

The Effects in a Post-Bork Era

“The Bork fight, in some ways, was the beginning of the end of civil discourse in politics. The anger between Democrats and Republicans, the unwillingness to work together, the profound mistrust—the line from Bork to today’s ugly politics is a straight one.”

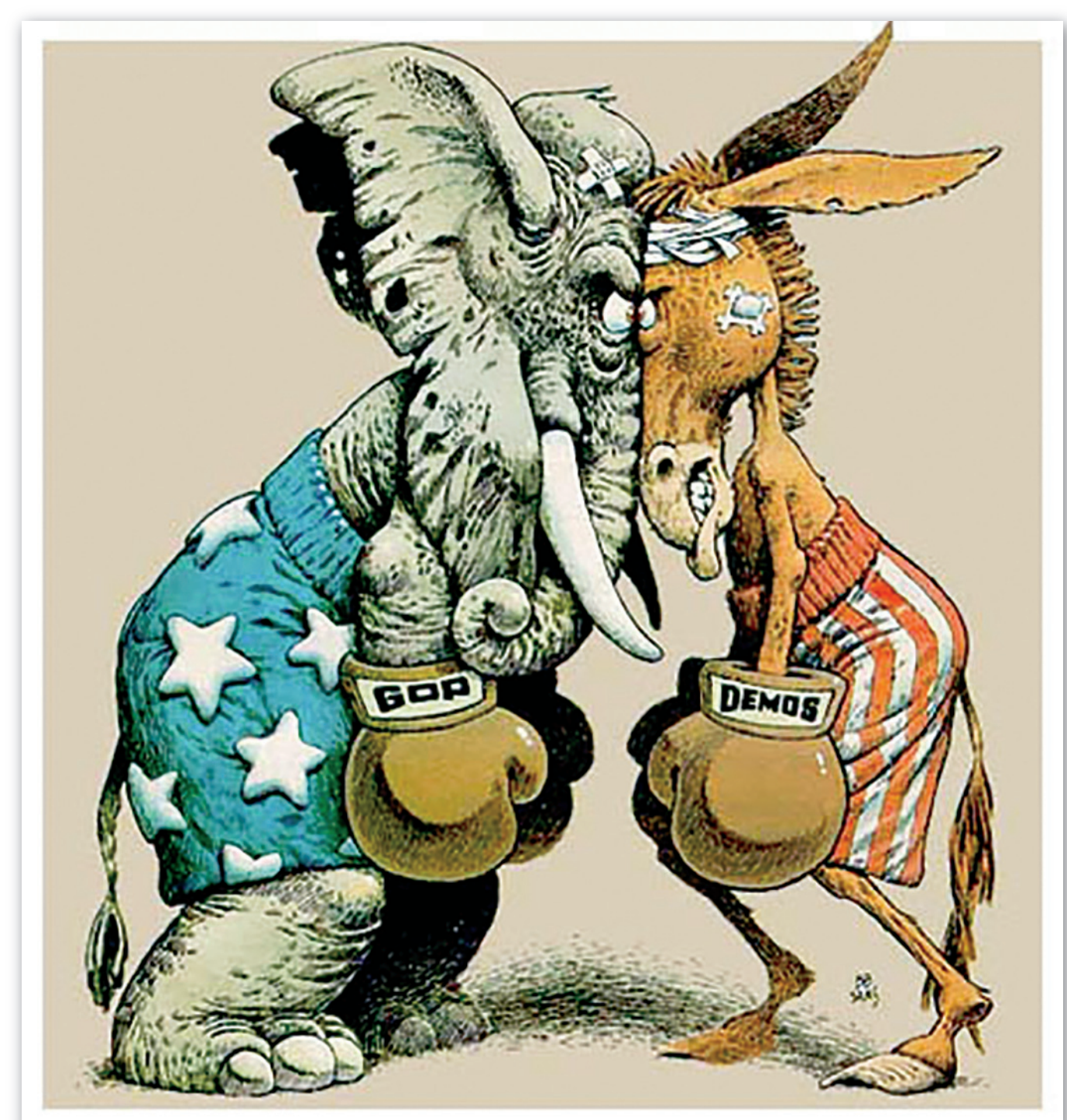
Joe Nocera, The New York Times

When it comes to Supreme Court nominee confirmations, the fallout of Bork is starkly seen, as it began a debate over possible limits to the “Advice and Consent of the Senate” from Article Two of the US Constitution, which requires the Senate to sign off on the Presidential nominees.

The fight the Democrats started in 1987 is a stumbling block even today, as the nominee for Scalia’s seat is promised to be blocked by the Republican held Senate until President Obama leaves office.

Additionally, even the Senate hearings are affected as Bork’s hearings, led by then-Senator Joe Biden, as today’s nominees are hesitant to voice a distinct opinion on possible interpretations for fear of being under the same attack. A call for judicial records to be scoured for consistency in application, rather than ideology has been in play for a while, despite it being a difficult measure to judge ability.

In addition to the judicial ramification, the emotional divide between parties has reached a discriminatory level. In an article just released in May 2016, colleges are starting to see and study the affects of this growing trend. 45% of Democrats and Republicans admitted to choosing a scholarship recipient based on their party affiliation, when all other areas were equal, and party affiliation affect their decision more than race. How did this polarization happen?



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