

Kavanaugh survival a triumph over mob will

By Nick Cater, *The Australian*, 8 October 2018

Having satisfied a Senate committee he is neither a witch nor consults with familiar spirits, Brett Kavanaugh enters the US Supreme Court to advance the blessed cause of common sense.

The crumbling of the sexual assault allegations against Kavanaugh is a serious blow to #MeToo, the creep-shaming campaign that empowers anyone with a Twitter account to be their own chief prosecutor.

The weekend confirmation of Kavanaugh's appointment could be a turning point, like the one in Salem, Massachusetts, when the public realised that witch-hunting was getting out of hand.

The evidence that Kavanaugh tried to remove Christine Blasey Ford's clothes at a drunken high school party is so weak that it was effectively on life support. Ford can tell us neither the house nor the neighbourhood where the misdemeanour took place. She cannot remember who drove her there nor who drove her home, and no one has identified him or herself as her driver.

None of the three fellow partygoers she named can tell us where the party was held. Indeed, none of them can remember a party being held.

She is unable to jog their memories with the date. In one account Ford said it happened in the "mid-eighties", in another she said she was in her "late teens". Finally she settled on 1982, when she was 15.

We do know, however, the date Ford broke her silence to name her assailant. It was July 6 this year as news firmed that Kavanaugh would be President Donald Trump's Supreme Court choice.

Ford named him, she tells us, out of a "sense of urgency to relay information to the Senate and the President". She relieved her sense of urgency by placing a call not to the White House or the Senate but to the news tip hotline at *The Washington Post*.

As corroborating evidence, she supplied to the *Post's* unsceptical reporter her therapy notes. They were evidence not of what happened but what Ford felt had happened, and how she felt about what she felt had happened, and how she felt those feelings might have contributed to her issues, issues she undeniably has.

The reporter seemed to feel she had the evidence. Her editor seemed to feel so too, and felt it should be published in the hope the Senate committee too might feel Ford's pain and the pain of any other victim of a man they felt was a lascivious little creep.

In the search for truth, Ford's therapy notes are as reliable as the spectral evidence accepted by the Massachusetts court that tried citizens accused of the capital crime of witchcraft.

Spectral evidence consisted of accounts of dreams and visions in which witnesses had been tormented by a witch's spectrum. The witch would frequently appear as the figure of a black cat, raven or other menacing beast clearly recognisable as the guilty figure standing in the dock.

Evidence was corroborated by the fits of anguish witnesses would break into in the court, outbursts not dissimilar from the behaviour of the “believe her” protesters outside the Senate last week.

The banning of spectral evidence by the Massachusetts magistracy reduced the conviction rate to zero. All the convicted witches were released, save for the six men and 14 women who remained in the unconsecrated ground in which their executed bodies had been buried.

Justice, Salem-style, throws light on the careless destruction of reputations by uncorroborated allegations of sex crimes in today’s accusatory world. The laying of an allegation, whether in Salem, *The Washington Post* or the Royal Commission into Institutional Responses to Child Sexual Abuse, costs nothing. Defending an allegation can cost your life savings and reputation, with scant hope of recompense.

The accusations of children remain inviolate and accusers can expect a sympathetic ear. - Contradictory evidence for the prosecution is explained away as the result of trauma; all evidence from the defendant is rigorously interrogated.

The crime under investigation, be it witchcraft or sex abuse, is placed in a special category, so serious that the normal rules of evidence are waived. Distinctions are blurred and proportion is lost. Drunken teenage groping becomes as serious as rape.

A sexual allegation is the nuclear option in the armoury of ad hominem warfare. Trump’s progressive opponents have no qualms about deploying it, and no respect for the presumption of innocence or the rule of law.

They are fighting a bigger cause in defence of righteousness against the forces of evil. The witch-hunts of the 17th century, like creep hunts of the 21st, satisfy an instinct to separate the saved from the damned. It is a desire as strong on today’s progressive Left as it was among North America’s Calvinist early settlers.

“The co-existence of the contradictory notions of certainty as to who was saved, and ultimate uncertainty on the subject, helped produce that characteristically New England Puritan mix of smugness and fear,” wrote the American historian Frances Hill in *A Delusion of Satan*. “Tolerance was not a virtue but laxity.”

There is hope that Kavanaugh’s survival in the face of these allegations shows that neo-puritanical intolerance may be close to exhaustion.

Among Republican supporters and fair-minded Democrats, Kavanaugh’s reputation has been enhanced, just as Trump’s was by the swivel-eyed campaign to brand him a predator. Even critics, such as *The New York Times* columnist Bret Stephens, have sided with the President and backed his nominee on the grounds that letting the mob win would be worse.

His appointment encourages the hope that political correctness will eventually succumb to the laws of gravity by collapsing under the weight of its own absurdity.

The lesson for Trump haters is contained in Newton’s third law: for every action there is an equal and opposite reaction. The President’s support is galvanised by their overreach and grubby politics. If they want to refill the swamp, they must first climb out the mud.

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