BOOK REVIEW

By ANTHONY MICHAEL SABINO

Supreme Court Justice Antonin Scalia has been a lightning rod for controversy for nearly his entire career on the high Court. Therefore, one would think that Joan Biskupic’s biography, American Original: The Life and Constitution of Justice Antonin Scalia would be, if nothing else, a compelling story on this important figure in American law and history. And while the book is certainly a “pretty good” read and worth your time, it fell short of what it could have been, leaving me a bit disappointed.

**Full Disclosure #1:** I am an unabashed Scalia fan, but I strove mightily to put that aside, especially for purposes of this review.

**Full Disclosure #2:** Reviewers who preceded me asserted that the author let slip too many of her own views; suffice it to say, they were not in accord with those of the Justice, and that negatively impacted the book. Again, I endeavored to put that aside, but those folks had a point. I found Ms. Biskupic spending just a bit too much

50, American Original takes us to many familiar places, from the Nixon White House, to the Reagan years, and of course catalogues the doings of the Supreme Court and Justice Scalia’s role for nearly three decades. The reader who can say, “Hey, I remember that event,” will especially enjoy reading this biography.

But American Original has faults. As aforementioned, it is a fairly easy read for the non-lawyer; yet, its treatment of high Court precedents (and just the tad of spin we see here and there) is a bit too superficial. It runs the danger of misinforming a lay reader of critical legal issues. Another shortcoming is the inordinate time Ms. Biskupic devotes to the now-infamous “chin flick” Justice Scalia was photographed giving to a reporter some years ago. Forgive me if I seem over-sensitive, but I found the author’s borderline obsession with the Justice’s ethnicity and religion to be on the edge of
Ms. Biskupic spending just a bit too much effort to portray what was wrong about Justice Scalia’s views, a bit too little on what was right, or at least neutral.

Notwithstanding the biographer’s approach, American Original has much to commend it, both for the lay reader as well as the legal professional. Rather than indulge in a pedantic chronology, the author parses Justice Scalia’s Supreme Court career along topical lines by, for example, devoting different chapters to his opinions and the high Court’s landmark decisions on markedly different topics, such as civil rights, executive branch powers, the aftermath of Roe v. Wade, and so on. This division makes the material an easier read for those unacquainted with the law. For the professional, one cannot fault Ms. Biskupic’s research; she does a fairly good job of end noting most everything, and, truth be told, the book is not a bad reference work for recent Supreme Court jurisprudence.

The author also does well by providing context. She often delves into the roles played by Justice Scalia’s contemporaries on the Court, such as the role played by Justice O’Connor (and now Justice Kennedy) as the nominal “swing vote,” Justice Thomas’ confirmation hearings, and even Scalia’s apparently unlikely friendship with Justice Ginsberg, based upon a shared love of opera and travel, among other things, notwithstanding their divergent judicial approaches.

Ethnicity and religion to be on the edge of offensive. Yet, I found it curious that she gave only a terse footnote to Justice Samuel A. Alito’s complaint that referring to him as “Scalito” was ethnically bigoted. Yet the most significant shortcoming of this Scalia biography was its scant coverage of his youth. Given that the Justice was raised in Elmhurst, Queens, attended Xavier High School in Manhattan, and his father was a professor at Brooklyn College, New Yorkers in particular would love to find out how Justice Scalia’s time in familiar territory shaped who he is and how he thinks. The author references several interviews with the Justice and family members, but it appears the results were negligible, as the biography provides little information other than “cold” readings of high school yearbooks and similar sources. I found the chapters about Scalia’s younger days to be the most disappointing, with nary an insight into how “Nino” the boy became Justice Scalia the man.

In closing, love him or hate him, we can all agree that Justice Scalia has been a titanic force upon the legal world and, given his apparent good health, he should continue to add to his already indelible mark on the high Court for many years to come. To be sure, American Original could have been more incisive, and given us a better feel for the man in the black robe, but overall this Scalia biography is a well done effort and worth reading.
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The book would also appeal to those interested in an account of recent American history. For those over the age of Anthony Michael Sabino is a Partner at Sabino & Sabino, P.C. and a Professor of Law at Tobin College of Business, St. John’s University.