

The Importance of Defeating the Supreme Court Nomination of Brett Kavanaugh... and of Doing So On the Right Terms

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Brett Kavanaugh represents a grave threat to the future of humanity, and his nomination to the Supreme Court should be thoroughly rejected. As we have written:

Brett Kavanaugh has a long ugly history in both the executive and judicial branches of the U.S. government in pursuing a reactionary Christian fascist agenda. This proven public record is why his nomination to the Supreme Court should be and must be stopped. Kavanaugh played a thoroughly reactionary role in the Republi-fascist Starr Commission's inquisitorial attempt to impeach Bill Clinton in the 1990s. As a member of the Bush regime he justified torture. Later he said that the president should be immune from prosecution. And his judicial decisions in the last decade trampled on basic constitutional rights especially regarding women and LGBTQ people.

If he is approved for the Supreme Court he would lock in a pro-fascist majority in a branch of government which can decisively affect all parts of the government, as well as the rights of the people to speak out and dissent. Further: The decisions he would almost immediately participate in will significantly intensify, to put it mildly, the oppression and degradation of women and LGBT people. The protests of the past two weeks have been righteous and should continue.

In short, Kavanaugh has done great harm throughout his life, and if given the chance to ascend to the Supreme Court he will do far far worse.

What we knew and what is even now further coming to light concerning Kavanaugh's views on the rights of women to control their own reproduction, especially but not only the right to abortion, as well as a number of other serious issues, including torture and executive power, to name a few—which in every case he has verged from stonewalling to deception to outright mendacity—all argue that **his ascension to the court would do grave and incalculable harm and must be opposed and STOPPED.**

Up to now, despite the efforts and sacrifice of several thousand people who *did* turn out in DC, with many getting arrested, the struggle to stop this has NOT been commensurate with the threat posed. As for the top Democrats, they have exposed *some* of Kavanaugh's record and complained about the cover-ups, but they have not brought out anything close to the full extent and substance of it nor have they pinpointed it as *fascist*, they have not called out masses, nor have these Senators simply stopped the hearings as illegitimate until a full disclosure was made and a full interrogation allowed; in the main they have basically gone through the motions.

Yet it is not too late to mount the major struggle required—if masses of people are led to grasp the depth of the harm Kavanaugh's ascension to the Court will do and its connection to the overall fascist program. But this struggle must be fought on the right terms.

The Accusation Against Kavanaugh of Sexual Assault and Attempted Rape

Early in this whole process, Dr. Christine Blasey Ford told her congressional representative that Kavanaugh sexually assaulted and attempted to rape her when she was 15 years old and he was 17. At this point, other than those who were in the room, nobody knows the exact truth of this allegation; yet many are speaking with utter surety, with no real basis to do so beyond hunches and what they know from press accounts, as to what did or did not happen. To deem something true because it comports with your experience, or is consistent with larger pervasive social phenomena (the outrage of sexual assault in this case), or what feels right to you does NOT lead to actually correctly understanding reality; getting to the truth requires a serious and open-minded sifting of concrete evidence. To act on the basis that something *seems* true without such evidence can lead, and has led, to very bad outcomes.

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At the same time—and *this is also very important*—some basic truths that *have* been underlined in this past period include the fact that many women do in fact wait years before bringing truthful accusations precisely because of the huge social forces arrayed *against* women when they do so, including shaming and outright revenge attacks, all of which multiply in vitriol and pervasiveness in the age of social media. Connected to that, most women do not make such accusations lightly; and virtually *all* women have stories of harassment, abuse, beatings, extortion, or rape perpetrated by men and boys in their backgrounds. That this is so is one extremely important reason for revolution, for overturning this social order and its putrid relations between people and values (relations and values fostered and reinforced by virtually every institution in society), and replacing it with a genuinely emancipatory one; indeed, were this pervasive harassment and abuse the *only* thing wrong with this system, that would be reason enough to make revolution. However, this larger social truth does not itself determine the truth, or falsity, of any particular assertion.

Following the emergence of this accusation, for many people the truth or falsehood of this charge has become the decisive issue in the Kavanaugh nomination. And even some people who have up to now opposed Kavanaugh for the more overriding reasons we enumerated at the beginning of this article are shifting their emphasis to make this the principal issue. All of this is wrong. Even if the evidence eventually points unambiguously to Kavanaugh's guilt, that should *not* be the decisive question or even the straw that breaks the camel's back.

How Should We Judge a Person's Past?

First, even assuming that the weight of evidence brought forward proves the charge leveled against Kavanaugh, what someone did at 17 years old has to be mainly looked at in relation to their entire lives. People at 17 are not fully responsible adults; they are still in the process of becoming who they will be.*

The decisive question is not what someone did as a youth but what has been the subsequent arc of their life. People can change; the question should not be if they did bad things as a youth, but: have they fundamentally confronted and broken with that—or have they continued in the same essential direction? In the case of Kavanaugh, these facts are beyond clear: whatever he did (or did not) do as a teenager, as a full-grown man he has been a major player in strengthening patriarchal oppression and in driving forward the overall fascization of the U.S.—and this is true no matter how many women who knew him way-back-when say that he was a polite teenager, or whether Dr. Blasey's accusation proves to be true or not. It is for *these* reasons that Kavanaugh must be opposed or defeated.

The Importance of the Right Terms

This leads to the second point. If Kavanaugh is to be rejected not mainly, or decisively, for his proven record as an adult but for accusations—even if they prove to be true—of what he did as a juvenile, on what basis will the nominee who will surely succeed him (for instance, if it is the even more right-wing, if that is possible, Amy Barrett) be opposed?

More important: what kind of society are we going for? One in which errors and even crimes in people's youth are brought forward and wielded against them when they are adults, and in which these are deployed for political ends (no matter how just and correct those ends may seem in the short run)? Or one in which people are judged on the arc of what they dedicate their lives to and in which there is a fundamental moral unity between means and ends?

The Struggle Against Kavanaugh Must Intensify

Again, the struggle to prevent Kavanaugh from being seated must not only continue but intensify, *with* the correct focus—on his thoroughly fascist history and what *that* portends for the future of humanity. Revolutionaries and radicals should be wherever people are struggling against this nomination, exposing the full weight of the danger involved with this nomination and directing the outrage against the *fascist* reshaping of the Supreme Court, the Trump/Pence fascist regime overall, and the capitalist-imperialist system which brought forward this whole nightmare.

* For this reason, comparisons between this situation and Anita Hill are not entirely apt. Hill brought her accusations against a grown man who had authority over her in a governmental agency.

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