

QUESTION FROM SENATOR BIDEN FOR PROFESSOR LAURENCE TRIBE

1. One of the most significant controversies regarding Judge Bork's nomination involved his views on the role of stare decisis. Many of Judge Bork's critics argued that his record indicated that he would have little respect for Supreme Court decisions, and would not hesitate to overrule those decisions with which he disagreed. Some of Judge Kennedy's critics have questioned the strength of his respect for precedent. Do you see a substantial difference between the views of Judge Bork and Judge Kennedy's position on this issue?