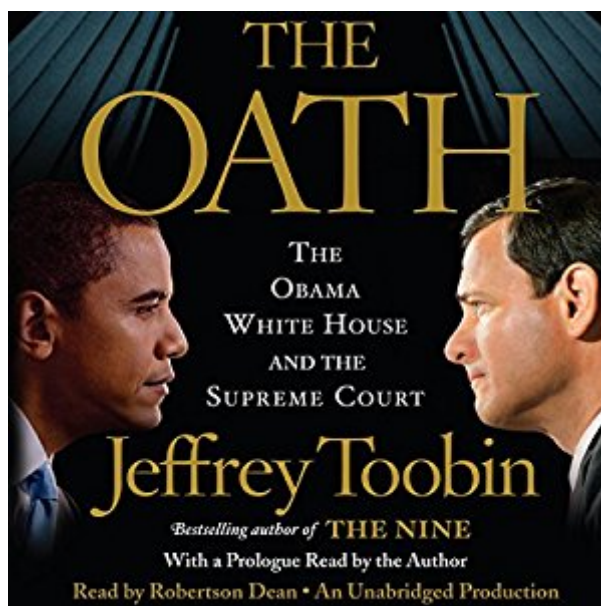


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# The Oath: The Obama White House And The Supreme Court



## Synopsis

From the prizewinning author of *The Nine*, a gripping insider's account of the momentous ideological war between the John Roberts Supreme Court and the Obama administration. From the moment John Roberts, the chief justice of the United States, blundered through the Oath of Office at Barack Obama's inauguration, the relationship between the Supreme Court and the White House has been confrontational. Both men are young, brilliant, charismatic, charming, determined to change the course of the nation - and completely at odds on almost every major constitutional issue. One is radical; one essentially conservative. The surprise is that Obama is the conservative - a believer in incremental change, compromise, and pragmatism over ideology. Roberts - and his allies on the Court - seek to overturn decades of precedent: in short, to undo the ultimate victory FDR achieved in the New Deal. This ideological war will crescendo during the 2011-2012 term, in which several landmark cases are on the Court's docket - most crucially, a challenge to Obama's controversial health-care legislation. With four new justices joining the Court in just five years, including Obama's appointees Sonia Sotomayor and Elena Kagan, this is a dramatically - and historically - different Supreme Court, playing for the highest of stakes. No one is better positioned to chronicle this dramatic tale than Jeffrey Toobin, whose prize-winning best seller *The Nine* laid bare the inner workings and conflicts of the Court in meticulous and entertaining detail. As the nation prepares to vote for President in 2012, the future of the Supreme Court will also be on the ballot.

## Book Information

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## Customer Reviews

Once again Jeffrey Toobin strikes gold in *THE OATH*. After reading *THE NINE* I could not resist reading *THE OATH*. In essence, *THE OATH* is the successor to the first book - a continuation of his history of the Supreme Court. Toobin goes about his explanation of the major constitutional issues of the day in a clear and insightful manner. He breaks down the issues so that the reader can clearly understand them. Having just read Toobin's chapters on the abortion rights cases, I was better able to understand a recent ruling of the court. These two books have really peaked my interest in the Supreme Court. For all those interested in Supreme Court history and the lives of the individual justice, this is a must read. Toobin also brings to life the manner in which judges are appointed and how one decision, one minor factor can be the deciding factor as to whether or not a person gets a seat on the high court. I can only look forward to Toobin's next book. And if I had to guess, I would guess that it will be on Justice Scalia.

Toobin's writing about the Supreme Court is always well worth reading, and this book is no exception. It traces the difficult relationship between President Obama and the Court from its ill-starred beginning to the ambiguous upholding of most of the Affordable Care Act in 2013. At the beginning, of course, Chief Justice Roberts made mistakes in administering the President's oath of office, and the process had to be repeated. And at the end, the Chief Justice astonished many observers by voting to uphold most of the provisions of the ACA. Many felt that this showed an unexpected liberal side to the Chief, but Toobin argues that he was still playing a conservative game, but in a long term context. The book is elegantly organized, basically chronologically but featuring one justice and one issue in turn. The short biographies of the justices are illuminating and very helpful, as is the review of the major cases that came before the court. The book is also strongly opinionated -- more so than I expected. He argues forcefully that Roberts came to the court with a "conservative" agenda in mind that was at the root the opposite of conservative. The Roberts court, in his view, was on a mission to overturn much of the law settled by Supreme Court decisions from the New Deal on. Toobin argues this compellingly, and argues that it was a radical rather than a conservative approach. I found his arguments convincing, but his political views are in line with my own. A more conservative -- or more Republican -- reader might find the arguments less convincing. Whether or not you agree, however, this book is well worth reading, both informative and thought provoking.

Toobin writes for the *New Yorker* on legal issues. He has done numerous profiles and articles on

the Supreme Court over the years, including an outstanding book on the Renquist Court titled "The Nine." Woven throughout the first half of this book are snapshot biographies of the two newest justices, Sotomayor and Kagan. The subtitle of the book captures it perfectly: "The Obama White House and the Supreme Court." Toobin covers: (1) The botched oath on inauguration day (2) The Lily Ledbetter Act (3) The Citizens United Case (gets the extra attention it deserves) (4) The arguments and decision on the Affordable Care Act. Toobin definitely sympathizes with the liberals on the court more than the conservatives and it comes out in his writing. He does have some kind words at times for Roberts and the conservatives, but the major flaw in this book is that he doesn't leave it up to the reader to decide what was right and wrong. Nonetheless, it's a very good book.

The title of Jeffrey Toobin's *The Oath* refers to Chief Justice John Roberts' infamous flubbing of the presidential oath when he swore in Barack Obama in 2009. Toobin begins with that celebrated misstep, then looks back to examine the backgrounds and early careers of the President and Chief Justice, then goes on to chronicle the last few years of Court history. This book is a sort of sequel to or continuation of Toobin's earlier work *The Nine*, which examined the Court from about 1990 to 2005. Both *The Nine* and *The Oath* are invaluable guides to what often seems the most mysterious, if not impenetrable, of the three branches of the US government. Toobin excels in his ability to explain the most abstract of legal arguments in an easily accessible way. He is also a master of the telling anecdote and the short biographical sketch. I was fascinated by his summaries of the early lives and careers of President Obama, Chief Justice Roberts, and Justices Sotomayor and Kagan. In *The Oath* Toobin covers Roberts' tenure as Chief Justice, and provides many fascinating details about the way the Chief Justice works with the other justices, usually combining with the four other conservatives to carry the day on decisions like *Citizens United* but sometimes, as with the health care decision, joining the four moderate/liberals in an attempt to maintain the Court's independence and freedom from political attack. The nine justices have a great deal of influence on the lives of Americans, but few of us know much about them. Toobin gives us some insights into their personalities, life histories, and philosophies. He also, and this is probably the most valuable insight in *The Oath*, gives us some perspective into the probable future course of the Court, as the Chief Justice prepares for a career that could stretch for two more decades at least and as both liberal and conservative justices grow old and inevitably are replaced. It seems clear that there will be more controversial decisions like *Citizens United* in the next few years, and that it will be even more important for Americans to understand how the Supreme Court functions. Jeffrey Toobin's books *The Nine* and *The Oath* will be essential reading for years to come.

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