

Brett Kavanaugh is the Swamp

On September 28, Brett Kavanaugh squeaked through the US Senate Judiciary Committee's vetting process on an 11-10 vote to recommend his confirmation as an associate justice of the US Supreme Court. The committee's deciding voter, US Senator Jeff Flake (R-AZ), conditioned his final confirmation vote on the findings of a one-week FBI investigation into allegations that Kavanaugh committed one or more acts of sexual battery in his high school and college years.

I don't want to minimize the relevance of those allegations. Obviously no one wants a rapist sitting in one of the country's nine most powerful judicial seats. Nor do I believe that the allegations, if false, should weigh against a non-rapist's aspiration to one of those seats.

But, as the TV pitch-men like to say, "wait — there's more!" More to Brett Kavanaugh. More to his life. More to his career. More to his qualifications. More to his demeanor. Setting the sexual battery accusations completely aside, the other stuff makes him an unattractive candidate for the job.

In the hearings, Kavanaugh tried to pass himself off as a regular guy who worked his way up the ladder on merit, not connections: "I got into Yale Law School," he pointed out. "That's the number one law school in the country. I had no connections there. I got there by busting my tail in college."

Nope, no connections. It's just coincidence that he's a Yale "legacy" (his grandfather graduated Yale in 1928), that he attended high school at the exclusive Georgetown Prep (his father graduated Georgetown University), and that his father headed a large DC lobbying group representing more than 600 companies (the Cosmetic, Toiletry, and Fragrance Association, now known as the Personal Care Products Council). Surely Brett Kavanaugh would have risen to the top of his field even if he'd been born in a public housing project and attended public schools, right?

President Donald Trump was elected at least in part on a promise to "drain the swamp." As a populist pledge, that would amount to smashing DC's system of rule by entrenched, "connected" bureaucrats like Brett Kavanaugh.

With the exception of a couple of years as partner in a large law firm (doing political work even there), Kavanaugh's spent his entire career in government and politics. Law clerk. Working on Kenneth Starr's investigations of Bill Clinton. Bush campaign lawyer during the 2000 Florida fiasco. Associate White House counsel. Assistant to the President. White House Staff Secretary. Federal appeals court judge.

Kavanaugh is “in the club” and has been from birth. His arrogant and even angry demeanor in the Senate hearings seems less about the sexual battery allegations than about the gall and temerity of anyone to question his entitlement to a Supreme Court throne.

Brett Kavanaugh is the swamp. If Trump and the Republicans were serious about shaking up the federal government and breaking the grip of politically connected careerists on power, he’d never have made the presidential “short list” for SCOTUS, let alone have been nominated.

But they aren’t — and never were — serious.