

# *Birds & Cats*

## *Postscript (drafted 2005).*

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Robert H. Bork  
Distinguished Fellow  
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Dear Judge Bork\*,

I am writing to you after noticing the distinctive silhouette of a Maltese Falcon on the bookshelf behind you during your interview with Channel 4 News (UK) on the 27th October regarding the withdrawal of Harriet Miers from her Supreme Court nomination. The pursuit of Dashiell Hammett's creation and its various manifestations, and the meaning of this pursuit, is of particular interest to my practice.

If you have no knowledge of the statuette behind you, then please accept my apologies, and I would be grateful for your correction. However, to help with my research, if the statuette is yours I would be honoured with any comments that you are able to give me with regards to your possession of such an icon.

Specifically, I am intrigued to discover your interest in the model. If you bought it yourself, why? If it was a gift, why do you think it was chosen for you? What do you see is its cultural significance and what does it signify for you personally? What does it mean to own a replica of a notoriously elusive statuette? Finally, I would be interested if you could comment on why you have chosen to position the statuette in the context of your reference/research materials? I would be hugely appreciative of any response you are able to give me.

For your reference, I include my original screen shot of the interview, and the later Channel 4 higher resolution image. Further details of my work in this field may be found at [www.mikecooter.org](http://www.mikecooter.org). I also enclose a CV detailing my training and experience.

Thank you for taking the time to read this letter.  
My best wishes and gratitude in advance,

Yours Sincerely,

Mike Cooter

\* Robert H. Bork is a conservative legal scholar, cultural theorist and high profile advocate of Originalism. As a theoretical basis for the interpretation of the US Constitution, his use of Original Intent was subject to intense criticism. Consequently he has adopted the position of Original Understanding.

Under Richard Nixon he served as Solicitor General, acceding to Acting Attorney General to perpetrate the "Saturday Night Massacre" during the Watergate affair. In 1987, whilst serving as a circuit judge in the US Court of Appeals, he was nominated by Ronald Reagan to the Supreme Court. The fierce opposition to his appointment, split largely down party lines and focussing acutely on his personal politics led Senator Edward Kennedy to exclaim "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 could break down citizens' doors in midnight raids, schoolchildren could not be taught about evolution, writers and artists could be censored at the whim of government..." The hearings, and the fervent partisan lobbying, explicitly revealed that the Supreme Court had now become a political prize. His subsequent failure to be confirmed by the Senate introduced a new verb to the dictionary; "to bork".

Ironically, given his conviction regarding the lack of a Constitutional guarantee for privacy, publication during the hearings of his video rental history lead to the US Video Privacy Protection Act. Though perhaps most notorious for his high profile Supreme Court battle and failure, his subsequent membership of 'think tanks' the AEI and Hudson Institute, his legal consultancy and best-selling books and articles on law and culture have kept Robert H. Bork in demand as a scholar and commentator to this day~~