

## **BECOMING JUSTICE BLACKMUN** **Harry Blackmun's Supreme Court Journey**

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Supreme Court columnist for *The New York Times* and Pulitzer Prize winner, Linda Greenhouse, has written a scholarly and insightful biography of Justice Harry Blackmun of the United States Supreme Court. He served on the court from 1970 until his retirement in 1994.

Justice Blackmun was appointed shortly after Warren Burger was made Chief Justice. Both he and Burger were grade school friends from Minnesota and were Nixon appointments to that court. He, like a lot of judges, was appointed as a conservative but, in time, was considered to have become a liberal. His journey also led to his falling out with his friend, the Chief Justice.

He is mainly remembered for writing the majority judgment in *Roe v Wade* 410 US 113 (1973). *Roe v Wade* involved a challenge to a Texan law restricting abortion. Justice Blackmun, who had once served as counsel for the Mayo Clinic in Rochester Minnesota, drafted an opinion that both the Texan statute and another abortion statute in the State of Georgia were unconstitutionally vague and, as a consequence, were overturned.

The practical effect of these decisions led to what its critics said was abortion on demand. The judgment caused a furore and Harry Blackmun, a church going Methodist who was personally opposed to abortion, decided *Roe v Wade* on constitutional grounds. Even though it had a majority of 7:2 he was held largely responsible for the decision. He was often met with demonstrations and picketing and regularly received hate mail, as did the other Justices. In one letter to Justice Douglas, a man prayed "that Justice Douglas' pacemaker would fail".

Linda Greenhouse not only deals with the subject's background prior to coming onto the Bench, but also examines important judgments he was involved in, together with the personalities of the other judges serving with him. She particularly focuses on the dynamic of the older judges who had served on the more liberal Warren Court and how they dealt with the more conservative appointments such as the Chief Justice Burger and the subsequent Chief Justice, William Rehnquist.

The decision in *Roe v Wade* has been the subject of continued criticism and agitation from conservative quarters. A number of State legislatures subsequently sought to reduce the effect of the decision and it has been the target of further cases which have sought to limit its effect.

Appointments to the Supreme Court have, as their touchstone, their likely approach to any further case which would seek to overturn *Roe v Wade*. In the recent public scrutiny of the replacement to the retired Justice Sandra Day O'Connor, John Roberts Junior was the subject of an intense media campaign which led one group spending \$US500,000 on television advertisements seeking to influence senators to vote against him at the confirmation hearings which led another group to campaign for him. Both these groups were concentrating on his likely approach to any review of *Roe v Wade*.

This work shows the absolutely pivotal role the United States Supreme Court plays in the national life of American affairs and is a welcome addition to the library of anyone who has an interest in United States jurisprudence and politics. It also serves as an example of the sort of books which could be written about any number of High Court Justices in Australia in order to follow up the excellent biography of Sir Owen Dixon by Philip Ayres.

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