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Townhall Spotlight

Nathan L. Gonzales

Nathan L. Gonzales

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Alito hearings 2006 vs. Bork hearings 1987

Jan 15 2006 09:35 PM

By [JordanLorence](#)

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As I sat through Judge Alito's hearings last week, I was struck by how the same attacks that effectively sunk Robert Bork in 1987 had much less impact on Sam Alito in 2006. Compare Sen. Kennedy's "In Robert Bork's America" speech in 1987 to his ineffective rantings about Alito's Vanguard investments and the Princeton alumni group in 2006. What was different?

The pro-Bork forces did not expect liberals to attack Bork so savagely - Bork was a former Solicitor General, a federal appeals court judge, a prominent law professor -- of course he was well qualified. Conservatives reacted to the opening salvos of liberal attacks with disbelief. When pro-Bork forces, including the Reagan White House, realized how much trouble he was in, it was too late. Bork also inadvertently played into the hands of the liberals by thinking he was speaking at a legal conference that appreciated discussing ideas, rather than at a political inquisition where the interrogators would use every one of his words against him. John Roberts and Sam Alito, who were young officers in the Reagan ranks in 1987, observed and took note of what to avoid.

The Democrats controlled the Senate in 1987; the Republicans control the Senate in 2006. Liberals controlled the Senate in 1987 and used their power to pummel Bork. Therefore, conservative voters went to work, eliminating liberal senators from positions of power and giving the majority to the Republicans. Sen. Arlen Specter and Sen. Frist are not allowing the liberals to sabotage Alito's confirmation with their unprincipled shenanigans. Also, this is the reason why Scalia won confirmation so easily in 1986 (Republicans controlled the Senate then) and why Bork ran into such a maelstrom.

The rise of the alternative media - No liberal distortion can now remain unresponded to in this day of conservative talk radio (Rush, Sean Hannity, Laura Ingraham, etc.), the array of widely-read blogs written by people of intelligence and insight (Powerline, Bench Memos at

National Review Online, etc.), the speed and ubiquity of the Internet, the existence and impact of Fox News, etc. Liberal domination of the media was much more monopolistic in 1987, limiting the communication avenues to correct the liberal falsehoods. No more.

Grassroots organizations - many who believe in judicial restraint out there in regular America realize that judicial activism has been the main cause of gains imposed by court decree by liberals and secularists. Therefore, they organized and have a passion to win. We warmed up with the battles over Bush's lower court judges, and we were ready for the main bouts over the Supreme Court seats.

Two excellent candidates -- President Bush should be commended for sending two well qualified, intelligent, experienced candidates to the Senate for confirmation. It's difficult to demonize John Roberts and Sam Alito when everyone can see how well qualified they are. And they believe in judicial restraint, too.

There are probably other factors, but these main reasons show why conservatives who believe in judicial restraint have had much greater success than during the Bork battle in 1987.

(Footnote - Clarence Thomas suffered horrible attacks in his hearings back in 1991, but he was on the way to approval before the scorching and sui generis accusations of Anita Hill almost derailed his confirmation. Therefore, his ordeal, although terrible, seems unique and different than what Judge Bork and Judge Alito endured. And, thank God, he made it onto the high court).

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Townhall Spotlight

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One sorry mess of a party
by Jonah Goldberg (Feb 10, 2006)

And for another week, the Democrats managed to hold themselves hostage to, well, themselves.

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