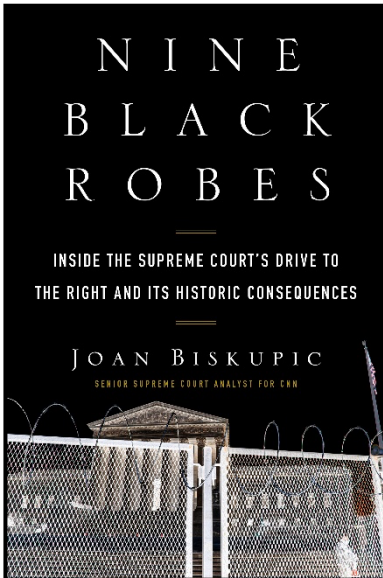




**WILLIAM MORROW**  
An Imprint of HarperCollins Publishers  
195 Broadway, New York, NY 10007

PRESS CONTACT: Megan Wilson • [megan.wilson@harpercollins.com](mailto:megan.wilson@harpercollins.com)

---



# NINE BLACK ROBES

**Inside the Supreme Court's  
Drive to the Right and Its  
Historic Consequences**

**Joan Biskupic**

**Senior Supreme Court Analyst for CNN**

**William Morrow | Hardcover | April 4, 2023 | \$32.99**

## ADVANCE PRAISE

“This is the story of the Trump transformation of the Court—and perhaps America. Joan Biskupic is one of our great Supreme Court reporters and here, in *Nine Black Robes*, she skillfully blends the public record with her own reporting from a majority of the justices.”— **Bob Woodward, *Washington Post* reporter and author or co-author of 15 #1 *New York Times* bestselling books**

“Piece by piece in her meticulously crafted books and newspaper coverage, Joan Biskupic has built a reputation as the nation’s most astute observer of the Supreme Court. All of that seemed in preparation for *Nine Black Robes*, a seminal work that reveals in sharp detail the atomization and politicization of a once-revered institution in the Trump era.” — **David Maraniss, Pulitzer Prize-winning biographer**

“Joan Biskupic’s *Nine Black Robes* takes us unsparingly through the most devastating and consequential period in modern Supreme Court history. Biskupic’s fact-rich, detailed reporting demands that we confront how drastically the Court, led by a relentlessly determined conservative supermajority, has aggressively reframed and diminished the boundaries of rights and protections that Americans have enjoyed for decades. And Biskupic’s sober review makes clear that the consequences of the ‘Trump effect’ on our Court are far from over.” — **Sherrilyn Ifill, Former President & Director-Counsel, NAACP Legal Defense Fund, Inc.**

“The best Supreme Court reporter in the country has done it again. In *Nine Black Robes*, Joan Biskupic brings readers into their cloistered chambers, details motivations and maneuvering, life stories and leadership, with scoop after scoop on the internal machinations that have led to decisions with very real consequences for the American people.” — **Jake Tapper, CNN anchor and chief Washington correspondent**

“Joan Biskupic’s *Nine Black Robes* is a brilliantly written and deeply researched look into today’s U.S. Supreme Court. With so much conservative activism occurring in the court—on gun control, the reversal of *Roe v. Wade*, the attempt to weaken the Voting Rights Act—Biskupic has her docket overcrowded with important issues. Somehow she breaks it all down for the public to understand in a highly readable fashion. A must read!”—**Douglas Brinkley, Katherine Tsanoff Brown chair in humanities and professor of history at Rice University and author of *Silent Spring Revolution***

“An up-to-the-minute, laser-focused examination of the Court...Devoted Court-watchers will devour this behind-the-scenes expose.” —***Booklist*, \*starred\* review**

“Comprehensive and accessible, this is a valuable overview of a profound shift in American jurisprudence.” —***Publishers Weekly***

“Court watchers and civil rights activists alike will find this essential—and disturbing—reading.”—***Kirkus Reviews***

---

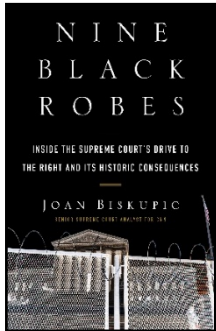
In **NINE BLACK ROBES: Inside the Supreme Court’s Drive to the Right and Its Historic Consequences (William Morrow, 4/4/23)**, CNN senior legal analyst **Joan Biskupic**, who has been breaking ground on the inner world of the Supreme Court for decades, provides an urgent, inside look at the Court’s history-making rightward turn in recent years. Demystifying a government institution that is among the least transparent yet profoundly affects American life more than ever, Biskupic pulls back the curtain on a Court increasingly drawn into the public eye for its controversial rulings, and she reveals an atmosphere of distrust and paranoia.

Drawing on more than 100 interviews, including with a majority of the justices who served during this historic period, Biskupic exposes the closed-door maneuverings among the justices as they produced decisions rolling back reproductive rights, obliterating voting rights, and scaling back environmental protections. Offering unparalleled insights into the personalities and maneuverings of the justices, Biskupic chronicles how the Trump era stoked each of the justices’ ambitions and political inclinations. Although the Court was already split along political and ideological lines before Trump, Biskupic examines how his many provocations and the forceful influence of his three appointees propelled the judiciary into a new era of polarization.

**Among the topics covered in NINE BLACK ROBES:**

- The surprising give-and-take among justices, including how they sometimes engaged in pacts or switched votes as they worked toward majority decisions
- How the Dobbs draft leak that ultimately reversed *Roe v. Wade* led to greater distrust and paranoia
- The lingering bitterness among some justices and staff in the aftermath of Ruth Bader Ginsburg’s death
- The conflicted, double-signaling of Brett Kavanaugh
- The tensions between Neil Gorsuch and the other justices
- The outside forces that shaped today’s Court by planning and calculation, driven by the triumvirate of Don McGahn, Mitch McConnell, and Leonard Leo
- The evolution of Chief Justice Roberts’ role, as he was able to seize more control in the early Trump years but then found himself relegated to dissent as the court went off the rails

A penetrating inside account of America's highest court in the Trump era and beyond, **NINE BLACK ROBES** is essential reading for anyone who wants to understand how the Court reached this perilous point and where it is likely to go from here, as it sets the law of the country and forges a pattern for future generations.



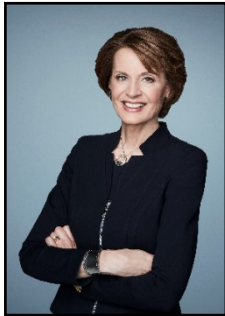
### **ABOUT THE BOOK**

#### **NINE BLACK ROBES: Inside the Supreme Court's Drive to the Right and Its Historic Consequences**

William Morrow | On Sale: 4/4/23

Hardcover | ISBN: 9780063052784 | \$32.99

Also available in E-Book and Digital Audio



### **ABOUT THE AUTHOR**

**Joan Biskupic** is CNN's senior Supreme Court analyst. Previously, she served as editor in charge for legal affairs at Reuters and as the Supreme Court correspondent for the *Washington Post* and *USA Today*. A Pulitzer Prize finalist and the author of books on John Roberts, Sandra Day O'Connor, Antonin Scalia, and Sonia Sotomayor, Biskupic holds a law degree from Georgetown University. She lives in Washington, D.C., with her husband.

## **A CONVERSATION WITH JOAN BISKUPIC**

### **How did the Trump era define the Court?**

The Trump presidency and the influence of his three appointees ended constitutional protection for abortion, obliterated voting rights, curtailed government regulatory power, and further blurred the separation of church and state. The Trump era also propelled the judiciary into a new period of polarization. The era stoked the individual justices' ambitions, their political inclinations and defenses, their strengths and flaws. Chief Justice Roberts initially was able to seize more control, based on the ideological composition of the nine, in the early Trump years, but then found himself suddenly in dissent as Amy Coney Barrett joined in late 2020.

Neil Gorsuch, Trump's first appointee, resisted Court protocols and freely derided Roberts's reasoning in opinions. Gorsuch accelerated the anti-regulatory emphasis that echoed the patterns of his mother (Anne Gorsuch Burford) who was an EPA administration in the Reagan era and worked to roll back federal environmental protections. Brett Kavanaugh, Trump's second appointee, has been torn between his allegiance to conservative backers and his desire for acceptance among the legal elites who shunned him after his scandalous 2018 Senate hearings. Thomas and Alito, holdovers from the first and second George Bush presidencies, have been emboldened by the Trump appointees, and their opinions reflect the former president's sense of grievance on culture war issues, from abortion rights to vaccine mandates.

### **What of John Roberts's new role?**

Roberts has long operated strategically with his colleagues. But now he is on the defensive, fighting dissent in his own right wing. His weaker hand was clear as he struggled to change the majority's view in the Dobbs abortion case (to hold off on full reversal of Roe). But it is important to emphasize that Roberts still maintains control over many issues, such as racial remedies and religious rights. That's because his views in these areas already were on the far right. Separate from the cases, Roberts is most concerned of the nine about the Court's reputation. He has been trying, but failing, to craft a formal ethics code that would cover the justices.

### **What insights can you share about the deal-making that goes on among justices?**

The justices abhor suggestions that they engage in deals of horse-trading. But I have uncovered several deals and pacts through the years, including Roberts's double-switch in the 2012 Affordable Care Act case and, in 2013, how Sonia Sotomayor's threatened dissenting opinion altered the course of a University of Texas at Austin affirmative action dispute. *Nine Black Robes* further details how Roberts and Anthony Kennedy worked out a deal on two 2017 gay rights disputes in tandem (Masterpiece Cakeshop v. Colorado Civil Rights Commission and Pavan v. Smith) and then how Roberts switched positions at the Eleventh Hour to vote against the Trump administration's plan to add a citizenship question to the 2020 census. More broadly, the book explores a paradox: that some internal deals were made precisely to avoid a look of politics. Justices turned away cases, delayed cases, or made compromises to avoid 5-4 conservative-liberal, Republican-Democratic splits. To some justices, that breached the integrity of the bench. To others, it was the only way to avoid the partisan abyss.

### **How did Ruth Bader Ginsburg's death in September 2020 affect the Court?**

Virtually every major legal issue was affected by Ginsburg's death and the succession of Barrett. This was no mere conservative-for-a-conservative swap, as happened in 2017 with Gorsuch for Antonin Scalia or 2018 with Kavanaugh for Kennedy. The new power of six conservatives, rather than five, goes beyond a single digit. The super-majority has given the right wing a new confidence, to reconsider and overturn a half century of rights and regulations. In a more personal glimpse of the inside activities, I reveal the lingering bitterness among after exhausted aides to Ginsburg were forced to clear out the chambers, immediately after her memorial service, to make room for Barrett, who was on a Senate fast-track as a successor.

### **How much of a surprise was the May 2022 leak of Samuel Alito's first draft of the Dobbs decision that overturned Roe v. Wade?**

The news was shocking in every way, in the sheer substance of what the justices apparently were about to declare and the manner in which it was disclosed. Never before had such an extensive first-draft opinion been leaked and published at such an early stage of negotiations. The draft was stridently written, an audacious dismissal of a fundamental right to abortion granted nearly a half century earlier. Alito's historical sources reached back to English law that treated a woman who undertook abortion as a "murderess." The Alito majority was also taking an exceedingly limited approach to constitutional history, declaring that until the latter part of the 20<sup>th</sup> century, there was absolutely no support in American law for a constitutional right to abortion.

### **President Biden's appointment of Ketanji Brown Jackson, the first Black woman justice, is certainly a notable and historic event. How is her presence likely to change the dynamics of the Court, or not?**

In terms of sheer votes, she is largely in line with her predecessor liberal Justice Stephen Breyer and will not significantly change bottom-line votes. But she has already made a difference in his questions from the bench and her decision to write a book about her life. The public is fascinated by this groundbreaking justice. Inside the Court, her colleagues are still shifting around her and all nine are getting their new bearings. It's a truism that with each new justice, it's a new Court.