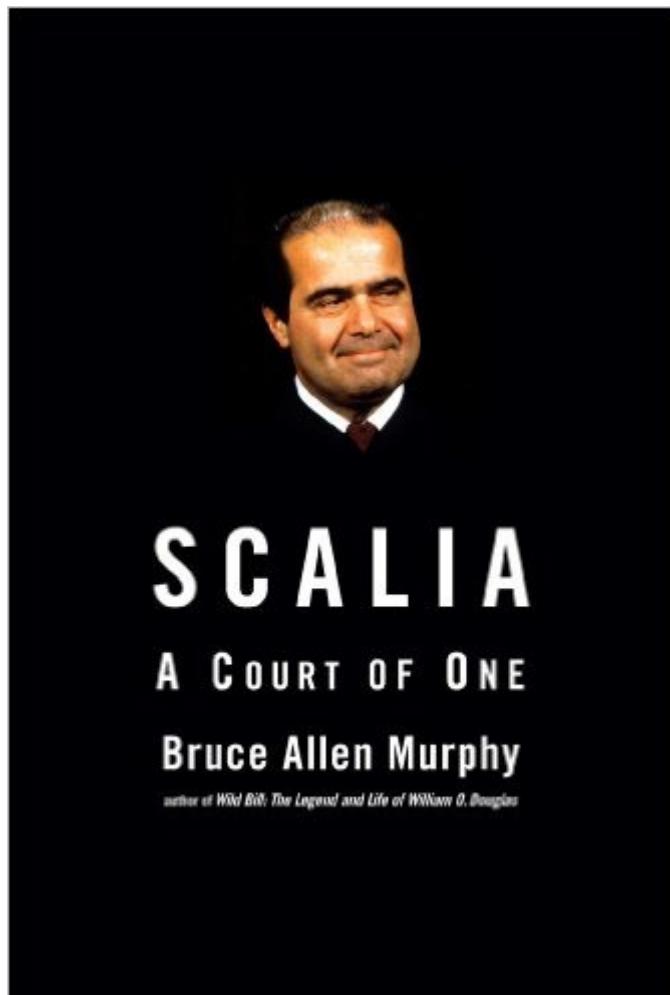


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Scalia: A Court Of One



Synopsis

An authoritative, deeply researched biography of the most controversial and outspoken Supreme Court justice of our time and how he chose to be a *right* • rather than influential. Antonin Scalia knew only success in the first fifty years of his life. His sterling academic and legal credentials led to his nomination by President Ronald Reagan to the Court of Appeals for the DC Circuit in 1982. In four short years there, he successfully outmaneuvered the more senior Robert Bork to be appointed to the Supreme Court in 1986. Scalia's evident legal brilliance and personal magnetism led everyone to predict he would unite a new conservative majority under Chief Justice William Rehnquist and change American law in the process. Instead he became a Court of One. Rather than bringing the conservatives together, Scalia drove them apart. He attacked and alienated his more moderate colleagues Sandra Day O'Connor, then David Souter, and finally Anthony Kennedy. Scalia prevented the conservative majority from coalescing for nearly two decades. Scalia: A Court of One is the compelling story of one of the most polarizing figures ever to serve on the nation's highest court. It provides an insightful analysis of Scalia's role on a Court that, like him, has moved well to the political right, losing public support and ignoring public criticism. To the delight of his substantial conservative following, Scalia's *originalism* • theory has become the litmus test for analyzing, if not always deciding, cases. But Bruce Allen Murphy shows that Scalia's judicial conservatism is informed as much by his highly traditional Catholicism, mixed with his political partisanship, as by his reading of the Constitution. Murphy also brilliantly analyzes Scalia's role in major court decisions since the mid-1980s and scrutinizes the ethical controversies that have dogged Scalia in recent years. A Court of One is a fascinating examination of one outspoken justice's decision not to play internal Court politics, leaving him frequently in dissent, but instead to play for history, seeking to etch his originalism philosophy into American law.

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Customer Reviews

There are currently two biographies of Justice Scalia, each with its distinctive strengths and weaknesses. The first was Joan Biskupic's "American Original: The Life and Constitution of Supreme Court Justice Antonin Scalia" (Sarah Crichton Books, 2009). Biskupic's book is well-written, balanced, and based on extensive personal interviews with Justice Scalia himself, his family, and colleagues. It is not particularly strong, however, on Scalia's early life, his judicial philosophy, and his intellectual contribution. Murphy's biography is longer, more in-depth, and more extensively researched than Biskupic's, but is less readable and makes no pretense to be even-handed. Murphy, a political science professor at Lafayette College, specializes in hard-hitting exposes of Supreme Court Justices. His earlier biographies of Abe Fortas and William O. Douglas, though useful and well-researched, spared readers no tawdry details of their subjects' flawed characters. This book adopts a similar kind of "gotcha" approach. Unlike Biskupic, Murphy conducted few personal interviews. Instead, he draws heavily on public sources and archival records. The result is a scholarly but somewhat plodding and relentlessly critical biography. It is really the tale of two Scalias. The first is Scalia the Golden Boy: the gregarious, straight-laced Italian immigrant's son, who finished first in his class in high school and Georgetown, graduated Summa Cum Laude from Harvard Law School, rose quickly in his early career as a corporate lawyer, law professor, and government official, raised a model family, stayed true to his faith and his principles, and seemed to do everything right. The second Scalia is of the Golden-Boy-Corrupted.

I'm not ashamed to say that I am a huge fan of the work of the Supreme Court and an admirer of Antonin Scalia. For this reason, I eagerly anticipated Bruce Allen Murphy's book "Scalia: A Court of One" when I learned it was going to be released. After reading it, I have to say that the book is thoroughly researched and very well written. It is easily readable and keeps your interest through the entire book. Its one downfall (and why I didn't give it 5 stars) is that it is simply unbalanced, biased, and designed to malign Antonin Scalia in every way possible. This book makes this brilliant man sound like a petty, callous and cold individual who takes any opportunity he can to advance his agenda. While Mr. Murphy may have done scrupulous research to come to this conclusion, I, for

one, refuse to accept his characterization of Justice Scalia. The book describes Justice Scalia's beginnings, including his earlier years, upbringing and early education. The focus, however, is upon his time on the Supreme Court. It reviews his service on the court from the beginning and through the most recent terms. Throughout the book, Murphy takes the attack approach about Scalia's opinions, dissents, speeches, and public comments, highlighting the negative elements of all of these. He then goes on to make value judgements about why Scalia says what he says and acts how he does, and therefore brands the man as volatile and childish man, which I refuse to accept as true. One thing that is lacking in Murphy's character assassination is the attribution of his sources when he makes a specific claim. While I appreciate that he may have obtained his materials under confidence, it seems hardly possible that he is unable to tell us who told him ANY of the things he shares in the book.

This is the fourth judicial study by Professor Murphy I have read. The three previous volumes I felt excessively focused on sensational dimensions of their subjects, especially the volumes on Justices Fortas and William O. Douglas ("Wild Bill"). Not to say these were not substantial studies, but the sensational elements detracted attention from Murphy's solid scholarship. I am delighted to say that I have no such qualms about this substantial (500 pages plus notes and bibliography) and extremely valuable bio of Justice Antonin Scalia. It is outstanding in a number of ways. For me, the book's greatest asset is its meticulous analysis of how Justice Scalia developed his various interpretive theories--probably his most lasting achievement. One can read long articles on this topic, but what Murphy has done is to trace this development over time, context by context, as the bio unfolds. I found myself having a much more comprehensive understanding of Scalia's approaches (yes, he does "evolve" over time) than before. For Scalia and judicial conservatives generally, methodology is everything. Murphy also carefully differentiates Scalia's positions from those of Judge Bork and Justice Thomas, as well as others. Murphy also tackles the toughest issue about Scalia--could he have been a more influential figure? On the one hand, clearly his originalist theory has had a substantial impact on how the Constitution is interpreted by judges, scholars, and others. Yet, on the other, his explosive personality relative to his Court colleagues has cost him the ability to become the conservative leader of the Court. Justice Kennedy and (Murphy suggests after the Obamacare decision) the Chief Justice may now rightly claim that title.

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