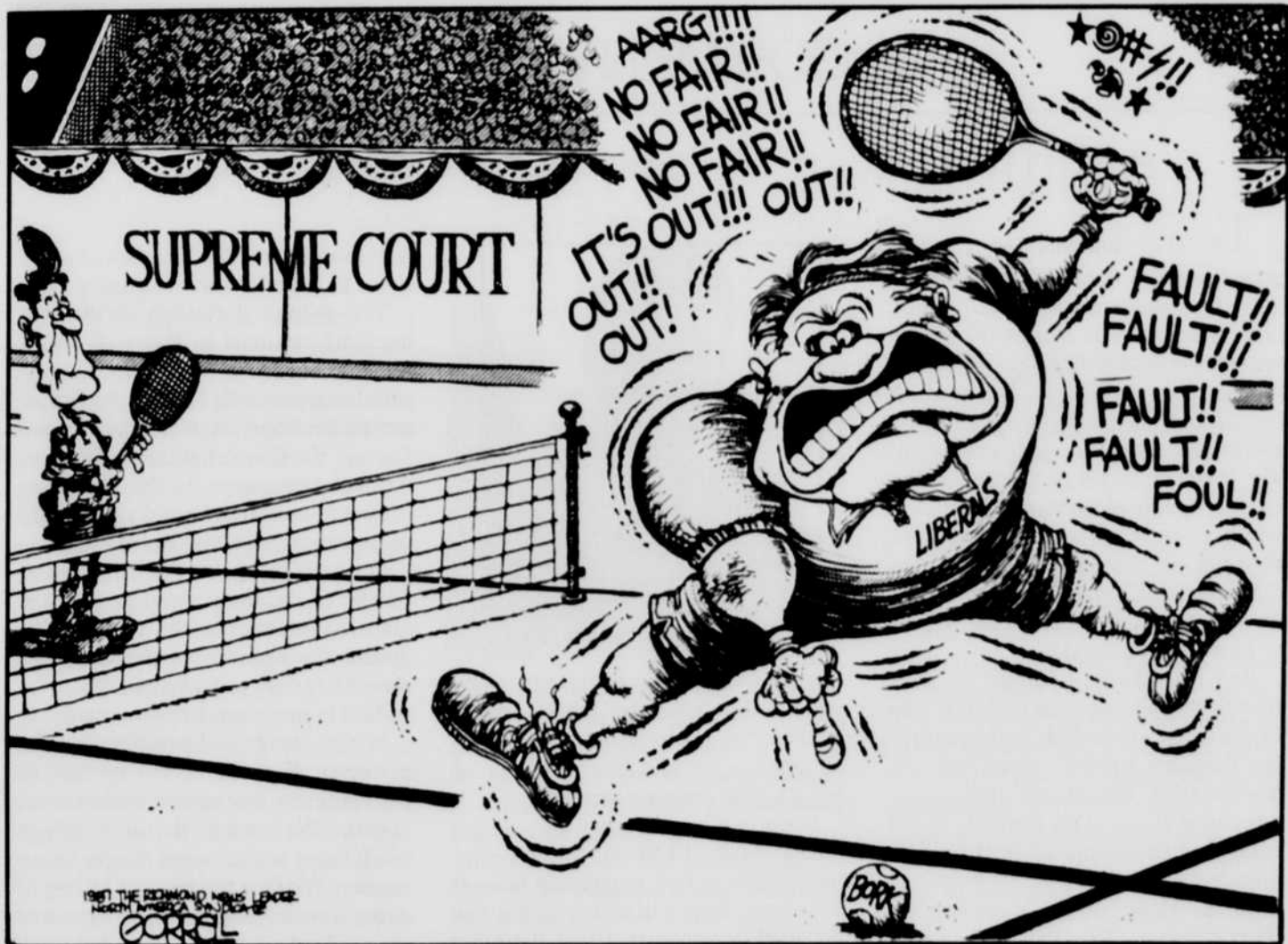




Judgment Day

President Reagan could have withdrawn his nomination of Robert Bork to the Supreme Court prior to Bork's 58-42 defeat at the hands of the Senate, but he didn't. If the President had withdrawn the nomination, he would have implicitly consented to the notion that Bork's opponents actually had valid, rational reasons to oppose Bork. The fact is that Bork's opponents were simply playing cynical politics.

Critics of Bork gleefully proclaim that the President will now have to compromise and nominate a more "moderate" individual. Still others claim that the Senate's rejection of Bork shows our system of checks and balances in action. Both views are wrong, and reek of shallowness and cynicism.

The function of the Senate on this matter was to review Bork's qualifications, not to use the nomination as an opportunity to win political points against the President, as was clearly the intent.

The Supreme Court is intended to be a permanent, steady check to the fickleness of democracy. Presidents are elected for their political ideas, which are reflected in their judicial appointments. In this way, the interpretation of the law can take certain cautious directions, such as toward judicial restraint or judicial activism, within the limits of the Constitution.

The irony of Bork's rejection is that the Supreme Court has the responsibility of interpreting the Constitution and protecting the rights of minorities from democratic tyranny. It was this same political passion that prevented Judge Bork from fulfilling this responsibility.

We regret this injustice, but it comes as no surprise when one understands that the judgment of the judge was handed down by people who cheated on college exams and plagiarized political speeches.

—RMA