



The Solicitor General: The Politics of Law

Rebecca Salokar

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A frequently overlooked institution of American politics, the Office of the Solicitor General is responsible for all litigation before the U.S. Supreme Court on behalf of the executive branch. In carrying out this task, the solicitor general is also an advisor to the justices and a gatekeeper, controlling a large portion of litigation that reaches the Court's docket. Rebecca Salokar studies this office and shows that, with the increased politicization of the Justice Department, the work of the nation's lawyer is an integral component of executive policy-making. Paying particular attention to the selection of solicitors general and the political and legal environment in which they functioned, Salokar analyzes all Supreme Court cases in which the government was a participant from 1959 through 1986. Her interviews with several former solicitors general and members of their staffs provide contextual examples to support the statistical analyses. She demonstrates that this office can and does shape policy questions for the United States. While the relationship between the judicial and executive branches has been defined traditionally through the nomination of justices to the Court, Salokar reveals that another, more frequently used, link between the two branches exists in the Office of the Solicitor General. Author note: Rebecca Mae Salokar is Associate Professor of Political Science at Florida International University.

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