

High Crimes and Misdemeanours of Kavanaugh and the Senate-Trump Faction. Step-by-step Overthrow of the Rule of Law

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Global Research, October 05, 2018

Region: [USA](#)

Theme: [Law and Justice](#)

“By a faction, I understand a number of citizens, whether amounting to a majority or a minority of the whole, who are united and actuated by some common impulse of passion, or of interest, adverse to the rights of other citizens, or to the permanent and aggregate interests of the community” – James Madison, Federalist Paper 10

Despite the historic stakes of the ram-through appointment to the Supreme Court of the United States of a serial liar and alleged early rapist, who loudly denounces his Senate questioners as a “left-wing conspiracy” – sniffing all the time as his habit – there has been no legal analysis of his abetted crimes of persistent false statements and declarations, and factional subversion of the rule of law and the US Constitution itself.

As law and moral philosophy professors writing just as the White-House-counsel controlled FBI ‘investigation’ is hidden under cover from citizens and the press, we are moved by duty to explain what has so far been lost in media melodrama, political cover-up at the highest levels, he-says-she-says reductions, and the politics of effectively usurping the rule of law in the United States.

As a branch of government it is unique from the other two branches of government – the legislative. and executive branches – in that the supreme Justices are arbiters of what is allowed or prevented by the US Constitution as the ultimate source of the rule of law in America.

All life-long appointees of the Supreme Court of the United States have a duty to exercise this supreme power, granted them by the people of the United States to protect and defend the rights of its citizens under the Constitution. As such, they are obliged to demonstrate legal impartiality and moral competence at the highest level in moral practise and public conduct.

Supreme Court appointment of Kavanaugh resembles the operations of a hardened criminal gang

Yet what if the entire process is led by a long train of proved false declarations, persistently intentional misdirection, and perjury under oath with no restraint?

What if in both candidate for office and his Senate and White-House-counsel managers fix an obstruction of truth and justice and refusal to answer questions throughout, and level non-stop attacks and slanderous accusations of anyone stepping in the way? What if all the

while intimidation of all resistance up to threats of death against the testifying victim rise in the background and the US President himself reverses his endorsement of the credibility of the witness against Kavanaugh and uses his bully pulpit to mock her in a televised public speech at a political rally? What if the FBI itself is used as a covertly operating instrument whose report is manipulated and made secret to the public and the press?

What if in all evident respects the process and appointment to the highest judicial office of the land operates like a criminal conspiracy with a vice-grip on all three branches of government – in the words of Madison, the very definition of ‘tyranny’ – with now the Supreme Court itself fixed to ignore and override basic issues of justice and morality for the next generation in a situation of cumulatively unprecedented social and environmental crisis?

We have already seen the unraveling of even the need to *appear* objective, disinterested, above the political mob mentality and thuggery of this ruling faction in one long train of abuses, false statements and lying with impunity under oath. The reckless and grasping nature of the Kavanaugh appointment, in short, shows an unbound faction of power treating its position of tyrannical rule as its personal property and right.

Step-by-step overthrow of the rule of law

What has happened in Washington DC with the Kavanaugh hearings is of grave concern to anyone who believes in the democratic rule of law over a moneyed faction fixing all legal process. What this hearing and FBI investigation now controlled by the White House Counsel and ranking Senate Republicans shows is a series of non-stop false statements and actions that attack the very heart of our system of laws and poison the soul of the nation.

In our considered legal and moral opinion, Kavanaugh’s continual false declarations and prevarications are grounds for impeachment in even his current position of Federal Court Judge. In our judgement, with which many will agree, Trump’s candidate Kavanaugh has incontestably demonstrated unfitness for *any* judicial or public office. His speech and actions *under oath, to the US Senate*, is enough to be disbarred and lose his law license.

Kavanaugh has been so continuously coached from the highest offices of the land to act *above the law* in every regard that this corrupt appointment reaches into the depths of a ‘tyrannical faction’ now in control of our federal government and institutions. It has so overreached in lawless and naked abuse of power that only keeping the public in ignorance can allow it to continue into the mid-term elections this November – the acid test of US democracy which is now before us.

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