

United States Senate

WASHINGTON, DC 20510

October 14, 1987

Dear Friend:

Over the past few months, the Senate and the Nation have been engaged in a great public debate concerning the nomination of Judge Robert Bork to the Supreme Court. Shortly after President Reagan announced this nomination on July 1, it became clear that the nomination of Judge Bork would arouse very intense feelings on both sides.

Like many of you, I was concerned about Judge Bork's early writings, but I also respected his record as an accomplished scholar and jurist. In order to make a fully informed decision, I resolved to withhold judgment until after the Judiciary Committee completed its hearings. Those hearings are now over and I have had a chance to study Judge Bork's record, review his testimony, and consider the issues raised in the hearings.

I have decided that I will oppose the confirmation of Judge Bork to the U.S. Supreme Court.

As I reviewed Judge Bork's record, no issue was of greater concern to me than his views on basic and fundamental civil rights. I believe that our nation has made great strides in the last 25 years; now is not the time to consider turning back the clock. Those gains did not come easily, and they have come at a price. I, for one, do not want to revisit these questions. Instead, I believe that we must consolidate our gains and move forward.

That's why I am deeply troubled by Judge Bork's civil rights record. As one of the two Texas Congressmen who voted in 1949 to outlaw the poll tax, I remain perplexed by his criticism of the Supreme Court decision which prohibited that tax. You and I both know that the poll tax was created for the sole purpose of preventing minorities from going to the polls to vote. We also know that the poll tax would continue to deter poor and minority voters from exercising their rights as citizens if it was still on the books.

I am also distressed by Judge Bork's writings on public accommodations. In 1962, I was the president of the company that integrated the first major hotel in Houston. Yet a year later, in 1963, Judge Bork described the Public Accommodations Act -- which outlawed segregated restaurants and hotels -- as "unsurpassed ugliness." He continues to view this law as unconstitutional.

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I am aware that Judge Bork retreated from many of his most extreme statements when he appeared before the Judiciary Committee, demonstrating more flexibility in five days before the committee than in the previous 25 years. But I must admit that I am also worried by the vacillation he showed during those days.

Given his civil rights record, his belief that we do not have a constitutional right to privacy in the home, and his belief that women are not protected by the equal protection clause of the Fourteenth Amendment, I cannot in good conscience support the elevation of Judge Bork to the Supreme Court.

The American people deserve a Justice who is sensitive to the plight of people in our country who have not had equal and fair opportunities. The American people deserve a Justice capable of recognizing the real-world consequences of his or her opinions and statements. I hope the President will send such a person to the Senate to fill the vacancy on the Supreme Court. I am convinced that Judge Robert Bork is not that person.

Sincerely,


Lloyd Bentsen

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