EDWARD M. KENNEDY ORAL HISTORY PROJECT

Interviewer’s Briefing Materials
Laurence Tribe Interview, 04/27/2009

Robert A. Martin, Research Director

Miller Center Documents

- Laurence Tribe Fact Sheet.
- EMK Judicial Nominations Timeline (Bork through Souter).

Secondary Source Materials

- “Statement by Senator Edward Kennedy (D-MA),” Congressional Record, 02/12/1999.

Oral History Interviews

- Edward M. Kennedy interview, Kennedy Oral History Project, Miller Center, University of Virginia, 02/12/2007.
- Marcia Greenberger interview, Kennedy Oral History Project, Miller Center, University of Virginia, 02/21/2007.
- Nan Aron interview, Kennedy Oral History Project, Miller Center, University of Virginia, 01/26/2007.
- Jeff Blattner interview, Kennedy Oral History Project, Miller Center, University of Virginia, 03/30/2007.
- Rashi Fein interview, Kennedy Oral History Project, Miller Center, University of Virginia, 03/21/2007.
- Jim Flug interview, Kennedy Oral History Project, Miller Center, University of Virginia, 12/18/2007.

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Other

LAURENCE TRIBE FACT SHEET
Prepared by Rob Martin
Miller Center, University of Virginia, 11/12/2008

Work with EMK/general experience:
- **Outside consultant** to EMK on constitutional law; when unavailable, Tribe has suggested that EMK consult with David Barron (in 2003 and 2005?)
- **1968-present**: constitutional law professor, Harvard Law School (tenure in 1972)
- **1967-1968**: law clerk for U.S. Supreme Court Justice Potter Stewart

**Issues Tribe worked on with EMK:**
- **1987 Bork nomination**: 1) Tribe was consulted by Jeff Blattner early on, who assembled the materials used in Parker’s writing of EMK’s “Robert Bork’s America” speech that EMK would give on the Senate floor; 2) EMK asked civil rights lawyer Bill Taylor to coordinate constitutional law scholars and law school deans that are opposed to Bork; they include Tribe, Herman Schwartz of American University, Walter Dellinger of Duke, Philip Kurland of Chicago, and PFAW’s John Haber and Ricki Seidman; 3) Tribe met with Biden to help him refine his arguments; Biden asked Tribe to work with Peck and Schroeder in drafting the Biden Report, and to publicly endorse the report; 4) Tribe played Bork for EMK and Biden in mock hearings, (and was “a much better Robert Bork than Robert Bork” would be in Bork’s own confirmation hearings); 5) Tribe testified against Bork in the Senate hearings.
- **1988 Anthony Kennedy nomination**: Tribe helped convince EMK to support Anthony Kennedy as Reagan’s Supreme Court nomination (following Bork and Ginsburg).
- **1988 Dodd child day care bill** (EMK cosponsor); Tribe advised that a provision allowing low income families to use federal funds to send their children to religious day care institutions would not pose a constitutional problem. (*Washington Post*, 07/28/1988)
- **1990 Souter nomination**: EMK consulted with Tribe and Tribe’s former student Kathleen Sullivan before deciding to oppose the Souter nomination; Tribe has dinner with Sullivan and Parker and Blattner in Hyannisport before making a final decision.
- **1998/99 Clinton impeachment**: EMK cites Tribe’s testimony before the House Judiciary Subcommittee on the Constitution on the impeachment clause.
- **Briefing senators on Supreme Court nomination battles**: after 2000 election, Leahy organizes a panel at a Senate retreat on the role of the Senate in confirmation battles, as many Democratic senators are new and lack experience in this area; panel includes Tribe, Cass Sunstein and Marcia Greenberger; EMK also says he asked Daschle to organize a similar panel at a Maryland retreat in 2003 with the same panelists (though note these might be the same two panels being discussed).
- **2005 Roberts nomination**: with Tribe ill, EMK consults with David Barron, whom Tribe had recommended that EMK consult with in Tribe’s place once before in 2003.
- **Gay marriage(?)**: Tribe’s and EMK’s names both come up in support of gay marriage around 2004 but it is not clear that EMK consulted with Tribe on the issue.

**Tribe’s former students have included:**
1987

July On the 1st, Reagan announces his nomination of Federal Circuit judge Robert H. Bork to replace Powell. Bork has spoken out strongly against Supreme Court precedents important to liberals, including Brown v. Board of Education, Griswold v. Connecticut, and Roe v. Wade. EMK calls Archibald Cox to tell him that he will lead the fight against Bork, and asks Cox to help. Cox, whom acting Attorney General Bork had reportedly fired from his position as the first Watergate special prosecutor, declines; he does not want his opposition to Bork to seem like a personal vendetta. (Clymer, pp. 416-417)

Within an hour of the announcement, EMK delivers a controversial floor speech calling for the Senate to reject Bork’s nomination. EMK claims, “Robert Bork’s America is a land in which women would be forced into back-alley abortions, blacks would sit at segregated lunch counters, rogue police would break down citizens’ doors in midnight raids…” During the speech, EMK invokes two key arguments against Bork: his involvement in Nixon’s Saturday Night Massacre and his “extremist” judicial interpretation, particularly with regards to civil rights. Although EMK is later criticized for the speech, none of Bork’s proponents issue an immediate rebuke, assuming that the speech would be self-defeating. EMK claims that the statement had to “sound the alarm and hold people in their places until we could get the material together.” Bork, who watched the speech from the White House, later wrote, “Not one line of that tirade was true…this was a calculated personal assault by a shrewd politician…As it turned out, Kennedy set the themes and the tone for the entire campaign.” Former Judiciary Committee chief counsel Mark Gitenstein claims that EMK’s “unqualified” attack forced undecided moderates to delay their opposition to Bork, as well as worrying civil rights leaders. Although Gitenstein claims that there is little evidence that the civil rights community had encouraged EMK’s speech, he also notes that there is general agreement within and without the White House that EMK represents the civil rights and civil liberties community. (1987 Congressional Quarterly Almanac, Washington, D.C.: Congressional Quarterly, Inc., 1987, p. 271; Robert Bork, The Tempting of America, New York” The Free Press, 1990; Clymer, pp. 417-419; Mark Gitenstein, Matters of Principle, New York: Simon and Schuster, 1992, pp. 56, 70; Michael Pertschuk and Wendy Schaeztiel, The People Rising, USA: Thunder’s Mouth Press, 1987, pp. 26-27, 123-124)

On the 2nd, EMK hires Anthony Podesta, People for the American Way (PFAW) founding president and a veteran of EMK’s 1980 campaign, to organize opposition to the Bork nomination. (Clymer, p. 420) He also calls prominent civil rights lawyer Bill Taylor to coordinate constitutional law scholars and law school
deans that are opposed to Bork. Taylor is joined by Herman Schwartz of American University, Laurence Tribe of Harvard, Walter Dellinger of Duke, Philip Kurland of Chicago, and PFAW’s John Haber and Seidman. Although the ABA has given Bork its highest rating, the opposition to Bork within the legal community is strong, and many lawyers and scholars even take it upon themselves to organize against the nominee. This high level of participation stands in stark contrast to previous confirmation proceedings. (Pertschuk, pp. 189-190; Norman Vieira and Leonard Gross, *Supreme Court Appointments*, Carbondale: Southern Illinois University Press, 1998, p. 143)

On the 7th, the Bork nomination is received by the Senate. EMK, Metzenbaum, and Senate Judiciary Committee Chairman Biden decide to postpone the hearings until after August recess. Biden, who is running for president, tells civil rights groups that he, not EMK, is in charge, and that he will lead the fight against Bork. One year ago, Biden had said that while somebody like EMK would vote against someone like Bork, Biden would vote for him. Biden later explains that he would not oppose Bork to replace a more conservative justice, but that Powell’s swing status is a complicating factor. (Clymer, p. 420; *The Washington Post*, 10/24/1987; Congressional Research Service, p. CRS-21)


On the 11th, NARAL holds its annual convention in Washington and maps out a national campaign against the Bork nomination. (Bork, p. 285)

On the 27th, Democratic Whip Alan Cranston (D-CA) decides that Bork opponents should abandon a filibuster strategy. EMK and Biden agree, and Neas tells the Leadership Conference on Civil Rights (LCCR) to stop talking about a filibuster. (Gitenstein, p. 276)

*July/August*  
At EMK’s private meeting with Bork, Bork later writes in his book that EMK is accompanied by several aides and “seemed mildly depressed and was mostly silent… Every so often, Kennedy looked up at me –about three or four times, I suppose—and said, ‘Nothing personal.’” (Bork, pp. 280-281)

Later in the summer, Senators Arlen Specter (R-PA), Biden, and EMK study Bork’s writings and discuss them with law professors. Tribe plays Bork for EMK and Biden in mock-hearings. (Clymer, p. 421)

*August*  
Early in the month, EMK meets with twenty “Block Bork” coalition leaders to discuss strategy. They decide to “freeze the Senate” by urging no position on the Bork nomination until the end of the confirmation hearings. There is also a desire within the coalition to keep pressure low-profile to prevent undecided senators from bucking. EMK encourages the coalition members to hold weekly meetings
with key Judiciary Committee staffers, something they had already been doing since Powell’s resignation. Pertschuk claims that although EMK welcomes the “Block Bork” coalition as trusted allies, some coalition members are concerned about being perceived as part of EMK’s apparatus. The coalition consists of more than three hundred national organizations, including PFAW, the 190-member umbrella group of the LCCR and NARAL. LCCR lobbyists already have a close relationship with EMK and his chief counsel Carolyn Osolinik. PFAW has a close relationship with Judiciary Committee members, and PFAW’s legal director, Ricki Seidman, later becomes an EMK aide and Labor Committee staffer. (Pertschuk, pp. 95-102, 125)

While vacationing in Massachusetts during the Senate recess, EMK makes hundreds of calls to black political leaders and ministers, particularly in the South, and directly lobbies his Senate colleagues with Bork briefing books and phone calls to their VIP constituents. The annual conferences of the NAACP and the National Education Association are subsequently used as anti-Bork platforms. EMK also calls each of thirty executive members of the AFL-CIO and holds a conference call with forty state labor leaders to organize opposition. According to Podesta, EMK worked harder at organizing the anti-Bork forces than he had for his 1980 presidential campaign. (Clymer, pp. 420-421; Pertschuk, p. 27; Bork, p. 283; The Washington Post, 10/24/1987)

In a press release, the AFL-CIO claims that Bork is “a man moved not by deference to the democratic process but by an overriding commitment to the interests of the wealthy and powerful in our society. He has never shown the least concern for working people, minorities, the poor, or for individuals seeking the protection of the law to vindicate their political and civil rights.” (Bork, p. 286)

On the 12th, EMK sends a letter to 6,200 black political leaders reportedly arguing that Bork is an opponent of civil rights.

Between the 13th and the 17th, Boston pollster Thomas Kiley surveys voters on the Bork nomination for the American Federation of State County and Municipal Employees (AFSCME). He concludes that Bork is vulnerable on three grounds: civil rights, privacy and individual freedom, and big business versus the individual. Furthermore, he concludes that voters will be turned against Bork if they perceive him as not “fair-minded,” and that the best way to increase voter skepticism is to attack Bork’s record on civil rights. A Roper poll of voters in twelve southern states shows that fifty-one percent oppose confirmation. Bork opponents use these figures to help win over swing votes in the Senate—the Southern Democrats, who now represent large black constituencies. Focus groups have also indicated that the public is indifferent to Bork’s role in Watergate. (Pertschuk, pp. 134, 142, 154; Vieira, p. 152; The Washington Post, 10/24/1987)

On the 31st, the American Civil Liberties Union (ACLU) sends a cable claiming that “Detailed research reveals Bork far more dangerous than previously
believed… We risk nothing short of wrecking the entire Bill of Rights… His confirmation would threaten our system of government… Time is short…” (Bork, pp. 287-288)

September

On the 2nd, Biden releases a report on Bork attacking his record on civil rights and antitrust law. (Bork, pp. 287, 291)

On the 11th, EMK delivers a speech at Georgetown Law School, railing against Bork’s argument that the *Griswold v. Connecticut* decision invented a right to privacy without a constitutional basis, in addition to attacking Bork’s contempt for judicial precedent. Reagan deems attacks on Bork as “pure politics,” defending Bork’s commitment to individual freedom and equality. (Clymer, p. 422; *The Washington Post*, 09/12/1987)

On the 13th, *The Washington Post* reports that EMK has been urged not to repeat his initial outburst against the nomination during the confirmation hearings. It is also reported that three committee members are considered genuinely undecided: Senators Howell Heflin (D-AL), Dennis DeConcini (D-AZ), and Specter. Specter is considered the most likely to oppose the nomination, but Heflin, a former chief justice of the Alabama Supreme Court, is viewed as the most important vote by both sides. (*The Washington Post*, 09/13/1987)

Prior to and during the confirmation hearings, PFAW runs sixty-second television ads featuring actor Gregory Peck, who claims that Bork “defended poll taxes and literacy tests, which kept many Americans from voting.” (Bork, p. 288)

On the 15th, confirmation hearings begin for Bork. *The Washington Post* calls the give and take between Bork and EMK “electrifying and instructive.” (*The Washington Post*, 09/16/1987) EMK gives Bork a scathing greeting, not covered or re-capped by CBS, in which he portrays Bork as hostile to women and blacks, irreverent to judicial precedence, and the superiority of the executive to the legislative branch. EMK then jostles Bork until he admits having made an “intellectual mistake” by writing articles for *The New Republic* and the *Chicago Tribune* attacking civil rights. The exchanges frequently reach the level of “profound constitutional debate,” but Bork’s cold, technical discussion of essentially political issues is often overpowered by EMK’s media-ready sound bites accusing Bork of being “an activist of the right” and “hostile to the rule of law.” Biden passes EMK congratulatory notes throughout the questioning, but avoids berating or interrupting Bork himself. Clymer observes that the different approaches of EMK and Biden are complementary: EMK rallies the outside opposition, and Biden focuses on winning over senators on the committee. Others find Biden too restrained. (Clymer, pp. 422-424) In his account of his exchanges with Democrats and Specter, Bork claims, “Because I was, out of necessity, patient with him [Specter], a lot of people not versed in constitutional law got the impression that this was a serious constitutional discussion. Nor was there any serious discussion of the law with the Democratic senators. Kennedy kept...
insisting that I was against everybody’s rights. He and Metzenbaum tried to establish, but could not, that my discharge of Archibald Cox was illegal… It was left to Metzenbaum, however, to make some of the most egregious accusations about my attitudes toward women.” (Bork, p. 306; Patrick McGuigan and Dawn Weyrich, *Ninth Justice: The Fight for Bork*, USA: Free Congress Foundation, 1990, p. 108; Congressional Research Service, p. CRS-21)

On the 17th, EMK focuses on Bork’s conception of presidential power, referring to the myriad number of cases in which Bork had sided with the executive branch against Congress. Bork addresses each case individually, but not the broader issue: Bork’s conception of presidential power. This issue is of particular importance to Byrd, who is still one of four undecided committee members. (Clymer, p. 425)

On the 18th, EMK challenges the sincerity of Bork’s claims to the committee that he will not overrule precedent even if he thinks that the logic behind the precedent is incorrect. (Clymer, p. 425)

On the 21st, three prominent black leaders describe Bork as “too risky” while testifying at his confirmation hearings. William T. Coleman, Jr., Transportation Secretary under Ford, former representative Barbara Jordan (D-TX), and Atlanta Mayor Andrew Young claims that Bork has consistently opposed the expansion of minority rights. Jordan claims that she is “incredulous” at some of the more moderate claims Bork has made during his testimony, and that she would give “little weight” to them. (*The Washington Post*, 09/22/1987)

On the 23rd, Biden withdraws his candidacy for president under the weight of charges that he committed plagiarism as a law student. (Clymer, p. 427)

On the 26th, Bork visits the White House and requests that Reagan address the nation next week on prime-time television on his behalf. Bork claims, “I’ve been trying to do this on my own. You guys aren’t doing everything you can. I need the President.” Gitenstein claims that the White House’s strategy from the beginning was to keep Reagan, who is suffering from Iran-Contra fallout, in the background of the confirmation proceedings. (Gitenstein, p. 11)

At the end of the month, Dole begins to visibly distance himself from Bork, incurring the wrath of right-wing organizations. (*The Washington Post*, 10/24/1987)

The confirmation hearings end on the 30th, after EMK and Biden persuade Bork’s eager opposition that their testimony would draw attention to the groups themselves and negatively affect their campaign in the Senate against Bork. (1987 *Congressional Quarterly Almanac*, p. 273; Clymer, p. 427)
October

On the 1st, Senators David H. Pryor (D-AR), Terry Sanford (D-NC), and Bennett Johnston (D-LA) announce that they will vote against Bork. Later in the day, Specter also announces his opposition. (*The Washington Post*, 10/24/1987)

On the 5th and 6th, Citizens for America and We the People run full-page ads in *The Washington Post* and *USA Today* attacking the anti-Bork advertising campaign. The ad claims that some of the anti-Bork senators have “serious personal character flaws.” Of EMK, the ads claim, “You always wondered how he ever made it from the Chappaquiddick incident or getting expelled from Harvard for cheating.” (Gitenstein, p. 297)

On the 6th, the Judiciary Committee votes 9-5 against the Bork nomination; the Committee reports on the 13th. (Congressional Research Service, p. CRS-21)

On the 8th, Bork delivers a statement in the White House press room in which he admonishes the public relations campaign against him and states, “I harbor no illusions…If I withdraw now, that campaign would be seen as a success and I would be mounted against future nominees. For the sake of the federal judiciary and the American people that must not happen.” (Bork, p. 314)

On the 13th, Reagan publicly acknowledges that Bork will probably not be confirmed by the Senate. Later in the day, at a meeting with the New Jersey Chamber of Commerce, Reagan attacks anti-Bork senators, claiming that they have turned Bork’s confirmation battle into a “political joke.” Reagan’s words undermine White House chief of staff Howard Baker’s attempts to tone down Reagan’s remarks on the Bork nomination in order to devote time to finding a more acceptable nominee. (*The Washington Post*, 10/14/1987)

Senate debate on the Bork nomination begins on the 21st. Biden opens the debate by dismissing charges that Bork is the victim of “lynch mobs” as “nothing but a smokescreen to distract the Senate and the American people” from Bork’s Judiciary Committee testimony. EMK calls the criticism of the confirmation process by Bork’s defenders “preposterous and hypocritical.” Bork’s wife and son leave the Senate chamber when EMK speaks, and return after EMK is finished. (*1987 Congressional Quarterly Almanac*, p. 274; *The Washington Post*, 10/22/1987)

The Bork nomination is rejected 42-58 on the 23rd. EMK votes with the majority and warns Reagan not produce another nominee equivalent to Bork in judicial philosophy. (*1987 Congressional Quarterly Almanac*, p. 60-S; Clymer, p. 427; Congressional Research Service, p. CRS-21)

November

On the 7th, Reagan accepts Ginsburg’s request to withdraw his nomination following the revelation that Ginsburg had smoked marijuana while a professor at Harvard Law School. (1987 Congressional Quarterly Almanac, p. 275)

On the 30th, Federal Circuit judge Anthony Kennedy is nominated to replace Powell. Kennedy is perceived as a moderate conservative, and during his twelve years as an appeals court judge, he has accumulated a comprehensive record on social and constitutional issues. Unlike those of Bork, most of Kennedy’s opinions address the issues directly involved in the case at hand, and do not extend to broader, more controversial issues. (1987 Congressional Quarterly Almanac, p. 275)

December

On the 14th, hearings for Kennedy begin. EMK questions Kennedy on his decision to rule against the right of homeowners to act as “testers” in challenging real estate practices that allegedly steered blacks out of certain neighborhoods. The ruling was later overturned by the Supreme Court. EMK also questions Kennedy on his membership to the all-male Olympic Club in San Francisco and Kennedy’s failure to protest the club’s all-male, no-minority policy until his name appeared on a short list of potential Supreme Court nominees. In his answers, Kennedy assures EMK of his commitment to civil rights. Most of the civil rights groups that opposed the Bork nomination have remained silent on Kennedy except for the National Organization for Women. (1987 Congressional Quarterly Almanac, p. 276; The New York Times, 12/15/1987)

1988

January

On the 27th, after only three days of hearings, the Judiciary Committee votes 14-0 to recommend confirmation of Kennedy. (1987 Congressional Quarterly Almanac, p. 276)

February


1990

February

On the 6th, EMK spends less than ten minutes questioning Equal Opportunity Employment Commission head Clarence Thomas during his confirmation hearing as a nominee to the D.C. Court of Appeals. EMK questions Thomas on job discrimination cases and receives Thomas’ responses favorably. EMK has relied on the advice of William T. Coleman and Senator John Danforth (R-MO), who had hired Thomas out of law school to be a Missouri assistant attorney general. (Clymer, pp. 481-482)

April

On the 5th, the nomination of Samuel A. Alito, Jr. to the U.S. Circuit Court of Appeals is quickly and unanimously approved by the Judiciary Committee, where
EMK says he is “sure” that Alito will be a successful judge. (*The Washington Post*, 11/01/2005)

**July**

On the 25th, Judge David Souter is nominated by President George H.W. Bush to replace the liberal William J. Brennan, Jr. as Associate Justice. Souter has most recently spent four months on the U.S. First Circuit Court of Appeals in Boston, and is dubbed by the media as the “stealth justice,” an unknown judge with uncertain values. Pundits speculate that the nomination of Souter is related to Souter’s close friendship with Senator Warren Rudman (R-NH). The Leadership Conference on Civil Rights, which had fought Bork and remained silent on Kennedy, opposes Souter, whereas the ACLU and the People for the American Way do not express opposition. (*1990 Congressional Quarterly Almanac*, Washington, D.C.: Congressional Quarterly, Inc., 1990, pp. 510-511; U.S. Senate Homepage; *The Washington Post*, 10/02/1990, 10/03/1990)

During the summer, senators scour whatever material they can find on Souter, from his tenure in the New Hampshire courts to his four-month stint on the U.S. Court of Appeals, in order to flesh out his views on judicial activism, abortion, and civil rights. EMK speaks for hours with aides Carey Parker, Carolyn Osolinik, and Jeff Blattner, as well as with Harvard Law School professors Kathleen Sullivan and Tribe. (*1990 Congressional Quarterly Almanac*, p. 509; Clymer, p. 481)

**August**

On the 6th, EMK tells an annual meeting of the ABA, “In this day and age, the Senate will not confirm a blank slate to the Supreme Court of the United States.” U.S. Attorney General Dick Thornburgh, also in attendance, responds angrily that Souter has a distinguished judicial record. (*1990 Congressional Quarterly Almanac*, p. 509; Christian Science Monitor, 08/08/1990)

**September**

On the 13th, confirmation hearings for Souter begin. EMK questions Souter on some of the positions he took as New Hampshire Attorney General, including defending the state’s refusal to provide the federal government with a racial breakdown of its employees. EMK argues that there is little in Souter’s record that demonstrates a dedication to civil rights.

On the same day, Souter refuses to answer Biden’s questions on *Griswold v. Connecticut*, the landmark contraceptives case that provides the basis for the *Roe v. Wade* decision legalizing abortion. Souter claims that the Court will likely review *Roe v. Wade* in the future, and thus it would be inappropriate for him to give his views. However, Souter assures the committee that he will approach abortion and other sensitive issues like affirmative action with an open mind. He also claims to accept a right to privacy under the due process clause. (*The New York Times*, 09/14/1990, 09/15/1990)

On the 14th, EMK portrays Souter as taciturn and legalistic, calling Souter’s denial of unemployment compensation to two elderly men while he was a New
Hampshire Supreme Court justice “hostile and heartless.” EMK also questions Souter about an argument he made as Attorney General claiming that state literacy tests were valid in order to prevent the dilution of votes. EMK and Souter engage in a sharp exchange after Souter claims that while committee members would believe that his personal views would play no role in his interpretation of *Roe v. Wade*, the American public would not share such beliefs. EMK responds, “What do you know and I know that’s superior to the common sense of the American people?” After the hearing, leading women’s and abortion groups announce their opposition to Souter. (*The New York Times*, 09/15/1990; *The Washington Post*, 09/15/1990)

On the 24th, Cranston is the first senator to announce that he will vote against Souter, claiming that he cannot support Souter’s views on abortion and contraceptives. Cranston is not on the Judiciary Committee. (*The New York Times*, 09/24/1990)

On the 27th, the Judiciary Committee approves the Souter nomination by a 13-1 vote. EMK casts the only dissenting vote, fearing that as a swing voter, Souter has the capacity to erode civil rights and the right to privacy. Biden claims that he was frustrated by Souter’s unwillingness to provide his views on abortion and that his vote was a “close decision,” but that Souter was probably the best nominee that the Democrats could hope for under the Bush administration. (*1990 Congressional Quarterly Almanac*, pp. 510-511)

October

On the 2nd, the Senate votes to confirm Souter 90-9 after less than four hours of debate. Only Democrats, including Senator John F. Kerry (D-MA) and EMK, stand in opposition to the nominee, and only three of them declare their opposition in floor speeches: Senator Brock Adams (D-WA), Cranston, and EMK. *The Washington Post* notes that the powerful liberal coalition that had thwarted the Bork nomination fell apart due to lack of ammunition, even though EMK personally tried to rally civil rights groups against Souter. (*1990 Congressional Quarterly Almanac*, p. 508, 515; *The Washington Post*, 10/02/1990; *The New York Times*, 10/03/1990)