

## What Kavanaugh showed us

Now let me say a couple of things right up front about this:

1. I am not an American.
2. I witnessed sustained and persistent abuse of women in my family growing up.
3. I suffered emotional and physical abuse myself which angered and upset me to the degree I reacted violently against it and spent 4 years self-medicating with drugs and alcohol trying to deal with the pain.
4. I have previously spent over £10000 (about \$13500 US) of my own money on a 6-month sabbatical defending the rights of women around the world to an education and basic health care through the auspices of a charity of which I am still an honorary member which has just celebrated its 10000th client released from the bonded servitude and sex-slavery of South Asia.
5. Both Democrats and Republicans are criticised and appreciated in this article.

*I hope this establishes that I am not some conservative who does not understand the powerlessness and isolation many women feel and have felt because of past and present abuses.*

What shocked me as I have followed this story from the other side of the pond via two very different media outlets (the BBC and CBN) is that it seems the mere *accusation* against Kavanaugh was sufficient for him to be ruled inadmissible for the position that the American president (“not my President”) nominated him for. Since the *Magna Carta* of around 1215, it was written into British statute and inherited by the Constitution of the US that *someone is only condemned on the basis of evidence and proof*.

*There are very good reasons for this — it used to be the case that particular people of a particular class could accuse somebody of wrongdoing maliciously and they would be automatically believed and the person would be killed, jailed and their property confiscated, their family sold into slavery and other such wonderful things.*

Evidence and due process are foundational to justice and “personal testimony”, though important and valid as evidence, must be weighed and examined, no matter how sincere somebody appears. By the time you are like me and 50+ we all know how *sincerely wrong* we can be and how fallible our own memory can be of the legends we were when we were 17 — just recently I would have sworn blind I did something over 30 years ago only to realise I could not possibly have done it the way I remember it, even *where I remembered* it, after re-examining the facts and talking to people I thought were also there, but they were not and I was wrong, I had actually conflated at least two different occasions aided by various chemicals but I could have appeared in front of the American Senate and cried sincerely about it too, swearing on my dead Grannies grave.

*Emotions must give way to objective facts in a court room or in a judicial process which after all this was supposed to be.*

However, not all people will agree with what I just said, “*there is no smoke without fire*” as the aphorism goes, “*he was on the SPLC hate list, xxx must be guilty*” — unless of course, you have a smoke machine and are happy to use it — I read something today in the Washington Post that accused the Republicans of using “trash science” to discredit Dr Ford’s testimony. It quoted various “experts” to say that she could not have possibly have made up the story. However, what it did not

say, which is very well said here in this admittedly religious but very astute piece <https://youtu.be/LTibtra-Hes> was that there were plenty of other “experts” (with the same names “neuroscientists” and “professors”) who have and would lend credibility to Kavanaugh’s defence and the *possible* fallibility of Ford’s memory. Whatever facts she did remember, it really is not that uncommon that abuse victims in sublimating trauma and in bringing it to the surface rework (perhaps during suggestion in therapy) the sequence of events and what actually happened. I have first hand experience of that — you remember some things but place them in a different context and sometimes substitute the wrong people as the instigator, only to correct on reflection, *it just was not possible to have happened that way*. What we are actually dealing with is with choosing between two versions of an event which are mutually exclusive versions but which both or neither may be wrong or only partially true, i.e. Dr Ford was assaulted but not by Kavanaugh but for whatever reason her mental processes projected it on to Kavanaugh.

In such contingent cases you have no recourse but to consider other evidence than the personal testimonies. If for no other reason, it is indeed a blatant fallacy that men should be disbelieved and women believed because men and women are in an unequal power relationship in society — women are just as capable of lying, deception and misrepresentation as men are and of manipulating the judicial process through their “weakness” — consider a 7-year divorce with a certified mentally ill wife (an eventual split when she had an affair with another patient whilst being treated and I was looking after their son from a previous marriage). All it took in the final hearing was a couple of tears from the wife in response to the Judge’s question “*It is normal practice in law that if a person has been accused and found innocent of the charges that the costs will be awarded against the accuser. Is there any reason why I should not award costs in this case?*” (in UK law it is **only** in the case of family law that the judge has this discretion, normally the guilty party will **always** have costs awarded against them; that is a basic principle of *just-ice*). She shed a couple of tears, said that “she had no money” and the judge awarded costs to the wife even though he ruled in the favour of the husband on every point of law, he was objectively more broke than her as the judge well knew having let her keep the marital home, had even supported her after the separation when she could not manage the house— yet she laughed as she left the court and was happy to mock him after. *Women are not the only ones that suffer injustice at the hands of the courts*. In the case of the British Family Court system, there is precious little justice for men, especially when children are involved, “best with Mum” is the working axiom and the system is recognised as dysfunctional, even by its supporters.

**We must understand that the correct ministration of justice is the foundation of our social order** — where there is no justice, you breed violence and retribution. The social media lynch mobs and the Washington Post just left inconvenient expert testimony out and made no examination of the justice or evidential elements at all, preferring to judge him guilty *before* he is charged. Additionally, to reinforce my point made just above about the process of justice and examination of evidence, the video blog also talks about the lack of proper cross-examination of Dr Ford about the glaring inconsistencies in her testimony, e.g. that she was so traumatised about being in small spaces she had been busily flying back and forward to Washington to have chats with the Dems (ever heard of Skype or video-conferencing?) and the technical farce of a two question polygraph which were not brought out in the Senate hearing but certainly should have been *if* it was justice (think fairness) we were interested in. Instead of it being a hearing about the suitability of the Judge on the basis of what is in the objective public record about him it became a media circus and an exercise in mob lynching of the democratic processes central to American jurisprudence. Just imagine a slight switch of the variables: 1940s Alabama, a black being accused by a bunch of whites and then strung up on the basis of a tearful, emotional testimony of the distraught mother, “he propositioned my daughter

(she kissed him and she liked it) but now she realises she was a victim, God demands we protect our race and string this devil up” — you can just see that blond-haired, blue-eyed white Jesus from Tennessee holding the rope at the foot of the tree, “amen, preach it sister”.

That was absolutely blatantly obvious to anyone remotely neutral was that this was entirely an orchestrated, political campaign to try and prevent the Democratic Party from losing its effective veto on *any* Republican president and its ability to push its so-called “liberal” agenda through various State legislatures by using legal advocacy in States that it does not explicitly control. In such States, someone gets accused of “discrimination”, the case gets bubbled up to the Supreme Court, the Supreme Court then rules in their favour because of the liberal bias in the court and they have succeeded in overturning the democratic will of the individual states that refused to back this agenda. Its effective use in the LGBT cause that resulted in the imposition of national legalisation of gay marriage et al against the will of individual states that had not legislated on the basis of the decisions of their own voters, is an exemplary example; I am not being xxx-ophobic here, such has been the playbook of “social activists” since the Warren Court era (1960s) of the Supreme Court.

*The power of the judiciary is used to subvert the normal democratic processes and the autonomy of the individual states.*

We have seen already just how the judiciary has been the tool of choice to stop Trump in his tracks. Whether you like Trump or think he is a misogynistic racist is not the issue here, I am merely stating this as a plausible scenario observing it from this side of the pond and having spent significant time writing a [section of a dissertation](#) on this narrow period of American history. Either Dr Ford was complicit, or she sincere and was seriously manipulated to serve the political purposes of the Democratic Party.

It represents a serious loss of power for the Democratic Party as America has put its faith in the power of the Supreme Court rather than “we the people” — it is no wonder with this commitment to Statism that even with his confirmation, there are people going back through **millions** of pages of documents to try and find *something* on Kavanaugh so they could get him off the Court in the future. The Republicans are just as guilty as the Democrats as being happy to abuse the judiciary process of the Supreme Court to impose national legislation on unwilling States which is why they are now celebrating. Such is our desire for our enlightened philosopher kings to rule us rather than us to rule ourselves.

*Can you imagine if they did this retrospectively on the other Supreme Court justices?*

Seriously, there might not be any justices by the time you had finished. I know of at least one other serving justice that admitted he had pretended to be a conservative to get on to the supreme court and has then proceeded to be the most liberal voice on the court, often casting the decisive vote against conservatives in important cases, funny how the Washington Post or NYT never ran that story and demanded his impeachment — lying in public office is a slam-dunk impeachable offence.

Interestingly though and maybe a glimmer of hope for us who still believe in democracy and the republic, that during the confirmation hearing, two of the more “liberal” justices were with two of the “conservative” justices to show their support for Kavanaugh by being present even though one was prepared to comment that it did indeed change the balance of the court. Kavanaugh describes the retiring Judge Kennedy as “his friend and mentor”. As Neil Gorsuch’s judgment against the “Trump agenda” showed, with the exception of the one I mentioned above and notwithstanding what a trawl of documents might find, these are first and foremost jurists with impeccable records. Even the Democratic senators who voted for Gorsuch made the same comments regarding

Kavanaugh's ability to interpret the Constitution impartially and fairly, regarding him as capable as they did Gorsuch, though only one was prepared to run the gauntlet and actually vote for him this time.

In many ways, Kavanaugh was actually a "compromise" candidate, he has no evangelical credentials and is not known for drinking tea (various evangelical groups refused initially to endorse him) and he has paid his dues as a judge, worked blamelessly for Bush (who is certainly no Trump lover and was happy to jeopardise his own reputation — excepting some may think he has none to lose — by lobbying for him behind the scenes), vetted three times by the FBI on each promotion and been the subject of over 7 FBI investigations. He was asked to answer over 1300 *written* questions in addition to the oral examination which, as pointed out elsewhere, was more questions than all previous judges in the history of Supreme Court nominations **combined**.

The then cynical use of this accusation at 11:59:59s during the process at the expense of the pain and abuse of women was breathtaking. There has been a lot of talk of Kavanaugh as an "[\[American\] male made mad because he is being held accountable](#)", my hopefully fair paraphrase of [Jessica Valenti](#) but I am prepared to cut him some slack as I do not now how he managed to stay so calm in such an environment — no other potential justice has ever been made to put up with what he has had to put up with and that on the unsympathetic world stage that has already judged him guilty, it was not because of a fresh awareness created by the #MeToo generation. *Just be objective, Gorsuch's hearings were a walk in Central Park compared to this because they did not affect the balance of the Court.* This was a politically motivated smear based on the premise that if we dig hard enough we can find something on this guy even if the sexual abuse charge does not stick, not a clarion cry for the rights of abuse victims or the rights of women as legitimate as they are; I should imagine lifestyle modelling for his daughters has not been encapsulated by the lust for blood demonstrated by some of his female opponents.

*The cause of women would be far-better served by women populating the various Houses and gaining positions in the judiciary than an exercise in mobocracy and social media hate-speech (on both sides of the argument) and death-threats (on both sides of the argument).*

Yes, it is not as quick and takes a generation for lasting change but there used to be a time in the West when people built with the understanding that it was their grandchildren that would complete what they started. There is obviously a serious problem in Western culture (well, let us face it, with human civilisation generally) with the institutionalised abuse of women and it is right women and us fellow-travelling men should make lots of noise about it but standards of justice *must* still be maintained if we are to avoid the tyranny of an impassioned, principled, organised minority that abuses the power of the State to further its agenda.

With all seriousness, the moral bankruptcy of the politicians, their inability to defend justice, evidence and proof was reminiscent of Pontius Pilate's lack of moral backbone to prevent the condemnation of a man that could not be proved guilty because he wanted to please the crowd, plain and simple. The pathetic whinings of Senator's in front of lifts and the Alaskan senator's "*he is a good man but just tainted*" (my paraphrase) — yep, by unsubstantiated accusation at the eleventh hour (though they had the letter at least 6-months in advance) by a Democratic party not wanting to lose its grip on judicial power.

This episode is another one that shows us the desperate state of the West. There seems to be no lines that people are not now prepared to cross to push their own sectarian and illiberal agendas, to manipulate in the name of the "common good", to falsely accuse and cynically hide behind social

justice issues that are actually robbing other people of their freedom by using the coercive State to force compliance to a minority ideology bypassing all the normal democratic processes of consent. Think of the decayed Roman empire that denied justice to its people, fed them instead a diet of inane entertainment (think Hollywood?) and destroyed itself as a result of inaction as the barbarians with their foreign religions were at their gates. Research the history of civilisations and you will see that same pattern repeated again and again with a healthy dose of drunkenness and sexual lasciviousness mixed in — yep, the Babylonians needed #MeToo as the Medes and Persians slipped in unopposed because they were too busy having orgies and a party in what they thought was their impregnable fortress equipped with all the latest technologies. We are very close to passing into history, gobbled up by the expanding Islamic empire — *hideously* close if you are living in Europe with our dead citizens littering our concert venues and our London streets, executed by bombing in the name of the one true prophet of Allah, *peace be upon him* . To be honest, we deserve to be put out of our misery if we condemn a man on the basis of accusation and value emotional sincerity over objective evidence in a courtroom.