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Book Review: The Rule of Five

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BOOK REVIEW

The Rule of Five: Making Climate History at the Supreme Court by Richard J. Lazarus (Harvard University Press, 2020)

The Rule of Five reads like a novel that ought to be adapted for the big screen, despite its accurate overview of the landmark Supreme Court case, *Massachusetts v. EPA*. Richard J. Lazarus does an excellent job of honoring the legacy of those who fought long and hard to bring the issue of climate change to the Supreme Court for the first time. While the decision in *Massachusetts v. EPA* was a landmark decision handed down by the Supreme Court of the United States, the potential to bore the reader with procedural history and legal jargon was ever-present. However, Lazarus injects humanity and passion into a very technical case that only legal professionals or environmentalists would typically understand. *The Rule of Five* does not provide a mechanical approach to the history of this historic case. Instead, the book provides an engaging account of passionate legal professionals pursuing their dreams of protecting the Earth, their trials and tribulations, and, ultimately, their massive victory against the Environmental Protection Agency (“EPA”).

The book is easy and enjoyable to follow. It begins with the conception of urging the EPA to regulate emissions of carbon dioxide and other greenhouse gases (“GHGs”) from new motor vehicles that contribute to global warming. The humble beginnings of one man’s petition to a government agency to regulate harmful gases, against the advice of many, captures the reader in a narrative that has the reader rooting for the “underdog” from the very beginning. Lazarus’s book traces this significant Supreme Court case back to its humble beginning—an appeal made in the United States Court of Appeals by one committed man.

The setbacks experienced by Massachusetts’ lawyers at the Court of Appeals only further the readers’ investments in the case’s success. When Lazarus recalls the point at which the Supreme Court granted certiorari, the reader cannot help but feel an enormous sense of pride and accomplishment for those individuals who had worked so hard to overcome the odds. Lazarus provides the reader with insight into how rigorous and strategic preparations are for high profile legal cases. This book goes even further, providing details of the oral arguments given before the Justices. The entire time the reader is rooting for the lawyers’ victory and crossing their fingers that the Justices will side with Massachusetts.

As a reader, I was immediately invested in the case and the individuals who brought the case to fruition. The “Carbon Dioxide Warriors,” as the lawyers for the petitioner called themselves, are the equivalent to the Avengers but with an environmental twist. One cannot help but be impressed not only by the undertakings these “warriors” took on by picking a fight with the EPA, but also, their remarkable educational and professional backgrounds. Lazarus does an excellent job of humanizing these brilliant lawyers, making them accessible and even relatable to the reader in the process. By the end of the book, I was not only invested in the Supreme Court’s ruling of the case but equally the lawyers who put so much of themselves into it.

Additionally, Lazarus avoids confusing his reader by providing small legal lessons throughout the book to explain processes and legal technicalities. These explanations make this book ideal for not just legal professionals or environmentalists but the layperson, as well. These lessons do not read as condescending but very matter-of-fact. It is clear Lazarus was determined to take the reader along with him throughout the narrative— he was not taking any chances at losing the reader by using legalese or other legal background that is not common knowledge to the reader.

Lazarus stands with science in his presentation of *Massachusetts v. EPA* and climate change. There is no room for discussion in this book to question the science that climate change is real and affecting our planet. Furthermore, there is no denying that the United States had disproportionately contributed to the harmful GHGs released into the air resulting in climate change. However, as Lazarus points out, there are some individuals who do not find such scientific findings of importance. Politicians, namely former Vice President Cheney and former President Trump, have held or presently hold the ideals that carbon dioxide and other GHGs that contribute to climate change should not be regulated or that climate change is a flat-out “hoax.” Lazarus is candid when describing these individuals and their stances on climate change. Leaving it easy for the reader to discern who the villains are in the story. I suppose the “Carbon Dioxide Warriors” needed a Thanos (or a few) to defeat in order to live up to their name, albeit self-given.

As a reader who was not previously aware of *Massachusetts v. EPA*, I was hesitant about this book. Specifically, the idea of a dry explanation of such a landmark case made me cautious about jumping in headfirst. There was a fear that the book would read like a court opinion. Fortunately, it was a pleasant surprise when Lazarus’s book grabbed hold of my attention and kept me engaged through its entirety. *The Rule of Five* has something for everyone; there is drama, law, history, human relationships, emotion, and much more. Lazarus has done an exceptional job of bringing this important piece of legal history to life, and I intend to encourage my colleagues, family, and friends to read this compelling book.

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