

JUDGE KAVANAUGH  
Tuesday  
September 18, 2018

It's easy to stand up for what we believe in when no one else is opposed, when everyone is showing us their support, but when our voice is in the minority, or worse, "politically incorrect," could you still stand up for what's right? Knowing that people would publicly despise you for speaking out? Could you do it when you didn't like the person or subject you're trying to defend? I find myself in just a situation. I don't think that Judge Kavanaugh should be appointed to the US Supreme Court, at least, not at this moment. There's simply too much that's been withheld from the public, too many questions that need to be answered before we can even consider voting on whether or not to make him a Supreme Court Justice. This is one of the most important jobs in this country, if not the world. His decisions would literally have the power of life and death over not just the person appearing before him, but on anyone coming after in the same situation, regardless of the court they're appearing. With a single stroke of his pen, he can grant, or deny, a plethora of rights to individuals and even entire groups of people. His decisions, even when in the minority, set the tone for future generations to come, and as if this wasn't sobering enough, he's a relatively young man for such a position, which isn't a bad thing, until you take into account the length of his term. Unlike the President, he's not running for reelection in 4-years, or limited to a total of 2 terms. Once appointed, he's appointed for LIFE. If we agree to appoint him today, only to later discover the seriousness of our error, we're stuck with him until he dies or retires, whichever comes first. Knowing this, shouldn't we be proceeding with a bit more caution and hiding less from the American people? At the same time, I think it's wrong to even attempt to use an unsubstantiated 35-year old rape allegation, especially when no formal complaint was ever filed.

Let's assume, just for the sake of argument, that we actually live in a country in which our citizens are constitutionally guaranteed the right to be presumed innocent until proven guilty. By necessity, this would imply that the burden is on the person filing the charge to establish two things: that a crime had in fact been committed, and that the person they accused was the person committing the crime. Unfortunately, that's not what happens in this country. At least, not when the allegation is sexually based. Accuse someone of sexual harassment, or worse, rape, and everyone lines up to crucify you before they've even heard the first detail, let alone anything the defense might have to say. In Judge Kavanaugh's situation, despite the fact that more than 35-YEARS have passed, no charges were ever filed, no police report was prepared and no investigation was ever conducted, officially or unofficially, and yet, here we are, as a nation, rushing to condemn him for something that we know absolutely nothing about.

Since we're assuming that we live in a country in which we're supposed to be presumed innocent until proven guilty, let's go ahead and assume, just for a moment, that this woman's claims are 100% accurate. That, when he was in high school Judge Kavanaugh, while stumbling down drunk, pushed her down onto the bed and attempted to force her to have sex with him. For whatever reason, he didn't succeed, and for whatever reason, she failed to report him to anyone. It's been more than 35-years since this would have taken place, and while this certainly doesn't justify what he did, I can't help but take into consideration that more than 3-YEARS have passed! More importantly, look at what kind of man Judge Kavanaugh has become. If he truly attempted to rape that woman in high school, while drunk or not, then he was wrong, but what kind of message are we sending, not just to our children, but to everyone in the world, if we use this as the basis for voting against appointing him to the US Supreme Court? I'll be the first to agree that we don't need, or want, a judge, let alone a judge on the US Supreme Court, running around and raping people, but that's not what I'm hearing here. If her accusations are to be believed, then this is a man who, while incredibly intoxicated, attempted to force himself on her. Was he wrong? Without a doubt, but do his actions, more than 35-years ago define his character today? By ALL accounts, he's an upstanding member of the community, and has been, so if she's correct in what she's saying, doesn't this imply that he's changed his ways, perhaps because of this very incident?

You should think long and hard before answering that, even if only to yourself. I'm one of several MILLION convicted felons currently in the judicial system, and an untold number of tens of millions who successfully completed their time in the system. What's the message that you want to send? Is it one of hope, that, if we serve our sentence and change our ways, that we too can eventually become a productive member of society? Or is it one that, no matter how much you've changed your ways, you'll ALWAYS be excluded from what society has to offer, especially when it comes to things that really matter?

I don't know if Judge Kavanaugh is innocent or guilty, but I do know this: it's true that our past defines who we are today, whether we're talking about something we've done or something that was done to us, but it's also true that our past doesn't have to define who we are in a negative light. For example, there's no dispute that rape is evil. It has an impact on the victim in ways that often aren't seen for years, lasting for decades, even a lifetime, and not just on the victim, but on everyone, but some women are able to use the evil committed against them to transform their lives, using that pain as motivation to help others in similar situations, to prevent what happened to them from happening to others and so many other things. As evil as rape is, she was nevertheless able to use what happened to her to effect positive change. Isn't it possible for the perpetrator to do the same thing? To look back at his life, realize the harm he caused and dedicate his life to doing good?

Again, I'm not saying Judge Kavanaugh is guilty of innocent. I'm merely pointing out the fact that, if he did do it, then he's managed to rehabilitate himself in ways that no one in here could even begin to contemplate. He, and everyone else, should be judged on the man they are today, and not the person they used to be?

What offends me the most about this whole situation is the fact that, despite it being more than 35-years, no one's spoke up until now. This means that, had Judge Kavanaugh truly attempted to rape her, as she's claimed, he would have been free to continue doing so, and worse, to use the power of his office to cover up his crime spree. Yet, knowing this, she still failed to come forward, and now we're being asked to take her uncorroborated word and use it as a reason to vote against him being appointed as a Justice to the US Supreme Court. However, in the end, there's a certain sense of "poetic justice," seeing how, as a Federal Court Appeals Judge, Judge Kavanaugh did that EXACT same thing to many of the criminal defendants who complained about having been denied a fair trial when they were accused of rape because, for those who aren't aware, in many states, there need not be ANY corroborating evidence whatsoever to support the allegation made by a rape victim. So long as the jury believes the alleged victim's statement, nothing else matters.

Personally, I'm opposed to Judge Kavanaugh being appointed a Justice to the US Supreme Court, but not for this. I think that using this as a reason sends the wrong message to those who have worked hard to rehabilitate themselves while in prison.

As always, I welcome any feedback, good or bad, either by posting directly above or by sending them to me via snail mail to the address listed below. In the meantime, thanks for reading.

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