Sloouching Back to Ben Avon

People who knew Bob Bork at Avonworth High School in the early 1940s would never have predicted his rejection for the U.S. Supreme Court on grounds that he was too conservative. Although he was widely cast as President Ronald Reagan's archangel of conservatism during the rancorous debate over his nomination to the court in 1987, you have to wonder what attacks his Democratic foes could have mounted had the ugly facts been known:

- At Avonworth High, "he was sort of liberal," according to Norman Ward, classmate and fellow debater on the school forensics team.
- In his junior year, the budding provocateur wrote an editorial for the school newspaper calling for the nationalization of industry. (School administrators quashed its publication.)
- Though not yet sporting his signature goatee, the young Bork attended Communist Party meetings in downtown Pittsburgh.

In fact, by the nominee's own admission, he was an outright radical—and surely the most famous one from the borough of Ben Avon, a white-collar suburb not far from the more highbrow enclave of Sewickley. In a footnote on page 32 of his 1996 Sloouching Toward Gomorrah: Modern Liberalism and American Decline, Bork wrote that "suburban, middle-class life seemed stifling;" in protest, he turned to Dixieland jazz—"my rock and roll"—and late night partying, and radical politics. "Socialism sounded to me like a swell idea." In this respect, Bork understands Sixties generation members who were attracted to the New Left. But, as we surely learned from his 1987 confirmation hearings, Bork grew out of it.

Suburban malaise is not something we usually associate with Pittsburgh, where Bork was born in 1927. But that's only because the suburbs seem so at odds with the kind of folklore that usually defines the Pittsburgh experience. Aside from a brief career on the scholastic gridiron—"I could either play third string on the football team or be first team on debate"—Bork eschewed 'Burgh things; no smoke-belching mills, no 12-hour days pushing steel, no church festivals saturated with halushki and prune-butter pierogies. Bork's world was Pittsburgh Lite: same proud heritage, same single industry, but without all the soot.

Bork is a German name, but as with many old Pittsburgh families, some Scots Irish had mixed in, too, and Bork was reared as a Presbyterian. Father Harry, a purchasing agent for Blawnox Steel, was part of the small army of white-collar professionals who kept the books and ordered the supplies that kept industry running. Bork's mother, Elizabeth, was solidly middle class, but her gender attenuated her professional career. She had taught school in Pittsburgh but was forced to resign after she married, as was the local custom at the time.

During the 1930s, the Borks moved around the East End before settling, about 1940, in Ben Avon, partly on the strength of the schools. ("If it hadn't been for the Depression, many of the faculty would have been teaching at colleges," Bork noted.) The family home on upper Dixon Street was a comfortable three bedroom Tudor. There were few Catholics and virtually no Jews.

Despite being far removed from the world of millworkers, Bork shared at least one impulse with their ambitious sons: the desire to avoid the employment birthright that Pittsburgh's economy, virtually percolating with jobs back then, seemed to bestow. Bork's fate, had he gone on to Carnegie Tech or Thiel or even Princeton for that matter (a favorite matriculation point for Pittsburgh's Presbyterians) might have been 40 years and out at U.S. Steel, Gulf Oil, Koppers, or one of the other powerful corporations that crowded into the Golden Triangle. Like the
sons of privilege whose preordained careers Annie Dillard laments in her childhood memoir of the suburban East End, many of Bork’s Avonworth classmates went on to work the long turn in these “Open Hearths” of white collar management.

“I did not want to follow in my father’s footsteps,” said Bork, who remembers watching cars drive by with their headlights on in the thick smoke of a Pittsburgh noon. “Those were the good old days.” And he wanted none of it.

For his senior year, Bork and two of his classmates transferred to Hotchkiss, a private boarding school in Connecticut. Avonworth’s best male teachers were leaving for the war and his parents were concerned that the quality of education, which Bork rated as “outstanding,” might slip. Hotchkiss was pure academics—“a Yale feeder school”—and Bork, accustomed to lots of activities, felt a bit out of sorts. But he persevered, and eventually enrolled at the University of Chicago.

The war interrupted what otherwise might have been a simple trajectory into law. In 1944, fresh out of Hotchkiss, Bork and a buddy joined the Marines. Bork attributes his decision to “youthful vainglory,” but it still seems like an odd choice. Boys with prep school degrees often landed Navy or Air Force commissions. Yet Bork was from Pittsburgh, where a Marine Corps tradition had flourished for most of the 20th century. Bork was bound for the front lines when the Atom Bomb fell; he ended up in China, instead.

The Marines, “an organization well known for teaching the reality principle to its recruits,” cured him of much of his political naiveté. Free market mentors at the University of Chicago completed the healing process.

After earning his bachelor’s degree, he stayed on for a law degree, passed the bar, and went to work for a firm in Chicago. Within a few years, Bork had a reputation as a specialist in antitrust law. Anxious to do something else, he jumped at the chance to teach and joined the faculty of Yale Law School in 1962, at age 35.

For a good chunk of his career, Bork labored in the halls of academia, where he honed his renown as a legal scholar in antitrust matters. During the acrimonious Supreme Court nomination debate, even his most outspoken foes conceded his influence in that field; many regarded him as the most important scholar on antitrust law since the Sherman Act was passed in 1890. Bork was high on the free market and seemed intent on standing the Sherman Act on its head; by this time, Bork no longer thought nationalizing industry such a swell idea. In fact, Yale students nicknamed his course “pro trust.”

In 1973, Bork left teaching for a brief stint in Washington. It took him little time to stumble into the spotlight, as Solicitor General, Bork was vilified for his role in the “Saturday Night Massacre,” when he carried out President Richard Nixon’s orders to fire special Watergate prosecutor Archibald Cox. But Bork was not the cut out Establishment figure that his critics made him out to be. Back in the 1950s, he had pestered his Chicago law firm to repeal its discriminatory hiring practices in regards to Jews. (His first wife, who died of cancer in 1980, was Jewish.) A raging libertarian in the early
1960s, he came to temper his free market philosophy with a slowly evolving social conservatism. There were some aspects of human behavior, he came to believe, that required government intervention for the good of society.

Despite his impressive background, Bork was not particularly well known to most Americans before his 15 minutes of fame in Summer 1987. After serving on the federal Circuit Court of Appeals for the District of Columbia—sort of a judicial farm team for the Supreme Court—Reagan tapped Bork. Democrats and left-wing activist groups were ready and waiting, thanks in part to a well-worn paper trail of legal opinions. Within days of the announcement, The New York Times warned that Bork “would move the law of the land sharply to the right on issues like the death penalty, homosexual rights, government aid to religious schools, sexual harassment of women ... and perhaps affirmative action.”

Bork and his supporters disagreed, but to no avail. Democrats had found a strong ally in the media. A report compiled by a media watchdog group found that 100% of television network coverage was negative. The Democrat's advertising campaign completed the portrait of Bork as a sinister, misanthropic conservative, bent on dragging America back to the Dark Ages. That fall, the nomination imploded.

It is unclear how much of Bork’s well-publicized attitudes might have been influenced, subconsciously, by the conservatism of his native city. As a youth, Bork rebelled against Pittsburgh’s stodgy Republican conservatism; as an adult, he seemed to embrace it. One of his latest notions, a plea for censorship laws, would have sat well in his home state, where blue laws and movie censorship had a long and tenacious history. Even Slouching Toward Gomorrah seems issued in the vein of stern moral admonishments served up by dour Presbyterian preachers. (Among the more colorful: Joe Barker, the Catholic-baiting street preacher elected mayor in the 1840s while lodging in City Jail. Back then, people instinctively blamed Catholic immigrants rather than liberals for America's decline.)

Interestingly, Bork feels closer these days to Catholicism than to his boyhood Presbyterianism. “It's managed to retain its value system better than most faiths,” he said. He’s yet to convert, but he does attend Mass with his wife (a former nun) and, to be on the safe side, “roots for Notre Dame football.” A Presbyterian consorting with Papists is an historical irony that doesn’t seem to faze Bork, who limits the value of ancestry to things like hair color. (Red in his case — also his high school nickname.)

Bork is also unbothered by the fact that he may be morally and politically out of step with the times—something that Pittsburgh, a city described as obstinately stuck in its ways, may have conditioned him for. When asked about some of the more prominent students that passed through his classes at Yale, Bork ticked off a Who’s Who of liberals — Robert Reich, Jerry Brown, Hillary Rodham, Bill Clinton—before adding wryly, “You can see that I had a big impact on students.” Reportedly he was the only Yale Law School faculty member to support Goldwater in 1964.

He was also, as dirt-digging reporters discovered during his Supreme Court nomination, hopelessly old-fashioned. In one of the more infamous episodes of media overreach, a journalist in 1987 finagled a list of titles that Bork had rented from his local video store—in hopes, according to Newsweek columnist George Will, of finding something “naughty”; instead, “they found Fred Astaire.”

After his failed bid for the Supreme Court, Bork gave up his federal judgeship to become a resident scholar at the American Enterprise Institute, a conservative D.C. think tank. He’s one of a visible coterie of Western Pennsylvania natives plotting strategy in conservative public policy war rooms. Richard Scaife, the Tribune-Review owner who helps underwrite the Heritage Foundation, grew up not far from Bork but a little higher up the social hierarchy. Michael Novak, a leading scholar on religion and public policy who works just down the hall from Bork, is a Slovak American from Johnstown.

Bork, meanwhile, continues to cut his own path. Most recently the “pro truster” surprised some conservatives by declaring Microsoft to be in clear violation of the Sherman Act. Provoking, as his Ben Avon friends will tell you, is something he’s always been good at.
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