

Supreme Court Nominee Robert Bork

June 26th, 1987, Justice Lewis Powell retired his seat on the Supreme Court.

July 1st, 1987, Robert Bork was nominated by President Reagan.

October 6, 1987, Robert Bork's nomination was rejected in committee by a 9-5 vote

October 9, 1987, Robert Bork called for a full debate and final Senate decision over his confirmation

October 23, 1987, the Senate rejected Bork 58 to 42.

In only three short months, the confirmation process for Supreme Court Justices would be forever changed, and the ability to have a civil discourse between the two parties would be lost¹².

Bork's nomination brought out the worst in the parties. Within 45 minutes of being nominated, Senator Ted Kennedy took to the Senate floor to condemn Bork not only as a possible judge, but also as a person¹². **This speech is now noted as the beginning of the character assassination of candidates we see in the political arena today³.**

But Bork's failure to be confirmed may have had roots in his ideology. In a 2011 interview, Bork stands by his views that married couples have no constitutional right to contraception, that the First Amendment right to freedom of speech should be limited to political speech, and not protect other forms of expression such as



scientific, literary or pornographic, that the Equal Protection

Clause in the 14th Amendment should not apply to women⁶, as well as the idea that the Constitution does not contain a right to privacy¹². In addition to these interpretations of the Constitution, Bork's judicial record shows a failure to apply any judicial

philosophy consistently. Often in his appellate courts, outcomes could be predicted by the parties involved, as he was generally for the government when opposed by consumer, environmental, or civil rights group, while against the government when opposed by business interests. By his own testimony, Bork saw the court having a primary need to focus on intellect and ideology, rather than concerning themselves with how their decisions

impacted the real world⁷. As a result, Bork is one of only three Supreme Court nominees to ever be opposed by the ACLU¹².

The Atlanta Journal-Constitution turned Bork into a verb in their August 20, 1987 article: "A Judge Gets Borked" by Jeff Dickerson. In March 2002, the Oxford English dictionary added the word bork, v, To defame or vilify (a person) systematically, esp. in the mass media, usually with the aim of preventing his or her appointment to public office; to obstruct or thwart (a person) in this way¹².

Although Bork was not the first Supreme Court nominee to be rejected, he was the first to be rejected down party lines over his ideology rather than scandal¹³. Eventually the empty seat went to Anthony Kennedy¹².



"Robert Bork's America is a land in which women would be forced into back-alley abortions, blacks would sit at segregated lunch counters, rogue police could break down citizen's doors on midnight raids, school children could not be taught about evolution, writers and artists could be censored at the whim of the government, and the doors of the Federal courts would be shut on the fingers of millions of citizens."- Senator Ted Kennedy¹²



3. "The Ugliness Started With Bork" by Joe Nocera for *The New York Times*

6. "Robert Bork on Obama, The Supreme Court, Nixon, & Being Mitt Romney's Advisor" by Lloyd Grove for *Newsweek*

7. "Why Judge Bork was Rejected" by Eric Glitzenstein for *The Washington Post*

12. "Robert Bork Supreme Court Nomination" on Wikipedia

13. "Democrats Will Be Fighting the Ghost of Robert Bork This Year" by Kevin Drum for *Mother Jones*