Kavanaugh  
Opposition Brief by Thomas Sargent



*“Sometimes I hate politics.”*

*“You wouldn’t be a good leader if you didn’t.”*

*-* ***From “Generations: Those Who Don’t Know History…May Live to See Tomorrow.”*** *Written by Kenny Sargent, printed by BookVillages, and yes, that was a shameless ad, my dad is an excellent writer, go ahead and buy the book on Amazon, we’re about to release the audiobook which, by the way, I am the lead composer and editor of - and that’s another reason you should get it. This book was 7 years in the making. Ask for it as a birthday present.*

This is going to be fun. But first, I’m going to utter a quick rant. Ready? Here goes.

Start of rant

I love Christ, I love people, and because of those things, political commentary *pains* me. Especially when it’s painted by the left-and-right-wing news sources. In my experience, politics has become a mixed bag of honest people and corrupt liars all sucked into a tooth-and-nail battle full of exhausting, childish arguments and annoying *ad hominems* that would make our founding fathers roll over in their graves. It’s time to stop with the fake news and tiresome Facebook posts. If you have God’s calling to change the political structures of our nation, go for it! But as for me, (and my household) *political games are not worth my time.*

END OF RANT

My rant was reinforced during the Kavanaugh confirmation. I know that for some of you, those words bring pain: *Kavanaugh confirmation.* If you want to scream out a gesture of annoyance, feel free to do so now. Go ahead. I’m not watching you, don’t worry.

Go on.

Okay, done? Great. Now that both of us have gotten our steam out, let’s get into the brief.

When I kept up to date with the Kavanaugh confirmation, I didn’t even think he would lay a finger on this resolution. But low and behold, he did enter by means of the following math equation: “privacy violation = good thing.” We’ll examine said violation and its impact to the resolution in this brief.

One of the most important priorities in debate (and I won’t ever stop learning this) when addressing an argument is to *understand what it’s saying.* Seek first to understand, then be understood. Which is why you need to adapt your strategy to how the aff runs his arguments. If you’re reading the brief, I assume you’re on the negative. A possible strategy to use is to turn the privacy violation into something undesirable. If done right, this can be smooth-sailing to an argument victory. If you feel that’s too risky, try de-linking or de-impacting the application from the resolution. When you respond, pay careful attention to the affirmative’s rhetoric. Straight up, there are two potential options for the application of Kavanaugh:

Option A:

1. Kavanaugh was a good guy
2. The left side of the court didn’t believe him
3. He let the FBI investigate him, violating his privacy
4. He was squeaky clean, getting him into the court
5. This proves the resolution. Ta-da!

Option B:

1. Kavanaugh has a very bad haircut
2. People with bad haircuts shouldn’t be trusted
3. Therefore, it was good that the FBI investigated him
4. He could have been communist with that haircut, but as it turns out, he wasn’t
5. This proves the resolution. Ta-da!

If you see someone running Option B, you need to take them to see a mental health specialist. If you see someone running Option A, you need to read this brief.

I’ve provided several different areas of attack, with a personal strategic note attached to each one. You’ll also find URLs to articles that may broaden your perspective of Kavanaugh. Depending on your style of debate, you may prefer some arguments over others. Feel free to mix and match to your heart’s content! God bless your debate.

Opposition Brief: Kavanaugh

Truth Seeking Unnecessary

Caralle, Katelyn. “Sarah Sanders: Six Prior FBI Checks on Kavanaugh Uncovered Nothing.” Washington Examiner, 28 Sept. 2018, [www.washingtonexaminer.com/politics/sarah-sanders-six-prior-fbi-checks-on-kavanaugh-uncovered-nothing](http://www.washingtonexaminer.com/politics/sarah-sanders-six-prior-fbi-checks-on-kavanaugh-uncovered-nothing).

Spakovsky, Hans von. “Kavanaugh Saga: What the FBI Report Really Tells Us.” The Heritage Foundation, 5 Oct. 2018, [www.heritage.org/courts/commentary/kavanaugh-saga-what-the-fbi-report-really-tells-us](http://www.heritage.org/courts/commentary/kavanaugh-saga-what-the-fbi-report-really-tells-us).

(NOTE, NOT TO BE READ IN THE ROUND: Imagine reading a biography 6 times in a row, absorbing every single word on the page and understanding the literature with fluid clarity. Then, you decide to return for a 7th investigation, knowing that you won’t find anything new. Unless you’re learning the character of Jesus through the Gospels, such an attempt would be pointless and unfruitful. That’s the heart of this argument. Make sure you communicate to the judge that the idea of running the SAME CHECK for a 7th time was completely unneeded. It wasn’t completely new; they already knew his character and background.)

During the Kavanaugh confirmation, the USA had more information regarding Kavanaugh’s background than all of the previous nominees *combined[[1]](#endnote-1).* Before the FBI report in the hearing itself, the FBI had already run 6 background checks on Kavanaugh, as he went through various positions. Another investigation was unnecessary because Brett Kavanaugh had already been deemed clean during the other investigations. This one was a waste of time and fails to prove why we ought to agree with the resolution.

Ineffective at Swaying

Thomsen, Jacqueline. “Schumer: I Will Oppose Kavanaugh 'with Everything I've Got'.” TheHill, The Hill, 10 July 2018, thehill.com/homenews/senate/396236-schumer-i-will-oppose-kavanaugh-with-everything-ive-got.

Diaz, Daniella. “Whip List: Where Senators Stand on SCOTUS Nominee Brett Kavanaugh.” CNN, Cable News Network, 19 Sept. 2018, [www.cnn.com/2018/07/10/politics/brett-kavanaugh-senators-whip-list-vote-supreme-court/index.html](http://www.cnn.com/2018/07/10/politics/brett-kavanaugh-senators-whip-list-vote-supreme-court/index.html).

(NOTE, NOT TO BE READ IN THE ROUND: Why was Kavanaugh investigated in the first place? It was because most Democratic members of the senate were pushing for him to get an investigation. [By contrast, the Republican attitude was, “Wow, this is a sham!”] If you can answer the fundamental question of why he was investigated to begin with, you can use this response. He was searched for the sake of the unbelieving. Did it sway them?)

From the very beginning, leading figures in the democratic party hated Kavanaugh. Charles Schumer, minority leader of the Senate, said that he would oppose Kavanaugh *“with everything I’ve got.”*[[2]](#endnote-2) (funny side note, *Amy* Schumer also protested Kavanaugh) Senator Kamala Harris said that, “*Judge Brett Kavanaugh represents a direct and fundamental threat to that promise of equality and so I will oppose his nomination to the Supreme Court.*”[[3]](#endnote-3)

As many democrats pushed for Kavanaugh to get the investigation, they had already shown strong opposition to him. In fact, the only key people who actually became swayed by the FBI report were Jeff Flake and Susan Collins – both already Republicans. The impact of this is that Kavanaugh’s background check by the FBI was ineffective in swaying the democrats that wanted to see it in the first place, even though it officially deemed Dr. Ford’s allegations unsustainable.

Minority Scenario

“The 114th Supreme Court Justice of the United States Brett M. Kavanaugh.” The White House, The United States Government, [www.whitehouse.gov/scotus/](http://www.whitehouse.gov/scotus/).

(NOTE, NOT TO BE READ IN THE ROUND: This argument goes big on impact and depends on what your negative case is. Let’s say you run a case that relies heavily on application instead of framework. Maybe you’re just arguing communism is bad. :P In that case, make this argument scary: “A ransack, revelation of payment information, or scrutiny into personal information is a lot scarier for the individual citizen who doesn’t have the protection of the media or political allies.” If you run on framework, you can still make this argument work; you simply can’t compare the impact to your own case as well, i.e. you can show why your side is more important but be prepared to deal with the “real world” attack)

Securing a place on the Supreme Court is one the least relevant applications to this resolution. Brett Kavanaugh is one of only 114 people to ever serve on the Supreme Court. The current number of Americans is over 300,000,000. Mathematically, that means that if all 114 judges ran today at the same time, it would equal less than 0.00004% of the people currently living here. And that doesn’t account for the millions upon millions that came before us. This example, while interesting, doesn’t address the majority of criminal procedure cases. Most of us aren’t getting background checks to enter the Supreme Court. We’re simply good people that can, unfortunately, fall under a reckless structure of criminal law. The FBI’s investigation of Kavanaugh is completely different from criminal procedure having power to violate our privacy at will for the sake of arbitrary truth seeking.

Consent

Higgins, Tucker. “Senate GOP Agrees to One-Week Delay on Kavanaugh Supreme Court Confirmation to Allow for FBI Probe.” CNBC, CNBC, 28 Sept. 2018, [www.cnbc.com/2018/09/28/senate-gop-agrees-to-one-week-delay-on-kavanaugh-confirmation-to-allow-for-fbi-probe.html](http://www.cnbc.com/2018/09/28/senate-gop-agrees-to-one-week-delay-on-kavanaugh-confirmation-to-allow-for-fbi-probe.html).

Pappas, Alex. “Trump Orders FBI Investigation of Kavanaugh, as McConnell Says Nomination Is 'Moving' Forward.” Fox News, FOX News Network, 28 Sept. 2018, www.foxnews.com/politics/trump-orders-fbi-investigation-of-kavanaugh-as-mcconnell-says-nomination-is-moving-forward.

(NOTE, NOT TO BE READ IN THE ROUND: The reason this argument would work in the first place is because most affirmatives dwell on the idea of “violating” privacy in order to value it. After all, valuing something (or the lack thereof) is not confirmed unless action is taken. If you value Chinese food over American food tonight, you’re gonna probably choose Chinese food. If you’re affirmative, it may be unwise to run core presuppositional shifts in response, i.e. “We’re not talking about violation, we’re just talking about ‘valuing,’ which was what happened with the FBI.” This is undesirable because it dramatically changes your definitional position in the middle of the round.)

Imagine I said to you, “I’d love for you to come into my home tomorrow so we can enjoy a meal together.” If I uttered those words to you, it would be silly for me to try to claim later that you violated my privacy by knocking at my door. My privacy isn’t an issue in the equation anymore because *you are not disturbing me, as I consented to your visit.*

Kavanaugh *consented* to the FBI investigation to get into the Supreme Court by telling everyone that he would willingly put up with what the committee desired, even if that included a 7th background check. Although he obviously knew it was going to be a hassle, he consented to the will of the committee, publicly giving his cooperation to get into the position of a judge. This matters because in this case, Kavanaugh’s privacy wasn’t violated as he allowed an investigation by the will of the committee, which is not the same thing as a unwilling privacy infringement for the sake of truth seeking.

1. Spakovsky, Hans von. “Kavanaugh Saga: What the FBI Report Really Tells Us.” *The Heritage Foundation*, 5 Oct. 2018, www.heritage.org/courts/commentary/kavanaugh-saga-what-the-fbi-report-really-tells-us. [↑](#endnote-ref-1)
2. Thomsen, Jacqueline. “Schumer: I Will Oppose Kavanaugh 'with Everything I've Got'.” *TheHill*, The Hill, 10 July 2018, thehill.com/homenews/senate/396236-schumer-i-will-oppose-kavanaugh-with-everything-ive-got. [↑](#endnote-ref-2)
3. Diaz, Daniella. “Whip List: Where Senators Stand on SCOTUS Nominee Brett Kavanaugh.” *CNN*, Cable News Network, 19 Sept. 2018, www.cnn.com/2018/07/10/politics/brett-kavanaugh-senators-whip-list-vote-supreme-court/index.html. [↑](#endnote-ref-3)