



# The Supreme Court

*William H. Rehnquist*

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## **The Supreme Court** William H. Rehnquist

This new edition of Chief Justice William H. Rehnquist's classic book offers a lively and accessible history of the Supreme Court. His engaging writing illuminates both the high and low points in the Court's history, from Chief Justice Marshall's dominance of the Court during the early nineteenth century through the landmark decisions of the Warren Court. Citing cases such as the Dred Scott decision and Roosevelt's Court-packing plan, Rehnquist makes clear that the Court does not operate in a vacuum, that the justices are unavoidably influenced by their surroundings, and that their decisions have real and lasting impacts on our society.

The public often hears little about the Supreme Court until decisions are handed down. Here, Rehnquist reveals its inner workings--the process by which cases are chosen, the nature of the conferences where decisions are made, and the type of debates that take place. With grace and wit, this incisive history gives a dynamic and informative account of the most powerful court in the nation and how it has shaped the direction America has taken.

## **The Supreme Court Details**

Date : Published February 5th 2002 by Vintage (first published September 1st 1987)

ISBN : 9780375708619

Author : William H. Rehnquist

Format : Hardcover 302 pages

Genre : Law, History, Nonfiction, North American Hi..., American History, Politics

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## ZMARTIN123 Martin says

Zach Martin

12/2/13

William H. Rehnquist: The Supreme Court

Digging deep into the history of the judicial branch of the U.S. government, Rehnquist, a Chief Justice of the Supreme Court, goes into detail of different cases that the Supreme Court has reviewed since the creation of the government. Along with these details of cases, Rehnquist also covers the different Chief Justices that have resided over the history of the Supreme Court, and the controversial cases that they have made decisions on. From the cases reviewed by the Marshal Court, to cases reviewed by more modern courts, Rehnquist does his best to paint a picture of how the Supreme Court has worked in the past, and how it works now. Along with different cases reviewed by different Chief Justices, Rehnquist also describes how the inner-parts of the court work (such as how justices are appointed, how they vote on certain cases...etc.). On top of the latter, Rehnquist also works into his writing where the Supreme Court has been housed since it was first founded (there was not always a Supreme Court Building!). Rehnquist brilliantly writes this history from the third person point of view, and, according to an Austin American Statesman, puts the words in "laymen[s]" terms, so it is easy to comprehend.

A major strength that is evident when reading this book is how detailed/precise each chapter is written out. Whenever there was a reference to something outside of the book (such as an article of the Constitution), Rehnquist did his best to go off on a tangent that would let the reader know what it is he is referencing to, and would swiftly bring the reader back to his main point. An example would be when Rehnquist was writing about an issue in the Taney Court that had to do with habeas corpus, and had to reference to the Constitution. "Lincoln directed General Winfield Scott to suspend the writ of habeas corpus ...Article I of the Constitution, dealing with the powers of Congress, provided that the writ of habeas corpus should not be suspended...A writ of habeas corpus mandates that..." (Rehnquist 66). Rehnquist, in his writing of Lincoln and habeas corpus, referenced to the constitution and began to describe what habeas corpus was to the reader so that he or she will better understand the issue that was written about. A weakness that was evident was how lengthy the chapters became because of the many tangents Rehnquist went on. This made the book a very difficult read, and it made it seem as if it was taking long amounts of time just to get through one chapter.

Those who have an interest in history or government would be the ones to enjoy this book the most. I do not recommend this book to anyone who may not usually read informational books, as it is a long read, and there is not much drama in the storyline. Because it is in laymen's terms, it is easy to understand what is being read. The Supreme Court is very similar to Miracle at Philadelphia, in that it goes over certain parts of history in detail from a third person point of view.

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## Lori Gum says

I'll just say this...in view of the decisions of The Roberts Court...this book nears levels of hilarity when you read what Rehnquist considers "judicial activism". I finished this last Wednesday, the day that the Court heard oral arguments in the Shelby v. Holder case regarding Section 5 of The 1965 Voting Rights Act...with Roberts and Scalia's outright hostility to the respondents and defenders of the Act, most notably exemplified by Justice Scalia's contention the protection of voting rights for minority citizens was somehow a "racial

entitlement". This Court is considering gutting this Act...in the face of the fact that the vote to extend the Act was passed by a 98-0 vote in the senate!! Rehnquist (and Roberts and Scalia and Alito and Thomas) have always proposed that the Court should always let the Congress and the citizenry decide issues for themselves with an appeal to the Court as only a last resort. To overturn an Act that had near unanimous support in the Congress is not only "judicial activism" but a most radical kind! The jury is still out (pun intended) on Shelby but it is very interesting to read this book in light of present day SCOTUS decisions. The Rehnquist Revolution has indeed succeeded...even beyond, I am sure, what Rehnquist himself ever imagined. The book is enjoyable enough if you are a SCOTUS nut...the best chapter being the one on little known Justices Miller and Field. A must read for SCOTUS aficionados but if you want a history of the Court with a less philosophically biased view...go elsewhere. But as an absurdist comedy...it is brilliant.

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## **Mauricio says**

I have to give this book by William Rehnquist 5 stars in spite of the fact that I do not agree with his reasoning on many of the important cases decided during his time as SCOTUS Associate Justice (1972-1986) and later as Chief Justice of the United States (1986-2005). His personal doctrine was based on announcing and promulgating "New Federalism" and emphasizing an outmoded view of the 10th Amendment. In my opinion both of these doctrines should be considered superseded by the 14th Amendment -both in the Amendment's original intent and the way provisions found within the 14th have been utilized to expand Civil Liberties during the last 50 years.

Having said this, Rehnquist writes in a surprisingly delightful manner. This book is geared toward those , like me, that may not be experts in matters of constitutional law. His purpose in writing this book, as stated by the author, is in upholding the legitimacy and integrity of the Supreme Court as it enters its third century as a co-equal branch of government.

The first chapter is called "A Law Clerk Comes to Washington" and it describes his time as a law clerk working for Assoc Justice Robert H. Jackson during the final months of the Vinson Court. Reading this chapter you can not help but think of the movie "Mr. Smith goes to Washington". The rest of the book is organized in chronological order starting with Marbury v Madison and going through the Warren Court. These chapters are peppered throughout with some of the seminal cases and their implications. Rehnquist arrived in Washington a few months before the Steel Seizure Cases (involving the extent of presidential powers during war time)were fast tracked to the Supreme Court in 1952 and he uses his position as a clerk to Justice Jackson to give an insiders view of the preceding. These two middle chapters on the Steel Seizure cases are the best part of this book.

Most important to legal scholars is the last third of this book which describes what goes on in Conference as the Justices are deliberating among themselves within the walls of the U.S.Supreme Court Building.

This is not my favorite book dealing with constitutional history and Rehnquist is far from being my all time favorite Supreme Court Justice but there is really not much to criticize about this book. I am really surprised I enjoyed this book as much as I did. Rehnquist does not push his personal views on the reader and I really feel this book is intended to educate and raise the prestige of this often maligned branch of government.

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## Jamie Collins says

Rehnquist's history is intended to give "the interested, informed layman ... a better understanding of the role of the Supreme Court in American government". I found this very accessible; it's perhaps slightly legally dense in the middle, but the early historical chapters and the later sections on the practical operation of the court were engaging. This was first published in 1986, then updated in 2001 with editorial assistance from his daughter, whose aim was, he says, "to make me sound less like a lawyer".

He opens with a personal account of the first time he arrived at the Court in 1952 to be a law clerk for Justice Jackson. He then launches into an overview of the history of the Supreme Court, from *Marbury v. Madison* in 1803 which established the authority of the federal courts to rule a law unconstitutional; up through the Court of Earl Warren in the 1950's-60's: *Brown v. Board of Education* and *Miranda v. Arizona*.

Then there are a few chapters describing the operation of the court - how cases are chosen, how they are discussed and voted upon, who sits where in the conference room, etc. I was interested in the role of law clerks, and amused by the concern over the equitable distribution of "interesting" cases among both clerks and Justices, as apparently a great many are "routine and uninteresting".

There is very little information about individual Justices (or Rehnquist himself). He offers a few biographical details about the most famous, and offers very brief comments on those people he knew personally.

Rehnquist was a conservative Justice, but this book feels politically neutral. He doesn't give his opinion of historical cases except to join the universal condemnation of such decisions as *Dred Scott* and *Korematsu v. United States* (Japanese internment during WWII). The book doesn't cover any cases from his own time on the Court, and his comments about his personal experience as a Justice are limited to the composition of his chambers and the view out his office window.

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## Cherif Jazra says

Former Chief Justice delivers a highly skilled treatment of the history of the Supreme Court, using a smooth writing style, and a great sense of a good story. This book may have been designed as a textbook for an entry class on the institution as it delves into much details, with both a human and a historical outlook. Rehnquist is able to weave in 3 different perspectives on the court: the human perspective focuses on the justices and their character, an institutional perspective focuses on the court decisions, the arguments of both the majority opinion and the dissent; and the historical perspective which delves into the political and social background that forms the tapestry over which the Supreme court rulings unfold. We therefore get together with a history of the supreme court a history of the united state, from its early challenges as a fledgling nation, to the civil war, the post-reconstruction acts and the economical boom, the rise of the labor movement as capitalism intensifies and turns into imperialism, the end of the gilded age, the challenges of the Great depression, the 2nd World war and the aftermath of the cold war and civil rights era. The Supreme Court is masterfully portrayed by Rehnquist, not as an abstract institution, but as a very concrete and living one, embodied in the 7, 10, or 9 Justices (depending on the era) which literally "do the work themselves" as Brandeis famously said, though with some help from 3 or 4 new graduate clerks. Chief Justice Rehnquist spends a lot of time portraying the justices that made up the court at different point of time before delving into particular controversy, caring to share with his readers the background of these people and the events that shaped their lives. Many of the chapters are named after the justices for good purpose: They are the one who are making

the decisions, who are dissenting, who are arguing amongst each on what to hold the opinion of the court on. Chief Justices Marshall and Taney oversee the court from 1800 to 1864, where issues of the court establishment, the major initial interpretations of the court with regards to jurisdiction, commerce, and the general state vs nation rights are upheld. Justice Miller and Field are the main actors of the later part of the century, writing opinions on post civil war issues such as military trials and the rising economical and industrial development, such as the explosion of the railway industry, the steel, tobacco, sugar trust and the general expansion of commerce to the west and the rest of the world. The options of the court in the first part of the 20th century focuses on the negative consequences of this accelerating growth, primarily rights of workers for proper working conditions, just compensation, and reasonable hours of labors, with justices Brandeis and Holmes dissenting against a majority opinion reflecting the general economic outlook of laissez-faire and social darwinism. As the great depression erupts and Roosevelt takes over, the government faces rebuttal by the court which leads to a head-off know as the court-packing plan, threatening to strip the court from its independence. 1937 is a turning point for the prevailing ideological position of the supreme court justice with regards to state and government legislation knows as the new deal, and the confrontation was effectively won by Roosevelt without his plan passing. Eight new judge appointments would eventually be made by Roosevelt (the largest made, considering his 12 year rule as president), who though in agreement with regards to state intervention in economic matters, will hold quite different views with regards the new challenges of communism and the cold war, then dominated by civil rights cases, freedom of speech, and racial equality. The historic part of the book ends with Rehnquist witnessing, as a clerk to Justice Jackson on the Supreme court, the Steel Seizure cases mandated by President Truman to ensure continuous supply during the Korean war in 1952. Three other chapters conclude the book with descriptions about how the court accepts cases, how they are argued, and how opinions are eventually reached. Lucid and insightful accounts of Rehnquist's own methodology is recounted, such as his strategy to keeping the dockets down or his preference for conducting the conferences during which justice's final opinions are recorded. Overall, this is a great book on the Supreme Court, where each chapter deals with momentous topics that could have been each separately developed in a book, clearly and succinctly treated here with sharp focus on the important aspects at play. Highly Recommended overall!

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## **HBalikov says**

The Supreme Court that we know was not what was intended by our Founding Fathers. As a member of that Court, William Rehnquist has a great deal of respect for the institution. However, he understands that this Court could have easily been simply the court of last resort for contract dispute rather than one of three equal branches of our government.

Rehnquist is at his best when he is delving into the early years of the Court; particularly the first 50 years of its existence. He gives much of the credit to John Marshall and a good deal to Joseph Story, two justices who served for a substantial number of years. Here is a typical insight: "But Marshall had more than simply the desire to make the Court the institution he thought the Constitution intended it to be; he also possessed the ability to explain clearly and forcefully why the Court reached the conclusions it did."

Rehnquist wrote the book while he was a Justice on the Court. This may be reason why the latter part of the book comes off more as an apology for what his Court was than the more dispassionate historical perspective that he shows earlier in his analysis.

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## **Sara says**

I honestly thought it would be interesting.

And it was for the first 40 pages.

But then every time I read 20 pages, I had to take a nap.

It's a great informational book, but don't read it if you don't have to.

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## **Tyler Storm says**

Pretty good introduction to the US Supreme Court written by former Chief and Associate Justice William Rehnquist. There are many Supreme Court books out there, but I would say for the newbie, this should be the first book you should read regarding the Supreme Court. I tried reading "Dear Brethren" by Bob Woodward but it's not necessarily for the newbie. Should have read this book first, then Gideon's Trumpet, and lastly Dear Brethren.

So, the structure of this book is this: General introduction to the court and legal system, then traces the history of the Supreme Court from the Marshall Era(1800) to Rehnquist's Era(1970s). After, Rehnquist goes over the general process for the court, illuminating an insiders perspective of how the Supreme Court works. Everything from granting Cert, how it is granted, to oral hearings, and lastly opinion writings/decision rendering.

The author goes through the history mostly by stating various trends of the courts. The author organizes it chronologically but has each chapter titled as whoever is chief justice of the court e.g. Marshall Court, Taney Court, Hughes Court and etc. I think the best thing is that Rehnquist kinda gives a little bit of background history for each era of the court. Everything from Eminent Domain, the Civil War, Railroad corporate dominance, the depression, and up to the Korean War & Cold War.

Thus, for the newbie, this is a great book to read to get acquainted with the Court, America, and how our government operates.

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## **Tom Stamper says**

As an introduction to the history of the Supreme Court, Justice Rehnquist's book was just what I was looking for. Not only does he give a good explanation of the personalities and issues through the ages, he also explains the experience of being a clerk on the court.

Rehnquist begins by telling the story of how he came to be a clerk for Justice Jackson in the early 1950s. He then goes back and explains the origins of the court in the 19th century. From 1800 until the Civil War, only two men were chief Justice, John Marshall and Roger Taney. Rehnquist explains why both of these men were important and how they shaped the court for generations to come.

Rehnquist then explains that the next 100 years were without an important chief justice, but many significant associate justices. This period begins with cases like Plessy v. Ferguson and ends with Brown versus the Board of Education. Rehnquist does a good job of explaining the politics behind FDR's court packing plan in the 1930s, and the Steel Case that came before the court when he was a clerk in the early 1950s.

The book ends with how the process of deciding cases happens on the Supreme Court, and how Rehnquist's experience was different as an associate justice before he became the chief.

The book works as an excellent history and an insider's view to how the court operates. It's not an in-depth book, but I don't know a single volume could accomplish that. I was very happy with what I learned in 300 pages.

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### **Jdb says**

This book is for people with a particular interest in the Supreme Court and its history. For others it will be a slog, but they can get the key points in the last three chapters.

The problem with this book is the authors's frequent interruptions of the narrative with short bios of former justices. This produced a choppy flow which I found irritating.

There is not much discussion of key Court cases.

Bottom line: I think Rehnquist is paying homage to his fellow justices here and that's fine. He covers some basic functionality of the Court which is illuminating and in the end deserves my 3star rating.

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### **Noel Adams says**

Fabulous book. A mixture of pivotal cases decided by the Court, biographies of key justices, and procedures for choosing and rendering decisions, this book was both educational and interesting. My respect for the Supreme Court has increased tenfold, and I find that I am less willing to fling accusations of 'legislating from the bench.' That merely means, after all, that someone read the Constitution differently than I. With each of the nine justices having a staff of one or two secretaries and four--at most--law clerks, I was surprised at the small size of this branch of government. With most oral arguments lasting one hour--ONE HOUR!-- I was surprised by the simplicity and efficiency with which they get things done. And I have to agree with Rehnquist's summation. While balancing the authority of the Constitution with laws enacted and enforced by popularly elected representatives, and despite some very poor decisions, the Court has proved itself an enduring and respectable institution, unique among all other courts in the world. Highly, highly, highly recommend.

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### **Aaron says**

This was an enthralling book written by the late Chief Justice of the United States, William H. Rehnquist. First I must state he is a first rate author with an exceptional ability to make something interesting that would otherwise be rather boring. There are sections where he talks about the Justices and their appointments where another author may have put a list, but the description of each with clarity of their character allows those parts to become more engaging. How the Supreme Court has shaped our country and the subtle changes over the years from the Marshall Court are very interesting with specifics of how each member of the court over



the years has influenced the decisions. I found the chapters at the end concerning the inner workings of the court to be the most interesting of all. I would recommend this book highly.

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## **Derek Fossi says**

I read the original, not the revised, edition of this book.

I was fortunate to take two undergraduate law classes this past semester, one on Constitutional and Military Law and another on National Security Law, which gave me an appreciation for, among other things, the Supreme Court's role in shaping America. Former (and late) Chief Justice William Rehnquist's delightfully readable book, in addition to greatly enriching my understanding of how certain seminal Supreme Court decisions shaped our history, also showed me how exogenous factors, such as good or bad press, personalities on the Court, and emerging technologies, have influenced those decisions.

Malcolm Gladwell observed that the best autobiographies are written by those on the periphery of history, for those on center stage have a reputation to lose by being completely forthright. While this book is only partially autobiographical in character, somehow Rehnquist -- who in his 33 years on the Supreme Court, 19 of them as Chief Justice, certainly qualifies as a center-stage mover and shaper of American history -- manages to write himself almost entirely out of his history of the Supreme Court. After reading his book, knowing nothing about the man a priori, I cannot tell you anything with regard to Rehnquist's own politics or judicial philosophy, so fair and universally respectful were his treatments of other justices (some of them maligned by my law textbooks, such as Chief Justice Taney, who wrote the dreadful Dred Scott majority opinion), of various political and philosophical persuasions. So, for those who would agree with Mr. Gladwell in principle, Rehnquist's book is an exception to the rule.

The book consists of three parts. The first details his experience as one of Justice Jackson's clerks in 1952, coinciding with the famous Steel Seizure case. The second part presents a rich history of the Supreme Court and its most significant justices and cases. In the process of telling the Supreme Court's history, Rehnquist relates many interesting and forgotten stories from American history, such as the impact of railroads on crop prices, and the subsequent formation of The Grange, and its driving of the Court's slow acquiescence to a more liberal construction of the government's economic powers. The third, final, and perhaps most special part of the book describes how the Supreme Court works. What do the Constitution and various Judiciary Acts of Congress prescribe with regard to the Supreme Court's jurisdiction, composition, and selection? How do the Justices choose from among the many thousands of petitioners who file writs of certiorari each year? How have various Chief Justices' management styles influenced discussions in chambers? What are the pitfalls and best practices of attorneys who argue before the Supreme Court? And just how much influence do green, not-a-year-out-of-law-school, inconspicuous clerks have on the most important decisions of our times?

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## **Jean says**

This book was first published in 1987. William H. Rehnquist (1924-2005) was born in Wisconsin and graduated from Stanford University and Stanford Law School. His Stanford Law School classmate was Sandra Day O'Connor. This was the first book ever published by a sitting Chief Justice on the inner workings of the U. S. Supreme Court.

I most enjoyed the parts of the book where Rehnquist discussed his personal experiences, for example, when he described his first day as a law clerk to Justice Robert Jackson. In the last part of the book he provided some insights on what it was like to sit on the Supreme Court. Much of the book is about the history of the Court and some of the key landmark cases. I found the cases about the railroads of particular interest. It always amazes me how ruthless the railroads were at their zenith.

The book is well written. Rehnquist was a conservative justice, but he did a good job in keeping the book neutral. I was surprised at how well Rehnquist wrote and kept the book interesting. I have read a number of books about the Supreme Court so was familiar with much of the book. I was more interested in Rehnquist himself. For those unfamiliar with the Supreme Court, this would be a good starting book to acquire an overview of the workings of the court and its history.

I read this as an audiobook downloaded from Audible. The book is almost eleven hours. John Pruden did a good job narrating the book. Pruden is a voice-over artist and a full-time audiobook narrator. I am looking forward to listening to more book narrated by Pruden.

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## **Paul says**

After a visit to the US Supreme Court and sitting in the courtroom I had the desire to find a book written by one of the Justices about the court and its history. I found that in former Chief Justice Rehnquist's book. While certainly infused with his perspective of pivotal cases, mistakes, triumphs, and history of the high court, I found most interesting his personal stories of being a law clerk.

As expected, there was some dry reading that required some time to digest appropriately but I think that's the nature of a book written by an individual trained to write as a lawyer. Our Supreme Court could have been simply the last resort to settle contract disputes but has become a vital, equal branch of our government. Rehnquist takes you on this journey through good and bad decisions and broaches the topic of political and public opinion influence on the court.

This is a very accessible read for anyone interested in the history and workings of the Supreme Court from a person who held several roles, from clerk, to Associate Justice, to Chief Justice. It's a short book but not a short read. It's one to take your time with for sure.

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