



Meet Your Footnote: Robert Bork

by *Jerry Sanders*



**Current
Issue**

Archives

**Editorial
Info**

Search

Interact

Printer-friendly [PDF version](#)

copyright 2003, ACJ

In March of 1994, I attended the Conservative Summit in Washington, D. C.. Many of the top conservatives of the day were there including Newt Gingrich, Pierre DuPont, Fred Barnes, Linda Chavez, Henry Hyde, Elliott Abrams, Ed Rollins and David Horowitz. As you might expect, all the celebrities were surrounded by conference participants, very desirous of meeting them. However, on a balcony floor, standing in a corner by himself was a person that seemed very familiar and as I approached him, it was easy to see that this was, indeed, Judge Robert H. Bork. At that time, as today, Bork was a Senior Fellow at the American Enterprise Institute.

I introduced myself and he seemed genuinely glad to be talking to a communication professor. We had a good discussion of communication, particularly as it applied to politics and he was more than happy to have a picture taken with me.

Bork was an academic, at one time, having taught law at Yale University from 1962-75 and from 1977-81. However, it was not any writing in the field of communication that led me to this paper. It was a presentation that Bork made to a plenary session of the conference. He was asked to comment on the constitutional right of Americans to bear arms. As one would expect at a conservative meeting of this nature, the audience was packed with anti-gun control and pro the right to bear arms people. Bork opened his presentation with a bombshell. "There is no constitutional right to bear arms," he said. However, before the audience recovered from shock enough to hiss the speaker, Bork added, "It would be a good idea if there were." From that point on, he talked of the advantages of a citizen having the right to bear arms.

It is not my intention to get into details of his presentation but to comment on the technique of argument that Bork used to impress his audience. He successfully used

what we in argumentation call "the shift." He completely departed from the focus of the argument, a constitutional right to bear arms, and chose rather to talk of the advantages of having this right. Bork knew that the audience was looking to him as a champion of this constitutional right rather than giving them a very unpopular, with the audience, interpretation of the constitution. However, by shifting his argument to the efficacy of the right, he was able to leave the audience feeling that he was one of them.

To this day, I feel that many members of that audience left the meeting feeling that Bork had interpreted the constitution as providing a right to bear arms because he had so skillfully denied their interpretation but thoroughly satisfied their emotions. A good lesson in argumentative communication is to be learned here whether or not you agree with the technique.

[Back to Top](#)

[Home](#) | [Current Issue](#) | [Archives](#) | [Editorial Information](#) | [Search](#) | [Interact](#)