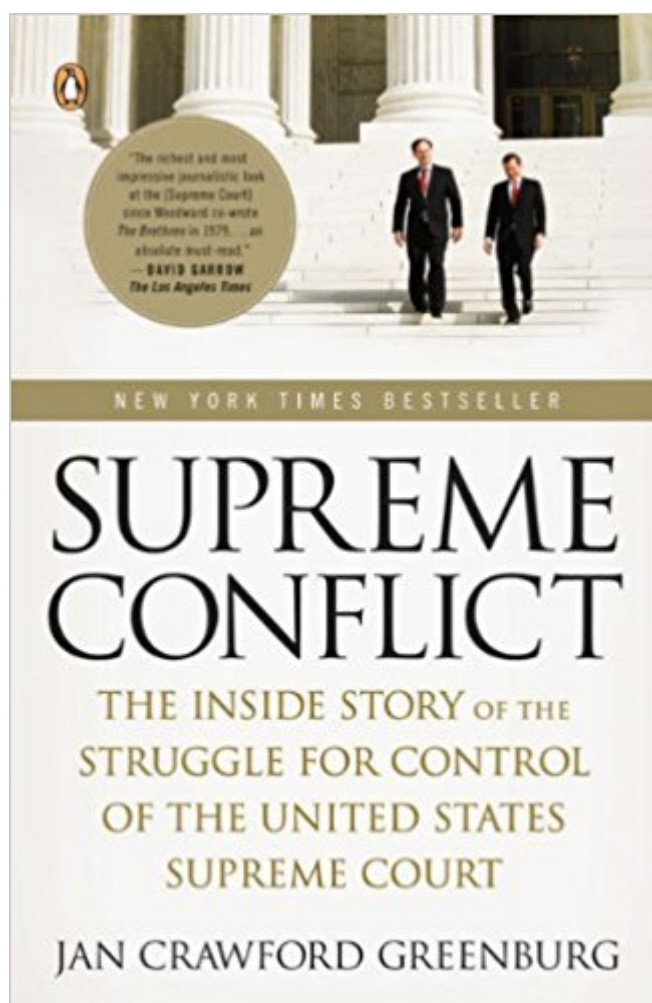


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# Supreme Conflict: The Inside Story Of The Struggle For Control Of The United States Supreme Court



## Synopsis

The New York Times's bestselling account of the most consequential shift in the use of American judicial power in almost one hundred years. Drawing on unprecedented access to the Supreme Court justices themselves and their inner circles, acclaimed ABC News legal correspondent Jan Crawford Greenburg offers an explosive newsbreaking account of one of the most momentous political watersheds in American history. From the series of Republican nominations that proved deeply frustrating to conservatives to the decades of bruising battles that led to the rise of Justices Roberts and Alito, this is the authoritative story of the conservative effort to shift the direction of the high court—a revelatory look at one of the central fronts of America's culture wars by one of the most widely respected experts on the subject. "A fresh and detailed account of how the court works and, relatedly, how presidents decide who gets there. . . . A tour de force." -The Wall Street Journal "A fascinating look at dynamics within the court, showing how personalities and ideology can affect alliances and debates." -Michiko Kakutani, The New York Times

## Book Information

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## Customer Reviews

With its closed chambers and formal language, the Supreme Court tends to deflect drama away from its vastly powerful proceedings. But its mysteries hold plenty of intrigue for anyone with the access to uncover them. In *Supreme Conflict*, Jan Crawford Greenburg has that access, and then some. With high-placed sourcing that would make Bob Woodward proud, she tells the story of the Court's recent decades and of the often-thwarted attempts by three conservative presidents to

remake the Court in their image. Among the revelations are the surprising influence of the most-maligned justice, Clarence Thomas, and the political impact of personal relations among these nine very human colleagues-for-life. Written for everyday readers rather than legal scholars, her account sidesteps theoretical subtleties for a compelling story of the personalities who breathe life into our laws. --Tom Nissley

Crawford graduated from the University of Chicago Law School, and was a legal affairs reporter for the Chicago Tribune and Supreme Court correspondent for PBS's NewsHour before becoming the legal correspondent for ABC News. We had the chance to ask her a few questions about *Supreme Conflict*:

Questions for Jan Crawford Greenburg .com: How hard was it to get the access to justices and clerks that you had for this book? Does the culture of the Court promote that kind of openness about their deliberations?

Jan Crawford Greenburg: Hard! And let me tell you it took some time--they weren't flinging open the doors of their chambers for the first few years I was covering the Court. It takes awhile to build relationships and trust, and I was fortunate enough to do that during the dozen years I've been covering the Supreme Court. As for openness, I think the culture of the Court instead promotes anonymity and privacy. The justices aren't like the people across the street in Congress, or down Pennsylvania Avenue in the White House. They don't hold press conferences or solicit media coverage of their views. They speak through their opinions. I was fortunate that they also chose to speak with me for this important book about the direction of the Supreme Court and its role in our lives.

.com: Harry Blackmun's notes must be a treasure chest for Court historians. Could you describe what you found there?

Greenburg: A treasure chest is an understatement. Harry Blackmun took extraordinarily detailed notes--almost breathtaking in their scope and level of detail. (He would even write down what lawyers were wearing when they'd appear in Court to argue a case.) He recorded the justices' comments during their private conferences--when they discuss cases--and he took down their votes. And he kept all the key memos and letters that the justices would send back and forth when they were discussing a case. It was a tremendous window into the Court's inner sanctum, during some of the most pivotal years for the institution.

.com: One of the biggest revelations of your book is your characterization of Clarence Thomas as far more influential, even in his first year on the Court, than he's usually given credit for. Could you describe what his role on the Court has been?

Greenburg: Clarence Thomas has been the most maligned justice in modern history--and also the most misunderstood and mischaracterized. I found conclusive evidence that far from being Antonin Scalia's intellectual understudy, Thomas has had a substantial role in shaping the direction of the Court--from his very first week on the bench. The early storyline on Thomas was that he was just following Scalia's direction, or as one columnist at the time wrote, "Thomas Walks in Scalia's

Shoes." That is patently false, as the documents and notes in the Blackmun papers unquestionably show. If any justice was changing his vote to join the other that first year, it was Scalia joining Thomas, not the other way around. But his clear and forceful views affected the Court in unexpected ways. Although he shored up conservative positions, his opinions also caused moderate Justice Sandra Day O'Connor to back away and join the justices on the Left. .com: Not every Supreme Court confirmation is a battle, even when the Senate and the President are from different parties. What separates the candidates who sail through from the ones who get put through the wringer? Greenburg: The recent appointment of Samuel Alito shows a justice with a clearly conservative record can get confirmed--and even pick up some votes from Democrats. Maybe the secret is developing a reputation as a fair and nonpartisan judge on a federal appeals court. At his hearings, liberal and conservative judges who had worked with him on the appeals court testified in his behalf, as did his law clerks--some of whom were self-identified liberals. Alito was the conservative counterpart to Clinton nominee Ruth Bader Ginsburg. She had been an outspoken advocate for liberal causes (including the ACLU), but she'd developed a reputation as a fair and thoughtful judge on the federal appeals court, garnering respect from both sides. .com: How much do Americans know about how their federal courts work? What should they know? Greenburg: Most Americans, understandably, think about trials and drama when the issue of the courts is raised. But the appeals courts--and the Supreme Court--remain mysterious, even though those courts have an enormous impact on American life. The judiciary is one of the three branches of government, but its decisions take on outsized importance at times. It can provide a vital check against abuse of individual rights by government--but it also can usurp the role of the people when it reaches out and takes on issues that more appropriately belong in the purview of the other branches. .com: Even though you show how our expectations for where new members will take the Court are so often wrong, I'll ask you anyway: What do you expect in the next few years from the Roberts Court? Greenburg: To be more conservative than the one led by Chief Justice William Rehnquist. John Roberts himself is a solid judicial conservative who believes the Court has too often taken on issues that belong in the realm of elected legislatures. He is advocating a more restrained approach, with greater consensus among the justices. In addition, Justice Alito replaced key swing-voter Sandra Day O'Connor, the Court's first female justice. O'Connor's vote often carried the day on the closely divided Court--and she typically sided with liberals on social issues like abortion, affirmative action, and religion. Alito is more conservative, and I expect to see the Court turn to the right on those and other issues. --This text refers to an out of print or unavailable edition of this title.

In *Supreme Conflict*, ABC News legal correspondent Jan Crawford Greenburg examines our judicial branch's highest court, parlaying her all-access pass into an analysis that reveals one of the most volatile periods in the Court's history. Greenburg moves the story along with engaging prose and salts the book with little-known details and anecdotes, though critics wonder if the author's unprecedented access might have come at the cost of revealing even deeper truths about the book's subjects. Jack Rakove of the *Chicago Tribune* questions Greenburg's supposition that President Bush's choices will have far-reaching consequences and asserts that her "conclusion that the Roberts and Alito appointments may seal the character of the court 'over the next three to four decades' overreaches." Despite some critics' reservations, *Supreme Conflict* provides fresh insights into the powerful judicial branch. Copyright © 2004 Phillips & Nelson Media, Inc. --This text refers to an out of print or unavailable edition of this title.

**Book Highlights** This book by Jan Crawford Greenburg is a brief overview of the Supreme court since about the 1970's. She covers the appointments made to the court by presidents Reagan, Bush I, Clinton and Bush II. The bulk of the narrative centers around the nomination process itself. Greenburg sticks pretty closely to this script. She does cover hot button social issues such as abortion and affirmative action. She also describes the political wrangling between conservative groups, liberal groups, White House Counsel, the president and the members of the Supreme Court itself. The preparation that each nominee goes through is eye-opening. The hearing itself is something of a marathon grilling that can last several days. Each nominee must be willing to endure very close scrutiny from government bureaucrats and the press. Only the thick skinned and privileged can successfully be nominated to the court. There are some interesting differences between who gets nominated today and who in years past (pre-1970s). Past nominees did not need to be experts in Constitutional law, they simply needed to be good judges with a good track record. Not so today: they must not only be competent judges, but also have experience writing opinions and have adjudicated major cases. They must also have graduated from an ivy league school in law and have clerked for the supreme court or argued cases before the court.

**Book Evaluation** I liked this book overall: it provides clear insight into the nomination process: who gets selected and who is passed over. The political wrangling over nominees is also clearly shown. Greenburg was given unprecedented access to the justices, their friends and court records. Overall, I thought it was an enjoyable read. It was a little slow in places and somewhat repetitive. I found myself riveted at times and at other times bored as I read. While the politics of nominations was interesting and the interactions between the justices was interesting, I found myself wanting a deeper understanding of

the history of the court from the beginning of the United States. It wasn't the focus here. It's possible that content like this was edited out of the book, but I think the book suffers because of it. The scope was too narrow for my taste. I thought the writing style was good. It has a journalistic feel to it. This is not surprising considering the fact that Greenburg works as a news correspondent who covers the Supreme Court. This is why she was given unprecedented access to current court members. The book could have been improved if it had a more dramatic style; not untruthful mind you, just stylized a little more. The style fell a little flat because it was written too straight-forwardly. It was more reporting without so much crafting a cohesive story. Book Recommendation If you have never read anything on the Supreme Court, I would recommend this book to you. While it does have its flaws, the book does a good job where it excels. The strengths are the close view we get of the nomination process, the preparation required for confirmation hearings and the politics of nomination. Also a strong point was Greenburg's coverage of hot button social issues such as abortion and affirmative action. The weaknesses of the book were its style and its lack of a strong cohesive theme. It was more reporting of the court in a chronological fashion than thematic. So overall I enjoyed this book. I learned much more about the Supreme Court and how it works. I enjoyed reading this book in spite of its weaknesses, so I would recommend it.

Great book. Found it especially interesting to read concurrent with all the controversy over Scalia's seat.

A fast, easy read with no getting lost in the weeds. If you want an entertaining and balanced overview of the makeup of the court, then this book may well fit the bill; if you want more inside dirt or tendentious treatment of the issues, there are always other choices: Access Hollywood, Chelsea Lately, Spongebob or NPR perhaps.

Learned a lot about the Supreme Court system from this book. A really great read. Interesting enough to read the whole thing!!!

A great read if you follow this sort of thing. The details are well presented without getting boring. Price is just right.

It was a very good book. I enjoyed it. Worth the read, but wish it was just a little longer.

Well written book. Very helpful for a non US law student to get insight in the world of the US Supreme Court

I closely followed the Supreme Court during the period covered by this book, principally from Reagan to Bush II. Ms. Greenburg describes the evolution of the Senate confirmation process (increasingly partisan as the Court became more political), the judicial philosophy (or lack thereof), personalities and interactions of the justices, and several major cases. Going all the way back to Nixon, every Republican president had the goal of appointing "conservative" justices. In this context, "conservative" means a particular judicial (not political) philosophy. A "conservative" approach gives effect to the text and tradition of the Constitution, as contrasted with a "liberal" approach that believes in a living, evolving Constitution. Conservatives believe a living Constitution gives five unelected, life tenured LAWYERS the license to usurp legislative and executive powers reserved to those branches of government. Ms. Greenburg examines how and why Republican presidents have failed to remake the Court, despite having appointed ten consecutive justices from Nixon through Bush I. It turns out there are a variety of reasons, including sloppy vetting, cronyism and political weakness, resulting in "moderates" like Blackmun (Nixon), Powell (Nixon), Stevens (Ford), O'Connor (Reagan), Kennedy (Reagan) and Souter (Bush I). The author believes Bush II may have figured out how to avoid those mistakes by appointing experienced circuit court judges with proven track records, such as Roberts and Alito (although his attempt to nominate Miers runs counter to that theory). Ms. Greenburg is an excellent writer, researcher and analyst. That her approach is fair and balanced is confirmed by the almost universally good reviews from political liberals and conservatives. This book is highly recommended.

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