

## ***Brat Kavanaugh's Pall on Yale***

*~ rueful reportage on spectacles in DC and values in New Haven ~*

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| scott addison '72 – March 2019

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The Senate hearings on Brett Kavanaugh's Supreme Court nomination made foul smells on all sides, revealing flawed political motives and a failed process of deliberative review. For this jaded 'Policy Wonk', it was infuriating to see the debate devolve into petty contentions on shades of elite teenage debauchery, and evade the real issues of his competence and career. For this crusty 'Old Blue', it was alarming that Kavanaugh's later antics implicated Yale so conspicuously as a haven of haughty decadence and gateway to corrupt power.

The polarized course of this nomination was predictable -- first in the grandiloquent postures and gladhand schmooze around Congress, ad nauseam, then as queries for meaningful records were met with concealment by delay & default. It played out as the decisive Senate Hearings turned into a divisive Soap Opera.

The centrist Democrats banked on Dr. Christine Blasey Ford's primal sexual abuse trauma to kick loose a moral backlash in the national media, just to sway a few swing votes. Sure, it was saucy daytime TV, but this tactic preempted any serious inquiry into Kavanaugh's judicial record, or the tilted legal constructs he embraces and abides.

The Repugnican performance was totally obvious – rearing up indignant that this fine judge should be so maligned and demeaned. In testimony Kavanaugh insistently denied these events and defied the process. He was brazenly petulant in disdain -- a ploy to parry queries into his history of drunken excesses and abusive machismo... *"I like beer"* was not a defense.

As the debate reached its acrimonious crescendo, the bilateral call for an FBI investigation seemed a saving gesture, but it turned out to be hollow. The inquest was cursory and shallow, never reaching most material witnesses from his private prep school days or his Yale years, nor any meaningful questions about his conduct among peers. Plainspoken, it sounded like he was an arrogant young jerk, but that's not illegal. In the end Dr. Ford's revelations raised eyebrows and sympathies, but were left uncorroborated and unconvincing as grounds to reject this nominee.

→ Only in light of Kavanaugh's later career are his formative years intelligible. It is most telling in his trajectory from Yale Law School to the Starr "Fishin' Commission" -- chumming for smears on Bill Clinton and grounds for impeachment: He was a disciple and protégé of right-wing partisan law from the start, true to his class, rewarded for the most rabid dicta in NeoCon political purposes. From there he rose quickly as his memorandums aligned with all their buzzwords, dogwhistles, and coups.

It was no small irony that his views on Executive powers shifted with the political winds::: under the Bush II regime, it was then expedient to exalt presidential sovereignty & immunity. This got him nominated to the Court of Appeals in 2003, yet the appointment was held up for 3 years; his legal resume was so politicized that his fitness was called into question. But then a deal got made for him and he got what he wanted, again.

Now this `fortunate son` is advanced once more -- not for the proven merit of his legal thinking, but for his willingness to wield partisan ideologies in the law. That is why Trump chose him and McConnell endorsed him for the Supreme Court -- and in truth it is what should disqualify him as a judge of any kind.

Back in the day there was at least a pretense of keeping the law above politics, and of nonpartisan professional standards in choosing judges -- but in our era we have habituated to political hacks stacking the bench. The Repugnians have made this the norm ever since Nixon put Powell & Rehnquist on the Supreme Court, ramping up through the Reagan years and replicating this tactic in appointments at all levels, inflicting damage on the law ever since.

Kavanaugh is a risen thug in that racket, a 'made man' in that lawyerly mob. Then it makes perfect sense -- his beer-swilling and pussy-grabbing as a solicitous preppie, undergrad, and law student, driven by influence & ambition above any public interest.

He was reared as a prodigy of the DC elite, and bought into the privileges & impunities of having powerful friends. He learned as a lad that he could do pranks, booze, or molestation and get away with it. The pattern of plying alcohol and cornering a young woman in a room with a male accomplice is most disturbing. It bespeaks motives of predatory coercion and show-off status in the peer phalanx, the complicit bond of nazi brownshirts... how those punks laughed at Christine's fear was truly sick.

This gets to the real issues of conduct and character for this high court nominee: There were youthful follies he may have outgrown, and brat perversions he didn't. Kavanaugh lied about Christine's trauma, and about his intentions on '*Roe v. Wade*' -- in both ways diminishing women's dignity & rights, and holding himself above reckonings.

His nascent personality flaws segue into an ascendant career of legal fallacies... this continuity should have been fatal to Kavanaugh's further rise. It was always about his entitlement and obedient liaisons with well-connected mentors. With the passage of time, all that has changed is that he now acts like an arrogant *old* jerk.

Yet, by dint of our insidious civics, he is now a Supreme Court Justice anyway, poised to contort the law for a generation. The Constitution mandates the Senate's "*Advice and Consent*" in such appointments (Art. II, § 2) -- a crucial 'check-&-balance' on Executive license and sheer incompetence, made by Madison to invoke the highest standards of jurisprudence in review.

Of course this authority is susceptible to political bias... historically both parties have leaned on this loophole in notable episodes, but in our era the Repugnians have exploited it systematically.

By the 1980's Conservative 'litmus-tests' were refined and rigidly imposed on judicial appointments. Democrats finally rallied to block the flamboyant extremist Robert Bork, but many more muted ideologues made it through, then and under both Bush regimes. Intriguingly in 2016 VP Joe Biden reprised this as the one real "regret" of his career -- that they didn't see the big picture, how much right-wing tilt was built into federal courts through those years. We saw it on the street... how did they *not* know in the Senate?

Moreover the GOP agenda of using and infusing the courts to enforce partisan ends betrays the most glaring hypocrisy: This is the most volatile form of `judicial activism`, despite the accusations they level at liberals -- altering the law as-applied by fiat.

Phases of this saga reflect ill on Yale: In our day, Inky Clark's visionary admissions policies had spawned a diversified populist College... social relevance & activism were ascendant, there was more weed than beer, the frat scene & patrician arrogance were out of favor. The women first arrived our sophomore year -- they were a marvel of purpose and composure, and predatory conduct was unacceptable. It seems elitism was resurgent when boy-Brett came through in the self-indulgent 1980's, enclaves of drunken license were fashionable again and the girls were fair-game... his secret society was known for this.

Then, how his path opened through Yale Law School... for all its bright progeny, it has also harbored the likes of Bork, Alito, Bolton and Kavanaugh, and too many other apostles of oligarchy in the legal canon. They preach personal liberty, but enshrine the sovereign state, suppress speech, disenfranchise the poor, build and fill prisons, and entrench corporate power. They espouse the Constitution, but apparently learned little of its common law roots and meaning, or the rights it protects -- or we have to wonder what they were taught there.

The Kavanaugh drama muddied Yale's name with a darker side of campus life, of bumptious young bluebloods, predatory and protected on the fast-track to wealth & power -- and with scholastics degraded by sophistries, set loose in high places to spin the depredations of partisan politics under color of law.

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