



Between Law and Politics: The Solicitor General and the Structuring of Race, Gender, and Reproductive Rights Litigation (Joseph V. Hughes Jr. and Holly ... Series on the Presidency and Leadership)

Richard Jr. Pacelle

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At the intersection of law and politics stands the U.S. Solicitor General. Although even the informed public rarely thinks of the solicitor general in relation to the major issues that have challenged American society, this office actually has considerable control over the cases the Supreme Court addresses. To bring the Office of Solicitor General (OSG) out of the shadows and into the clear light of public attention, *Between Law and Politics* looks at three hotly contested policy areas—race, gender, and reproductive rights—to see how the office balances the goals of the president, Congress, and the Supreme Court.

The OSG is charged with helping the Supreme Court build a coherent doctrine and imposing some stability on the law. At the same time, the solicitor general is a presidential appointee. Deciding which cases to appeal, arguing those cases before the Supreme Court, and filing friendofthecourt briefs means the solicitor general plays an important role in furthering the policy objections of the current administration. Therein lies the tension between law and politics that is at the heart of the calculations the solicitor general makes on a daily basis.

Using interviews with solicitors general and their staffs, members of the Department of Justice, and others, and analyzing Supreme Court cases beginning with the Truman administration, Richard Pacelle shows how the OSG balances the competing forces in its environment. His analysis is undergirded by aggregate analysis of the data gathered.

This detailed and systematic study will be of great interest to those who study the Supreme Court, the presidency, and public policy. It is unique in its close examination of a number of particular areas of law and the strength and persuasiveness of its analysis of the competing constituencies that face the Office of the Solicitor General. The timeliness and controversial nature of the policy areas Pacelle examines give the book further importance to students of American politics.

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