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BORK'S ANGRY ITINERARY OF AMERICAN GOMORRAH

By **David J. Garrow** **David J. Garrow** is the author of "Liberty and Sexuality" and the Pulitzer Prize-winning "Bearing the Cross."

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SLOUCHING TOWARDS GOMORRAH: Modern Liberalism and American Decline, by Robert H. Bork. Regan Books / HarperCollins, 382 pp., \$25.

DO YOU FEEL actively oppressed by the U.S. Supreme Court? You don't? Well, you should, at least according to former federal judge Robert H. Bork, whose own nomination to the High Court was rejected by the Senate back in 1987.

After leaving the federal bench in the wake of his confirmation defeat, Bork wrote a best-selling book, "The Tempting of America," and settled into a comfortable and undemanding existence at the American Enterprise Institute, a Washington think tank. Now he's back with a second book, hoping to warn anyone who'll listen that the sky is falling and the end is near.

There's a good deal of both emotional and intellectual energy in "Slouching Towards Gomorrah," but unless you're unreservedly in the mood for a 300-page sermon on the advent of America's decline, the net result here is doubly depressing: Not only is the country going to hell in a handbasket, but it's also sad to see someone as bright as Bork reduced to the role of Chicken Little.

Bork is most exercised about what he, like many others, sees as the ongoing decline of American morality and culture. Unlike some, though, Bork spies a single villain that's responsible for this mushrooming national tragedy: "modern liberalism," which Bork defines as everything - and everyone - in the country that's played a significant role in increasing both individual liberty and interpersonal equality.

This is no misprint. Bork is deeply angry about what he terms "the infatuation of modern liberalism with the individual's right to self-gratification," and he's especially worried about how "pornography has become a national plague." Some of us might think that public evidence of pornography's presence has actually declined (aren't there a whole lot fewer "adult" theaters and bookstores than there were 20 years ago?), but Bork seems to think that the spread of home VCRs has heightened America's sexual degradation by leaps and bounds: "The more private viewing becomes, the more likely it is that salacious and perverted tastes will be indulged." Chicken Little, meet George Orwell.

Bork's heartfelt advice is that right-thinking Americans should not take this lying down. Declaring that "the most promising development in our time is the rise of an energetic, optimistic and politically sophisticated religious conservatism," Bork says that for opponents of modern

liberalism, "the task is not merely to resist but to attack." Bork desires a "vigorous counterattack" that will "resort to legal as well as moral sanctions," and he stresses that "Sooner or later censorship is going to have to be considered as popular culture continues plunging to ever more sickening lows."

Bork places primary blame for the socially deleterious growth of liberty and equality on - surprise, surprise - the Supreme Court. Insisting that the American judiciary is "the single most powerful force shaping our culture," Bork avers that various Supreme Court majorities "are responsible in no small measure for the spread of both radical individualism and radical egalitarianism." Perhaps you hadn't realized that judges were so culturally powerful, but Bork definitely wants to warn you that "the Supreme Court has usurped the powers of the people and their elected representatives" and "has lined up with the cultural elite and against the majority of the electorate."

Since in Bork's view "it is the courts that threaten our liberty - the liberty to govern ourselves - more profoundly than does any legislature," he explicitly calls for the adoption of "a constitutional amendment making any federal or state court decision subject to being overturned by a majority vote of each House of Congress."

He tries to deny that this proposal is "extremist" (while acknowledging that approval of any such amendment is "highly unlikely"), but there's no getting around just what an amazingly radical suggestion this is. Everyone can envision some of the results: unhappy about the Supreme Court giving First Amendment protection to flag burners? Under Bork's scheme, Congress no doubt would vote to reverse before the day was out, and without most members even reading the decision. But it's not just flag-burning, or school prayer, or abortion that Bork's constitutional revolution would put back in play. "Any federal or state court decision" is a pretty all-encompassing formulation. You didn't like the O. J. verdict? Maybe a majority of Congress didn't either, and a quick vote could send Simpson to the slammer faster than Lance Ito decides when to have lunch. And the same would hold true for any other unpopular defendant (or plaintiff) who prevailed at trial before a judge or a jury. Want to rethink that divorce settlement - or how about child custody? Your member of Congress is only a phone call away. This would be a "Judge Bork's America" well beyond even anything that Sen. Edward M. Kennedy imagined when he unfairly savaged Bork as a racist and sexist in the most repugnant of those 1987 personal assaults. But this is sad - sad that Bork has reduced himself to almost a parody of his enemies' most fevered imaginings. More than 60 years ago, when another, now long-forgotten Supreme Court nominee was denied confirmation because of politically exaggerated attacks, the judge in question, John J. Parker, remained on the federal bench and vindicated his career. It's too bad Robert Bork did not choose to do likewise, for the tone and content of "Slouching Towards Gomorrah" will serve to vindicate only Bork's opponents.