



Supreme Court Appointments: Judge Bork and the Politicization of Senate Confirmations

Professor Norman Vieira PhD, Professor Leonard GROSS PhD

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Norman Vieira and Leonard Gross provide an in-depth analysis of the political and legal framework surrounding the confirmation process for Supreme Court nominees.

President Ronald Reagan's nomination of Judge Robert Bork to the Supreme Court met with a fierce opposition that was apparent in his confirmation hearings, which were different in many ways from those of any previous nominee. Lasting longer than any other Supreme Court confirmation battle, the Senate hearings dragged on for eighty-seven hours over a twelve-day period. Bork personally testified for more than thirty hours, outlining his legal philosophy in greater detail than had ever before been required of a Supreme Court nominee. Nor had any previous Supreme Court nominee faced the number of witnesses who testified at the Bork hearings.

Deriving their material from hundreds of in-depth interviews with those who participated in the confirmation hearings, Vieira and Gross present a firsthand account of the behind-the-scenes pressure on senators to oppose Bork. Special-interest groups, they note, attempted to control the confirmation process, with both the media and public-opinion polls playing major roles in the defeat of the nomination. Both liberal and conservative groups used the Bork debate to raise money for political war chests.

This behind-the-scenes view of the politics and personalities involved in the Bork confirmation controversy provides a framework for future debates regarding the confirmation process. To help establish that framework, Vieira and Gross examine the similarities as well as the differences between the Bork confirmation battle and other confirmation proceedings for Supreme Court nominees. They also analyze the Supreme Court nominations made after the Bork hearings, including an extensive examination of the controversial Clarence Thomas nomination.

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