supreme Court from 1969-1976, during the early years of Chief Justice Warren Burger's time on the Court, a time during which school busing was approved to end segregation, limits on executive power were imposed, and a decision that still draws significant attention, *Roe v. Wade*, was decided.

In *The Nine*, Jeffrey Toobin pays special attention to Sandra Day O'Connor's role as a force from the center of the Court. In light of President Barack Obama's nomination of Judge Merrick Garland to fill the seat of Justice Scalia and the decision by Republicans in the Senate to block any hearings on the nomination and any vote, I find the final passage of *The Nine* prophetic. Jeffrey Toobin writes: "So one factor --- and the only factor --- will determine the future of the Supreme Court: the outcomes of presidential elections. ... This is as it should be. Cass Gilbert's [Supreme Court architect's] steps represent at some level a magnificent illusion --- that the Supreme Court operates at a higher plane than the mortals who toil on the ground. But the Court is a product of a democracy and represents, with sometimes chilling precision, the best and worst of the people. We can expect nothing more and nothing less, than the Court we deserve." *The Nine*, Jeffrey Toobin, p. 340.

I look forward to reading many of the other books written on the Supreme Court. But for now, I highly recommend that anyone interested in politics, and particularly the Supreme Court, add these two books to your reading list. No doubt, these books will influence the way that you view the Court.