**Transcript**

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**Adia Samba-Quee:** [00:00:00] Civics 101 is supported in part by the Corporation for Public Broadcasting.

**Seth P. Waxman:** [00:00:04] Some 60 years ago, a letter found its way into the United States mail addressed simply Celestial General, Washington, D.C.. The postmaster apparently had no trouble discerning to whom it should be delivered.

[00:00:19] This is Seth P. Waxman.

**Hannah McCarthy:** [00:00:21] He was the United States solicitor general from 1997 until 2001. He's giving a speech to the Supreme Court Historical Society in 1998. And this speech is given in the Supreme Court itself. And he talks about how weird it is to be facing away from those nine imposing seats.

**Seth P. Waxman:** [00:00:38] You know, with my rear end to the honorable justices, which which I would never do.

[00:00:45] Were they here.

**Hannah McCarthy:** [00:00:46] This is Civics 101. I'm Hannah McCarthy.

**Nick Capodice:** [00:00:48] I'm Nick Capodice.

**Hannah McCarthy:** [00:00:49] And today we're answering a listener who asks, "can you explain the role of the solicitor general and how, if at all, that position has changed over time."

**Nick Capodice:** [00:00:57] Let's talk about what the job is about.

**Amy Steigerwalt:** [00:00:59] The solicitor general [00:01:00] has two main jobs. The solicitor general, number one represents the United States in front of the U.S. Supreme Court. Whenever there is a case that affects the interests of the U.S. and second, the solicitor general exercises control over all of the various cases, again, influencing the United States as a party and determines which of those cases should potentially be appealed to the U.S. Supreme Court.

**Hannah McCarthy:** [00:01:30] This is Amy Steigerwalt, professor of political science at Georgia State University. So what you need to know is that the solicitor general is a lawyer for the U.S. government who is appointed by the president. Congress established the solicitor general's office in 1870 for a government office. It's pretty small. There are about 20 lawyers, four of them deputy solicitor general. It's a sweet gig to have because occasionally other lawyers in the office get to argue before the Supreme Court. And it is the only office that the Constitution lists that requires [00:02:00] its holder to be, quote, learned in the law.

[00:02:03] So represent the U.S. and decide what cases to appeal.

**Amy Steigerwalt:** [00:02:07] Those two roles are super important, which is why a lot of times the solicitor general is known as the quote unquote 10th Justice.

**Seth P. Waxman:** [00:02:15] Although I get to participate in a lot of cases, I do not get a vote and sometimes I could really use one.

**Amy Steigerwalt:** [00:02:22] The idea being that they are there to offer views about what the president as, of course, the head of the executive branch and sort of the head of state for the United States feels about issues. And so they also take on a particular role in that they are not simply there as a party to certain cases, but sometimes will actually be asked explicitly by the Supreme Court to offer their views on cases where they're not a party.

**Nick Capodice:** [00:02:53] The Supreme Court asks the solicitor general for advice?

**Hannah McCarthy:** [00:02:56] In part because they're able to consult with the attorney general and [00:03:00] others in the executive branch to determine what the United States government's position is on something and what the actual laws are that pertain to a case. They can help to determine something called a writ of certiorari, which is the order by which a higher court hears a lower court case, a case being granted.

**Amy Steigerwalt:** [00:03:16] Certiorari goes up when the solicitor general recommends that it should be granted and says, yes, this is an important legal issue that the United States feels you, the court, need to decide.

**Nick Capodice:** [00:03:30] But I have to ask, is there any concern that this leads to a breakdown in the separation of powers?

**Amy Steigerwalt:** [00:03:36] There is a high degree of trust that exists between the Supreme Court and the solicitor general's office, that the solicitor general is giving those opinions based upon the law. Right. If they bring a case to them and say, you have to hear this, this is super important and the justices read and say, this is terrible, have you lost your mind? It then means the next time [00:04:00] they're not going to take them seriously.

**Seth P. Waxman:** [00:04:01] Ultimately, the solicitor general's job is to ensure that the United States speaks in court with a single voice, a voice that speaks on behalf of the rule of law that does it for the solicitor general.

**Hannah McCarthy:** [00:04:14] If you have questions about one of the thousands of offices in our enormous government or anything else about this democracy, for that matter, ask us click the button at the top of our home page at civics101podcast.org.