

# Southfield Public Library

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## *The Nine: Inside the Supreme Court by Jeffrey Toobin*

*Discussion Questions used at SPL-- July 2012*

1. What was your overall opinion of the Court before you read this? After you read it? Did it make you feel better? Worse?
2. Were you surprised to keep hearing the same names over again . . . Kenneth Starr, Bork, etc
3. Did he do a good job portraying the justices? Did they become “real” to you? What surprised you the most about them? O’Connor - Thomas – Rehnquist -- Souter – Scalia – Stevens – Kennedy – Ginsburg – Breyer
4. Presidential decision Gore v Bush . . . Did that chapter clear thing up for you? What’s your opinion on whether or not the Court made the right decision?
5. Let’s discuss the case for homosexual rights . . . Lawrence v p. 192.
6. What did you think about their decision on the death penalty p. 194
7. Let’s talk about Kennedy bringing in other country’s methods . . . should we pay attention to what the rest of the world is doing?
8. Affirmative action p. 212.
9. Guantanamo Bay p. 229.
10. What was the most surprising thing you learned while reading this?
11. Was he fair minded about the judges?
12. What was the most shocking thing?
13. Were you surprised at how much outside influence (like Dobson’s organization) get involved in bringing cases to the supreme court?
14. Which judge did you admire most after reading this? Why? Who was the worst one, in your opinion? Why?
15. Why do you think we are still arguing over the same issues . . . should we be allowed to chip away at rulings? Should decisions ever be final?
16. Should there be a time limit on the justices’ terms? An age limit?
17. Do you think Obama’s appointees -- Sotomayor and Kagan – will make a difference? Right now, they are outnumbered by conservative bloc (Roberts, Scalia, Thomas, Kennedy and Alito). (Ginsburg and Breyer are also considered more liberal.)
18. Do you feel the judges are beholden to the president who nominated them? Do you think the judges feel they are?
19. Should the court take into account what the American people think or should they strictly interpret by the Constitution?
20. Should justices – like Thomas who is an “originalist” – use that document as a way to judge 21<sup>st</sup> century life? How else should we?
21. Will you be paying more attention to the Court’s decisions now that you’ve read this?

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## *General Discussion Questions*

- For the person who chose the book – What made you want to read it? What made you pick it for the book club? Did it live up to your expectations?
- How is the book structured? First person? Third person? Flashbacks? Narrative devices? Do you think the author did a good job with it?
- How would you describe the author's writing style? Concise? Flowery? How is language used in this book? Read aloud a passage that really struck you. How does that passage relate to the book as a whole?
- How effective is the author's use of plot twists? Were you able to predict certain things before they happened? Did the author keep you guessing until the end?
- Did the book hold your interest?
- How important is the setting to the story? Did you feel like you were somewhere else? Did the time setting make a difference in the story? Did the author provide enough background information for you to understand the setting and time placement?
- Which is stronger in the book – the characters or the plots?
- Would you recommend this book to someone else? Why? And to whom?

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## *The Nine*

Questions from Addison Public Library

<http://www.addisonlibrary.org/reader/nine.aspx>

1. Have -- as Toobin argues -- the retirement of Sandra Day O'Connor and the subsequent appointments of John Roberts and Samuel Alito effectively established a "conservative majority" on the court?
2. How predictable are the judicial philosophies -- and practices -- of Supreme Court justices (past and present)? "Are the unpredictable personal dynamics among the justices more important than the agenda they brought with them?"
3. How will the election of Barack Obama potentially influence the court?
4. What is the "Constitution in Exile?" How does it relate to the court's history...and its future?
5. What is the function of the judiciary in the US government? How did John Marshall in *Marbury v. Madison* (1803) shape the court's relationship with the legislative and executive branches?
6. What role does politics play in judicial appointments?
7. How does O'Connor's pragmatism differ from Scalia's originalist/constructionist perspective? How would each defend her/his position? How would each rebuke the other's?
8. Toobin quotes Rehnquist (on page 237): "Don't worry about the analysis and principles in the case. Just make sure that the result is a good one this time around - because those principles you announce will be ignored in the next case." Why did Rehnquist say that?
9. How much weight should the court give to precedent (*stare decisis*)?
10. What, if any, role should international law play in Supreme Court decisions?