

Natural Law

By Aysha Zackria and Aaron Satyanarayana

SCENE: Senate Judiciary Committee, Washington, D.C.

TIME: 1991, 2018

CHARACTERS:

ANITA HILL

CLARENCE THOMAS

DR. CHRISTINE BLASEY FORD

BRETT KAVANAUGH

THE SENATORS:

MALE SENATOR #1

MALE SENATOR #2

MALE SENATOR #3

MALE SENATOR #4

MALE SENATOR #5

FEMALE SENATOR #1

FEMALE SENATOR #2

FEMALE SENATOR #3

PROLOGUE: THE OPENING STATEMENTS

Lights up on HILL,
THOMAS, and the MALE
SENATORS.

MALE SENATOR #4

Mr. Chairman and members of the committee, other than the nominee himself, I know Clarence Thomas better than anyone who will appear before this committee. I hired him 17 years ago, when he was a law student. He worked for me twice, as an assistant State attorney general and as a legislative assistant, and we have kept in touch since he left my office. His life story is public knowledge, and I will not review it for you. Instead, this will be a personal testimony about

MALE SENATORS

the Clarence Thomas I know,

MALE SENATOR #4

and a reflection on the case that is being made by various groups that oppose his confirmation.

MALE SENATORS

The Clarence Thomas I know

MALE SENATOR #4

has special qualities which convince me that he is more than the average nominee. Clarence Thomas is his own person. Repeatedly, he has said that, as a judge, he has no personal agenda and that he will call them as he sees them...

MALE SENATORS

He is serious, deeply serious

MALE SENATOR #4

in his commitment to make a contribution with his life... The discrimination he has known in his own life is still too much with us. There is so much more to do, if we are to end it. This is

MALE SENATORS

the seriousness of Clarence Thomas.

MALE SENATOR #4

It is not anger, as some have suggested. It is not a bitterness that eats away at him, but it is profound and it forms the person that he is and

MALE SENATORS

the Justice he will become...

MALE SENATOR #4

I hope all of us will read some of his speeches in their entirety. They are eloquent statements of his deep commitment to justice in America. He said,

THOMAS

Discrimination holds out a different life for those who do not happen to be the right race or the right sex. It is a world in which the have's continue to reap more dividends than the have-not's, and the powerful wield more influence than the powerless.

MALE SENATOR #4

He said,

THOMAS

I never understood the logic behind the division of labor that decreed that women be restricted to certain jobs, such waste of talent, such infringement of individual rights.

MALE SENATOR #4

He said,

THOMAS

There is something less than equitable about a system that subjects an individual to stronger sanctions for breaking into a mailbox than for violating the basic civil rights of another human being.

MALE SENATOR #4

I am convinced that you will not judge Clarence Thomas on the basis of litmus tests, you will judge him on the basis of his ability and character and the special qualities he would bring to the Court...

MALE SENATORS

In this time of change,

MALE SENATOR #2

fundamental constitutional rights which have been protected by the supreme court for decades are being called into question.

MALE SENATORS

In this time of change,

MALE SENATOR #2

the supreme court's self-restraint from interference in fundamental social decisions about regulation of our health care, environment and economy is also being called into question. Judge Thomas, you come before this committee,

MALE SENATORS

in this time of change,

MALE SENATOR #2

as an adherent of the view that "natural-law" philosophy should inform the constitution. In this view, personal freedom to make moral choices about how we live our own lives should be replaced by a morality imposed on the conduct of our private and family lives by the court. The supreme court actually took this approach in the past, holding in 1873, for example, that women could not become lawyers because it was not, as the court put it,

MALE SENATORS

"in their nature."

MALE SENATOR #2

Those who subscribe to this "moral-code" view of natural law call into question a wide range of our personal rights - from reproductive freedom, to each individual's choice over procreation. Needless to say, this sort of natural-law philosophy is one the nation can not accept.

MALE SENATORS

If this committee is to endorse your confirmation, we must know with certainty that these radical constitutional departures are not what you have in mind when you talk about natural law.

MALE SENATOR #2

In closing, Judge Thomas, I want to return to where I started - the importance of your nomination.

PARODE: THE PROPHECY

Lights up on THE
SENATORS, HILL,
THOMAS, FORD, and
KAVANAUGH.

FEMALE SENATOR #1

I did receive a letter from Dr. Ford. The next day I called Dr. Ford. We spoke on the phone. She reiterated that she wanted this held confidential, and I held it confidential, up to a point where the witness was willing to come forward. And I think as I make my remarks, perhaps you'll see why.

FEMALE SENATORS

Because how women are treated in the United States, with this kind of concern, is really wanting a lot of reform...

FEMALE SENATOR #1

(to FORD)

So, I am very grateful to you for your strength and your bravery and coming forward. I know it's hard. But before you turn it over, I want to say something about what it is to be discussed today and where we are as a country.

FEMALE SENATORS

Sexual violence is a serious problem and one that largely goes unseen.

FEMALE SENATOR #1

In the United States, it is estimated by the Centers for Disease Control,

FEMALE SENATORS

one in three women and one in six men will experience some form of sexual violence in their lifetime.

FEMALE SENATOR #1

According to the Rape, Abuse, and Incest National Network,

FEMALE SENATORS

60% of sexual assaults go unreported.

FEMALE SENATOR #1

In addition, when survivors do report their assaults, it's often years later, due to the trauma they suffered and fearing their stories will not be believed.

FEMALE SENATORS

There's been a great deal of public discussion about

FEMALE SENATORS and FORD

the #MeToo Movement today versus

FEMALE SENATORS and HILL

the Year of the Woman almost 27 years ago.

FEMALE SENATORS

But while young women are standing up and saying "no more,"

ALL SENATORS and HILL

our institutions have not progressed in how they treat women who come forward.

FEMALE SENATOR #1

Too often, women's memories and credibility come under assault. In essence, they are put on trial, and forced to defend themselves, and often re-victimized in the process.

FEMALE SENATOR #2

27 years ago, I was walking through an airport when I saw a large group of people gathered around the TV to listen to Anita Hill tell her story. What I saw was an attractive woman in a blue suit before an all-male Judiciary Committee, speaking of her experience of sexual harassment. She was treated badly to accused of lying, attacked, and her credibility put to the test throughout the process.

FEMALE SENATOR #1

Today, Dr. Christine Blasey Ford has come forward to tell her story of being assaulted and fearing for her life when she was a teenager. Initially, as I said, Dr. Ford did *not* want to make her story public. Then, within 36 hours of coming forward, Republicans scheduled a hearing without talking to her or even inviting her to testify. She was told she had to show up or the committee would move forward with a vote. It took a public outcry for the majority to back down and give her even a few days to come before the Committee. Republicans also scheduled this hearing with Dr. Ford without having her allegations investigated by the FBI.

FEMALE SENATOR #2

In 1991, Anita Hill's allegations were reviewed by the FBI, as is the normal process, and squarely within its jurisdiction.

FEMALE SENATOR #1

However, despite repeated request, President Trump and the Republicans have refused to take this routine step and direct the FBI to conduct an impartial investigation. This would clearly be the best way to ensure a fair process to both Judge Kavanaugh and Dr. Ford.

FEMALE SENATOR #2

In 1991, the Senate heard from 22 witnesses over three days.

FEMALE SENATOR #1

Today, while rejecting an FBI investigation, Republicans are refusing to call anyone who could speak to the evidence that would support or refute Dr. Ford's claim. And not one witness who could address credibility or character of either Ford or Kavanaugh has been called.

FEMALE SENATOR #3

What I find most inexcusable is this rush to judgement. The unwillingness to take these kind of allegations at face value and look at them for what they are:

ALL SENATORS

a real question of character for someone who is asking for a life-time appointment on the Supreme Court.

FEMALE SENATOR #2

In 1991, Republicans belittled Professor Hill's experience, saying quote "It won't make a bit of difference in the outcome" end quote. And the burden of proof was on Professor Hill.

FEMALE SENATOR #1

Today, our Republican colleagues are saying "This is a hiccup!" "Dr. Ford is mixed up" and declaring "I'll listen to the lady, but we're going to bring this to a close." What's worse, many of our colleagues, on the other side of the aisle, have also made it clear that no matter what happens today,

ALL SENATORS

the Senate will plough right through and ensure Judge Kavanaugh will be elevated within a week.

FEMALE SENATOR #1

In fact, on Tuesday, the majority went ahead and scheduled a vote on the nomination, before we heard one word of testimony regarding sexual assault and misconduct by Brett Kavanaugh. Republican leadership even told senators they should

ALL SENATORS

plan to be in over this weekend so the nomination can be pushed through without delay.

FEMALE SENATOR #1

This is despite the fact that in the last few days two more women have come forward with their own serious allegations of sexual assault involving Brett Kavanaugh.

ALL SENATORS

Welcome. Welcome to the blinding lights.

EPISODE ONE: HILL TESTIFIES

Lights up on HILL and
MALE SENATORS.

HILL

After approximately three months of working [at the Department of Education] under Judge Thomas, he asked me to go out socially with him. What happened next and telling the world about it are the two most difficult things -- experiences of my life. It is only after a great deal of agonizing consideration and sleepless number -- a great number of sleepless nights that I am able to talk of these unpleasant matters to anyone but my close friends. I declined the invitation to go out socially with him and explained to him that I thought it would jeopardize at what -- at -- at the time I considered to be a very good working relationship. I thought that by saying no and explaining my reasons my employer would abandon his social suggestions. However, to my regret, in the following few weeks, he continued to ask me out on several occasions...My working relationship became even more strained when Judge Thomas began to use work situations to discuss

sex. His conversations were very vivid. He spoke about acts that he had seen in pornographic films involving such matters as women having sex with animals and films showing group sex or rape scenes. He talked about pornographic materials depicting individuals with large penises or large breasts involved in various sex acts. On several occasions, Thomas told me graphically of his own sexual prowess. Because I was extremely uncomfortable talking about sex with him at all, and particularly in such a graphic way, I told him that I did not want to talk about these subjects. I would also try to change the subject to education matters or to nonsexual personal matters such as his background or his beliefs. My efforts to change the -- the subject were rarely successful. One of the oddest episodes I remember was an occasion in which Thomas was drinking a Coke in his office. He got up from the table at which we were working, went over to his desk to get the Coke, looked at the can and asked, "Who put pubic hair on my Coke?" On other occasions, he referred to the size of his own penis as being larger than normal, and he also spoke on some occasions of the pleasures he had given to women with oral sex...I began to feel severe stress on the job. I began to be concerned that Clarence Thomas might take out his anger with me by degrading me or not giving me important assignments. I also thought that he might find an excuse for dismissing me...I seek only to provide the committee with information which it may regard as relevant. It would have been more comfortable to remain silent. It took no initiative to inform anyone -- I took no initiative to inform anyone. But when I was asked by a representative of this committee to report my experience, I felt that I had to tell the truth. I could not keep silent.

MALE SENATOR #2

Was Judge Thomas your direct supervisor? Did you report to anyone else but Judge Thomas at the time?

HILL

I reported only to Judge Thomas.

MALE SENATOR #2

Who prepared your performance evaluation?

HILL

I understood that Judge Thomas prepared the performance evaluations.

MALE SENATOR #2

Did the chief of staff, to the best of your knowledge, have the power to fire you?

HILL

Not to my knowledge.

MALE SENATOR #2

Who had that power?

HILL

Judge Thomas.

MALE SENATOR #2

Was there anyone else at EEOC that you believe possessed that power?

HILL

No; not for that office.

MALE SENATOR #2

Was Judge Thomas still then your ultimate boss and the boss of the entire office?

HILL

Yes.

STASIMON ONE

Lights up on MALE SENATORS.

MALE SENATORS

We have been working on the proposition that either Anita Hill is lying or Judge Thomas is lying.

MALE SENATOR #4

And we have explored earlier today, with a panel of four women who favor Judge Thomas but who knew Professor Hill very well, the possibility that there could be in her mind that these things happened when they really didn't. And it may be that

MALE SENATORS

we are not limited

MALE SENATOR #4

to the two alternatives, one, that he is lying; two, that she is lying. Perhaps they both think they are telling the truth, but in Professor Hill's case she thinks it is true but in fact it is not.

EPISODE TWO: THOMAS'S HEARING

Lights up on THOMAS,
HILL and MALE
SENATORS.

THOMAS

Senator, I would like to start by saying unequivocally, unconditionally, that I deny each and every single allegation against me today that suggested in any way that I had conversations of a sexual nature or about pornographic material with Anita Hill, that I ever attempted to date her, that I ever had any personal sexual interest in her, or that I in any way ever harassed her. A second, and I think more important point. I think that this today is a travesty. I think that it is disgusting. I think that this hearing should never occur in America. This is not a closed room. There was an FBI investigation. This is not an opportunity to talk about difficult matters privately or in a closed environment. This is a circus. It's a national disgrace. And from my standpoint as a black American, as far as I'm concerned, it is a high-tech lynching for uppity blacks who in any way deign to think for themselves, to do for themselves, to have different ideas, and it is a message that unless you kowtow to an old order, this is what will happen to you. You will be lynched, destroyed, caricatured by a committee of the U.S. -- U.S. Senate, rather than hung from a tree.

MALE SENATOR #5

Now, I suppose you have heard Professor Hill testify today.

THOMAS

No, I haven't.

MALE SENATOR #5

You didn't listen?

THOMAS

No, I didn't. I have heard enough lies.

MALE SENATOR #5

You didn't listen to her testimony?

THOMAS

No, I didn't.

MALE SENATOR #5

On television?

THOMAS

No, I didn't. I've heard enough lies. Today is not a day that, in my opinion, is high among the days in our country. This is a travesty. You spent the entire day destroying what it has taken me 43 years to build and providing a forum for that.

MALE SENATOR #5

Judge Thomas, you know we have a responsibility too, and as far as I am involved, I had nothing to do with Anita Hill coming here and testifying. We are trying to get to the bottom of this. And, if she is lying, then I think you can help us prove that she was lying.

THOMAS

Senator, I am incapable of proving the negative that did not occur. I didn't create it in people's minds. This matter was investigated by the Federal Bureau of Investigation in a confidential way. It was then leaked last weekend to the media. I did not do that. This leaked on me and it is drowning my life, my career and my integrity, and you can't give it back to me, and this Committee can't give it back to me, and this Senate can't give it back to me. You have robbed me of something that can never be restored.

MALE SENATOR #4

I know exactly how you feel.

MALE SENATOR #5

Judge Thomas, one of the aspects of this is that she could be living in a fantasy world. I don't know. We are just trying to get to the bottom of all of these facts. But if you didn't listen and didn't see her testify, I think you put yourself in an unusual position. You are, in effect, defending yourself, and basically some of us want to be fair to you, fair to her, but if you didn't listen to what she said today, then that puts it somewhat in a more difficult task to find out what the actual facts are relative to this matter.

MALE SENATOR #3

Judge Thomas, I have sat here and I have listened all day long, and Anita Hill was very impressive. She is an impressive law professor. She is a Yale Law graduate. And, when she met with the FBI, she said that you told her about your sexual experiences and preferences. And I hate to go into this but I want to go into it because I have to, and I know that it is something that you wish you had never heard at any time or place. But I think it is important that we go into it. She said to the FBI that you told her about your sexual experiences and preferences, that you asked her what she liked or if she had ever done the same thing, that you discussed oral sex between men and women, that you discussed viewing films of people having sex with each other and with animals, and that you told her that she should see such films, and that you would like to discuss specific sex acts and the frequency of sex. What about that?

THOMAS

Senator, I would not want to, except being required to here, to dignify those allegations with a response. As I have said before, I categorically deny them. To me, I have been pilloried with scurrilous allegations of this nature. I have denied them earlier and I deny them tonight.

MALE SENATOR #2

It is time to end this. Thank you, very much.

ALL SENATORS vote.

MALE SENATOR #3

On this vote, the ayes are 52. They nays are 48. The nomination of Clarence Thomas of Georgia to be an associate justice of the Supreme Court of the United States is hereby confirmed.

STASIMON TWO

Lights up on ALL SENATORS.

MALE SENATOR #1

Good morning. I welcome everyone to this confirmation hearing on the nomination of—

FEMALE SENATOR #3

Mr. Chairman.

MALE SENATOR #1

Judge Brett Kavanaugh—

FEMALE SENATOR #3

Mr. Chairman.

MALE SENATOR #1

to serve as Associate Justice of the
Supreme Court of the United States.

FEMALE SENATOR #3

Mr. Chairman, I'd like to be
recognized for a question—

MALE SENATOR #5

Regular order.

FEMALE SENATOR #3

before we proceed. Mr. Chairman, I'd like to be recognized for a question before we
proceed. The committee received just last night, less than 15 hours ago

MALE SENATOR #5

Mr. Chairman, regular order.

FEMALE SENATOR #3

thousands of documents that we have
not had a chance to review or read or
analyze.

MALE SENATOR #1

You are— you are out of order. I will proceed.

FEMALE SENATOR #3

We cannot possibly move forward, Mr. Chairman.

MALE SENATOR #1

I extend a very warm welcome to Judge Kavanaugh, to his wife, Ashley, their two daughters—their extended family and friends, Judge Kavanaugh’s many law clerks, and everyone else joining us today. I know this is an exciting day for all of you here.

FEMALE SENATOR #3

We have not been given an opportunity to have a meaningful hearing on this nominee.

MALE SENATOR #3

Mr. Chairman, I agree with my colleague, Senator Harris. Mr. Chairman, we received 42 thousand documents that we haven’t been able to review last night, and we believe that this hearing should be postponed.

MALE SENATOR #1

Stop so we can conduct this hearing the way we have planned it. Maybe it isn’t going exactly the way that the minority would like to have it go, but we have set for a long—for a long period of time that it would proceed on this day, and I’ve—and we are to give the American people an opportunity to hear whether Judge Kavanaugh should be on the Supreme Court or not.

EPISODE THREE: FORD TESTIFIES

Lights up on ALL
SENATORS and FORD 23
days later.

MALE SENATOR #1

The Senate Judiciary Committee held its four-day public hearing from September 4th to September 7th. Judge Kavanaugh testified for more than 32 hours in public. Throughout this period, we did not know about the ranking member’s secret evidence. Then, only at

an 11th hour, on the eve of Judge Kavanaugh's confirmation vote, did the ranking member refer the allegations to the FBI. And then, sadly, the allegations were leaked to the press. And that's where Dr. Ford was mistreated. This is a shameful way to treat our witness, who insisted on confidentiality, and—and, of course, Judge Kavanaugh, who has had to address these allegations in the midst of a media circus. It has been 23 days since this hearing began... I look forward to a fair and respectful hearing. That's what we promised Dr. Ford. The testimony we will hear today concerned allegations of sexual assault, very serious allegations. This is an incredibly complex and sensitive subject to discuss and it's not an easy one to discuss. This is why the senators on this side of the dais believe an expert with deep experience in training and interviewing the business of sexual assault and investigating sexual assault led allegations should be asking questions.

FORD

I am here today not because I want to be. I am terrified. I am here because I believe it is my civic duty to tell you what happened to me while Brett Kavanaugh and I were in high school. I understand and appreciate the importance of your hearing from me directly about what happened to me and the impact that it has had on my life and on my family. I truly wish I could be more helpful with more detailed answers to all of the questions that have and will be asked about how I got to the party and where it took place and so forth. I don't have all the answers, and I don't remember as much as I would like to. But the details that—about that night that bring me here today are the ones I will never forget. They have been seared into my memory, and have haunted me episodically as an adult. Early in the evening, I went up a very narrow set of stairs leading from the living room to a second floor to use the restroom. When I got to the top of the stairs, I was pushed from behind into a bedroom across from the bathroom. I couldn't see who pushed me. Brett and Mark came into the bedroom and locked the door behind them. I was pushed onto the bed, and Brett got on top of me. He began running his hands over my body and grinding into me. I yelled, hoping that someone downstairs might hear me, and I tried to get away from him, but his weight was heavy. Brett groped me and tried to take off my clothes. He had a hard time, because he was very inebriated, and because I was wearing a one-piece bathing suit underneath my clothing. I believed he was going to rape me. I tried to yell for help. When I did, Brett put his hand over my mouth to stop me from yelling. This is what terrified me the most, and has had the most lasting impact on my life. It was hard for me to breathe, and I thought that Brett was accidentally going to kill me. During this assault, Mark came over and jumped on the bed twice while Brett was on top of me. And the last time that he did this, we toppled over and Brett was no longer on top of me. I was able to get up and run out of the room. Directly across from the bedroom was a small bathroom. I ran inside the bathroom and locked the door. I waited, and when I did not hear them, I left the bathroom, went down the same stairwell through the living room,

and left the house. Brett's assault on me drastically altered my life. For a very long time, I was too afraid and ashamed to tell anyone these details. I did not want to tell my parents that I, at age 15, was in a house without any parents present, drinking beer with boys. I convinced myself that because Brett did not rape me, I should just move on and just pretend that it didn't happen. Since September 16th, the date of the Washington Post's story, I have experienced an outpouring of support from people in every state of this country. Thousands and thousands of people who have had their lives dramatically altered by sexual violence have reached out to share their experience and have thanked me for coming forward. We have received tremendous support from our friends and our community. At the same time, my greatest fears have been realized and the reality has been far worse than what I expected. My family and I have been the target of constant harassment and death threats, and I have been called the most vile and hateful names imaginable. These messages, while far fewer than the expressions of support, have been terrifying and have rocked me to my core. People have posted my personal information and that of my parents online on the Internet. My family and I were forced to move out of our home. Apart from the assault itself, these past couple of weeks have been the hardest of my life. I've had to relive this trauma in front of the world. And I've seen my life picked apart by people on television, on Twitter, other social media, other media and in this body, who have never met me or spoken with me. I have been accused of acting out of partisan political motives. Those who say that do not know me. I'm an independent person and I am no one's pawn. My motivation in coming forward was to be helpful and to provide facts about how Mr. Kavanaugh's actions have damaged my life, so that you could take into a serious consideration as you make your decision about how to proceed. It is not my responsibility to determine whether Mr. Kavanaugh deserves to sit on the Supreme Court.

FORD and HILL

My responsibility is to tell you the truth.

FEMALE SENATOR #1

I want to ask you one question about the attack itself. You were very clear about the attack. Being pushed into the room, you say you don't know quite by whom, but that it was Brett Kavanaugh that covered your mouth to prevent you from screaming, and then you escaped. How are you so sure that it was he?

FORD

The same way that I'm sure that I'm talking to you right now. It's—just basic memory functions. And also just the level of norepinephrine and epinephrine in the brain that, sort of, as you know, encodes—that neurotransmitter encodes memories into the

hippocampus. And so, the trauma-related experience, then, is kind of locked there, whereas other details kind of drift.

MALE SENATOR #1

You have an active recollection of that?

HILL

That is my recollection.

MALE SENATOR #1

Anything further in that conversation?

HILL

At that point, I think again we might have moved on. She—

MALE SENATOR #1

Might have moved on, or do you not recall the specifics of the conversation?

HILL

I will complete my thought here.

FEMALE SENATOR #1

Had you had anything to drink?

FORD

Not at all.

FEMALE SENATOR #1

Were you on any sort of medication?

FORD

None.

MALE SENATOR #1

That is the essence as to what occurred.

HILL

No, it is not. I think we differ on our interpretation of what I said.

MALE SENATOR #1

Well, what am I missing here?

MALE SENATOR #3

Mr. Chairman, can we let the witness speak in her own words, rather than having words put in her mouth?

MALE SENATOR #1

Mr. Chairman, I object to that. I object to that vociferously. I am asking questions here. If Senator Kennedy has anything to say let him participate in this hearing.

MALE SENATOR #2

Now, let everybody calm down...And let me ask, because there is a lot of pressure for any witness sitting under the lights this long, would you like to take a break now?

STASIMON THREE

Lights up on ALL
SENATORS, FORD, HILL
and KAVANAUGH.

MALE SENATOR #4

Senator Leahy?

MALE SENATOR #3

Dr. Ford, thank you for being here. Mr. Chairman, you know, the — the way to make this inquiry truly credible is to do

MALE SENATORS

what we've always done

MALE SENATOR #3

when new information about a nominee comes to light. To use your words this morning, you want to

FORD and MALE SENATOR #3

reach the truth.

MALE SENATOR #3

The easy way to do that: ask the FBI to investigate. This is

MALE SENATORS

what we've always done.

MALE SENATOR #3

Let them investigate, report back to us. The same applies to the serious allegations made by Deborah Ramirez and Julie Swetnick. Let's have a nonpartisan, professional investigation and then take the time to have these witnesses testify. Chairman, you and I were both here 27 years ago.

MALE SENATOR #3 and FEMALE SENATORS

At that time, the Senate failed Anita Hill.

MALE SENATOR #3

I said I believed her. But I'm concerned that we're doing a lot less for these three women today. That's my personal view...Dr. Ford, no matter what happens with this hearing today, no matter what happens to this nomination, I know, and I hear from so many in my own state of Vermont,

MALE SENATOR #3 and FEMALE SENATORS

there are millions of victims and survivors out there who have been inspired by your courage. I am...Bravery is contagious. Indeed, that's the driving force behind the MeToo movement. And you sharing your story is going to have a lasting, positive impact. We owe you a debt of gratitude for that, Doctor.

MALE SENATOR #2 and FEMALE SENATORS

Dr. Ford, as difficult as this experience must be, I want you to know your courage in coming forward has given countless Americans the strength to face their own life-shattering past and to begin to heal their wounds.

FEMALE SENATOR #1

By example, you have brought many families into an honest and sometimes painful dialogue that should have occurred a long time ago. No one, no one should face

harassment, death threats and disparaging comments by cheap-shot politicians simply for telling the truth.

FEMALE SENATOR #2

Watching your experience, it's no wonder that many sexual assault survivors hide their past and spend their lives suffering in pained silence. You had absolutely nothing to gain by bringing these facts to the Senate Judiciary Committee. The fact that you are testifying here today, terrified though you may be, the fact that you have called for an FBI investigation of this incident, the fact that you are prepared to name both Judge Kavanaugh and eyewitness Mark Judge stands in sharp contrast to the obstruction we've seen on the other side.

FEMALE SENATOR #3

The FBI should have investigated your charges as they did in the Anita Hill hearing, but they did not. Mark Judge should be subpoenaed from his Bethany Beach hideaway and required to testify under oath, but he has not.

FEMALE SENATOR #1

After spending decades trying to forget that awful night, it's no wonder your recollection is less than perfect. A polished liar can create a seamless story, but a trauma survivor cannot be expected to remember every painful detail.

FEMALE SENATOR #2

One question is critical. In Judge Kavanaugh's opening testimony, which we will hear after you leave, this is what he says:

KAVANAUGH

"I never had any sexual or physical encounter of any kind with Dr. Ford. I am not questioning that Dr. Ford may have been sexually assaulted by some person in some place at some time."

FEMALE SENATOR #2

Last night, the Republican staff of this committee released to the media a timeline that shows that they've interviewed two people who claimed they were the ones who actually assaulted you. I'm asking you to address this new defense of mistaken identity directly.

FEMALE SENATOR #3

Dr. Ford, with what degree of certainty do you believe Brett Kavanaugh assaulted you?

FORD

One hundred percent.

EPISODE FOUR: KAVANAUGH'S HEARING

Lights up on
KAVANAUGH, FORD,
and ALL SENATORS.

KAVANAUGH

Dr. Ford publicly accused me of committing wrongdoing at an event more than 36 years ago when we were both in high school. I denied the allegation immediately, categorically and unequivocally. When this allegation first arose, I welcomed any kind of investigation...Listen to the people I know. Listen to the people that have known me my whole life. Listen to the people that I've grown up with and worked with and played with and coached with and dated and taught and gone to games with and had beers with. And listen to the witnesses who allegedly were at this event 36 years ago. I was not at the party described by Dr. Ford.

ALL

This confirmation process has become a national disgrace.

KAVANAUGH and ALL SENATORS

The Constitution gives the Senate an important role in the confirmation process.

KAVANAUGH

But you have replaced "advice and consent" with "search and destroy"

KAVANAUGH and ALL SENATORS

This is a circus.

KAVANAUGH

The consequences will extend long past my nomination. The consequences will be with us for decades. This grotesque and coordinated character assassination will dissuade competent and good people of all political persuasions, from serving our country. Last

time I was here, I told this committee that a federal judge must be independent, not swayed by public or political pressure. I said I was such a judge, and I am. I will not be intimidated into withdrawing from this process. You've tried hard. You've given it your all. No one can question your effort, but your coordinated and well-funded

KAVANAUGH and FORD

effort to destroy my good name and to destroy my family will not drive me out. The vile threats of violence against my family will not drive me out. You may defeat me in the final vote, but you'll never get me to quit. Never. I'm here today to tell the truth.

KAVANAUGH

I've never sexually assaulted anyone.

KAVANAUGH and FORD

Sexual assault is horrific. Allegations of sexual assault must always be taken seriously, always. Those that make allegations always deserve to be heard.

KAVANAUGH

At the same time, the person who is the subject of the allegations also deserves to be heard.

KAVANAUGH and FORD

Due process is the foundation of the American rule of law.

KAVANAUGH

Due process means listening to both sides. I'm not questioning that Dr. Ford may have been sexually assaulted by some person in some place at some time. But I have never done this. To her or to anyone. That's not who I am. It is not who I was. I am innocent of this charge. I intend no ill will to Dr. Ford and her family. The other night, Ashley and my daughter, Liza, said their prayers. And little Liza — all of 10 years old — said to Ashley, "We should pray for the woman." It's a lot of wisdom from a 10-year old. We mean — we mean no ill will...

MALE SENATOR #1

None of these allegations are true?

KAVANAUGH

Correct.

MALE SENATOR #1

No doubt in your mind?

KAVANAUGH

Zero, I'm 100 percent certain.

MALE SENATOR #1

Not even a scintilla?

KAVANAUGH

Not a scintilla; 100 percent certain, senator.

MALE SENATOR #1

You swear to God?

KAVANAUGH

I swear to God.

MALE SENATOR #1

That's all I have, judge.

GRASSLEY

Judge Kavanaugh, thank you very much. Hearing adjourned.

ALL SENATORS vote.

MALE SENATOR #4

On this vote, the ayes are 50. They nays are 48. The nomination of Brett. M. Kavanaugh of Maryland to be an associate justice of the Supreme Court of the United States is confirmed.

EXODE: FATE FULFILLED

Lights up on FEMALE
SENATORS.

FEMALE SENATOR #1

This debate is complicated further by the fact that the Senate confirmation process is not a trial. But

FEMALE SENATORS

certain fundamental legal principles about due process,

FEMALE SENATOR #1

the presumption of innocence and fairness do bear on my thinking and I cannot abandon them. In evaluating any given claim of misconduct,

FEMALE SENATORS

we will be ill-served in the long run

FEMALE SENATOR #1

if we abandon the presumption of innocence and fairness, tempting though it may be. We must always remember that it is when passions are most inflamed that fairness is most in jeopardy... I listened carefully to Hill's testimony before the Judiciary Committee. I found her testimony to be sincere, painful and compelling. I believe that she is a survivor of a sexual assault and that this trauma has upended her life. Nevertheless, I believe that Judge Thomas, or any nominee, deserves a fair, honest, and straightforward decision from the Senate on the merits of his nomination. Judge Thomas will not get that now, regardless of whether he is confirmed or rejected. Instead he will either advance to our nation's highest court under a cloud of suspicion he can never fully escape.

FEMALE SENATOR #2

At age 35, a professor of law, a Yale graduate, Anita Hill goes back to what? There is much said about her mental health, that she was delusional, had fantasies.

FEMALE SENATORS

Maybe she was deluded into the fact that if she came forth and was a good citizen, she would be protected. Maybe she had fantasies about the fairness of a process she thought she would get in the United States Senate.

FEMALE SENATOR #3

Despite Kavanaugh's record, and listening to 32 hours of his testimony, the Senate's advice and consent role was thrown into a tailspin following the allegations of sexual assault by Professor Christine Blasey Ford. The confirmation process now involves

evaluating whether or not Judge Kavanaugh committed sexual assault and lied about it to the Judiciary Committee. Some argue that,

FEMALE SENATORS

because this is a lifetime appointment to our highest courts,

FEMALE SENATOR #3

public interest requires that doubts be resolved against the nominee. Others see the public interest as abiding to our longest tradition of affording to those accused of misconduct a presumption of innocence. In cases in which the facts are unclear, they would argue that the question should be resolved in favor of the nominee... I have been alarmed and disturbed, however, by some who have suggested that unless Judge Kavanaugh's nomination is rejected,

FEMALE SENATORS

the Senate is somehow condoning sexual assault.

FEMALE SENATOR #3

Nothing could be further from the truth. Every person, man or woman, who makes a charge of sexual assault deserves to be heard and treated with respect. The MeToo movement is real. It matters. It is needed and it is long overdue.

FEMALE SENATORS

We owe this to ourselves, our children and generations to come.

FEMALE SENATOR #2

The problem isn't that too many victims are coming forward with fabricated stories to destroy someone's life. It's that too many survivors are afraid to come forward at all. They believe they won't be heard or taken seriously, or they think more about the impact on the perpetrator than their own safety and well-being, or they think the people with power -

FEMALE SENATORS

the ones who can actually do something

FEMALE SENATOR #2

- will instead "plow right through" them.

FEMALE SENATOR #3

I hope, I hope and I pray that we don't find ourselves in this situation again. But I'm worried. I am really worried that this becomes

FEMALE SENATORS

the new normal,

FEMALE SENATOR #3

where we find new and even more creative ways to tear one another down. That good people are just going to say, 'Forget it. It's not worth it.' The hateful, the aggressive, the truly, truly awful manner which with so many are acting now is got to end. This is not who we are. This is not who we should be. This is not who we raise our children to be.

FEMALE SENATOR #2

We never hear the stories of millions of sexual assault survivors. But some make the very difficult and personal decision to come forward and tell their stories. They are courageous, and they deserve to be heard and treated with respect. Not dismissed, not attacked, not threatened...

FEMALE SENATORS

With that, I yield the floor, and thank you.