

**Your on the
Street Reporter**



Uyless Black

**Politics in America
Robert Bork at the National Press Club**

Robert Bork at the National Press Club Report One

September 7, 2005

Hello from Your on the Street Reporter. This report is about a speech made by Judge Robert Bork at the National Press Club (NPC) on September 7. Your reporter and reporterette were in attendance. As you may know, Judge Bork is a political conservative. Even so, I ask the Blues to read on.

Happy to be known by a Verb

Judge Bork began his speech (see Figure 1) with a description of the 1987 hearings on his nomination to the Supreme Court and the Senate's 58-42 vote against him. Bork mentioned his opinion on the matter of, "...being Borked:"

He said it was, "...to have your enemy try to destroy you personally."

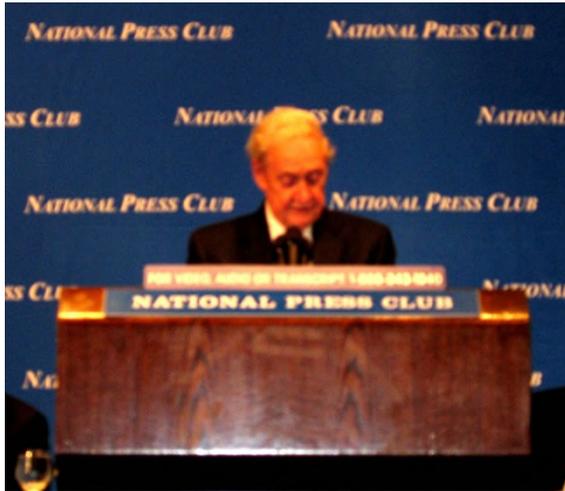


Figure 1. Judge Bork at the National Press Club.

He commented he did not mind that his name had become a verb, as in, "To Bork." He considered it a compliment. I recall those hearings, and they were nasty. But neither side of the Senate aisle is immune from occasional black balling and black listing.

I used the terms *black balling* and *black listing*, even though they are not accurate descriptions of Judge Bork's nomination hearings. No matter, who says reporters' reports must be accurate? Today's Internet has almost rendered the idea of accurate journalism to be a joke.

You've Got Problems? Walk a Mile in My (Black) Shoes.

Bork has one negative association with his name. I scores of them. The word black does not have positive connotations.

Get my point? Good! After all this blackness, I'm in a black mood, on my way to the nearest bar for a black Irish Coffee. Oh. The speech at the National Press Club. Sorry, my diversion was a bit long. I'll report on Judge To Bork in the next segment.

Now for some good news. When I think about the black aspect of my Black name, I also recall the fine song by Joan Baez. It goes like this, "Black, black, black is the color of my true love's name." ...or was it hair?

Judge Robert Bork at the National Press Club Report Two

September 7, 2005

Hello from Your on the Street Reporter. Time to forget “To Bork” and “To Black” and concentrate on Judge Bork’s speech at the National Press Club.

Many of his remarks pertained to the upcoming Senate Judiciary Committee hearings on the nomination of John Roberts for the Supreme Court. He said he did not know Roberts well, but considered him to be a brilliant man. He added it was amazing how much the Democrats seemed to know about Roberts, “...a man who has said so little.”

He then branched-off to comments on his belief in the conservative Federal Society. He asserted that over 70% of the Yale and Harvard law faculty members were Democrats, and there needed to be a balancing mechanism to this seesaw. He said he was proud to be a national co-chairman of the Federal Society.

He spoke at length about his belief that the Supreme Court had become a political institution and that he saw no end to the current rancor in the political process or in the divisive debates on Supreme Court nominees. He said a judicial confirmation hearing had become a political campaign.

Depressing stuff. As one who likes pleasant dining conditions, I was happy I had finished my chocolate cake before Judge Bork came to the podium.

Judge Bork said television had distorted the confirmation process even further. TV, “...allows the Senators a wonderful stage to promote themselves.”

Judge Bork was emphatic about his displeasure with the Supreme Court, “The Court has made itself into a political institution by making decisions that have nothing to do with the Constitution.” Further, “And that is why confirmation hearings have become political hearings.”

Who Actually Makes Our Laws?

I wish I knew more about law and the Constitution. For example, a few years ago I was having trouble falling asleep at nights---because I had slept away most of the afternoons. So I decided to read the Constitution of the United States---an instant sleeping pill.

I knew about the Constitution from my history teachers, and I even knew the first few words of the Preamble, “We the People of the United States, in order to form a more perfect Union... .” That was about it.

It did not take long to read. The Constitution is shorter than a short story. Talk about sound bites. Who put the wrappings around the Constitution? That is, besides Congress? I could be in left field, but it seems the Supreme Court Justices have been making laws for a very long time---not

just recently. Otherwise, I just can't see how we could have so many "precedents" on which to make yet another ruling.

I have trouble separating the *interpretation* of a law from the *making* of a law. I think John Marshall made a lot of laws. If not, he sure made a lot of important "interpretations." And those interpretations...did they not have the same effect as laws?

A Constitutional Luddite

Judge Bork said the Court should not be one of "activism." That is, the Court should not act on matters not related to the Constitution. Fine, but in the *Marbury v. Madison* ruling (1803), the Supreme Court decided whether acts of Congress *were even legitimate* under the Constitution. Which to a Constitutional Luddite (this writer), the ruling said, "Look, Congress, we Justices will tell you if your laws are actually laws!" (my quotes and exclamation point). If that isn't the same as making (and unmaking) of laws, I am not certain I know what is.

Send in your replies. If sufficiently suffused with wisdom and wit, I'll put them in a book with a footnote identifying your sagacity. Your royalties will follow (much) later.

By the way, as you might have noticed, I'm having a problem making funny comments about Judge Bork and his speech. Just look at Figure 1. See anything funny? But he did relate some funny asides to the audience---depending on your political slant:

Funny Aside Number One: "Judges react to the populace. To the intelligencia... . By the way, Jane Fonda is considered a member of the intelligencia." Ha! Good one, Judge To Bork. I'll bet Justice Scalia logs on to Jane's political Web page every night. Okay, maybe her exercise Web page.

Funny Aside Number Two: To succeed in a confirmation hearing, the nominee should, "...not make it obvious that he/she knows the questions reveal the Senator hasn't a clue as to the meaning of the Constitution." Another good one, Judge. Hey, wait a minute! That is not a Senator's job. That is the job of the Justice. The job of a Senator is simple: Get reelected. That's it. Anything else runs a distant second place.

Funny Aside Number Three: Asked to provide a funny aside about Chief Justice Rehnquist, Judge Bork told a story of the Chief Justice visiting him one night. The Chief had a stiff back and lay on the floor during the evening. Judge Bork commented that it seemed odd hearing the Chief Justice's voice coming up from the floor. Ha? Well, what the hell? It was a stupid question to begin with.

I composed a question for the Judge: "Would it be helpful to the Chief Justice if he/she first served as an Associate Justice?" His answer, "No."...*OK, thanks very much.*

Deep, Penetrating question, invoking a metaphysical answer: One person asked, why are intellectuals more liberal than the general population? Heavy duty question. I'm reporting facts and *accurately paraphrasing* the Judge (including that *transcendental* word). Don't slay the messenger:

- In Europe, once upon a time, intellectuals relied on religion for succoring their transcendental needs.
- Later, socialism came along and pushed religion off the transcendental ladder.
- Still later, socialism collapsed, leaving the intellectuals without their transcendental safety net.
- What was left? Animal Rights and Environmentalism. (I'm not making this up.)
- If people can't accept religion and at the same time need a transcendental approach to life...well, (that's) a big problem.

The Judge did not answer the question, but he certainly came across as an intellectual.

Finally, one more observation. Judge Bork said his concern about the legislative laws and judicial rulings of the past few decades was because of an over-emphasis on providing a means to achieve, "equality of outcome," instead of the goal of, "equality of opportunity."

Red or Blue. Who couldn't agree with this statement? Just about anyone who has an ounce of humanity in their makeup would support such a goal. The contention comes from how government interprets and implements this goal. Just one issue, among many, separating Reds and Blues.

Not me. I'm apolitical. That's the job of a reporter. And just ask those unbiased reporters on Fox News and PBS talk shows. They'll say the same thing, "We're apolitical." In a pig's eye.

Politics aside, I would like to have a chance to sit down with Robert Bork over an XO and talk trash. His speech and Q & A were not replete with humor, but he came across as a pragmatic and fine man.