

Nine Black Robes: Inside the Supreme Court's Drive to the Right and its Historic Consequences,

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Joan Biskupic. New York: William Morrow, 2023.

The recent remaking of membership on the U.S. Supreme Court and its impact is the focus of this book by Joan Biskupic. Starting with the holdup of Merrick Garland's nomination in 2016 and ending with the confirmation of Amy Coney Barrett in 2020, the high court was transformed from having a close ideological split to now possessing a conservative supermajority. The shift has had consequences for the Supreme Court and country alike.

Author Joan Biskupic's background combines both journalism and law. Currently a CNN legal analyst, she has held similar posts with *Reuters*, *Washington Post*, and *USA Today*. She previously published biographies of individual jurists, including Sandra Day O'Connor (2005), Antonin Scalia (2009), Sonia Sotomayor (2014), and Chief Justice John Roberts (2019). While her sources include standard case records and archives, they likewise encompass direct interviews with justices, law clerks, and court staff along with current observations and acquired wisdom.

The text contains a Prologue, twelve chapters, and an Epilogue. Although information in the book is presented chronologically for the most part, it makes sense to review the contents here by meshing topic and timeline.

The first subject that the book introduces is how a single president can remold the membership of the Supreme Court. In the Prologue, Biskupic identifies Presidents Franklin Roosevelt, Richard Nixon, and Ronald Reagan as chief executives whose appointments to the court made a significant difference before Donald Trump. Trump's 2016 election and his subsequent success in court appointments at all levels of the Federal judiciary merits his inclusion on the latter list, according to the author.

A second theme which the book portrays is that successful Supreme Court nominees bring their background, personality, and ideology to the position. Biskupic illustrates this clearly through individual biographies of sitting justices in Chapter 2.

A third topic noted in the text is the increased drama and partisanship characterizing the contemporary judicial nomination process. The examples of Brett Kavanaugh and Amy Coney Barrett are conveyed in Chapters 3 and 9.

A fourth topic covered pertains to the influence which a few persons had in getting President Trump's judicial nominees confirmed. In Chapter 4, Biskupic describes how Trump White House counsel Don McGahn, Federalist Society leader Leonard Leo, and Senate Republican leader Mitch McConnell had an outsized impact on the recent selection process.

A fifth theme contends that the changes wrought by recent turnover in Supreme Court membership have negatively affected relations among the justices. Biskupic states that one measure of such acrimony is the language used in dissents. Chapter 5 dissects dissents by Justice Elana Kagan, whereas Chapter 9 reviews the dissents of late Justice Ruth Bader Ginsburg.

A sixth topic in the book concerns the leadership of Chief Justice John Roberts. Chapter 6 examines the relations between Roberts and President Trump. In Chapters 7 and 8, Biskupic summarizes a series of cases encompassing Roberts' helmsmanship of the high court, demonstrating that he has both led the conservative bloc and been outdone by it.

The seventh trend apparent in the book is a decline in the popularity of the Supreme Court. There are several reasons for the loss of confidence. For instance, Biskupic transmits in Chapter 7 how the court's historic openness and transparency were lessened due to the COVID-19 pandemic. Additionally, she contends in Chapters 10 and 11 that case precedent overturns and a controversy over how justices report donations have likewise diminished the respect afforded the judicial branch.

The final topic found in the text is the impact of recent Supreme Court rulings on American society. In Chapter 12, the author starkly portrays how the Dobbs ruling on abortion, together with right-leaning rulings on gun rights, religious rights, and speech rights, are causing the same divisions and acidity within the populace that has manifested itself on the high court.

Biskupic's career seems to have mirrored that of Linda Greenfield, a fellow journalist and author who covered the Supreme Court for decades and who wrote books about an individual justice (2005) and the background of the Roe v. Wade decision in 1973 (2011) among others. More recently, Orville Vernon Burton and Armond Derfner assess the manner by which the Supreme Court has confronted the issue of race throughout its history (2021).

A series of magazine and independent monograph reviews quickly followed the publication of *Nine Black Robes*. Those by Sean Collins (2023), Lloyd Green (2023), Todd Snapp (2023), and Sam Tannenhaus (2023) all highlight the long-term impact of recent membership turnover on the Supreme Court. While Alexander Edwards (2023), Carrie Jacobs (2023), and Charles Page (2023) are commendatory in their analysis, John James (2023) and Eric Johnson (2023) spot shortcomings in the text.

Given her background, it is no surprise that Biskupic makes regular reference to information she obtained from interviews with Supreme Court justices or to that surmised through decades of experience. The evaluation of judicial appointments to the high court and cases decided by that court includes events through 2022, so the information is quite timely.

Whereas the average length of chapters in the book is twenty-six pages, the Epilogue is excessively short at four pages. The reference there to Justice Elana Kagan questioning the legitimacy of the Supreme Court in the wake of several court rulings deserves elaboration. Biskupic's assertion that the partisanship and acrimony apparent on the high court today have influenced the American political and social landscape ignores the possibility that there is two-way causation.

What is not in dispute is that the Trump appointees to the Supreme Court and still in their 50s, a fact that Biskupic and many others regard as portending a conservative trend in case rulings for generations.

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