

THE PENNSYLVANIA STATE UNIVERSITY
SCHREYER HONORS COLLEGE

DEPARTMENT OF COMMUNICATION ARTS AND SCIENCES

Public Discourse about Sexual Violence from 1991 to 2018: An Analysis of the Hill and
Kavanaugh Hearings

ERIN BROWN
Spring 2021

A thesis
submitted in partial fulfillment
of the requirements
for baccalaureate degrees
in Communication Arts and Sciences and Women's, Gender, and Sexuality Studies
with honors in Communication Arts and Sciences

Reviewed and approved* by the following:

Ekaterina Haskins
Professor of Communication Arts and Sciences
Thesis Supervisor

Jill Wood
Teaching Professor of Women's, Gender, and Sexuality Studies
Second Reader

Mary High
Associate Teaching Professor of Communication Arts and Sciences
Honors Adviser

* Electronic approvals are on file.

ABSTRACT

This thesis examines the discourses about sexual violence from Anita Hill in 1991 to the Kavanaugh Hearings in 2018. By examining the changes in rhetoric, we are able to understand if the #MeToo movement in 2018 had an influence on systematic change for survivors of sexual violence. The analysis of the questioning of victims of sexual assault and the politics that surround their testimony will allow us to understand why women who come forward with serious allegations of sexual misconduct are treated horrendously in the public sphere. In order to interpret the public attitudes and discourse in the Anita Hill and Kavanaugh Hearings, I use an Aristotelian rhetorical framework that includes ethos, enthymeme's, and endoxa. The Aristotelian rhetorical theory is essential for understanding the patriarchal norms in the public sphere. Throughout my analysis, I show that there were no radical changes from the Anita Hill Hearings to the Kavanaugh Hearings. Even though the #MeToo movement changed public knowledge about sexual violence, the attacks on victims stayed the same. In conclusion, I hope this thesis will allow readers to better understand how to invent a better system for addressing serious allegations of sexual misconduct against powerful men.

TABLE OF CONTENTS

ACKNOWLEDGEMENTS	iv
Chapter 1 Introduction	1
Chapter 2 Aristotelian Framework.....	7
Democracy in Athens.....	7
The Modern Democracy	9
The <i>Ethos</i> of the Rhetor	12
The Types of Rhetorical Speech.....	13
Endoxa	15
The Syllogism and the Enthymeme	18
The Limits of the Aristotelian Framework	19
Chapter 3 The Politics of the Anita Hill Hearings	22
History of Violence Against Black Women	22
Intersectionality.....	25
The Change in Endoxa and Anita Hill.....	35
28 Years Later.....	36
Chapter 4 The #MeToo Movement.....	38
The Beginnings of #MeToo	38
Voices Unheard in #MeToo.....	41
Changes in Public Attitudes.....	44
Rhetorical Analysis of #MeToo:.....	47
Chapter 5 The Characterization of Dr. Ford and Brett Kavanaugh	52
The Set-Up for the Hearings.....	52
Who is Dr. Ford?.....	52
Who is Brett Kavanaugh?	60
<i>Ethos</i> in Turmoil	69
Chapter 6 The Politics of the Kavanaugh Hearings	72
September 27 th , 2018 :	72
Setting the Scene: Politicization by Senator Grassley and Senator Feinstein	73
Dr. Ford’s Opening Statement.....	78
The Questioning of Dr. Ford.....	82
Kavanaugh Opening Statement.....	88
The Questioning of Kavanaugh.....	92
Chapter 7 Conclusion.....	100

Bibliography 105

ACKNOWLEDGEMENTS

This was the most intense and difficult project of my college career, and I would like to acknowledge and thank all of the individuals who have helped me complete my thesis. First, my Professor from the very first day of college, and my former honors advisor, Lori Bedell. Thank you for supporting me during my time at Penn State and believing in me even when I did not believe in myself. Next, I would like to thank my wonderful thesis advisor, Professor Ekaterina Haskins. You always pushed me to make my writing and thesis better, and encouraged me to develop a strong analysis grounded in rhetorical theory. I could not have completed this thesis without your support and kindness, especially when the pandemic made parts of the project more difficult. Dr. Haskins—thank you for your guidance and intellectual wisdom. I would also like to thank Dr. Jill Wood for her expert comments on the feminist analysis and assistance with building stronger feminist arguments. Thank you Dr. Wood for being an excellent professor and mentor in the WGSS Department and for taking the time to assist me on this project. Lastly, thank you to Dr. Mary High for being an exceptional honors advisor and for helping me graduate on time from the Schreyer Honors College.

I would also like to acknowledge my family for their support throughout my collegiate career at Penn State. Thank you to my parents who have supported my academic interests and allowed me to order many books from Amazon when the public libraries shutdown! I would also like to thank my Grammy Brown who sent me a text message every single night cheering me on in the final semester of thesis writing. I could not have completed this thesis without a community of Penn State friends and extended family who supported me emotionally and challenged me intellectually. Thank you.

Finally, I would like to acknowledge the bravery of both Anita Hill and Dr. Ford. You both experienced a gross injustice and exemplify a true “Profile in Courage”. Your determination to do what was right even when it was unpopular to do so will hopefully make the United States a more equitable place for survivors of sexual violence.

Chapter 1 Introduction

In the fall of my sophomore year of college, I walked to class while I watched everyone on my floor with their eyes glued to the television. On September 27th, Dr. Ford testified at the Supreme Court that Brett Kavanaugh had sexually assaulted her during high school (C-Span 00:40:00). Students everywhere on campus discussed if Dr. Ford's testimony was believable, if Kavanaugh's aggressive testimony put his candidacy for the Supreme Court in question, and most of all if Kavanaugh would end up being confirmed to the Court. The discourse going around on the campus was explosive. Some of my peers watched the hearings during class in the back of the lecture halls. It was a moment that captivated the public and would forever shaped attitudes about sexual violence.

Students posted on Instagram #BelieveWomen and #BelieveSurvivors. The public discourse suggested that a radical change in how society address sexual assault should occur. We wanted to believe that the contemptuous and unjust treatment that Anita Hill received in 1991 would not be repeated in 2018 during the Kavanaugh-Ford hearings. We wanted to believe that a year since the beginning of the #MeToo movement would result in a profound change in how we treat victims of sexual assault. It was obvious that public opinion had shifted. But students were unsure if the change in public opinion about sexual violence would affect the US government's institutional response. Unfortunately, the public discourse around sexual violence has largely stayed the same.

The power of Dr. Ford's testimony shined a light on the realities of sexual assault. But it also proved an important point, nothing had *really* changed since the last testimony of Anita Hill in 1991. Within a month most students had put the horror of the Kavanaugh hearings behind them and continued on with their daily lives. I had a more difficult time putting that moment behind me. I was struck by the grand political theatre that blamed victims of sexual assault and demonized Dr. Ford.

How could a judicial system that was founded on ideals of equality and liberty *still* humiliate victims of sexual assault who dare to challenge the patriarchal norms? Had we not learned anything from the Anita Hill Hearings in 1991? These unanswered questions pulled me to conduct a deep rhetorical inquiry into the discourse surrounding sexual violence from Anita Hill, to the #MeToo movement, and the Kavanaugh Hearings. I grew up believing in the American Dream of equality and democracy. I believed that the Founding Fathers created a government that would serve justice. At one time, I believed that the ideal would extend to individuals who are brave enough to come forward with stories of sexual assault. The systems that promised protection of the law both failed Anita Hill and Dr. Ford. My purpose in pursuing this topos of intellectual inquiry was to examine the *why*. Why did democracy fail both Anita Hill and Dr. Christine Blasey Ford? The purpose of this study is to critically analyze the discourses of sexual violence from Anita Hill to Dr. Ford using rhetorical theory that includes enthymemes, and endoxa in order to explain the changes in discourse about sexual violence.

The first chapter introduces an Aristotelian rhetorical framework for analyzing the rhetoric of both Anita Hill and Kavanaugh hearings. The chapter begins with an overview of Greek democracy and its influence on the creation of American democracy. Many of the norms and expectations that existed in the Ancient Greek society influence the norms that guide modern

democratic processes. In order for the reader to grasp the rules and expectations in the modern government, they must understand the theory and ideals that influenced their creation. Aristotle is most famous for theorizing the rhetorical proofs: *ethos*, *pathos*, and *logos* (Aristotle 10) . In this study, I focus on Aristotle’s interpretation of *ethos* and how the rhetor’s character is developed through speech with the goal of persuading an audience (Farrell 69). Aristotle’s classification of forensic and epideictic types of rhetoric are useful when examining the arguments put forth in the Anita Hill and Kavanaugh hearings. The setting itself called for forensic oratory but the participants used epideictic rhetoric to appeal to public memory of particular events. This is exemplified in Clarence Thomas’s testimony when he uses epideictic rhetoric to invoke the cultural memory of lynching (Lockwood 70). Aristotle also defines *endoxa* to help understand how the public constructs their opinions. This framework will be used to interpret public reaction to the hearings. Finally, I integrate the Aristotelian theory of “enthymeme” to interpret the unstated arguments that shape—and are shaped by--public opinion. These theoretical frameworks will be integrated throughout my thesis in order to ground my arguments.

The first case study of the discourse of sexual violence focuses on Anita Hill’s hearings in 1991. Anita Hill worked under Justice Clarence Thomas at the EEOC and experienced sexual harassment (Miller 22). She came forward publicly with her story of sexual harassment after Clarence Thomas was going through the nomination process to the Supreme Court (Trix 1). In order to contextualize the rhetoric of the Anita Hill hearings, I integrate Kimberel  Crenshaw’s Theory of Intersectionality. Crenshaw’s theory highlights how race and gender disproportionately affects Black women victims of sexual violence (Crenshaw 1). In my analysis of the Anita Hill hearings, I focus on the line of questioning that shows the ignorance of

government leaders about issues of sexual harassment. I also integrate Crenshaw's theory of Intersectionality to contextualize Thomas's invocation of "lynching" and the public response to Hill's testimony. I conclude the section on Anita Hill with an analysis of the public *endoxa* (entrenched opinions) about the hearings. The Anita Hill Hearings occurred in 1991 and the Kavanaugh Hearings took place in 2018. In order to understand how the discourse could have changed it is important to examine paradigm shifts in attitudes toward sexual violence. The next major event which sparked public discourse about sexual assault was the #MeToo movement in 2018.

The #MeToo movement went viral on Twitter in the fall of 2017 with a tweet by Alyssa Milano that said, "Me Too. Suggested by a friend: If all the women who have been sexually harassed or assaulted wrote 'MeToo' as a status, we might give people a sense of the magnitude of the problem" (Fileborn 3). The barrage of tweets was in response to a breakthrough story published by the *New York Times* that uncovered years of sexual assault committed by the Hollywood producer Harvey Weinstein (Kantor 20). The use of the #MeToo triggered an outpouring of stories of survivors of sexual assault and empowered victims to come forward with allegations. But the use of the #MeToo was stolen from a Black feminist, Tarana Burke. The competing discourse around #MeToo highlight the different treatment of victims of sexual assault depending on their race. The #MeToo moment can show the implications of intersectionality, and I expand upon this through a brief look at the R. Kelly Scandal. The theory became publicized during the Anita Hill Hearings but it did not become mainstream or part of the public *endoxa* until the #MeToo movement.

At the time, the #MeToo movement was perceived to be a major breakthrough for victims of sexual violence. But that definition of "breakthrough" would vary based on one's race,

class, and socio-economic status. While the #MeToo movement did not revolutionize the justice system in addressing sexual assault, it generated a significant amount of public awareness about the invisibility and ubiquity of sexual violence in society. The #MeToo movement created different expectations for how victims are to be treated in the public sphere. Throughout my study, this will be commonly referred to as the “endoxa” post #MeToo. The #MeToo movement started in 2017, and the Kavanaugh Hearings occurred roughly a year later. The biggest question leading into the Kavanaugh Hearings was: Had the #MeToo movement changed the way elite institutions respond to sexual assault?

In order to understand the stated and implied rhetoric in the Kavanaugh Hearings the reader must understand how Dr. Ford and Brett Kavanaugh ended before the Senate Judiciary Committee. Before I delve into the discourse of the hearings, I provide a detailed background of their upbringings, professional careers, and any mention of sexual violence in their lifespan through a third-party or from personal disclosure. In order to understand the arrogance Justice Kavanaugh exhibited during the hearing, it is essential to have knowledge of his privileged D.C. elite upbringing. In contrast, Dr. Ford grew up in the same social circle but left D.C. for Palo Alto, California and a life in academia (Pogrebin 62). I ground the analysis of Kavanaugh and Ford’s upbringing in a framework of *ethos* using theory from both Isocrates and Aristotle. Isocrates argues that, “...the argument which is made by a man’s life is of more weight than that which is furnished by words” (Farrell 60). Aristotle believes that the *ethos* of a rhetor is shaped through their speech and their argumentation (Farrell 69). In order to understand how both Dr. Ford and Kavanaugh respond to the questions and accusations of the senators, it is essential to understand their life story. The background also provides information on how to assess the probability and veracity of their arguments before the Senate.

The last section of my paper focuses on the testimony and questioning of both Dr. Ford and Kavanaugh. Here, I integrate the Aristotelian rhetorical frameworks of enthymeme, endoxa, and ethos. The discourse about sexual violence in the Kavanaugh Hearings initially appeared to be more sensitive to victims of sexual violence. Throughout the chapter, I argue that the same tropes that operated in the Anita Hill hearings persist in the Kavanaugh hearings. There is more superficial decorum because it is no longer socially acceptable to directly attack victims of sexual violence due to the ramifications from the #MeToo movement. The issue of race does not play any role in the Kavanaugh Hearings. It truly comes down to a “he said, she said” case. But the Kavanaugh Hearings differ also due to the invocation of ethics and morality by the Democratic Senators and the Republican accusations of the weaponization of Dr. Ford’s testimony by the Democrats. The discourse in the Kavanaugh Hearings is essential for understanding the changes in public perceptions of sexual violence and if those changes have any influence on the treatment of victims of sexual assault. The rhetorical analysis throughout my thesis ultimately aims to answer two important questions: Has the discourse about sexual violence changed in the past 30 years? And what can we learn about the mistreatment of women in the public sphere in order to create a more just system?

Chapter 2

Aristotelian Framework

In order to appropriately frame the cultural implications of the Kavanaugh Hearings, I am turning back to the classical Athenian democracy. I will explain how Aristotle's theory of democracy helped create "rules" in the deliberative sphere which apply to political norms in United States democracy. I will use Aristotle's *Rhetoric* to frame the arguments made in the Kavanaugh Hearings. I will focus on the concepts of ethos, endoxa, syllogism, and enthymeme in the rhetorical sphere. However, my application of Aristotle's rhetorical theorizing to the treatment of women in the contemporary public sphere does not amount to upholding the ancient philosopher's social values. It is important to note the inherent sexist gaze present in his writings. Aristotle was able to create a new world of political equality which prioritized men of privilege—cementing a legacy of classism, sexism, and racism which continues to influence thought, speech, and conduct at the highest governmental institutions in the world.

Democracy in Athens

Democracy in Athens was structured differently than modern democracy in the United States but there is some common ground. The Greek word "demokratia" emphasizes the basic tenet of Athenian democracy, "The people (demos) possess the political power (kratos) in the state" (Ober 2). A young man, who was 18 years old, and a citizen of Athens could become a citizen of the Demos (Blackwell 1). Any male citizen of Athens could participate in the Assembly of Citizens, which was an essential institution of democracy. The government in

Athens was divided into three parts: the Assembly of the Demos, the Council of 500, and the People's Court (Blackwell 1). The Athenian birthplace of democracy heavily influenced the original story behind the United States version of democracy and the vision for the public sphere. But the romanticized concept of Athenian democracy is quite different from the reality.

Many Americans mistakenly believe that the Athenian direct democracy was completely egalitarian—but that was not the reality. The reality of Greek democracy was twofold:

All citizens despite differences in their socioeconomic standing, should have an equal say in the determination of state policy; second, that the privileges of elite citizens, and the elite collectively, must be limited and restricted when those privileges come into conflict with the collective rights of the citizenry” (Ober 4).

The Athenian definition of citizenry was quite narrow. Athenians limited citizenship rights to “freeborn males of Athenian ancestry” (Ober 3). Notable groups that were left out of the democratic process include women, slaves, and resident aliens (Ober 3). Even a democracy that prided itself on not being governed by the elites—was still governed by an elite privileged group. The theory behind Ancient Greek democracy influenced the development of modern democracies whose structures were much different. Modern democracies created clear rules splitting the state and citizens. According to Ober:

The day-to-day business of a modern democratic government typically is run by an elite whose members provide the abstract entity of the state with the experience and leadership necessary for its continued existence...The people (the citizenry) thus delegate much of their political power to an elite (the government) whose members are expected to make policy in the interests of the state” (Ober 2).

Both ancient Greek and modern democracies rely on the elite rule. The belief that the anyone can participate in democracy has allowed more people to vote and participate in the educational system that has propelled many individuals to positions of prominence. But structural sexism and racism have severely limited the ability of women and minorities to participate in the executive, legislative and judicial branches of government.

The Modern Democracy

In the United States, we grow up believing in a mythic origin story of America. We learn the story about the birth of a country from the ashes of the American Revolution into one of the greatest democracies in the world. The United States government is divided into the traditional three branches: the executive, the legislative, and the judiciary. Most importantly, the mythic version of U.S. democracy sets expectations and norms for the public sphere. Rhetorical theorist and philosopher Martha Nussbaum articulates the ideology that guided the Founding Father's theory of democracy:

The founders were extremely fearful of popular passions and prejudices, and they did not want government to translate popular desires directly into law. They sought to create institutions that would filter those desires so as to ensure policies that would promote the public good. At the same time, the founders placed a high premium on the idea of 'civic virtue', which required participants in politics to act as citizens dedicated to something other than their self-interest, narrowly conceived (Nussbaum 9).

The emphasis on civic virtue is an important theme in American democracy. Another key principle that is part of the foundation of American democracy is equality. The infamous line in the Declaration of Independence states, “We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights” (National Archives 1). At the time, that definition only included white men. Like the Greeks, the architects of U.S. democracy did not include women, slaves, or anyone who was an immigrant in the definition of “man.” In the quest for a new country based on equality; large groups of the population were still left out of the narrative.

The belief that “all men are created equal” is echoed throughout American historical oratory. The lines in the Declaration of Independence come up again in Lincoln’s “Gettysburg Address.” Lincoln describes the American experiment as “...a new nation, conceived in Liberty, and dedicated to the proposition that all men are created equal” (Lincoln 1). It was the belief in equality that pushed Lincoln to pass the 13th Amendment abolishing slavery. The founding doctrine emphasized equality before the law for everyone—even though that equality really only protected the privileged elite. The belief in equality is an integral element of the American experience and democracy. The fight for equality has led to bloodshed across the United States and a great deal of loss. It is a contested big idea that can help explain many of the arguments and debates in our government today.

The hierarchies of race, class, and gender that exist in American culture are always brought to light in order to challenge the myth of America. The contrast between America’s image and its reality is an important theme that connects back to the inequalities and privileges in the governmental sphere. The book *Crafting Equality* maps the evolution of the rhetorical term “equality” and how its meaning has expanded: “America has adopted the value of Equality as a

central commitment of its collective life...The use of the word 'equality', however, has grown beyond the abstract proposition that 'all persons are created equal' to a sustained effort to insure Political Equality, Public Equality, and Equal Opportunity in some degree and fashion" (Condit and Lucaites 15). The emphasis of equality is one of the most important themes in American civic life. We expect our leaders to act with the intention of making the systems more equal for all. Condit emphasizes that the word "equality" has evolved since the American revolution into a contested term:

When the founders of America's revolution employed the word 'equality' as a strategic wedge against what they perceived as an intolerable British imperialism, they had only a very weak sense for what the term could mean. In America's subsequent history, we have seen the ways in which a variety of groups have engaged in public argumentation in order to settle upon a meaning for Equality that would presumably represent the best interests of the nation" (Condit 219).

The meaning of equality has evolved since the inception of America but it has also become a word in which citizens rally around for change. The desire for equality will become important when thinking about systems that handle accusations of sexual assault. In order to contextualize the rhetoric around sexual assault and the systems which create inequality, I turn to Aristotle. The basic principles of Aristotle can help understand the explosive rhetoric in important moments in United States democracy.

The *Ethos* of the Rhetor

In addition to the organizational structure of democracy, one of the most important parts of rhetoric is the *ethos* of the rhetor. The *ethos* of speakers in democracy is important because they have the power to influence audiences. And if public leaders do not tell the truth or appear dishonest than they impact the participants in a democracy in a negative way. There are different schools of thoughts related to the “character” of the rhetor. First, I will focus on Isocrates and his philosophical theory developed in *Antidosis*. Isocrates emphasizes the virtues of studying rhetorical theory but he makes clear that, “These qualities are not intentional objects of the enterprise, but rather by-products of an acquired rhetorical competence. They are, in other words, goods of a practice” (Farrell 60). Isocrates essentially argues that by developing the skills of a successful rhetor one will also develop strong character and speak with integrity, emphasizing the common good. In *Antidosis*, Isocrates states, “But I do hold that people can become better and worthier if they conceive ambition to speak well, if they become possess of the desire to be able to persuade their hearers, and, finally, if they set their hearts on seizing the advantage” (Farrell 60). Isocrates goes on to emphasize that character is the strongest method of persuasion, “...and that the argument which is made by a man’s life is of more weight than that which is furnished by words” (Farrell 60). Isocrates’s ethical theory about the rhetor is a reminder of a more virtuous time in public discourse. Character mattered and still should matter today. To quote Heraclitus, “Character is destiny”—an individual’s *ethos* and moral compass will have a strong bearing on their perception from the audience. Aristotle tackles and expands upon the importance of *ethos* in his book on *Rhetoric*.

Aristotle's understanding of the speaker's ethos is different from that of Isocrates. He emphasizes that ethos is more than an "intrinsic character" of the speaker (Farrell 69). Aristotle believes that the character of the speaker is proven through how well they persuade the audience and deliver their speech. Aristotle argues that ethos is "the character of the speaker as presented or made manifest by the speech" (Farrell 69). Ethos is a rhetorically constructed proof (*pistis*) that enhances the persuasiveness of a speech by augmenting evidence and reasoning (*logos*) and thus appeals to the audience's emotions (*pathos*) (Farrell 69). Aristotle believes that one's "public person" is developed through the "conspicuous recognition and inferences of the audience" (Farrell 69). Ethos, at one time was considered the most important source of persuasion. Farrell emphasizes that Aristotle's elevated importance of ethos is something that is lost in modern life, "Aristotle here recognizes something that contemporary cultures often overlook. Even though our senses of decency, competence, honor, justice, and the good are often invoked and easily outraged, the character of public figures is not something that is constant or prior to rhetorical success" (Farrell 80). Here, Aristotle makes an important connection. In order to be successful in the public sphere, a rhetor has to be ethical and have a strong sense of character.

The Types of Rhetorical Speech

In Aristotle's *Rhetoric* he develops a logical framework through which orators can understand how they can be successful in persuading audiences. Aristotle argues that there are three types of rhetorical speech: deliberative, forensic, and epideictic (Aristotle 86). I will

analyze the Senate Judiciary hearings as an example of forensic rhetoric. Aristotle thus classifies the types of forensic oratory, “The kinds of forensic oratory are praise and denigration...The time-orientations of each are, and for the litigant the past (for both the prosecution and defense make claims about what has happened)” (Aristotle 80). Aristotle states that the objective of forensic speaker is, “Justice and injustice, though he too will bring in other aspects as ancillaries” (Aristotle 81). The purpose of forensic rhetoric is deeply grounded in the pursuit of justice and morals. Aristotle also mentions how all rhetoric must be in “possession of premises” defined as, “evidence, probability, and signs” (Aristotle 81). Aristotle believed that excellent rhetoric was one of the highest forms of art and created rules of civility for the deliberative sphere.

Aristotle’s classifications of rhetoric also include epideictic rhetoric which focuses on the “present” (Aristotle 70). Aristotle defines epideictic rhetoric as follows: “The ceremonial orator is, properly speaking, concerned with the present, since all men praise or blame in view of the state of things existing at the time, though they often find it useful to recall the past and to make guesses at the future (Aristotle 70). Rhetorician Richard Lockwood describes the meaning of the now or present in epideictic speech, “The ‘now’ having no duration, it can only be a state by reintroducing the past and future as reference points, and conceiving the now as part of an indefinite continuity” (Lockwood 70). The power of epideictic rhetoric is its ability to capture the emotions of the moment but it also relies heavily on past knowledge. Lockwood also goes into the purpose of epideictic rhetoric in the sphere of politics which is slightly different than a traditional courtroom setting, “For the judicial and political, the persuasive function of each case is clear, and what is more, its effects are measurable: in each case the listener will make a judgement by voting: for or against, guilty or not guilty. The listener is a judge, as Aristotle put it, either of past or future. But for the epideictic, there will be no concrete decision reached, no

vote” (Lockwood 70). The epideictic is also known as the “demonstrative” form because the speaker has the goal to demonstrate their skill in persuasion, “The epideictic speaker has no opponent, no agon, and rather than contest his case he only demonstrates, displays, shows it or shows it forth, the literal senses of the word epideictic” (Lockwood 71). The purpose of epideictic rhetoric has been interpreted differently by scholars. Chaim Perelman suggests that epideictic rhetoric has an ideological purpose, “...the epideictic aims at reinforcing adherence to accepted community values, which it tends to universalize, presumably in part through the process of audience inclusion” (Perelman 78). The epideictic form focuses on the present through demonstrating the orator’s style and form but it is also unique in that it creates a mirror reflection of the audience. The form allows the reflection of values through the audience.

Endoxa

Another theoretical construct through which to evaluate the cultural impact of Supreme Court judicial hearings is *endoxa*, defined as “reputable or received opinions” (Haskins 1). Aristotle defines *endoxa* as, “The things believed by everyone or by most people or by the wise (and among the wise by all or by most or by those most known and commonly recognized” (Haskins 7). An important point to understand about *endoxa* is the reliance on the audience. Aristotle expects the audience to parse out the truth, “A person who possesses articulate knowledge will see through the opaqueness of common expression to the fundamental essence, and will be able to discount those utterances that contradict this knowledge” (Haskins 16). Aristotle seems to argue that those who are well-educated enough in the political sphere will be

able to sift through the knowledge and information to formulate a belief and opinion. It seems Aristotle relies on an optimism that calls on leaders to always continue to follow a deep sense of civic-duty and parse out the correct information. Haskins concludes that Aristotle's belief in endoxa is based on the human ability to grasp truth and form accurate perceptions of the world:

Aristotle's attention to popular beliefs and expressions as a discursive substratum of philosophical inquiry is motivated not by his respect for culturally situated opinions, but by a belief in the ability of the human species as a whole to accurately perceive the world and in the function of language to render perceptions clearly" (Haskins 17).

Endoxa in the sphere of politics and forensic rhetoric relies on leaders who deeply believe in virtue-based ethics in order to sort out the reputable opinion that is presented to the body public. This belief is currently being challenged in a world riddled with fake-news and conspiracy rhetoric.

Fake news is a relatively modern phenomenon which has only been exacerbated by online media and most notably former President Trump. The formal definition of "fake news" is, "News stories that are false: the story itself is fabricated, with no verifiable facts, sources or quotes" (Michigan 1). Fake news can quickly spread online and is part of a large campaign of "disinformation" which is crafted in a way that "deliberately leaves out pertinent details or only presents one viewpoint" (Michigan 1). Johan Farkas argues the rise of fake news is due to three contesting social forces; digital capitalism, a critique of right-wing politics and media, and a critique of liberal and mainstream media" (Farkas 1). The digital capitalism critique focuses on how fake news stories generate more engagement on social media than "real" news stories (Farkas 1). This phenomenon has led to the right-wing espousing that, "Fake news is constructed as a symptom of a fundamental, democratic problem, namely that mainstream media companies

are biased and deliberately attempting to promote liberal agendas instead of representing “The People.” (Farkas 10). The competing dialogues about fake news have led us to a “post-truth” world. The values emphasized in the rhetoric of Ancient Greeks such as *ethos*, do not seem to have a strong sense of meaning in American democracy anymore. The threat of fake news challenges each individual to think critically about their consumption of media but also their grasp of the facts and truth. The court of public opinion has become more polarized due to the discrepancy between what people believe to be factual.

The wide discrepancy in accepted facts can be illustrated in public opinion about the coronavirus. A PEW Research Report analyzed the Democrat and Republican reaction to the coronavirus outbreak. The PEW Researchers asked two different questions, “The U.S. has controlled the outbreak as much as it could have” and “The U.S. has not controlled the outbreak as much as it could have” (NW 1). 68% of Republicans responded that they agreed with the statement, “The U.S. has controlled the outbreak as much as it could have” (NW 1). While the great majority of democrats, 88%, agreed with the statement, “The U.S. has not controlled the outbreak as much as it could have” (NW 1). These different opinions reflect a different set of believed facts. In this case, Republicans believe that the coronavirus was handled well while the Democrats disagree with former President’s Trump handling of the coronavirus. This situation reflects the political polarization that currently exists in the country but also the public division of common facts. There is no common set of “*endoxa*” anymore, citizens no longer share the same set of facts. The perceived facts vary significantly depending on one’s political party, geographic location, and level of education. The country’s inability to grasp an *endoxa* about common topics of public life will have a significant effects on their perception of controversial public events.

The Syllogism and the Enthymeme

Another foundational rhetoric concept in Aristotle's *Rhetoric* is the syllogism. Jay Heinrich's in his book *Thank You For Arguing* defines the classical syllogism: "Start with something true, follow it with another truth, and then you reach a conclusion that also must be true" (Heinrich's 139). Heinrich's provides an example that Aristotle used; "All men are mortal. Socrates is a man. Therefore, Socrates is mortal" (Heinrich's 138). The syllogism can also be modeled using letters as variables; if $A=B$, $B=C$, then $A=C$. Heinrich's emphasizes that the purpose of the syllogism is to create assumptions, beliefs, or commonplaces (Heinrich's 138). As distinct from syllogism's formal three-part structure, the enthymeme is usually thought of a syllogism with one of its premises omitted. Heinrich's defines the enthymeme as, "A logic sandwich that slaps a commonplace and a conclusion together. *Enthymeme* means 'something in the mind. It uses a commonplace—something in the audience's mind—to support a choice'" (Heinrich's 139). Enthymemes rely on deductive logic; they start with a premise and apply it to a case in order to reach a conclusion (Heinrich's 139). Heinrich's gives an example of an enthymeme expanded upon the previous syllogism, "Socrates is a man. Conclusion: Socrates is mortal" (Heinrich's 139). The unstated premise or commonplace is "All men are mortal". The premise usually involved in an enthymeme is also commonly referred to as the proof. Rhetorical theorists Walton and Macagno point out that enthymemes are designed to be interactive:

...enthymemes are jointly produced by an arguer and the audience or respondent to whom the argument is addressed. On this interpretation, what essentially characterizes an Aristotelian enthymeme is a kind of common knowledge, often a practical grasp of the

way things normally go in common situations, shared by the speaker and audience (Walton 11).

Currently, the endoxa in American political culture is partisanship and political polarization. The different approaches and opinions on gender issues vary significantly across party lines. A PEW Research Poll which explored public perceptions of gender equality shows the polarization between political parties about gender issues. In 2017, the PEW Research Center asked “Whether the country has gone too far, not gone far enough or been about right when it comes to giving women equal rights with men” (NW 1). About 69% of Democrats responded by saying, “the country has not gone far enough when it comes to giving women equal rights with men” (1 NW 1). And 26% of Republicans believe that the, “the country has not gone far enough when it comes to giving women equal rights with men” (NW 1). This research data reflects the split endoxa related to gender perceptions. There are different ideas about what gender equality looks like based on an individual's political affiliation. Political leaders of both parties may not directly state their opinions on gender equality and instead they use enthymemes in their rhetoric. But an understanding of the endoxa of both Republicans and Democrats can help us unpack the implied beliefs in their speech.

The Limits of the Aristotelian Framework

In the beginning of this chapter, I briefly touched on how Athenian democracy espoused a belief in equality for all but directly excluded women, slaves and non-resident Aliens. The elitism that existed in ancient democracy also was a huge part of Aristotle's theory and writings.

It is important to note that Aristotle himself, was considered an “alien” because he was a citizen from Macedonia (Nussbaum 15). Aristotle was forced into political exile twice (Nussbaum 15). Throughout his writings, Aristotle makes some bizarre statements about women. He states that, “Women have fewer teeth than men and that when a menstruating woman looks into a mirror it turns the glass red” (Nussbaum 13). When Aristotle briefly mentions women’s participation in the political sphere he makes a sexist remark, “Women have the deliberative faculty but it is lacking in authority” (Nussbaum 13). Aristotle emphasizes education and civic virtue for all able-bodied citizens but lacks the imagination to give women that opportunity. The position of women in Athens is limited to that of a housewife and they have no voice in a democracy.

Nussbaum includes that Aristotle’s viewpoint on women was certainly not unique, “No political thinker in the Western liberal tradition has yet to solve the problem of designing a society that would retain the intimate love characteristic of the nuclear family while delivering women full equality as citizens and human beings” (Nussbaum 14). In the context of Ancient Greece, Aristotle was a revolutionary. He challenged traditional ideas of theocracy and oligarchy for the basic rule of man. But Nussbaum contends that Aristotle has a “liberal-perfectionist” aspiration along with “traditional elitism” (Nussbaum 15). The very foundation of democracy excluded women from even having a voice and it was ruled by a group of educated elites. The ideals that guided the birth of democracy in the western world are still heavily reflected in our democracy today.

The purpose of my thesis is to use a feminist framework grounded in Aristotelian rhetorical theory to analyze the Anita Hill and Kavanaugh Hearings. I aim to integrate a feminist perspective into how language is applied and interpreted in the public sphere. The rules for public discourse in a modern democracy still integrate foundational Aristotelian principles of

rhetoric: endoxa, enthymeme, syllogism, and the ethos of the rhetor. But the creators of this theory are inherently classist and sexist. The very framework which ideally invites everyone to debate, limits whose voice—and whose lived experience matter. There is a nuance in my choice to use Aristotle's theories because I use a man's sexist rules and perspective to unpack how the public sphere dismisses and ridicules women's voices.

Chapter 3

The Politics of the Anita Hill Hearings

The story of Anita Hill had largely disappeared from public memory until the fall of 2018 when Christine Blasey Ford came forward with sexual misconduct allegations against Justice Kavanaugh. Suddenly, the harrowing political blunder and severely mismanaged hearing of 1991 came soaring back into public memory. The senators who planned on questioning Ford did not want a repeat of the Anita Hill hearings. The Anita Hill hearings signify a cultural moment in which society failed to recognize the violence and harassment inflicted on Black women's bodies and how the legacy impacted cultural responses to sexual violence. The Anita Hill hearings remain a culturally important moment in American history when the government and public failed to protect black women.

First, I will briefly examine the history of sexual violence against black women's bodies in the United States. Then, I will critically examine Kimberlé Crenshaw's theory of intersectionality and how it can be applied to the Anita Hill hearings. Next, I will explore the questioning of both Anita Hill and Clarence Thomas. And then, I will briefly discuss the legacy of Anita Hill and the implications in 2018 and in the Biden presidential campaign.

History of Violence Against Black Women

Before I examine the rhetoric and legacy of the Anita Hill hearings it is important to understand the history of violence against Black women in the United States. The sexual harassment experienced by Hill is one incident in a history of violence against Black women's

bodies. When Black women were enslaved, they were brutally worked on plantations in addition to holding roles as the matriarch of the family. The book, *Labor of Love, Labor of Sorrow*, sheds light on the violence enslaved women experienced at the hand of their masters:

Consequently, many slave women were driven and beaten mercilessly, and some achieved respite only in return for sexual submission. To a white man, a black woman was not only a worker who needed prodding, but also a female capable of fulfilling his sexual or aggressive desires. For this reason, a fine line existed between work-related punishment and rape, and an overseer's lust might yield to sadistic rage (Jones 20).

The rape of enslaved women before the Civil War and during Reconstruction was not viewed as a violent crime in many parts of the South. The governmental systems which were supposed to enforce law and order largely ignored the violence experienced by Black women.

The rape of enslaved women was a form of reproductive control by slave owners (Roberts 23).

The sexual violence inflicted against Black women during slavery lead them to be viewed as individuals who lack bodily autonomy. Roberts describes the forced control of enslaved black women's bodies, "Racism created for white slaveowners the possibility of unrestrained reproductive control. The social order established by powerful white men was founded on two inseparable ingredients: the dehumanization of Africans on the basis of race, and their control of women's sexuality and reproduction" (Roberts 23). Roberts describes how the acceptance of rape of enslaved women was connected to reproduction but also to control of Black women's bodies:

Slaveholders knew that controlling their slaves childbearing was critical to the perpetuation of slavery. Slave women had the unique capacity to reproduce the enslaved labor force. Yet, despite its profitability, it would be a mistake to view whites' interest in

Black women's fertility as entirely financial. Domination of reproduction was the most effective means of subjugating enslaved women, of denying them the power to govern their own bodies (Roberts 55).

The control of Black women's bodies during slavery resulted in the creation of sexualized stereotypes about Black women. Roberts describes the image of the Jezebel which represented Black women as, "Not only was she governed by her erotic desires, but her sexual prowess led men to wanton passion" (Roberts 10). These horrific images were used to justify the abuse of black women, "This construct of the licentious temptress served to justify white women's sexual abuse of Black women. The stereotype of Black women as sexually promiscuous also defined them as bad mothers" (Roberts 11). The hypersexualization of black women during slavery led to years of abuse and exploitation by social systems. This resulted in the creation of myths of the "hypersexual" black women which still hold prominence in culture today.

The absence of public outcry over the sexual exploitation of Black women can be found in the court system, "A Tennessee judge made this latter point when he remanded a slave named Grandison to jail for attempting to rape a white woman named Mary Douglass. According to Judge Green, what gave the offense its enormity was the fact that Douglass was white. Such an act committed on black woman would not, he noted be punished with death" (White 152). When most Americans think of violent crimes against black citizens in the South their minds go to brutal lynching's of black men. And this also led to an assumption that, "Black women were violated less often and therefore were less threatening to whites than black men" (White 177). The period after Reconstruction emphasized lynching as the main form of violence against black individuals.

Today, lynching is lodged in the public memory as one of the horrors of racism and violence in the South. But the rape of Black women at the hands of white slave owners does not hold the same cultural significance for most Americans. Lynching is remembered as the main form of racial violence, not the rape of enslaved women, “The focus on men led naturally to an emphasis on lynching as *the* major form of racial violence and limited attention to Black women who were lynched [at least fifteen between 1998 and 1898; at least seventy-six between 1882 and 1927]” (White 177). The emphasis on lynching is an example of a gendered conceptualization of violence against black people that ignores the plight of black women. The cultural memory of lynching will be important when examining the testimony of Clarence Thomas. Additionally, it is important to recognize that sexual violence was largely overlooked by the legal system and the majority of Americans.

Intersectionality

The feminist theory of intersectionality considers multiple forms of oppression, as experienced by Black women, to be equally weighed (Crenshaw 1). As such intersectionality is useful to understand the testimonies of both Anita Hill and Clarence Thomas, we have to understand the Theory of Intersectionality. Kimberlé Crenshaw offers a broad definition of intersectionality in her groundbreaking essay *Mapping the Margins: Intersectionality, Identity, Politics, and Violence against Women of Color*. Crenshaw argues that, “The problem with identity politics is not that it fails to transcend difference, as some critics charge, but rather the opposite—that it frequently conflates or ignores intragroup differences” (Crenshaw 2). Crenshaw

then theorizes that in order to address the shortcomings of identity politics one has to account for multiple intersection, “Indeed, factors I address only in part or not at all, such as class or sexuality, are often as critical in shaping the experiences of women of color. My focus on the intersections of race and gender only highlights the need to account for multiple grounds of identity when considering how the social world is constructed” (Crenshaw 5). The theory of intersectionality can be expanded to include various intersections such as race, gender, social class, education, disability, sexuality, and more.

Kimberlé Crenshaw, the author of the Theory of Intersectionality provides commentary on the critical intersection of race and gender that occurred in the hearing, “Caught between the competing narrative tropes of rape [advanced by feminists] on the one hand and lynching [advanced by Thomas and his antiracist supporters] on the other, the race and gender dimension of her position could not be told (Crenshaw 59). Hill’s identity cannot be put into separate boxes of “race” and “gender”—her experiences reflects a double oppression as a black citizen but also as a woman. And in 1994, the U.S. Senate Judiciary Committee and the majority of Americans did not know how to understand this intersection. Crenshaw goes on to elaborate on the inherent political nature of Hill’s existence in that hearing, “It is specifically political: the narratives of gender are based on the experience of white, middle-class women, and the narratives of race are based on the experience of Black men” (Crenshaw 59). In order to understand Hill’s vilification by the Judiciary Committee it is also important to understand her background and her credentials.

When Anita Hill entered the Judiciary Committee sitting down in the iconic turquoise suit; she represented a story of hard work and resilience. Hill grew up a farm in Okmulgee County, Oklahoma in 1956 where she was the youngest of 13 children (Miller 22). Hill attended

Oklahoma State University, where she graduated with academic honors, and went on to graduate from Yale Law School (Miller 22). Hill moved to Washington, DC after graduation and started working for Judge Thomas 1981 (Miller 22). When Hill gave her testimony, she was clear, articulate, and as accurate as possible. She defied all racist and sexist stereotypes about her gender and race. The endoxa about Black women's bodies and sexualities which stems from the era of slavery lead the public to have expectations about Hill's character. The cultural memory of race and gender related to Black women affected the perceived opinions of Hill. Then in the years to come, Hill's bravery and commitment to the truth would be remembered.

The Questioning of Anita Hill

When Anita Hill began her testimony, the country as a whole did not have any understanding of sexual harassment. The misogynistic rhetoric from members of the Senate Judiciary Committee reflected the U.S. endoxa about sexual harassment. In the early 1990's there was no public understanding of sexual harassment and many individuals believed in victim-blaming myths. Senator Arlen Specter of Pennsylvania made several offensive comments toward Hill and diminished the testimony of Hill's sexual harassment, "You testified this morning, in response to Senator Biden, that the most embarrassing question involved—this is not too bad—women's large breasts. That is a word we use all the time. That was the most embarrassing aspect of what Thomas had said to you?" (Miller 39).

Senator Specter goes on to push Hill and sow seeds of doubt in the validity of her testimony. And then Senator Specter has to ensure that the public *knows* he understands the complexities of sexual harassment, "I used to be a district attorney and I know about sexual harassment and discrimination against women and I think I have some sensitivity on it—but even considering all of that" (Miller 45). Specter pushes Hill as to why she waited so long to bring

complaints of sexual harassment to the public light. Senator Specter follows up later with a series of questions about *why* a victim of sexual harassment did not take notes about the time and incidents of her harassment, “As an experienced attorney and someone who was in the field handling sexual harassment cases, didn’t it cross your mind that if you needed to defend yourself from what you anticipated he might do, that your evidentiary position would be much stronger if you had made notes?” (Miller 57). The rhetoric emphasizes a victim blaming narrative which blames Hill for failing to keep track of the harassment she experienced. Specter, a self-proclaimed, “expert” on sexual harassment fails to account for the trauma Hill endured which explains the *why* behind her reasons for not taking notes. Senator Specter continues his hard-pressed questioning of Hill and starts to victimize her—questioning her credibility and painting her as a woman seeking revenge. Specter asks, “Was there any substance in Ms. Berry’s flat statement that, ‘Ms. Hill was disappointed and frustrated that Mr. Thomas did not show any sexual interest in her?’” (Miller 60). Specter’s rhetoric turns Hill’s into the stereotype of a “sexual Black woman” who was disgruntled at her boss.

Next, Senator Heflin starts to attack Hill and question her motive for coming forward with her story of sexual harassment; “Now in trying to determine whether you are telling falsehoods or not, I have got to determine what your motivation might be. Are you a scorned woman?” (Miller 66). Senator Heflin goes on to ask Hill, “Do you have a martyr complex?” (Miller 66). Heflin then presses Hill to try to uncover her motives for coming forward; suggesting that she might want to write a book and that “The reality of where you are today is rather dramatic” (Miller 66). The idea that Hill is a “scorned woman” seeking revenge on her boss is the epitome of sexist rhetoric employed to paint Hill as a deranged woman who is perjuring herself to exact revenge on Judge Thomas. Later in the hearings when Senator Specter

questions Judge Thomas, he suggests that Hill's testimony may be false, "What I want to examine with you for the next few minutes is an extremely serious question as to whether Professor Hill's testimony in the morning was or was not perjury" (Miller 180). The questions from members of the Senate Judiciary Committee suggest that accusing an "upstanding man" of heinous acts was not socially acceptable. The rhetoric from the senators continues to blame the victim and frames Hill as a woman seeking revenge. Sexual harassment only was "acceptable" to speak out about when the outcome did not affect the moral standing of those in power.

Hill responded to each of the Senator's questions with poise or a simple "No". Her response to the multiple questions of why bring these allegations forward encompass her intellect, strength, and power:

I brought this information forward for the committee to make their own decision. I did not bring the information forward to try to establish a legal claim for sexual harassment. I brought it forward so that the committee could determine the veracity of it, the truth of it, and from there on you could evaluate the information as to whether or not it constituted sexual harassment or where or not it went to his ability to conduct a job as an Associate Justice of the Supreme Court (Miller 89).

Hill states multiple times that hearings should be about the fitness of Judge Thomas for the Supreme Court. She was there to merely provide additional information, not to seek damages or defame anyone—her willingness to testify exemplifies moral integrity. Instead, the questions directed towards Hill focused on her credibility. The Senators did not focus their questions on Hill's perspective about Justice Thomas's fitness for the Supreme Court. After the hearings, Hill largely disappeared from public life.

It is important to recognize Hill's position as a Black woman speaking out against a Black man. Within the African American community, there is a huge stigma for Black women speaking out about sexual assault allegations against Black men. This idea is referred to as "(Intra)Cultural Pressure" which is defined as, "...a transformation of (intra)cultural trust that occurs to protect the minority group at large to the detriment of the well-being of individual minority members" (Gómez 4). The politics of speaking of about sexual violence grow even more complicated in Black communities, "The same loyalty to innocent Black men who are abused by discriminatory police and judicial systems can also transfer to rapists: Black women are charged with protecting their attackers at the expense of themselves" (Gómez 4). Scholars, anti-racist activists, and feminists could not really understand the bravery of Hill until they contextualized her testimony in the theory of intersectionality. She was speaking out about sexual harassment as a black woman and she took on a significant amount of personal risk. Crenshaw emphasizes why it is so difficult for women of color to speak out in their own community, "For example, in the area of rape, intersectionality provides a way of explaining why women of color have to abandon the general argument that the interests of the community require the suppression of any confrontation around intraracial rape" (Crenshaw 60).

The questioning of Justice Thomas was very different than the questioning of Anita Hill. Justice Thomas set the stage for a different line of questioning due to his opening statement:

This is a circus. It is a national disgrace. And from my standpoint, as a black American, as far as I am 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 kow-tow to an old order, this is what will happen to you, you will be lynched, destroyed, caricatured by a committee of the U.S. Senate, rather than hung from a tree (Miller 118).

The powerful statement from Thomas incites imagery of racial violence that is familiar to the audience. But the “popular” conceptualization of racial violence excludes Black women because mainstream discourses do not focus on the systematic sexual abuse of Black women while they were enslaved.

All of a sudden, the all-white male Senate Judiciary Committee started to tread carefully. The cultural memory of “lynching” black men in the South remained strong in the memory of the public. The endoxa, of the history racial violence against African Americans lead the Senators to tread carefully. To the audience, Thomas positioned himself as a victim of racism. Throughout his testimony, Justice Thomas continued to express his outrage through the metaphor of lynching, “Senator, there is a difference between approaching a case objectively and watching yourself being lynched. There is no comparison whatsoever” (Miller 121). Senator Hatch responded with, “I might add, he has personal knowledge of this as well, and personal justification for anger” (Miller 121). The Senators on the Judiciary Committee recognized the marginalized position of Justice Thomas and history of racism in America. They exercised restraint and were unwilling to vilify Justice Thomas as a “threatening black man”. When Senator Hatch interrogates Justice Thomas, he repeats the findings of the FBI investigation and acknowledges that Thomas “denied each and everyone of these allegations last night” (Miller 154). Senator Hatch then decides that “I won’t go through that again today, although if you want to say anything about it further, I would be happy to have you do it” (Miller 154). The brutal recounting of events is not required for Justice Thomas. That same courtesy was not awarded to Anita Hill, instead, she was grilled by every Senator on the committee.

Justice Thomas continues to make the argument that the examples of sexual harassment given by Hill are stereotypes of black men in America, “...the language throughout the history of

this country, and certainly throughout my life, language about the sexual prowess of black men, language about the sex organs of black men as long as I have been on the face of this earth. These are charges that play into racist, bigoted stereotypes and these are the kind of charges that are impossible to wash off” (Miller 156). Justice Thomas then connects the history of lynching with sexual stereotypes of black men, “And if you want to track through this country, in the 19th and 20th centuries, the lynching of black men, you will see that there is invariably or in many instances a relationship with sex—an accusation that that person cannot shake off. That is the point I am trying to make” (Miller 157). The imagery of lynching suddenly turns Justice Thomas into a victim. He is a victim of the racist system in the United States. Thomas’s testimony uses an enthymeme to create an unstated premise that, it is 1991 and the U.S. needs to move past “stereotypes” that black men are perpetrators of sexual violence.

Justice Thomas changes the rhetoric of the hearings into a moment on race and how his reputation has been forever damaged. Thomas emphasizes that Hill’s testimony is completely fabricated, and he is the real victim. At one point, Senator Hatch states, “The burden of proof is certainly not on Justice Thomas” (Miller 166). The Judge interviewing for the highest court in the land does not have the burden of proof to *prove* his integrity and moral standing? The cultural memory of lynching turned the Senators away from vilifying Justice Thomas. The members of the Senate Judiciary Committee were more attuned to issues of race than gender because they did not have any understanding of intersectionality and the experiences of black female victims of sexual violence.

Looking back at the history of violence against Black women, their victimization has continually been ignored by the state. The Anita Hill hearings also brought up memories for many women in particular to how sexual violence and harassment of all form is continually

ignored. Three prominent black feminists organized 1,600 individuals to raise funds to buy an Ad in *Time* called “Black Women in Defense of Ourselves”. The ad represented black feminists who were “Truth-speaking against feminist and antiracist mobilizations that frequently ignored our very existence” (Crenshaw 1). The Anita Hill hearings were the first time the issue of sexual harassment was discussed on a national platform. And it was through the eyes of a black woman. Looking back on the hearings, the public generally agrees that she was not treated with fairness and respect. And the blame for the failed hearing has fallen on President Joe Biden, and his failure to conduct a hearing that treated Hill with respect and dignity.

President Biden (then Senator Biden) was the chairman of the Senate Judiciary Committee. It was his responsibility to create the rules and procedures to determine if Justice Thomas is a suitable appointment for the Supreme Court. Biden is a Democrat and Thomas was appointed by President Bush, a Republican. It was in the interest of his political party to stall Thomas’s nomination or sow seeds of doubt. But Biden remained committed to moderating a “fact-finding hearing”.

In the beginning of the hearings, Biden reiterated his personal commitment to combatting sexual harassment, “As one person who has spent the past two years attempting to combat violence of all kinds against women through legislative efforts, I can assure you that I take the charge of sexual harassment seriously” (Miller 10). Biden was involved with the passage of the Violence Against Women Act but his failure to intervene when the questioning of Anita Hill derailed did not align with his message of “champion of women”. Additionally, Biden emphasized to the committee that, “This is not a hearing about the extent and nature of sexual harassment in America” (Miller 10). But the Anita Hill hearings *became* a hearing about the nature of sexual harassment. It could not be avoided and was only exacerbated by the outlandish

questioning of Senators which Biden failed to stop. And specifically, the government's failure to recognize the disproportionate oppression and violence faced by Black women.

Biden tried to present himself as public servant who took "sexual harassment" seriously but his actions did not match that image. Biden questioned Hill and asked, "Can you tell the committee what was the most embarrassing of all the incidents that you have alleged?" (Miller 34). For a Senator who prides himself on addressing sexual harassment, asking a victim to publicly relive the worst incident of harassment is not acceptable. Again, the senators engaged in victim blaming in order to justify confirming Thomas to the bench. The questions asked to Hill reflected how government leaders in the U.S. had no understanding of sexual harassment.

Towards the end of Hill's testimony Biden makes a grandiose statement again emphasizing:

I do apologize to the women of America, if they got the wrong impression about how seriously I take the issue of sexual harassment, but I make no apologies for attempting to follow every one of your wishes, because everyone that I have spoken to, again, in the years I have dealt with this subject indicate that the most unfair thing to do to a woman in your positions is what was done to you (Miller 115).

At the beginning of the hearings, Biden emphasized that this was "not a hearing about the state of sexual harassment in America". But his need to apologize to all women of America shows that it became a hearing about sexual harassment. Anita Hill symbolized all of the woman who had experienced sexual harassment and did not have the channels or understanding of how to report that harassment. She represented the Black women who spoke up when they witnessed an injustice. The hearings changed from questions the fitness of Judge Thomas to sit on the Supreme Court to a referendum on gender-based violence in the United States.

The Change in Endoxa and Anita Hill

The widely accepted belief that emerged from the Anita Hill Hearings was that sexual harassment was a serious problem. Even though Thomas was confirmed, the country started to recognize the plight of sexual harassment victims. And in response, Congress passed a law expanding the rights of sexual-harassment victims and the following year the Equal Employment Opportunity Commission received a 30% increase in sexual harassment complaints (Raymond 1). The public opinion shifted and began to understand the seriousness of sexual harassment. There was also a belief that the male senators did not understand the victims of sexual harassment and specifically the burden on women. A study which examines the experiences of women watching the Hill-Thomas hearings reflects a change in the endoxa of the public. Some participants noted the failure of the men to give Hill a fair chance, “Men of privilege and power just don’t listen to women; those Republican senators should be ashamed. [34 year old white research assistant] (Trix 4). The disappointment in the male senators was a constant theme, “Sometime down the road men have to affiliate with women. It seems to me it is a shame we get such disrespect and misunderstanding from our me [22-year-old part-time African American student]” and “Those senators are idiots; we must elect more women [71 year old retired white teacher] (Trix 4). The public perception from the audience shifted to men do not understand the difficulties of women experiencing sexual harassment and assault and that needs to change. Some members of the audience also note the cultural changes in understanding of sexual harassment:

I felt good. For one thing, I thought it better defined sexual harassment for everyone. It was a better indication of how women feel. In the future, it will keep us on our guard. It

gave women a little more power to take a stand for themselves who previously didn't feel they could. [43 year old African American administrative assistant]...

My feeling was that, no matter what a woman says, if she doesn't have anything to back it up, nothing will come from it. Her integrity was more hounded than his. The woman is always the victim. That's the way it will always be; so be prepared to fight for yourself [41 year old African American administrative assistant] (Trix 5).

The public perception of sexual harassment changed and there was also a shift in the endoxa in holding men accountable for understanding and supporting victims of sexual harassment. The legacy of Anita Hill would largely disappear from public memory. But the audience perceptions of sexual harassment would change. The rhetorical importance of Anita Hill is still relevant today and especially for the Senators who mismanaged her hearing.

28 Years Later...

In the years following the hearings, Biden has been criticized for his failure to truly apologize to Anita Hill. It was not until his presidential campaign in 2019 that Hill came out and acknowledge Biden's apology. She stated, "I will be satisfied when I know there is real change and real accountability and real purpose" (Hill 1). When asked about the legacy of Biden's role Hill mostly focuses on the long-term impact, "In Hill's view, Biden had "set the stage" for the hearings in which Kavanaugh, like Thomas, was narrowly confirmed after his defenders trashed his accuser's credibility and dismissed her allegations without a thorough investigation" (Mayer 1).

The biggest negative impact of the Anita Hill Hearings is that the government showed survivors of gender violence that their stories are not valid. This grave error would take years to rectify. And the public conversation about the tragedy of Anita Hill would not begin until the rise of the #MeToo movement in 2018.

In 2020 Hill formally announced her plans to vote for Joe Biden and to work with him on issues of sexual harassment, gender violence, and discrimination (Knutson 1). Hill remains a remarkable person of strength in that she was able to publicly accept Biden's forgiveness and return to the public sphere during the #MeToo movement. The hearings turned into a national referendum on how institutions handle sexual harassment claims. It also became a historical moment for victims of sexual violence everywhere that allegations of sexual harassment will not be taken seriously in the US. And this public and government trial on how systems handle allegations of sexual assault would only continue into 2018 with the Kavanaugh Hearings.

Chapter 4 The #MeToo Movement

The Beginnings of #MeToo

The Anita Hill Hearings occurred in 1991, and the year that followed was marked by a wave of women running for public office and general public awareness about sexual harassment. The burst of feminist consciousness in addressing sexual harassment lasted into the 1990's and the importance of Anita Hill started to fade from public memory. She was able to quietly return to a professorship at Brandeis University and teach law classes. Personally, I did not know anything about Anita Hill until my freshmen year of college. I sat in Women's Studies 100 and our professor asked who had ever heard of "Anita Hill" and no one in the class raised their hand and this was in 2017. In 2017, the #MeToo movement was starting to gain public traction but scholars and activists did not quite understand its lasting influence. In Women's Studies 100, I watched the documentary *Anita* and discussed the concepts of intersectionality applied to the Anita Hill hearings. My professor largely commented on the erasure of Anita Hill, she was a trailblazer largely forgotten by mainstream feminist media. Little did I know, that a year later the mistreatment of Anita Hill would emerge back into the public eye. And it would serve as a stark reminder of the government's failure to treat victims of sexual assault/harassment with dignity.

The public outcry over Anita Hill simmered down for several years until a movement erupted on Twitter in October of 2017. Hollywood Actress, Alyssa Milano tweeted, "Me Too. Suggested by a friend: If all the women who have been sexually harassed or assaulted wrote 'MeToo' as a status, we might give people a sense of the magnitude of the problem" (Fileborn 3). The hashtag was used over 12 million times in the first 24 hours (Fileborn 3). Alyssa

Milano's tweet was in response to the groundbreaking story about sexual harassment allegations against Hollywood mogul Harvey Weinstein (Fileborn 3). *New York Times* investigative journalists, Meghan Twohey and Jodi Kantor had published a piece chronicling years of sexual harassment that had been covered up by Weinstein's lawyers and extended into the highest levels of the Hollywood elite. The story about Harvey Weinstein was the first major news story post Anita Hill that began to shift public consciousness about sexual assault.

In the book *She Said*, Megan Twohey and Jodi Kantor explain the steps taken to break the Weinstein story. When Twohey and Kantor first started their investigative journalism they found very few women who were willing to go on the record about Weinstein. High-profile and powerful Hollywood actresses like Ashley Judd and Gwyneth Paltrow were not willing to go on the record. If famous privileged white women were not going to out Weinstein—what lower level employees would be open to taking a step out against Weinstein? (Kantor 31). Weinstein was the one of the largest figures in Hollywood. He had the power to make or break someone's career. He was viewed as having positive interactions with women; he released the groundbreaking documentary *The Hunting Ground* about rape on college campuses, donated to female Democratic candidates and to Hillary Clinton's presidential campaign (Kantor 9). Weinstein was considered such a powerful figure in Hollywood, he was viewed as untouchable.

When Kantor and Twohey interviewed Ashley Judd about sexual harassment she revealed the power imbalances that made sexual harassment so pervasive, "He was a powerful boss who used the pretext of business meetings to try to pressure women into sexual interactions, Judd said, and no one did anything about it" (Kantor 33). Weinstein exerted his power over women on the "casting couch" and dangled job opportunities in return for sexual favors. Gwyneth Paltrow describes the implications of the sexual harassment she experienced while

working with Weinstein, “The more successful her partnership with Weinstein became, the less she felt she could say about the ugly episode as the start of their collaboration. ‘I had this incredible career there, so I could never in a way traverse back over what happened...I was expected to keep the secret’ (Kantor 40). The women who Weinstein had abused were forced into a code of silence through fear of ruin or retribution. Kantor and Twohey realized the system of fear and NDA’s related to Weinstein was so powerful that the Weinstein story would have to be broken with legal evidence not just victim’s accounts:

What is your strategy for getting these women on the record?...Why is it their burden to publicly tell uncomfortable stories where they had never done anything wrong?...Even if the reporters managed to persuade one or two women, that could lead to the old, ‘he said, she said’ problem. The journalists were starting to realize the Weinstein story would have to be broken with evidence: on the record accounts, ideally, but also the overwhelming force of written, legal, and financial proof (Kantor 48).

It would take years of examining records and interviews to gain a repeated pattern of misconduct to truly hold Weinstein accountable.

The journalistic process to hold Weinstein accountable reveals that victim statements are not widely accepted as a standard of evidence. The publication of the Weinstein story started a toppling of powerful men in Hollywood. The influence of the breaking news story about Harvey Weinstein has been called, “The Weinstein Effect” (Leung 7). The toppling of Harvey Weinstein lead to the downfall of other Hollywood celebrities such as, “Dustin Hoffman, Kevin Spacey, Louis C. K., Ben Affleck, Brett Ratner, James Toback, Matt Lauer, and Charlie Rose” (Leung 7). Weinstein’s fall started the public discourse about how society treats victims of sexual assault. But it also left a lot of unanswered questions. Twohey and Kantor commented on the public

divide that emerged out of Weinstein, “There was a lack of process or clear enough rules. The public did not fully agree on the precise meaning of words like harassment or assault, let alone how businesses or schools should investigate or punish them” (Kantor 188). The public discourse debated the punishment for perpetrators of sexual assault and how far the #MeToo movement should go. Most of all, there was confusion about what should happen *after* allegations come out. What does justice look like? The #MeToo allowed victims to come forward but started a cascade of unanswered questions about process and accountability for victims of sexual assault. After the emergence of Weinstein, scholars and feminists began to unpack power in the #MeToo movement. Who was coming forward? And *who* was still being silenced? How was silence enforced? Soon, a critical gap emerged. Marginalized voices were left out of mainstream public discourse. Tarana Burke, a black feminist advocate, and the original creator of the phrase #MeToo had been ignored.

Voices Unheard in #MeToo

Activist and local community organizer, Tarana Burke started using the phrase “MeToo” in 2006 to help women of color from underprivileged backgrounds who experienced rape or sexual assault (Leung 2). Burke’s activism focuses on women of color who needed extra support in instances of sexual assault and abuse:

What history has shown us time and again is that if marginalized voices of people of color, queer people, disabled people, poor people aren’t centered in our movements then they tend to become no more than a footnote. I often say that sexual violence has no race,

class, or gender, but the response does...Ending sexual violence and harassment will require every voice from every corner of the world. And it will require those whose voices are most often heard to find ways to amplify those voices that often go unheard (Johnson 1).

Burke's comments on the invisibility of marginalized voices in the #MeToo movement are an important criticism. When wealthy, popular white celebrities started to speak out about sexual assault they were able to bring the discussion to the national stage (Johnson 1). Burke started her activism in 2006 with largely no national platform. She did not receive media attention until white women started coming out and speaking about sexual assault. The public has largely ignored victims of sexual assault who are women of color or belong to marginalized groups. This disconnect is encapsulated in the delayed outrage over R. Kelly.

R. Kelly is a Grammy-award winning musician who for years sexually assaulted and abused women and underage girls (Leung 5). The general public did not learn about the extent of R.Kelly's abuse until the release of the documentary *Surviving R. Kelly* which aired on Lifetime TV on January, 2019. R. Kelly's victims described the physical, mental, and sexual abuse that they had experienced for years (Leung 5). The documentary focuses on the public's mixed reaction of R. Kelly and how his prominence led to his actions being overlooked and how he managed to avoid prosecution for charges of child pornography (Leung 5). The #MeToo movement really took off in 2017 and prominent men in Hollywood began to fall in response to the Weinstein scandal. Initially, R. Kelly did not face the same level of public scrutiny as Weinstein. The black female victims of Kelly struggled to get mainstream media attention even though their stories had come out 3 months before the Weinstein scandal broke (Leung 10). At first, R. Kelly did not face public outrage; he still had a deal with RCR Records, toured and

performed at concerts, and his music was widely played on radios (Leung 10). There is a huge disconnect between the severity of Kelly's abuse and the delayed public reaction; especially when compared to how quickly Weinstein was ostracized once the allegations became public.

The documentary *Surviving R. Kelly* offers an explanation:

These families came forward, and were making desperate pleas to get their children back, to get their daughters back home and away from R. Kelly. We've been watching them since they came forward in 2017 to try various attempts to get the media attention but it doesn't take hold, and again I think that goes back to this idea that black girls don't matter. They don't matter enough, and it's proven over and over again (Leung 10).

The muted response to the disgusting abuse by R. Kelly reflects the way the public responds differently to black women victims of sexual violence versus white women victims. Initially, white women from Hollywood provoked more outrage than the young black girl victims of R. Kelly. The reason behind the lesser public outrage over the victims of R. Kelly goes back to social perceptions of black women, "We still don't socially perceive young black women as innocent, as deserving of protection, somehow it's their fault. When the reality is that the problem isn't the girls, the problem is the predators" (Leung 11). The erasure of black female victims of sexual violence can be explained through Crenshaw's theory of intersectionality which I touched on in the Anita Hill chapter. In short, Crenshaw's theory highlights the multiple layers of identity and how that can affect someone's experience; she primarily focuses on Black women and the barriers they face through their skin color and gender (Crenshaw 5).

Part of the reason why there was a slower response to R. Kelly is the double-bind black women face when deciding to speak out:

They have to decide how their claims will affect the African American community as a whole or hinder the social progress of their racial community. And it is a double-edged sword if their grievances are made against a prominent African American man since they will be attacked by both African American women and the larger community for trying to tarnish the reputation of a symbolically uplifting role model (Leung 15).

Before the *Surviving R. Kelly* documentary came out there was a sentiment that the R. Kelly scandal was just an attempt to take down a successful black man (Leung 16). This is a perception that Anita Hill faced when she testified against Clarence Thomas. It was not until a few years after #MeToo and the release of the documentary that public opinion started to shift. The public was able to really understand the personal testimonies and trauma of the survivors which lead to a shift. Prominent black Hollywood celebrities began to speak out against R. Kelly and eventually his record label did not renew his contract and his concerts were cancelled (Leung 19).

Changes in Public Attitudes

The delayed response to R. Kelly highlights an important point about the effectiveness of #MeToo. Marginalized voices and victims are diminished and receive less mainstream attention. And personal testimonies have a huge amount of power when the public can watch the pain of someone explaining their trauma it impacts their opinion of the event and the perpetrator. These two concluding points will be important when examining the long-term impacts of #MeToo.

I have established #MeToo provides different public responses based on the race of the victim. But in order to understand the dramatic shift in public opinion leading up to the Kavanaugh hearings it is important to understand how the #MeToo movement led to a significant change in public attitudes. The Weinstein scandal was event in a series of feminist outrage. The build-up was intense since the election of Donald Trump in 2016. The public was angry at Trump for his comments about “grabbing women by their pussies”, the 2017 Women’s March organized millions of women globally to draw attention to serious inequities, and serious sexual misconduct allegations against Bill Cosby, Bill O’Reilly, and Roger Ailes (Rhode 1). There was serious momentum leading up to the explosion of #MeToo in 2017, it seemed that women had finally had enough with men getting away with abuse and sexual misconduct.

Social scientists measured the shifts in public attitudes during the Anita Hill Hearings and in the aftermath of #MeToo in order to demonstrate if the #MeToo movement has the capability to create lasting change. At the time of Anita Hill’s testimony, only 25% of Americans believed her and within a year that number had doubled (Rhode 1). But Hill did not receive widespread credibility like the #MeToo allegations. Polls from Time Magazine suggest that between 59-85% of Americans believe the allegations of harassment that came out after the viral #MeToo tweet (cite TIME). And there was also a shift in the opinions of Americans who believe that sexual harassment is widespread; 62% of men and 71% percent of women believe that sexual harassment is a huge problem (Rhode 1). The general public endoxa, the perceived opinions, is that sexual harassment and assault are rampant societal problems that need more attention. In the public debate about #MeToo there was the general consensus that creeps like Harvey Weinstein were guilty.

In the fall of 2018, NPR conducted a poll that asked Americans if “#MeToo has gone too far” (NPR.org 1). The response varied based upon political party and gender but amongst all the respondents, 43% agreed that #MeToo has gone too far (NPR.org 1). The NPR report defines of “going too far” as the following:

What exactly "too far" means wasn't defined in the surveys. But in follow-up conversations, several respondents cited a rush to judgment, the prospect of unproven accusations ruining peoples' careers or reputations, and a bandwagon effect that may prompt some to claim sexual misconduct for behavior that doesn't quite rise to that level (NPR.org 1).

The political party breakdown for the question “If #MeToo has gone too far” was 21% of Democrats compared to 75% of Republicans who believe that “#MeToo has gone too far” (NPR.org 1). The belief by Republicans that #MeToo has “gone too far” will be important when examining the procedure and questioning in the Kavanaugh Hearings. The public perception of #MeToo has started to shift based off of where the movement was in 2017. And its opponents have become more vocal. But with the shift in negative public opinion it is also important to reflect on the politics of visibility for victims of sexual assault.

The dramatic shift in public opinion about believing victims of sexual assault was essential for awareness about sexual violence and for calling attention to the problem. But in order for the public endoxa to finally change regarding sexual assault there needed to be a massive public awareness campaign. But the process of saying #MeToo did not come without its challenges. In order for victims to be heard, “Individuals needed to publicly perform their status as survivors or allies” (Clark-Parsons 1). There is a repeated burden on the victim to relieve their trauma in order to just be seen. The collective visibility of #MeToo was important but some

critics felt that, “The campaign asked too much of survivors while doing too little to hold their assailants accountable” (Clark-Parsons 1). The greatest fear after the viral nature of #MeToo was that nothing would change. But the only way to start change was to share one’s story. Because the underlying truth is that society does not inherently believe a victim of sexual assault.

Rhetorical Analysis of #MeToo:

The public fall of Weinstein and R. Kelly began to start a cultural shift that allowed people to share their stories through the hashtag “MeToo”. This shift led to a change in public opinion. The dramatic change in the public’s view on sexual violence can best be understood through the millions of tweets. #MeToo is a social and feminist revolution but also a rhetorical artifact that symbolizes a change in the common perception of sexual harassment. The power of the words “Me Too” gave an invisible population (i.e. victims of sexual violence) the language to share their stories without having to go into excruciating detail. For the first time, survivors felt heard and seen. Before Tarana Burke came up with the phrase “Me Too” and Alyssa Milano tweeted it, people did not discuss their trauma in public. But the fall of 2017 sparked a moment where survivors of sexual assault could share their stories. The hashtag sparked survivors to share their trauma with simple words:

60 years old and I still have trouble saying it aloud. #MeToo” (October 15, 2017, 8:02 pm)

@LieutenantDainty: #MeToo because while I'm not ready to share my story, I can be strong enough to admit that it happened" (October 16, 2017, 7:15 pm). (Clark-Parsons 10).

The simple text of the hashtag allowed victims of sexual assault to acknowledge their trauma without going into detail. But it also provided evidence for people to understand how sexual violence has been ignored:

@JennyS38: #MeToo brings so many emotions right now . . . But one overwhelming emotion is admiration towards the people who have stood up and shared their experiences so that everyone will realize this problem is real and can't be buried and ignored. (October 16, 2017, 8:08 pm)

@RachelTGreene: To everyone who has a #MeToo story whether you're able to share it or not—it's not your fault, you're not alone, and you're not "overreacting." (October 16, 2017, 5:37 am)

@hannahchoreo: To anyone saying #MeToo tweets are attention-seeking, you are the reason women are afraid to speak up after being sexually assaulted. (October 15, 2017, 7:54 pm) (Clark-Parsons 15).

The public began to sympathize with victims of sexual violence because they were able to understand their pain and their stories through media. Suddenly, the movement was not just about Weinstein and famous celebrities, it was about people everywhere. And Twitter was quick to point out that #MeToo needs to account for intersectionality and just not focus on wealthy white women:

“@monaeltahawy: #MeToo is not about white women. It’s about patriarchy—its ubiquity, how it intensifies other oppressions such as racism, ableism, classism, etc. It must not be exclusively about what powerful men do to white women nor which white women say they’re ok w/powerful men’s “seduction.” (January 14, 2018, 11:07 am) (Clark-Parsons 15).

The public began to understand that sexual violence is a pervasive epidemic and it also disproportionately affects marginalized communities. The feminist outcry over the erasure of black women leading the movement lead to a correction about how sexual violence disproportionately affects workers, LGBTQ individuals, and communities of color. The shift in rhetoric about sexual violence allows the general audience to understand the impacts with a more critical eye—paying attention to how different communities are impacted. For example, the call for intersectionality will allow more people to interpret Anita Hill’s testimony differently today than they would have in 1992.

The cultural shift of the #MeToo era led to a change in the widely held belief about sexual violence—the endoxa about believing victims dramatically changed. It all started with a revolt against those in power that silence victims of sexual assault. From 2017 to 2018, the #MeToo had been used 19 million times on Twitter and public opinion changed to reflect the demand that victims of sexual assault be taken more seriously (NW 1) . Most importantly, the movement relied on leaders and people in positions of power to follow a deep sense of civic duty in order to hold perpetrators accountable. This lead to the ousting of Weinstein and prominent leaders in government. As much as the endoxa changed to listen and give respect to victims who are willing to come forward and share their stories, there was also an additional emphasis on

accountability. The public opinion changed to no longer tolerating perpetrators of sexual assault/harassment in leadership positions (NW 1). This led to the coalition of “Time’s Up” which focuses on Hollywood but also reflects the change that the end of the time is that the audience recognizes that any type of behavior which sounds like sexual assault can no longer be tolerated in the society we want to live in. And those who are responsible for morally reprehensible actions need to face retribution whether it is through a court of law or the court of public opinion.

The rejection by the public that sexual assault is socially acceptable created a different set of expectations for the Kavanaugh Hearings in the fall of 2018. The widely held belief by most leaders moved towards a zero-tolerance policy for sexual assault. The power of the #MeToo movement wanted to hold people accountable and support survivors of sexual assault. There was also a call for greater transparency and serious investigations into questionable misconduct. But on the other side, Republicans began to fear that #MeToo had gone too far (NPR.org 1). It was turning into an angry mob of cancel culture and women.

Supporters of #MeToo were beginning to be mocked online, and the initial outrage had started to become more contentious. And #MeToo began to be weaponized as a political tool. The fall of several prominent government senators and congressmen: Al Franken, Roy Moore, John Conyers Jr., Blake Farenthold, Bobby Scott, Trent Franks, Ruben Kihuen leads to questions about the long term effects of individuals coming forward with stories of sexual assault (NBC News 1). The competing narratives boiled over in the fall of 2018 when Dr. Christine Blasey Ford came forward with serious sexual assault allegations against presumptive Supreme Court nominee Judge Brett Kavanaugh.

Chapter 5 The Characterization of Dr. Ford and Brett Kavanaugh

The Set-Up for the Hearings

The Kavanaugh Hearings in the fall of 2018 challenged American democracy to its core, and provoked a moral reckoning over how the highest institutions of government handled allegations of sexual misconduct. Christine Blasey Ford, a psychology professor from Palo Alto California publicly came forward with serious allegations of sexual misconduct against presumptive Supreme Court nominee Brett Kavanaugh. The hearings that unfolded erupted into a national discussion about gender, sexual violence, and ethical decision making. The American public was quickly reminded of the Anita Hill Hearings in 1992—which had not aged well. There was a political “promise” to handle this situation with fairness and “dignity”. But what unfolded was a dumpster fire of political theatre and complete disrespect for victims of sexual assault. The Kavanaugh Hearings signify a cultural moment in which the most esteemed levels of government failed to provide justice and fairness to victims of sexual violence even in the wake of #MeToo. The legacy of the Kavanaugh Hearings only solidified patriarchal norms and endoxa in American public life. In order to understand the conditions leading up to the Kavanaugh Hearings, it is helpful to explore the respective backgrounds of Ford and Kavanaugh.

Who is Dr. Ford?

Christine Blasey Ford grew up in the suburbs of Washington, DC in the elite prep school crowd (Pogrebin 37). Ford grew up in the country club crowd of Potomac, Maryland (Pogrebin 38). Her family was Republican and Protestant, and her parents played golf on the weekends at

the Columbia Country Club, known as a hangout for politicians and business executives (Pogrebin 38). For high school, Ford attended the prestigious Holton-Arms School for girls in the suburbs of Washington, DC. (Pogrebin 39). In the summers, Ford would swim at the Columbia Country Club pool and socialize with other teenagers from prep schools in the area (Pogrebin 43). It was at the pool where her friend Leland Ingham met Mark Judge, a student at Georgetown Prep (Pogrebin 43). Ingham and Judge dated briefly that summer, and one night Ford and Ingham ended up at unfamiliar house in the D.C. area where she recalls being sexually assaulted by Brett Kavanaugh.

In her later years at the Holton-Arms School, Ford struggled academically and socially. Her struggle academically was probably indicative of post-traumatic stress disorder she experienced from the sexual assault. She ended up attending the University of North Carolina at Chapel Hill where she continued to struggle academically (Pogrebin 47). Ford ended up majoring in Psychology and in 1989 moved to Malibu in order to earn a master's degree in psychology at Pepperdine University (Pogrebin 47). Ford earned her doctorate in psychology at the University of Southern California and accepted a research position at Stanford University (Pogrebin 47). Ford's D.C. upbringing was wildly different from her life in California, where she was busy raising her children and carrying out her research (Pogrebin 48). The sexual assault she experienced as a teenager did not come up until a therapy session with her husband in 2012 (Pogrebin 48). Ford had quietly been keeping tabs on Kavanaugh's career and her personal memories of the horrific night (Pogrebin 48).

Before Justice Kavanaugh was announced as President Trump's presumptive Supreme Court nominee, Ford had been watching his career in fear that one day this man would sit in the Supreme Court. Ford had brought up her sexual assault to her California friends a few times

before the explosion of the hearings in 2018. In 2016, in the wake of the Brock Turner rape case at Stanford, Ford mentioned to her friend, Keith Koegler, that she had been sexually assaulted by a young man who was now a federal judge in Washington, DC (Pogrebin 49). And a year later, she disclosed to her friend Sharon White that she had been sexually assaulted in high school and the perpetrator might one day sit on the Supreme Court (Pogrebin 49). Ford started to pay more attention to possible Supreme Court nominees and in the summer of 2018 started to grow concerned. In July of 2018, the short list for the Supreme Court was widely covered in the press (Pogrebin 51). Ford was sitting on the beach in Delaware when she began to debate with her friends what to do with pertinent information about the nominee, Brett Kavanaugh.

Dr. Ford's initial plan was to provide the necessary information before Kavanaugh became the nominee (Kantor 193). Dr. Ford had no intention of outing Kavanaugh publicly or causing her family in DC any distress; Kavanaugh's father and Ford's father still belonged to the same golf club (Kantor 193). She wanted the necessary information to be dealt with privately by the White House or the Senate. On July 6th, Ford called the office of her congressional representative, Anna Eshoo, a Democrat (Kantor 195). She left a message with a staff person, "Someone on the Supreme Court short list sexually assaulted me in high school. I need to talk to someone in the office. It's urgent; Trump is about to make his selection" (Kantor 195). Congresswoman Eshoo's office told her they would get back as soon as possible. Ford also left an anonymous tip on the *Washington Post's* tip line that named the incident, and Kavanaugh, Mark Judge, and PJ as witnesses (Kantor 195). Ford was invited into congresswoman's Eshoo's office on July 18th. Eshoo's office suggested she write a letter to Senator Dianne Feinstein, the top Democrat on the Judiciary Committee which was tasked with interviewing Kavanaugh for the Supreme Court seat (Kantor 198). Ford wrote the letter to Feinstein, asking her to maintain her

confidentiality until she had a further opportunity to speak (Kantor 199). Ford wrote the letter to Senator Feinstein on July 30th, 2018. Below is an excerpt from the letter:

Kavanaugh physically pushed me into a bedroom as I was headed for a bathroom up a short stair well from the living room. They locked the door and played loud music precluding any successful attempt to yell for help. Kavanaugh was on top of me while laughing with Judge, who periodically jumped onto Kavanaugh. They both laughed as Kavanaugh tried to disrobe me in their highly inebriated state. With Kavanaugh's hand over my mouth I feared he may inadvertently kill me...I have not knowingly seen Kavanaugh since the assault. I did see Mark Judge once at the Potomac Village Safeway where he was extremely uncomfortable seeing me. I have received medical treatment regarding the assault. On July 6 I notified my local government representative to ask them how to proceed with sharing this information . It is upsetting to discuss sexual assault and its repercussions, yet I felt guilty and compelled as a citizen about the idea of not saying anything. (Kantor 199).

Senator Feinstein spoke with Ford on the phone and listened to her recount the incident from her youth (Kantor 200). Feinstein promised to keep the letter confidential and implored her to get legal representation (Kantor 200). Ford pursued counsel with two lawyers, Debra Katz and Lisa Banks, both lawyers with experience litigating sexual harassment cases (Kantor 201). Katz and Powers agreed to represent Ford pro bono and began to take steps to find corroboration of Ford's story or other victims of Kavanaugh (Kantor 203).

Katz and Powers had done research and found no other allegations of misconduct about Kavanaugh (Kantor 207). If Ford was going to come forward, she would have to be the lone

accuser (Kantor 207). This put a lot of pressure on Ford to be the “perfect victim” and recall every detail and maintain composure. It is a lot harder to be the sole accuser and face the intense public scrutiny without anyone else to help corroborate a pattern of behavior by the perpetrator. Due to the fact that she was the only “credible” account according to Republicans she faced the most public scrutiny and was blamed for every inconsistency in her account and for tarnishing Kavanaugh’s reputation. Next, Ford had to decide if she wanted Senator Feinstein to share her letter with the Judiciary Committee (Kantor 208). On August 31st, she confirmed with Feinstein that she wanted to remain confidential and not have her letter shared publicly (Kantor 209). Ford returned to the office of a PTSD specialist on September 4th to discuss the trauma of the Kavanaugh nomination (Kantor 211). And on September 10th, Ford returned to teaching and was stopped outside of her classroom by a BuzzFeed journalist asking about a letter written to Senator Feinstein (Kantor 212). On September 12th, an article appeared in *The Intercept* which revealed that the Democrats were trying to obtain a letter that Senator Feinstein had received about Kavanaugh from a constituent affiliated with Stanford University (Kantor 212). Senator Feinstein released a statement that she had sent the letter to law enforcement for review and referred the matter to the FBI (Kantor 213). Ford began to grow fearful that her identity would be leaked and wanted to gain control over the information that was disclosed through the media. She decided to give her account to Emma Brown at the *Washington Post* in order to set the record straight—the article was published on September 16th (Kantor 214).

The *Washington Post* story provoked a vociferous public debate. Legal experts were split about the relevance of the allegations. Some attorneys believed that, “If the details of Ford’s allegations were true, if the two boys had blocked her in the room and turned up the music, if

Kavanaugh had put his hand over her mouth when she tried to scream, then he had committed a serious crime” (Kantor 216). Others emphasized the statute of limitations and the complexity of investigating a sexual assault claim 35 years later. Rosa Brooks, a Georgetown Law Professor tweeted, “I oppose Kavanaugh’s nomination, I think senators should vote no based on his judicial record, but I am uncomfortable with asserting that his behavior as a teen tells us anything about his ‘character now’...after thirty-five years, it is nearly impossible to conduct a full or fair investigation” (Kantor 216). The public sphere was flooded with competing opinions on next steps in response to Dr. Ford’s allegations. While the public was debating the implications for Ford’s story about Kavanaugh; Ford was not even sure if she was ready to testify. At one point, Ford refused to testify and she told her lawyers that she had no intention of going to Washington, DC (Kantor 217). The public debate over #MeToo and the Kavanaugh Hearings only intensified as negotiations behind closed doors continued.

Ford’s legal team requested an FBI investigation in an attempt to have an impartial law enforcement try to uncover the details of what happened 35 years ago (Kantor 219). The FBI refused to get involved, arguing that Kavanaugh’s background check was closed and that the republicans on the Senate Judiciary Committee had the skills and authority to investigate the allegations (Kantor 219). Senator Grassley, the chair of the Judiciary Committee, offered to interview Ford in private which her legal team rejected that offer (Kantor 219). Ford’s legal team wanted the committee to subpoena two witnesses to testify; Kavanaugh’s friend Mark Judge who witnessed the event and PJ Smyth who attended the party (Kantor 220). Grassley’s team refused to allow Mark Judge to testify and instead accepted his written statement (Kantor 220). The two written statements from Mark Judge and P.J. Smyth both stated they had been friends with

Kavanaugh in high school but had no memory of the incident (Kantor 220). Ford's lawyers felt the Republican majority on the Judiciary Committee had eliminated the potential for cross-examination of witnesses and had turned the hearings into "Do you believe her? Or do you believe him?" (Kantor 220). At this point, Ford still had not committed to attending a hearing. She was still in Palo Alto, facing death threats and was forced to hire 24-hour private security (Kantor 222).

Ford was still deciding if she wanted to go to Washington, DC and was offered to fly on a private plane owned by a local tech executive in Palo, Alto (Kantor 224). Ford was unable to travel on a commercial airplane due to the number of death threats she had received and the media scrutiny (Kantor 224). She decided to travel with Keith Kogler, in whom she initially confided and a few friends from California (Kantor 225). At that point, Ford's legal team and Grassley's staff decided that the hearing would take place on Thursday, September 27th (Kantor 225). The week before Ford's testimony, two other allegations against Kavanaugh broke on the internet. *The New Yorker* published the story of Deborah Ramirez who alleged that Kavanaugh exposed himself to her at a party when they were both classmates at Yale (Kantor 227). *The New Yorker* story did make an important note about Ramirez's account of Kavanaugh sexually assaulting her while at Yale, "The article acknowledges that Ramirez had been reluctant to speak, partly because she had memory gaps from the drinking, and that it had taken her six days of assessing her recollection to described Kavanaugh's roles in the alleged incident with certainty" (Kantor 227). The New Yorker was unable to find any other on the record support to corroborate Ramirez's story (Kantor 227). This led to her account not being taken as seriously by other journalists and official's.

Another, far-fetched, accusation was furnished by Michael Avenatti, Stormy Daniels's attorney. It stated, "We are aware of significant evidence of multiple house parties in the Washington, DC area during the early 1980s, during which Brett Kavanaugh, Mark Judge, and others would participate in the targeting of women with alcohol/drugs to allow a "train" of men to subsequently gang rape them" (Kantor 226). Avenatti did not name his client or any additional details around the allegations. Ford's legal team felt Ramirez's story would help with her credibility but additional "sideshow allegations" could cause harm (Kantor 226).

Republicans began to frame the increase in allegations as fodder for the argument of a "left-wing conspiracy" (Kantor 228). Kellyanne Conway stated on *CBS This Morning* that the allegations against Kavanaugh were, "Starting to feel like a vast left-wing conspiracy and implied that the judge was a victim of pent-up demand of victims of sexual harassment and assault" (Kantor 228). Mitch McConnell gave a speech on the Senate Floor accusing Democrats of a "shameful smear campaign" against Judge Kavanaugh (Kantor 228). The Republican Party wanted to appoint a conservative Justice to the Supreme Court and they were willing to go extraordinary lengths to ensure that happened.

While the media circus was going on, Ford had flown to Washington, DC and was preparing her testimony in a private conference room at the Watergate Hotel (Kantor 229). Ford was set to deliver her testimony in the chambers of the Senate Judiciary Committee. This testimony would change public perception and attitudes toward sexual assault and #MeToo forever. Ford's testimony would be the first public test case to evaluate if the endoxa change about sexual assault had any impact. The public perception was beginning to change about sexual violence but did that perception equate to actual systemic change for victims? There was

also another testimony preparation going on, Judge Kavanaugh was getting ready to defend himself from the onslaught of allegations and media frenzy that were threatening to derail his confirmation of a lifetime.

Who is Brett Kavanaugh?

When the Republican Party was selecting a Supreme Court nominee to succeed Justice Kennedy, they had some concerns about Kavanaugh's ability to be confirmed due to baggage from the Bush years (Pogrebin 8). But to the Republicans who were pushing his candidacy, Kavanaugh represented everything the Republican party idealized. Kavanaugh was a "bro", "He was a red-meat Republican who could transform the Supreme Court. He was popular with Bush White House alumni, prominent Republican lawyers in private practice, and the Washington area country club crowd, which ranged from some of the city's political power brokers to the basketball moms who watched Kavanaugh's daughters play theirs courtside" (Pogrebin 9). Kavanaugh's deep connection to the elites of Washington, DC played an essential role in his character development and in public perception of him.

Kavanaugh was raised in the affluent suburbs of Washington, DC in an upper-middle class household. His father worked for the Cosmetic, Toiletry, and Fragrance Association, lobbying members of Congress on Capitol Hill (Pogrebin 18). His mother was a public school teacher until she graduated from American University with a law degree and became a prosecutor in Montgomery County, Maryland (Pogrebin 18). Kavanaugh attended Catholic Schools his entire life and in 1979 went on to attend the elite Georgetown Preparatory School in

Bethesda, Maryland. Georgetown Prep had the Catholic traditions of athletics, academic success, and discipline (Pogrebin 19). Kavanaugh excelled at Georgetown Prep, often landing in the top three spots of his class (Pogrebin 20).

Despite the rigid academic and athletic standards of Georgetown Prep, many of the students still indulged in heavy partying and drinking on the weekends. Kavanaugh and his friends kept records of their drinking exploits in an underground school newspaper called *The Unknown Hoya* (Pogrebin 28). Kavanaugh and his friends established the “100 Keg Club” with the aim to drink 100 kegs of beer by the time they graduated (Pogrebin 27). The antics described in the underground yearbook include “copious vomiting, the breaking of household furniture, epic cleanup efforts, and getting grounded” (Pogrebin 27). The “bro culture” at Georgetown Prep was prevalent. A Georgetown Prep alumni and classmate of Brett Kavanaugh commented on how the elite fraternity culture translated into misogyny: “Many Prep students at that time possessed a collective sort of jocular disdain for women. It was not a good tie that binded. We all thought it was a sort of funny thing to do, or be, which was to be disrespectful toward women” (Pogrebin 27). The accounts of Kavanaugh’s fellow students suggest the culture at the school was more of a rape culture that prized hypermasculinity and attacked women. These boys were not “upstanding citizens” they were fraternity boys who participated in a rape culture before the term was popularized. The drinking and misogynistic culture that existed at Georgetown Prep would come back to haunt Kavanaugh during his Supreme Court nominee hearings.

In 1983, Kavanaugh went on to attend Yale University, living in Lawrance Hall his freshmen year (Pogrebin 57). While at college, Kavanaugh played on the junior varsity basketball team and focused intensely on his academics (Pogrebin 60). In addition to his

academic and athletic activities which were similar to his upbringing at Georgetown Prep, Kavanaugh was also a member of the Delta Kappa Epsilon fraternity (Pogrebin 62). The fraternity was infamous for its annual drinking contest and initiation rituals. At one time the fraternity pledges marched across campus waving a flag made of women's underwear (Pogrebin 62). In Kavanaugh's senior year, he was tapped to join the "Truth and Courage" all-male secret society which was colloquially known among students as the "Tit and Clit" club (Pogrebin 63). The misogynistic culture that was prevalent during Kavanaugh's time at Yale is another example of rape culture. The derogatory statements about women reflect a set of endoxa that women are objects and can be "conquered". The recollections and evidence from Kavanaugh's peers show a dangerous rape culture that extends beyond excessive drinking. Many of Kavanaugh's peers at Yale commented on the excessive drinking that took place in secret societies, dorms, fraternities, and off-campus parties. Binge-drinking was becoming more prevalent and dangerous in the 1980s (Pogrebin 64).

Deborah Ramirez, who came forward with her story of sexual harassment in *The New Yorker* believes that it was one of the raucous dorm parties with excessive drinking where the event occurred. Debbie attended a party in Lawrence Hall her freshmen year, where she remembers playing a drinking game with Kavanaugh and a circle of people (Pogrebin 65). At one point she had a penis thrust into her face and accidentally touched it (Pogrebin 65). Debbie recalls Kavanaugh pulling up his pants and one of their friends David White yelling, "Brett Kavanaugh just put his penis in Debbie's face" (Pogrebin 65). The boys in the circle laughed at Debbie believing it was harmless drunken fun (Pogrebin 66). Brought up in a Catholic family, Debbie recalls that incident as a horrific moment in her youth, "This whole identity had been

ripped away from me...I had gone through high school , I'm the good girl, and now, in one evening, it was all ripped away. I'm no longer the good Catholic girl, I'm no longer the one who makes good choices, they make it clear I'm not smart" (Pogrebin 66). When Debbie went home for winter break, she told her mom Mary Ann LeBlanc about the incident, and her mother encouraged her to report it to the school and Debbie said, "No" (Pogrebin 67). Two other students at Yale, Ken Appold and Richard Oh, had overheard about the incident from other freshmen (Pogrebin 67). Many years later, when Ramirez would go on to tell the story to *The New Yorker*, both Appold and Oh signed affidavits validating that the story had happened (Pogrebin 67). Kavanaugh's years at Yale were marked by academic success but also a secret repeated pattern of sexual misconduct and excessive drinking.

After completing his undergraduate at Yale, Kavanaugh matriculated to Yale Law School and graduated *cum laude* in 1987 (Pogrebin 81). Right out of law school he clerked for Judge Walter K. Stapleton of the U.S. Court of Appeals for the Third Circuit, a Reagan appointee (Pogrebin 81). After Stapleton, Kavanaugh clerked for Judge Alex Kozinski in Pasadena, California (Pogrebin 82). Kozinski was known for feeding clerks to the Supreme Court (Pogrebin 82). Kavanaugh's clerkship with Kozinski greatly influenced his judicial philosophy, and the two remained friends as members of the Federalist Society throughout their careers (Pogrebin 85). Kavanaugh went onto clerk for Justice Kennedy between 1993 and 1994 (Pogrebin 90). He appeared to lean Republican ideologically, but was not considered excessively partisan in his opinions until he began to work for Republican leaders.

Kavanaugh was a part of the legal team that aimed to impeach Clinton for having inappropriate relations with an intern (Pogrebin 91). Kavanaugh wrote in a memo that "The

president has disgraced his office, the legal system and the American people by having sex with a 22-year-old intern and turning her life into shambles” (Pogrebin 91). Kavanaugh continued to get more involved in Republican politics, representing George W. Bush in his fight for the presidency after the recount in the Florida 2000 election (Pogrebin 93). And in 2001, he quit his job to work in the White House Counsel’s Office for judicial appointments (Pogrebin 93). He then was promoted to assistant of the President and worked closely with Bush throughout his presidency (Pogrebin 93). In 2006, Bush appointed Kavanaugh to the prestigious U.S. District Court of Appeals on the D.C. Circuit (Pogrebin 94). During Kavanaugh’s, DC Circuit hearings Democratic Senators expressed concerns over his partisanship. Senator Chuck Schumer said, “You have a more partisan record than any single nominee who has come before us, Democrat or Republican... You have been more active in more political causes, hot-button issues than anyone” (94). Kavanaugh was eventually confirmed and sat on the D.C. Circuit for 12 years where he established himself as a reliable conservative (Pogrebin 95).

Throughout his time on the D.C. Circuit, Kavanaugh still ran in Republican circles giving more than fifty speeches to the Federalist Society and connecting with prominent Republicans (Pogrebin 95). Interestingly enough, during his years on the D.C. Circuit Kavanaugh made a point of hiring female law clerks (Pogrebin 97). 25 out of the 48 law clerks he hired were women and more of these clerks went on to the Supreme Court than clerks from any other federal judge (Pogrebin 97). Rebecca Taibleson who clerked for Kavanaugh submitted a statement during the hearing, “After hiring us, Judge Kavanaugh goes to bat for us... Studies have shown that women are often at a disadvantage on those fronts, but Judge Kavanaugh is a force of nature” (Pogrebin 97). In addition to his promotion of female law clerks, Kavanaugh was known as a family man,

coaching his daughter's youth basketball team and attending mass at his church (Pogrebin 97). In the public eye and in Washington Republican circles, Kavanaugh was seen as a family man with an elite education and background who is more than qualified to be an ideological Republican Supreme Court nominee.

In the summer of 2018, Justice Kennedy announced he would retire after 30 years on the Supreme Court (Hulse 206). President Trump would now have the opportunity to appoint a conservative justice to the Supreme Court to replace Kennedy's swing vote (Hulse 206). Trump planned to quickly fill Kennedy's seat, he was wary of the midterm elections coming in November which had the possibility of changing the control of the Senate. Moreover, the Republican party wanted another Trump Supreme Court nominee on the bench as the Robert Mueller investigation into Russian interference in the 2016 election was perceived as a threat (Hulse 217). Trump had a short list of justices; Amy Coney Barrett, Raymond Kethledge and Amul Thapar in addition to Kavanaugh (Hulse 218). Trump initially expressed concerns that Kavanaugh had too close ties to the Bush administration and a mountain of paperwork but Mitch McConnell liked Kavanaugh's judicial philosophy (Hulse 220). Kavanaugh had wide support in Republican circles and was very familiar with the D.C. network, he had been around Washington, DC long enough it seemed absurd that scandal could prevent his nomination (Hulse 223).

Kavanaugh was able to get through the first round of confirmation hearings with minimal scars and the Republican leaders on the committee were hoping to advance his nomination (Hulse 242). The formal committee vote was set for September 20th. And suddenly, on September 12th, everything began to change (Hulse 242). *The Intercept* published a story that

Senator Feinstein was withholding a letter from a constituent about allegations of sexual misconduct pertaining to Brett Kavanaugh. *The New York Times* also published a story about the letter, keeping the constituent anonymous but mentioning the sexual misconduct that occurred in a Washington, DC suburb with Brett Kavanaugh and Mark Judge as a witness (Hulse 243). The White House quickly released a statement dismissing the allegations, “This has all the indicators of an eleventh-hour character assassination and a desperate attempt to delay and defeat the nomination of Judge Kavanaugh who has a sterling reputation in his community, his profession, his church, and among hundreds of friends, colleagues, and coworkers” (Hulse 244). At this point, the FBI had taken the letter from Feinstein and added it to Kavanaugh’s background file but nothing could be done unless the “constituent” came forward and accused Kavanaugh publicly. And on September 16th, *The Washington Post* ran a story with Christine Blasey Ford detailing a sexual assault she experienced as a teenager at the hands of Brett Kavanaugh (Hulse 244).

Several Republican leaders criticized Feinstein for holding onto the letter throughout the nomination process. Senator Susan Collins of Maine told *The Washington Post*, “What is puzzling to me is the Democrats, by not bringing this out earlier, after having had this information for more than six weeks, have managed to cast a cloud of doubt on both the professor and the judge. If they believed Professor Ford, why didn’t they surface this information earlier so he could be questioned about it?” (Hulse 246). The Republican leadership eventually decided to go through with another hearing in order to appease uncertain members of their party and the public (Hulse 246). Even though there would be another hearing, the message from Mitch McConnell and other party leaders was, “President Trump has nominated a stunningly

successful individual. You have watched the fight, you watched the tactics. But here's what I want to tell you: in the very near future, Judge Kavanaugh will be on the United States Supreme Court. Keep the faith. Don't get rattled by all this" (Hulse 247). The Republican Party was determined to muscle Kavanaugh through the confirmation hearing in order to have a conservative leaning Supreme Court. The Republican Party was willing to eviscerate and victim blame Dr. Ford as a strategy to get Kavanaugh on the Supreme Court. The messaging from the Republican Party was Dr. Ford was the reason why Kavanaugh's nomination was stopped and why his reputation was ruined. They used victim-blaming to achieve their goal, discarding ethics and fair treatment for survivors of sexual violence.

The week leading up to the hearing was a media frenzy with new allegations of sexual misconduct coming to light. *The New Yorker* published Ramirez account, and other allegations were also published online but they were viewed as too "far-fetched". The Chair of the Senate Judiciary Committee, Senator Grassley, did not consider any of them credible enough to warrant being a part of public inquiry (Hulse 249). In response to the accusations and stories dominating the internet, The White House arranged for Kavanaugh to give an interview on Fox News (Hulse 249). In the interview Kavanaugh remained calm and asserted that he did not sexually assault Dr. Ford:

I am looking for a fair process, a process where I can defend my integrity and clear my name...I've never sexual assaulted anyone in high school or otherwise. I am not questioning and have not questioned that perhaps Dr. Ford at some point in her life was sexually assaulted by someone in some place. But what I know is I've never sexually assaulted anyone in high school or at any time in my life (Hulse 251).

The Fox Interview was a last-minute plan to garner support and put out some positive PR. But it did not create a lasting impression about the judicial temperament of Brett Kavanaugh.

Kavanaugh's calm and factual denial would be a stark contrast to the character he exhibited throughout his testimony. Additionally, Kavanaugh was facing condemnation from the elite institutions who once touted his legacy. The Yale law school faculty and former deans signed an open letter demanding a full investigation into the allegations by Dr. Ford (Johnson 1). And roughly 40% of the Yale Law School student body participated in a "sit in"; holding signs in the walls of the school that said, "#StopKavanaugh," "#IStillBelieveAnitaHill," and "Yale Law School is a model of complicity." (Johnson 1). Some Yale Law students skipped class and traveled to Washington, DC to protest the nomination in person (Johnson 1). The reckoning at Yale over the nomination of Brett Kavanaugh is symbolic of a larger trend in society. The #MeToo movement had led to accountability for perpetrators of sexual violence and elite institutions now had to comply.

The scene was set for the confirmation hearing of a lifetime. The biggest questions were: Would the Senate Judiciary Committee change in light of the Anita Hill Hearings in 1991? Had #MeToo changed the way institutions respond to sexual assault? The Senators did not want a repeat of the appearance of an all white male judiciary questioning a victim of sexual assault. That image hurt their credibility in the Anita Hill Hearings. And this time, the Republican majority promised the process would be "different".

Ethos in Turmoil

In the first chapter, I presented the concept of *ethos* as a framework for understanding the rhetor. Ancient Athenian educator Isocrates believed that the development of ethics is intrinsic to a person's character and "the argument that is made by a man's life is of more weight than that which is furnished by words" (Farrell 60). Using Isocrates' interpretation of *ethos*, I am going to analyze how the trajectories of both Ford and Kavanaugh's life can help us contextualize their testimony during the hearings. Both Kavanaugh and Ford grew up in the same elite Washington, DC circle. Throughout their lives, their paths did not converge; Kavanaugh decided to pursue politics and power while Ford moved into academic.

Dr. Ford attended college at UNC Chapel Hill and struggled, it appears that lasting trauma from the sexual assault could have impacted her academic success. Ford went on to pursue an academic career while raising a family. There is no evidence that any choices she made throughout her life indicate partisan political goals or desires. She was focused on her research. But a repeating pattern in Dr. Ford's life was the sexual assault that apparently continued to haunt her. She brought it up in therapy with her husband and mentioned it to several of her Palo Alto friends. The public assumption that Dr. Ford came out of the democratic woodwork to thwart the Republican Supreme Court nomination is easily refuted if one examines her life trajectory. Her academic background, non-political activities, and mention of sexual assault by a judge (even before the nomination was public) suggest a high-level of credibility. The timing of the public allegations makes it appear circumspect, but Dr. Ford wrote to her congresswoman in July of 2018, as soon as the nomination was publicly announced. Dr. Ford's

background and life path suggest a highly credible *ethos*. Her decision to come forward to testify appears to spring from a sense of civic duty.

If we consider Brett Kavanaugh's *ethos* through the prism of his career and lifestyle, it seems more complicated. Kavanaugh attended some of the most elite educational institutions in the country and grew up in an area surrounded by privilege and hypermasculinity. His entire life seems to point towards political advancement and conservatism. Anecdotal evidence from his youth suggests that he drank a lot in high school and college and participated in student groups that embraced rape culture. It is plausible that there could have been circumstances where Kavanaugh drank so much he forgot what happened. But even though he may not remember, he is still legally responsible for his harmful and violent actions. He appears as an elite white male who represents traditional old-school values. Kavanaugh made a point to hire female law clerks and he wanted that to reflect positively on his "pro-women" position. Kavanaugh wanted to create an image of a powerful man who was willing to help out those beneath him. But his decision to hire female law clerks does not equate to defraying years of gender inequity or a high moral standing.

His life-path *ethos* suggests that he belongs to an "old boys club" that will defend and protect him until the end, even if he did commit wrongdoing. Kavanaugh's elite background and strong Republican connections make him appear arrogant and entitled. His *ethos* before #MeToo may not have been in question, he fit the mold of what society expected from elite institutions and powerful men. But the national conversation was beginning to change; suddenly, elite and powerful men were no longer free from serious accusations of sexual misconduct. Kavanaugh defends himself by proclaiming he "earned" his way into elite institutions but he never considers

how is social class, gender, and skin color may have helped him advance professionally. His hypermasculinity and self-entitlement explain his continuous declarations of innocence and are characteristics of perpetrators of sexual violence.

Chapter 6 The Politics of the Kavanaugh Hearings

September 27th, 2018 :

The morning of September 27th started as any Thursday in the business world of America but in Washington, DC the city was on the brink of boiling over. Christine Blasey Ford was set to testify in front of the Senate Judiciary Committee about a sexual assault she experienced in high school by Supreme Court nominee Brett Kavanaugh. The country's political parties were divided over how to approach the allegations [and the outrage and anger poured into the streets of Washington, DC. At 9:11 am near the Russell Senate Office Building, the Independent Women's Forum (IWF) and Concerned Women for America organized a "pro-Kavanaugh" rally (Katz 1). The senior policy analyst from IWF at the "pro-Kavanaugh" rally told reporters that her group, "takes allegations of sexual assault seriously...but we should take seriously the idea of due process, and the bedrock principle in our criminal justice system of the presumption of innocence" and "there is also the other side of this, where people will lodge false allegations and those can be devastating for our husbands, brothers, and the men in our lives" (Katz 1). The polarization regarding the testimony of Dr. Ford can be seen in the pro-Ford protest in the atrium of the Hart Senate Building (Katz 1). Protestors, some who identified as sexual assault survivors stood in support of Dr. Ford (Katz 1). Joy Gerhard traveled to Washington, DC from Seattle Washington because she felt compelled to support Dr. Ford; on her left arm is a series of dates, each time she was subjected to sexual violence (Katz 1). In the morning, Senator Elizabeth Warren visited the pro-Ford protestors, she harshly condemned the nomination of Kavanaugh:

This is not alright. This is a moral question. Why the republicans feel the need to go forward, why Mr. Kavanaugh himself doesn't say, If he believes what he says, then he should want an investigation. And the fact that they want to ram this through and not have an investigation. That Mitch McConnell goes in front of his big donors and says, "I am going to ram this thing through". It is not right. That treats everyone with disrespect. It treats everyone who has been a victim of sexual assault with disrespect. It treats human beings as if their claims are meaningless. And that powerful men can do whatever they want to do. And it is just not right (Katz 1).

In the background of Senator Warren's comment stood a group of women holding up their hands with the words written, "I Believe". The "I Believe" slogan is the same slogan used 28 years earlier when Anita Hill testified, the surrounding area was crowded with buttons that said, "I Believe Anita Hill". The stage in Washington, DC had been set for testimony that would shock and divide the nation.

Setting the Scene: Politicization by Senator Grassley and Senator Feinstein

Senator Chuck Grassley, the most senior Republican presided over the hearings. His staff negotiated with Dr. Ford's team and he set the terms and structure for the investigation into allegations of sexual assault against Kavanaugh. Senator Grassley begin by apologizing to Dr. Ford and Kavanaugh for the media circus surrounding them and their families. Immediately after, his expected apology he goes into a long explanation for why Judge Kavanaugh was the

qualified pick by the Republican party (C-Span). But Senator Grassley immediately politicized the hearings by attacking the Democratic Party for the delayed revealing of Dr. Ford's letter:

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 (C-Span 02:06).

Senator Grassley's comment created a nuance that Dr. Ford's testimony is a political move by the Democrats in order to prevent Kavanaugh from being nominated. Senator Grassley continues to use his position to politicize the hearings by emphasizing the lack of cooperation by the Democratic party, "Every step of the way the Democratic side refused to participate in what should have been a bipartisan investigation. And as far as I know on all of our judgeships throughout at least the last four years — or three years, that's been the way it's been handled" (C-Span 02:06). Senator Grassley created this enthymeme that Dr. Ford's testimony is a political tool by the Democratic Party to prevent a conservative judge from sitting on the Supreme Court. At one point, Senator Grassley quotes then Senator Biden, Chairman of the Anita Hill Hearings. He takes Biden's words to provide evidence for why the Republican Party will not require a formal FBI investigation. Senator Grassley's use of Biden's language makes the Democratic Party look like hypocrites and further suggests that Dr. Ford's testimony is a political maneuver. Both Republican and Democrat Parties are using Dr. Ford to advance their own political agendas. At the end of the day, her words are not her own rather a chess move to advance a political agenda.

Senator Grassley continued his posturing of the Republican cause by emphasizing that the Republican Senators will be using an expert to question Dr. Ford. Senator Grassley emphasized to the public that the Republican Party takes sexual assault seriously:

That is why the senators on this side of the dais believe an expert who has deep experience and training in interviewing victims of sexual assault and investigating sexual assault alleged — allegations should be asking questions... I can think of no one better equipped to question the witnesses than Rachel Mitchell. Ms. Mitchell is a career prosecutor, civil servant, with decades of experience investigating and prosecuting sex crimes (C-Span 0:10:52).

Senator Grassley used an enthymeme to challenge the idea that the Republican Party is taking allegations of sexual assault seriously because they have hired an investigator to lead their questioning. But the questions by Rachel Mitchell do not necessarily reflect an unbiased fact-finder. Rachel Mitchell's gender does not excuse her from having a bias against women or victims of sexual assault. Her unwillingness to look beyond her own political affiliations or power position over Dr. Ford suggests that she has not overcome her bias. On the other side of the aisle, Senator Feinstein, the Democratic senior-ranking member of the Senate Judiciary Committee begins the hearings with a fiery condemnation of her Republican colleagues.

Senator Feinstein begins her opening statement by rebuking Senator Grassley and clarifying why she held Dr. Ford's letter confidential for a long period of time, "She reiterated that she wanted this held confidential and I held it confidential to the point until the witness was willing to come forward" (C-Span 00:15:00). In this moment, Senator Feinstein takes a stand and makes an important point about how victims of sexual assault are treated. She challenged the Republican Party's attack about waiting until the "11th hour" to release Dr. Ford's letter. Here,

Feinstein presented her decision to hold the letter in confidence as an appropriate response for survivors of sexual assault. She pivoted her opening testimony to discuss the importance of #MeToo and the epidemic of sexual violence:

Because how women are treated in the United States, with this kind of concern, is really wanting a lot of reform. And I'll get to that for a minute... There's been a great deal of public discussion about the #MeToo movement today versus the Year of the Woman almost 27 years ago. But while young women are standing up and saying "No more," our institutions have not progressed in how they treat women who come forward (C-Span 00:17:00).

Senator Feinstein used an enthymeme to create a message that this trial is symbol of the #MeToo movement and a referendum on sexual violence in the United States. She also makes a strong reference to the public memory of the Anita Hill Hearings in 1991. The injection of the Anita Hill Hearing created a strong message to the audience because the public recognizes that the way the hearing was managed was irresponsible, "In 1991, Anita Hill's allegations were reviewed by the FBI, as is the normal process and squarely within its jurisdiction. However, despite repeated requests, President Trump and the Republicans have refused to take this routine step and direct the FBI to conduct an impartial investigation" (C-Span 00:17:00). Senator Feinstein's invocation of the mistreatment of Anita Hill is also a warning to her Republican colleagues to not repeat the same mistakes of 1991. And it also provided a framework for the public to examine what has changed in regards to responses to sexual violence. Senator Feinstein continues to go on the offensive and directly attack her Republican colleagues for failing to call witnesses to directly testify corroborate Dr. Ford's claims, "Republicans have also refused 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 and character of either Ford or Kavanaugh has been called” (C-Span 00:22:00). The decision not to invite Mark Judge, the witness to the assault, and P.J. Smyth, another witness at the party, was a huge disappointment to the Democratic Leadership. They felt that if Dr. Ford’s claims were corroborated, they could have had a better chance of stopping the nomination.

Additionally, Senator Feinstein calls out the Republican Party for failing to invite June Swetnick and Debbie Ramirez to testify. Both had given detailed accounts of sexual assaults to news outlets alleging that Brett Kavanaugh had sexually assaulted them. Senator Feinstein used this moment to attack the Republican leadership for their failure to call all possible witnesses and push through to a confirmation, “All three women have said they would like the FBI to investigate; please do so. All three have said they have other witnesses and evidence to corroborate their accounts. And yet Republicans continue to blindly push forward” (C-Span 00:25:40). Here, Senator Feinstein used an enthymeme to suggest that the full extent of Kavanaugh’s history is in question. The multiple allegations in the post #MeToo era suggest a pattern of misconduct and that Dr. Ford’s allegations are not an isolated incident. Senator Feinstein ended her introductory statements by invoking *ethos* to remind the audience to consider the integrity of the Supreme Court, “We’re here to decide whether to evaluate this nominee to the most prestigious court in our country. It’s about the integrity of that institution and the integrity of this institution. The entire country is watching how we handle these allegations” (C-Span 00:28:80). Senator Feinstein is trying to push pass the partisan battle, after directly attacking her Republican colleagues, and argue that this is not about taking sides but protecting our government institutions. At the end of her speech she reframes Dr. Ford’s testimony as a job interview for Judge Kavanaugh, “This is not a trial of Dr. Ford, it’s a job interview for Judge

Kavanaugh. Is Brett Kavanaugh who we want on the most prestigious court in our country? Is he the best we can do?” (C-Span 00:29:19). Senator Feinstein’s rhetoric also challenges the victim-blaming narrative. Instead of suggesting that Dr. Ford is here to “disrupt” the nomination of Kavanaugh; she used an enthymeme to suggest that the purpose of this hearing is to determine Kavanaugh’s character and suitability for the Supreme Court, not question Dr. Ford’s motives and background.

Dr. Ford’s Opening Statement

Dr. Ford delivers her opening statement appearing nervous before the Senate chamber. Dr. Ford begins her statement by providing examples of her academic and professional record. Dr. Ford’s research and academic background creates an image of an individual who is well-educated and intelligent. Next, Dr. Ford begins to describe the sexual assault in gross detail (Trigger Warning):

...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. There was music playing in the bedroom. It was turned up louder by either Brett or Mark once we were in the room. 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. Both Brett and Mark were drunkenly laughing during the attack. They seemed to be having a very good time (C-Span 00:35:07).

Dr. Ford's detailed description of the night and choked-up voice add credibility to her story. She was not able to remember the exact date or how she got home after the party but the details of the sexual assault were very clear. This adds credibility to her allegations and shows the audience her powerful character. Her reactions show the pain of the assault and her deep fear. She was so afraid of Kavanaugh and Judge. The physical reaction and her bravery are just as important as her powerful words because they add to her story.

Dr. Ford also used her time to discuss the long-term impacts of sexual assault on her life. This is one of the first times that a victim of sexual assault relayed the long-term impacts of the violence. It added to the #MeToo narratives because it shows the seriousness of the impacts of sexual assault; an event that affects an individual for the rest of their life. Dr. Ford describes why she chose not to disclose her assault, "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" (C-Span 00:37:59). Here, Dr. Ford addressed the reasons why victims do not report sexual assault. In the aftermath of an assault, many victims are embarrassed, blame themselves, or have trouble processing that they were actually assaulted. These after affects are

some of the reasons why victims do not report their assault to the authorities or disclose to their friends and family. Many members of the Republican Party questioned the validity of her story because it was never reported to the police or widely discussed. The #WhyIDidntReport started trending during the hearings because due to the change in endoxa about sexual violence, the public connected with her reasons and fear (Fortin 1). Dr. Ford tells the audience that she first mentioned Kavanaugh's name in the couples therapy with her husband in 2012 (C-Span 00:39:00). By addressing the moment she openly discussed the assault when she was 15, she challenges the Republican argument that she has political motives.

Dr. Ford used strong language to portray herself as an ethically motivated citizen who is following her beliefs in civic virtue. She gave a very detailed response to when she went public with the allegations against Kavanaugh and her reasons for requiring Senator Feinstein to keep the letter confidential, challenging the narrative that she had political motives. Dr. Ford states the moment when she decided to relay information she had about Kavanaugh, the moment his name appeared on the shortlist, "This changed in early July 2018. I saw press reports stating that Brett Kavanaugh was on the shortlist of a list of very well-qualified Supreme Court nominees. I thought it was my civic duty to relay the information I had about Mr. Kavanaugh's conduct so that those considering his nomination would know about this assault (C-Span 00:41:06). Next, Dr. Ford goes into detail about why she asked Senator Feinstein to hold her letter detailing the allegations in confidence:

My hope was that providing the information confidentially would be sufficient to allow the Senate to consider Mr. Kavanaugh's serious misconduct without having to make myself, my family or anyone's family vulnerable to the personal attacks and invasions of privacy that we have faced since my name became public. In a letter dated August 31st,

Senator Feinstein wrote that she would not share the letter without my explicit consent, and I appreciated this commitment. Sexual assault victims should be able to decide for themselves when and whether their private experience is made public (C-Span 00:43:30).

This directly challenges Senator Grassley's opening statement that accuses the democratic leadership of waiting until the "11th hour" to make the letter public knowledge. Senator Feinstein was acting in the interests of a survivor of sexual assault. While it appeared circumspect, Senator Feinstein was attempting to transcend norms of politicians and respect the wishes of the accused. Dr. Ford reiterated in her statement the importance of sexual assault victims deciding when to make their private statement public.

Dr. Ford ends her opening testimony by reiterating her duty as a private citizen to come forward and provide relevant information about a Supreme Court nominee. Her ending statement demonstrated her *ethos* and challenges the media narratives that her purpose is political, "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" (C-Span 00:48:08). Here, Dr. Ford flipped the narrative that this is testimony should not be about the validity of her story but the character and actions of Kavanaugh. This is about his suitability for the court and a national reckoning on how victims of sexual assault are treated by the system. Dr. Ford's treatment by both Republican and Democratic Senators shows the country that victim's statements and truth's do not matter. She was put in an incredibly vulnerable and risky position. Dr. Ford was forced to hire 24/7 private security and take a leave of absence from her job due to the media attention. The way in which Dr. Ford was questioned, with all of her power

and privilege, illustrates the fundamental failings of our system to adequately consider (and prosecute) gendered violence as a ‘real’ crime. At the end of the day, the person with the most power wins. It also set-up a strong message for the questions by senators that would follow.

The Questioning of Dr. Ford

The Republican Senators on the Judiciary Committee relied on sex crimes prosecutor Rachel Mitchell to ask questions to Dr. Ford. They did not want the appearance of an all white male Republican Judiciary asking a victim of sexual assault difficult questions about her experience. Senator Grassley set the rules that each Senator would have 5 minutes to ask questions to Dr. Ford. Each Republican senator yielded their time to Ms. Mitchell to question Dr. Ford. The Democratic senators chose to ask Dr. Ford their own questions and not use the Republican appointed attorney. Rachel Mitchell starts her questioning by acknowledging that Dr. Ford’s opening statement showed she was terrified and set out ground rules for the questioning, Dr. Ford could ask clarifications of any questions and correct any misstatements, and it was okay if she did not remember everything (Axios 1). The appearance of Rachel Mitchell was supposed to show the public that she is a “credible fact-finder” but the questions Rachel Mitchell asked Dr. Ford mainly focused on finding inconsistencies in her story (Axios 1).

Rachel Mitchell asked methodical and difficult questions in a five-minute burst of time over a 1 hour time-span between Democratic Senators. I will point out some of her technical questions and Dr. Ford’s response, in addition to her overall findings/opinions which summarize the majority of her detailed questions. At one point, Mitchell asked Ford about symptoms of

PTSD she had experienced which was mentioned in the Washington Post article, her question suggests that another incident may have contributed to her PTSD and anxiety, “In reading The Washington Post article, it mentions that this incident that we’re here about contributed to anxiety and PTSD problems with which you have struggled. The word contributed, does that mean that there are other things that have happened that have also contributed to anxiety and PTSD?” (C-Span 01:42:00). Dr. Ford responds with a scientific argument that shows her ethos but also the complexities of PTSD:

I think that’s a great question. I think the etiology of anxiety and PTSD is multifactorial. So that was certainly a critical risk — risk that — we would call a risk factor in science, so that would be a predictor of the symptoms that I now have. It doesn’t mean that other things that have happened in my life would have — would make it worse or better. There are other risk factors as well (C-Span 01:42:00).

Dr. Ford’s response could suggest that another event led her to experience PTSD. Rachel Mitchell follows-up on that by trying to sow doubt that Kavanaugh’s sexual assault is the only thing that contributed to her trauma, “So have there been other things, then, that have contributed to the anxiety and PTSD that you suffered?” (C-Span 01:42:00). Dr. Ford responded with a scientific perspective, arguing that there could be a “biological predisposition that everyone in here has for particular disorders” (C-Span 01:42:00). Rachel Mitchell’s line of questioning on behalf of the Republican Senators continued to point out holes in her timeline of events and verbal testimony. Rachel Mitchell is framed as an “unbiased” fact-finder but her real purpose was to find holes to sow doubt about the validity of Dr. Ford’s testimony.

After the extensive questioning of Dr. Ford that focuses on detailed questions about her timeline of events, Mitchell publishes a report to the Republican leadership detailing her

thoughts on the validity of Dr. Ford's claims. After the hearing, Mitchell argues that the testimony of Dr. Ford does not provide enough evidence to prove Kavanaugh's guilt according to the legal standard:

A "he said, she said" case is incredibly difficult to prove. But this case is even weaker than that. Dr. Ford identified other witnesses to the event, and those witnesses either refuted her allegations or failed to corroborate them. For the reasons discussed below, I do not think that a reasonable prosecutor would bring this case based on the evidence before the Committee. Nor do I believe that this evidence is sufficient to satisfy the preponderance-of-the-evidence standard" (Axios 1).

In the memo, Mitchell lists several key reasons why Dr. Ford's allegation does not uphold a legal "preponderance of evidence standard": Dr. Ford has not offered a consistent account of when the alleged assault happened, Dr. Ford has struggled to identify Judge Kavanaugh as the assailant by his name, Dr. Ford has no memory of key details of the night in questions—details that could help corroborate her account, Dr. Ford's account of the alleged assault has not been corroborated by anyone she identified as having attended—including her lifelong friend, Dr. Ford has not offered a consistent account of the alleged assault, and the activities of congressional Democrats and Dr. Ford's attorney likely affected Dr. Ford's account (Axios 1). It is worth noting that Rachel Mitchell is a registered Republican, and in the beginning of her memo she states, "I am not a political or partisan person" (Axios 1). While there was a valid concern about the standard of evidence to hold Kavanaugh accountable for his actions, the point of the confirmation hearing is to determine his suitability for the court. And Mitchell's comments while they intend to be non-partisan come across as very partisan. She focused on mistakes in memory of a sexual assault that happened over 30 years ago. For a prosecutor who is supposed to support victims of

sex crimes, her findings and questions do not reflect sympathy to Dr. Ford. The Republican senators were successful in finding “holes” in Dr. Ford’s story but the fiery questioning from the Democratic senators would turn the tables onto Kavanaugh’s suitability for the court.

Senator Feinstein, as the ranking member of the committee, began the questioning of Dr. Ford. Senator Feinstein’s line of questions focused on the showing Dr. Ford’s credibility and ethos by asking questions about the psychological impacts of the assault and how she identified Kavanaugh. Senator Feinstein asked Dr. Ford to explain the impact of the events, and Dr. Ford responded with a scientific answer, “Well, I think that the sequence of sexual assault varies by person, so for me personally, anxiety, phobia and PTSD-like symptoms are the types of things that I’ve been coping with. So, more specifically, claustrophobia, panic and that type of thing” (C-Span 00:57:00). Dr. Ford’s response reflects her professional role as a psychologist but also her understanding of trauma and the aftermath of a sexual assault. Senator Feinstein followed-up with this line of questioning by asking Dr. Ford about her certainty that Brett Kavanaugh sexually assaulted her. Dr Ford responds with detailed information about brain function:

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” (C-Span 01:01:36).

Dr. Ford’s response challenged the concern about why she cannot remember certain details from the night. She highlighted scientific information about traumatic incidents. This fact-based, scientific rhetoric directly contradicts Rachel Mitchell’s questions about the missing details from the night. Senator Feinstein sets-up a line of questioning that allows Dr. Ford to respond to concerns about her memory and changes in her story. According to Dr. Ford, the broken pieces

of memory are more related to recovery from trauma and neurological functions, not a case of mistaken identity about Brett Kavanaugh.

The remaining Democratic senators want Dr. Ford to emphasize that Kavanaugh was definitely the assailant. Senator Leahy of Vermont asks, “What is the strongest memory you have, the strongest memory of the incident, something that you cannot forget? Take whatever time you need” (C-Span 01:08:35). Dr. Ford responds with the infamous line, “Indelible in the hippocampus is the laughter, the laugh — the uproarious laughter between the two, and their having fun at my expense” (C-Span 01:08:45). Dr. Ford’s response was both scientific and emotional. On one hand, she is providing fact-based research to back up her memory and the audience is watching her tremor with fear. Dr. Ford continues to articulate that she is 100% certain that Brett Kavanaugh sexually assaulted her (C-Span 01:18:55). Dr. Ford’s character and her commitment to civic virtue made her statements of fact very believable. Her presence and technical background gave her a strong amount of credibility that led the audience to believe that she was telling the truth.

Throughout the line of questioning, several Democratic senators used the platform to express their admiration and sympathy for Dr. Ford. And they also elevated the Kavanaugh Hearings to a memorandum on how the legal system addresses issues of sexual assault. The rhetoric shifted from a focus on Dr. Ford to values of Americans and the treatment of survivors of sexual assault. Senator Hirono of Hawaii invoked ethos as the central focus of the hearing, “By coming forward, you have inserted the question of character into this nomination, and hopefully, back into American life, and rightly so. We should be made to face the question of who it is we are putting in positions of power and decision-making in this country. We should look the question square in the face: does character matter?” (C-Span 02:27:00). The Democratic

Senators focused on shifting the narrative to a trial of Kavanaugh eligibility for the Supreme Court.

Senators Cory Booker and Senator Kamala Harris also capitalized off of the moment by using the platform to express concerns over issues of sexual violence and commended Dr. Ford for her courage. Senator Booker echoed many concerns of the #MeToo movement and the broken system for victims of sexual assault, “And how we deal with survivors who come forward right now is unacceptable. And the way we deal with this, unfortunately, allows for the continued darkness of this culture to exist. And your brilliance shining light onto this, speaking your truth is nothing short of heroic” (C-Span 02:39:00). Senator Kamala Harris, who became a star of the confirmation hearings, made a political jab at the Republican Party and also applauded Dr. Ford for her heroic actions:

In 1991 during a similar hearing, one of my Republican colleagues in this committee stated these claims were taken seriously by having the Federal Bureau of Investigations launch an inquiry to determine their validity. The FBI fulfilled its duty and issued a confidential report. Well, that could have and should have been done here. This morning it was said that this could have been investigated confidentially back in July, but this also could have been investigated in the last 11 days since you came forward, yet that has not happened (C-Span 2:52:00).

Senator Harris goes onto call Dr. Ford a “true profile in courage at this moment in time in history of our country” (C-Span 02:54:00). Her comment about the lack of an investigative report for Kavanaugh’s nomination was important. In 1991, the FBI conducted a full investigation into the Anita Hill allegations. But the Republican Party had not permitted the FBI to open another extensive investigation. The Democratic Senators view the unwillingness to permit further

investigation into Kavanaugh as an attempt to rush him onto the Supreme Court. It also showed the politicization of the hearings themselves, they were never about truly listening to Dr. Ford's story and determining its validity. They were about appeasing the public in order to attempt to justify Kavanaugh's Supreme Court appointment.

Kavanaugh Opening Statement

Before Kavanaugh began his testimony, Senator Grassley responded to the Democratic Senators who called out the Republican leadership for not pursuing a full FBI investigation. Senator Grassley commented that the three witnesses Dr. Ford mentioned in her letter, submitted statements denying any knowledge of the party described by Dr. Ford (C-Span 00:00:42). Senator Grassley makes this comment to justify the Republican's decision not to require these witnesses to appear before the committee or submit to an FBI lie-detector test. Each hearing started with a partisan comment angrily attacking the other side for failure to follow proper procedure. These comments used an enthymeme to show that the hearings were just about the norms of the Senate Chamber and the seat on the Supreme Court.

Kavanaugh's testimony began with a much different tone. He sat down and spoke to the committee in an aggressive voice and angry tone. Kavanaugh's opening statement aims to persuade his audience that he is the victim of a media smear campaign, "Unfortunately, it took the committee 10 days to get to this hearing. In those 10 long days, as was predictable, and as I predicted, my family and my name have been totally and permanently destroyed by vicious and false additional accusations. The 10-day delay has been harmful to me and my family, to the

Supreme Court and to the country” (C-Span 00:05:08). Kavanaugh flips the narrative that he was the victim in this situation rather than the perpetrator. He continues to go on the offensive and attacks the Democratic members of the committee:

This first allegation was held in secret for weeks by a Democratic member of this committee, and by staff. It would be needed only if you couldn't take me out on the merits. When it was needed, this allegation was unleashed and publicly deployed over Dr. Ford's wishes. And then — and then as no doubt was expected — if not planned — came a long series of false last-minute smears designed to scare me and drive me out of the process before any hearing occurred (C-Span 00:05:08).

Here, Kavanaugh uses an enthymeme to suggest that the allegations were leaked to the public because the Democratic senators could not “nail him” on anything else during their previous rounds of questioning. His word choice suggests that he was victimized in the same way as Dr. Ford. Here, he seems to be equating himself with the trauma endured by Dr. Ford. (which is a big stretch).

Kavanaugh's voice continued to get louder and his facial expressions appear angrier. His reactions during the hearing illustrated his hypermasculinity and unfit temperament, he became very angry very fast. At one point, he suggests this whole hearing was a Democratic revenge plot based on the results of the 2016 elections, “This whole two-week effort has been a calculated and orchestrated political hit, fueled with apparent pent-up anger about President Trump and the 2016 election. Fear that has been unfairly stoked about my judicial record. Revenge on behalf of the Clintons and millions of dollars in money from outside left-wing opposition groups” (C-Span 00:12:00). Kavanaugh's accusation was intense. He argues that entire timing of the allegations is an orchestrated act of revenge. At this point, Kavanaugh's credibility starts to wane. Dr. Ford's

testimony was compelling and heartbreaking. The theory that the allegations are part of a political hit sounds preposterous. The questions and format of the hearings are very political but the story and allegations from Dr. Ford are not political. Kavanaugh throws a political punch at the Democratic senators then continues to attempt to defend his character.

Kavanaugh emphatically denies that *he* sexually assaulted Dr. Ford. He argues that the possibility that he could commit an act of sexual violence was out of his character, “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” (C-Span 00:15:31). At this point, Kavanaugh has become so visibly enraged that his character is in question. His hypermasculinity and strong anger do not suggest the temperament of a Supreme Court justice. Dr. Ford’s testimony was so compelling that Kavanaugh had to acknowledge she must have been through some trauma but he denies that he was responsible. At this point, the hearing has turned into a “he said, she said” case. And his following remarks strategically try to rebuild his character and fitness for the Supreme Court.

Kavanaugh suggests throughout his testimony that reputation towards women was exemplary because of his role as a father and character references from female friends. Kavanaugh used his female family to enhance his credibility and defend himself from his own behavior. He tells a charming anecdote of his daughter’s praying for Dr. Ford, “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” (C-Span 00:21:00). The use of his daughters in his opening statement utilizes the enthymeme because his daughters pray for Dr. Ford shows that he is a good man. His children were able to have

compassion for someone who publicly accused him of sexual assault and that should show he could never have attempted to raped her. Throughout his testimony, he mentions how he hired the most female law clerks, supported a friend who experienced sexual abuse, and received support from a “Self-described liberal and feminist who sent me a text last night that said, ‘deep breaths. You’re a good man, a good man, a good man’” (C-Span 00:33:15). Kavanaugh used an enthymeme to argue that because women have characterized him as an upstanding man; Dr. Ford’s allegations cannot be true. This is another example of powerful men using women to defend themselves from their violent behavior.

Toward this end of his testimony, he used logic and legal standards to push against Dr. Ford’s allegations. He argues that “Dr. Ford’s allegation is not merely uncorroborated, it is refuted by the very people she says were there, including by a long-time friend of hers. Refuted” (C-Span 00:21:59). Kavanaugh pointed to the sworn affidavits from Mark Judge, Leyland Keyser and P.J. Smyth as evidence that he did not assault Dr. Ford. It is worth noting that the Democratic Senators wished to cross-examine all of the witnesses in the Senate Chamber about their sworn statements but the Republican leadership would not allow it. Kavanaugh also refuted the accusations that his heavy drinking correlated to a sexual assault, “If every American who drinks beer or every American who drank beer in high school is suddenly presumed guilty of sexual assault, will be an ugly, new place in this country. I never committed sexual assault” (C-Span 00:33:15). Kavanaugh argued that his heavy drinking does not equate to him sexually assaulting Dr. Ford. While it certainly does not put him in the best light, it is not enough evidence to hold him responsible. In the end Kavanaugh reiterates the message that he is a victim of the hearings because his reputation is tarnished. He says, “I love coaching more than anything I’ve ever done in my whole life. But thanks to what some of you on this side of the committee

have unleashed, I may never be able to coach again” (C-Span 00:50:00). Here, Kavanaugh wanted to garner sympathy from the audience. He will never be able to coach again because of “false” accusations of sexual assault. Kavanaugh is attempting to elicit sympathy from the audience by arguing that his life will be ruined forever. He used an enthymeme that Dr. Ford is “out to get him” and implied victim blaming. He blames Dr. Ford’s accusation for derailing his life and does not consider that his own behavior may have damaged his reputation. At this point, the anger and tension in the room were palpable. And the fight over his nomination would only continue in the questioning by both Democrats and Republicans.

The Questioning of Kavanaugh

When Kavanaugh moved to the question part of hearing he was very belligerent and prepared to challenge character accusations with force. His approach to the questioning was radically different than Dr. Ford. She was polite, apprehensive, and appeared quite nervous. Kavanaugh exuded confidence and arrogance and he did not respond with respect and humility to questions from the Democratic senators. In examining the language behind both responses, we can note the power of gender. If Dr. Ford came off as aggressive or belligerent, she would have been accused of being a democratic operative. She had to play the role of a terrified sexual assault victim. Kavanaugh was able to be aggressive because he was playing the role of the wrongfully accused, and society mostly excused his poor character. The responses can be examined through a lens of gender norms and expectations. Society excuses angry men but an angry woman would be demonized. At this point in the hearings, Kavanaugh is exhibiting the

same behaviors that Dr. Ford accused him of. He consistently argued that he is an upstanding man but his actions show otherwise.

For Kavanaugh's questioning, the Republican senators had the option to use Rachel Mitchell as the independent fact-finder but many of them chose to ask Kavanaugh questions themselves. Senator Grassley did yield his time to Rachel Mitchell and she asked Kavanaugh about his drinking habits. Kavanaugh denies ever blacking out from drinking, "I — passed out would be — no, but I've gone to sleep, but — but I've never blacked out. That's the — that's the — the allegation, and that — that — that's wrong" (C-Span 00:57:00). The assumption that the Democratic senators try to invoke is that Kavanaugh could have blacked out and assaulted Dr. Ford without remembering the event. But his line of questioning with Rachel Mitchell denies any serious drinking habits. Rachel Mitchell mostly sticks to fact-base questions. But when the other Republican Senators began their questioning, the hearing soon devolved into chaos. Senator Lindsey Graham made a powerful and noteworthy comment that supported Kavanaugh's appointment but also trivialized issues of sexual violence. First, Lindsey Graham goes on the offensive attacking his Democratic colleagues:

If you wanted an FBI investigation, you could have come to us. What you want to do is destroy this guy's life, hold this seat open and hope you win in 2020. You've said that, not me. You've got nothing to apologize for. When you see Sotomayor and Kagan, tell them that Lindsey said hello because I voted for them. I would never do to them what you've done to this guy. This is the most unethical sham since I've been in politics. And if you really wanted to know the truth, you sure as hell wouldn't have done what you've done to this guy (C-Span 01:23:00).

Senator Graham pointed his finger at his Democratic colleagues and then pointed his finger at Kavanaugh creating a strong visual that suggests the Democrats were on a witch hunt. Senator Graham also exonerated Kavanaugh from all possible accusations. His rhetoric suggested that he may not have listened when Dr. Ford testified. He takes the definition of “ethics” and flips it around. According to Graham, it is unethical to challenge a man’s character in a public manner and it is “unethical” for women to come forward with accusations. There Graham’s rhetoric shows a complete disregard for victims of sexual violence and the process they go through in order to report the incident and understand trauma. He asks Kavanaugh, “Are you a gang rapist?” and Kavanaugh responds with “No” (C-Span 01:23:00). The line of questioning shows complete ignorance about issues of sexual assault. A person can still commit a sexual assault once and not rape other people. The use of “gang rapist” is inflammatory language to ridicule the allegations about Kavanaugh. Graham used an enthymeme to suggest that the allegations are not serious or egregious enough. Senator Graham closes his argument by suggesting that these hearings are going to discourage victims from coming forward:

This is going to destroy the ability of good people to come forward because of this crap. Your high school yearbook — you have interacted with professional women all your life, not one accusation. You’re supposed to be Bill Cosby when you’re a junior and senior in high school. And all of a sudden, you got over it. It’s been my understanding that if you drug women and rape them for two years in high school, you probably don’t stop” (C-Span 01:35:00).

His argument devolved into anger and chaos. But Senator Graham’s questions exemplify white male rage over being accused of sexual misconduct. He gave no sympathy for victims or shows any remorse for Dr. Ford. Instead, Senator Graham turned this into a moment of outrage for

accused men. Kavanaugh responded with, “.And I’m — I’m never going to get my reputation back. It’s — it — my life is totally and permanently altered” (C-Span 01:35:00). Kavanaugh argued that his entire life is ruined by the hearings. In a comparison, Dr. Ford was questioned by the Republican Senators through Rachel Mitchell about other contributors to her PTSD. There was a clear difference in the typology of questions for Dr. Ford and Kavanaugh.

Other Republican Senators use their platform to emphasize the “disgraceful” nature of the hearings, support Kavanaugh, and attack Democrats for holding onto Dr. Ford’s letter. Most of the Republican Senators do not ask Kavanaugh substantial questions about the accusations—they use their platform to create controversy. Senator Cornyn discussed that Kavanaugh cannot be guilty simply because of an accusation:

And part of that means that if you’re going to make an allegation, there needs to be corroboration. In other words, you’re not guilty because somebody makes an accusation against you in this country... But the burden is not on you to disprove the allegations made. The burden under our system, when you accuse somebody of criminal conduct, is on the person making the accusation... But your reputation is on the line, and I hope people understand the gravity of the charges made against you, and what a fair process looks like (C-Span 01:35:00).

Senator Cornyn’s comment highlighted the failed processes for investigating issues of sexual misconduct. The burden is on the victim to come forward and tell their story but a woman’s word is not considered enough evidence against an accused man. It must be corroborated by multiple witnesses. And in Dr. Ford’s case, the Republican Senators were unwilling to invite other witnesses to testify in front of the committee. And the viewpoint of the Republican Senators was

that if the evidence is not strong enough, Kavanaugh was not responsible. The question of his character did not matter, all that mattered was a reliable conservative on the Supreme Court.

Many Republican Senators took their time to portray Kavanaugh as a victim of a Democratic campaign. Senator Hatch argued that this hearing process created horrendous damage to Kavanaugh, “I hate to say this, but this is worse than Robert Bork, and I didn’t think it could get any worse than that. This is worse than Clarence Thomas. I didn’t think it could get any worse than that. This is a national disgrace, the way you’re being treated” (C-Span 01:50:00). And Senator Sasse argued that the timing of the allegations was completely unfair and treated Kavanaugh poorly, “Because we’ve got 35-plus days from all the time that this evidence was in the hands, recommendations were made to an outside lawyer. You could have handled all this, we could have had this conversation in private, in a way that didn’t — not only do crap to his family, but do all — I yield my time” (C-Span 02:07:00). Senator Tillis reiterated many of the sentiments expressed by his Republican colleagues arguing, “Judge Kavanaugh, I also have to say I believe you’re a part of — you’re — you’re the first major target of a new strategy that’s developed here. And I think you’re right. I think it’s just basically attack, attack, attack. It’s not advise and consent; it’s search and destroy” (C-Span 02:29:00). While these Republican Senators stayed silent during Dr. Ford’s questioning, they used Kavanaugh’s moment to make a point. The issue of sexual assault was not a serious concern; instead, the Republican Senators focused on the politics. They needed to appear like they cared about sexual violence in order to remain somewhat socially acceptable. But their actions show they cared more about a conservative justice on the Supreme Court. The hearings were about politics not the validity of Dr. Ford’s story. Their minds had already been made up: Brett Kavanaugh would sit on the Supreme Court.

The Democratic Senators on Judiciary Committee asked Kavanaugh many questions about his drinking habits and challenged the idea that this was a liberal “conspiracy” and “revenge on behalf of the Clintons”. They redirected the focus of the hearings to Kavanaugh’s suitability for the court and the Republican Senators unwillingness to call other witnesses. Senator Leahy asked Kavanaugh about Mark Judge and brings up Kavanaugh’s high school yearbook which contained notes of his drinking and sexual exploits, “Now, you’ve talked about your yearbook. In your yearbook, you talked about drinking and sexual exploits, did you not? Kavanaugh responds with, “Senator, let me — let me take a step back and explain high school. I was number one in the class...” (C-Span 01:09:00). Kavanaugh goes onto list his high school accolades and argue that his high school yearbook is not relevant. While the remarks about his high school yearbook may be a stretch and circumstantial evidence—Kavanaugh response was arrogant. He continued to emphasize his academic qualifications but his demeanor and character were being called into question. The emotional state and aggressive responses do not match up with the character of a Justice on the Supreme Court. Kavanaugh continued his vague responses with Senator Durbin.

Senator Durbin asked Kavanaugh if he supports a full FBI investigation “right now” and Kavanaugh responds with, “I — I will do whatever the committee wants to...” (C-Span 01:20:00). [He is repeatedly asked this question and declines]. Kavanaugh yielded to the wishes of Mitch McConnell and the Republican leadership. In this moment, he could have admitted that more information needs to be uncovered about these new allegations. But he believes the allegations are political. Again, the Republican’s decision not to further investigate allegations shows their willingness to cross ethical lines to win. Kavanaugh continued to dodge questions about his claims. Senator Blumenthal asked him in reference to his opening statement, “Is it your

testimony that the motivation of the courageous woman who sat where you did just a short time ago was revenge on behalf of a left-wing conspiracy or the Clintons?” (C-Span 02:11:00).

Kavanaugh does not answer the question and redirects it to blame the Democratic senators for allegedly leaking Dr. Ford’s letter to prevent his confirmation, “Senator, I said in my opening statement that she preferred confidentially. And her confidentially was — was destroyed by the actions of this committee” (C-Span 02:11:00). In this moment, Kavanaugh does not respond to the question at all. And attempts to use Dr. Ford as a tool to show the Democrats hypocrisy. He uses an enthymeme to argue that the Democrats are not pro #MeToo because they *must* have leaked Dr. Ford’s letter. Here is another example of manipulation of a victim of sexual assault’s story for political gain.

Towards the end of the hearing, Senator Booker attempted to ask Kavanaugh questions, which Kavanaugh would not directly answer, and used his time to make a powerful statement about the purpose of the hearings. At this point, the afternoon session had turned into a political circus. Senator Booker did not get any tangible answers but used his final moments to call attention to Ford’s strong *ethos*:

Listen to both sides, this is not about somebody — one side being despicable, the other side not. Listen to both sides. She was a credible — I’m — I’m — let me finish my question, you can answer — she — she gave credible, meaningful testimony, a woman who had the courage to come forward and tell her truth, sir. And — and that’s what I’m just asking you, is say she is not a political pawn. She is not orchestrating, she is not part of the Clinton’s efforts to get some kind of revenge. She is a woman who came here with corroborating evidence to tell her truth” (C-Span 02:34:00).

This is an important moment. Here, Senator Booker reminds the audience of the purpose of the hearing. It should not be about Democrats and Republicans, it should be about truth and someone's character.

Chapter 7

Conclusion

The purpose of this study is to critically analyze the discourses of sexual violence from Anita Hill to Dr. Ford through the lens of rhetorical theory. The discourses of sexual violence have changed and so has the visibility of sexual assault in public life. Compared to the skepticism about sexual harassment during Anita Hill's testimony, sexual assault is now widely regarded as a "fact" of social life. Many leaders, most recently Andrew Cuomo, are now vulnerable to allegations of sexual assault and harassment. What has *not* changed since both Anita Hill and Dr. Ford's testimony is the public and government response. Institutions in the United States still uphold patriarchal values that privilege the accused over the victim who is brave enough to come forward. And the outcome has largely stayed the same: both Clarence Thomas and Brett Kavanaugh were confirmed as Justices of the Supreme Court. In writing this thesis, I was curious to find the reason the why behind another confirmation hearing happened 28 years since the Anita Hill hearing, even though public perceptions of sexual assault had seemingly evolved. My analysis shows that even though the #MeToo movement changed public knowledge about sexual violence, the attacks on victims stayed the same, even if they became more nuanced.

The Anita Hill Hearings contained attacks on Hill that were deeply entrenched in racism and sexism against black women. By comparison, the Kavanaugh hearings relied more on unstated premises to entice the audience to draw their own conclusions about Dr. Ford. Anita Hill was asked, "Now in trying to determine whether you are telling falsehoods or not, I have got to determine what your motivation might be. Are you a scorned woman?" (66 Miller). That

question is a direct attack on her character which insinuates that she is a woman seeking revenge and creating a false story to bring down a “good man”. 28 years later, during the Kavanaugh Hearings, the Republicans made the same arguments against Dr. Ford. However, they veiled their attacks in the rhetoric of sensitivity toward victims of sexual assault, because of changes in the public *endoxa* about sexual violence. It was no longer socially acceptable to publicly shame a woman. Undermining a woman’s testimony was still necessary to get your judge on the Supreme Court, it just had to be done by proxy. The Republican Senators appointed Rachel Mitchell, a Republican sex crimes prosecutor, to question Dr. Ford. At one point, Mitchell asks Dr. Ford, “So have there been other things, then, that have contributed to the anxiety and PTSD that you suffered? (01:42:00 C-Span). Here, she uses an enthymeme to suggest that Dr. Ford may have had a traumatic reaction to another event and was therefore fabricating the Kavanaugh incident. Mitchell’s language is not directly attacking Dr. Ford but it still relies on the premise that sexual assault victims are recreating events in their minds and have ulterior motives for coming forward. The line of questioning in Hill’s hearing was more verbose and openly hostile while during Kavanaugh’s hearings it was more nuanced. But a close examination of the discourse in both hearings allows me to conclude that systems of justice are not equitable to victims of sexual assault. The analysis I conducted throughout this study shows a different state of discourse about sexual violence then what has been popularized by the #MeToo movement. This leads me to reflect more on the *why* question. What can we as society learn from studying the discourse of the Hill and Kavanaugh hearings?

I suggest that we can learn two important lessons. First, the theory of rhetoric that grounds our modern democracy is rooted in patriarchal norms that have not been disrupted. We need to hold government leaders accountable and create a better justice system for victims of

sexual violence. In my first chapter, I outlined several of the key ideas that emerged in Ancient Greek democracy and how they influenced U.S. democracy. I hate to sound reductive but the “freedoms” and equality which are supposed to exist in judicial systems only apply to those who belong to the patriarchal system. Aristotle believed that women and those of a lower class were not educated enough to have a voice in government (Nussbaum 13). Part of the patriarchal norms which exist in government are due to the overwhelmingly male representation. Currently, women make up 24% of the Senate and 27% of the House of Representatives (CAWP 1). The rhetoric of both hearings reflect that those patriarchal values still dominate public discourse. There is a bias against women who wish to challenge powerful men. In both the Hill and Kavanaugh Hearings, Senators assumed that Hill and Dr. Ford had ulterior motives for coming forward. Dr. Ford was portrayed as a democratic weapon which aimed to bring down the Republican Judicial nominee. Hill was portrayed with racist and sexist stereotypes that are deeply entrenched in the history of oppression of Black women in the United States (Crenshaw 1). This assumption reflects the patriarchal system that prizes a man’s speech over a woman’s. To create a more just world, we need to learn from the hearings and how to treat victims who come forward with credible allegations with more respect. A starting point for this mission would be the allegations against New York Governor Andrew Cuomo.

In the spring of 2021, multiple women have come forward with serious claims of sexual harassment against Andrew Cuomo (Ferré Sadurní 1). The allegations come from former aides. One says Cuomo, “Asked her about her sex life” and another aid claimed that Cuomo “Kissed me on the lips” (Ferré-Sadurní 1). Immediately, Cuomo denied touching his employees inappropriately and apologized for his behavior, “I now understand that I acted in a way that made people feel uncomfortable...If they were offended by it, then it was wrong” (Ferré-Sadurní

1). The NY Attorney General, Letitia James, hired a third party investigator to lead the investigation into the sexual harassment allegations (Ferré-Sadurní 1). At this point, Cuomo has faced significant pressure from Democratic members of the New York State House and Democratic members from the Senate, both Chuck Schumer and Kristen Gillibrand, who are calling on him to resign (Ferré-Sadurní 1). They argue he has “lost the confidence of his governing partners and the people of New York” (Ferré-Sadurní 1). At this point, Governor Cuomo has refused to resign (Ferré-Sadurní 1). He has told New Yorkers to “wait for the facts” and has insisted he will not “bow to cancel culture” (Ferré-Sadurní 1). Both Republicans and Democrats have called on Cuomo to resign and the New York Assembly speaker has directed a committee to open up impeachment proceedings (Ferré-Sadurní 1). Despite all of the public pressure, Cuomo still refuses to resign. Accusations of sexual assault have no political affiliations, major leaders in both parties have been accused of serious sexual misconduct. But there is still an overarching belief among some of these men that they are “beyond reproach”. Thomas, Kavanaugh, and Cuomo faced or are facing credible accusations and refuse to step down from their positions of power. Why? Toxic masculinity and patriarchy. We cannot change the actions of these men in power but we can change the way we as a society respond.

The Senate’s failure to provide either Hill or Dr. Ford with a respectful and fair hearing can be a lesson on how *not* to treat survivors of sexual violence. But we can learn from these mistakes and the failed discourse and advocate to emphasize *ethos* in our government leaders. If we want the changes advocated by #MeToo to come to fruition, then we need to demand accountability and ethical leadership from our politicians. More politicians will be accused of sexual misconduct, we have to change how we handle those allegations. We need to create a

better judicial system for survivors of sexual violence in order to provide justice and remind ourselves of who we are as Americans and the foundational values of the country we created.

In addition to addressing the necessary changes needed in justice systems, I also wanted to add a section on the extraordinary bravery of both Anita Hill and Dr. Ford. They both came forward against extremely powerful men and spoke truth to power. When Jodi Kantor interviewed women who had been abused by Harvey Weinstein, she asked them how they found the courage to come forward and publicly name themselves and Weinstein. Ashley Judd gave a powerful response, “I have to know the hill on which I’m going to die. The equality of the sexes is that hill for me” (Kantor 258). Both Anita Hill and Dr. Christine Blasey Ford knew that testifying in front of the Senate Judiciary Committee would be “the hill they were willing to die on”. Their lives would never be the same and their testimony would be watched by millions of people all over the world. I am forever grateful for their bravery, courage, and power to challenge the patriarchal systems in government. And I hope that history will remember these women as trailblazers for challenging the way society addresses sexual violence.

Bibliography

Aristotle. *The Art of Rhetoric*. Penguin Books, 1991.

“Anita Hill: TIME 100 Women of the Year.” *Time*, <https://time.com/5793719/anita-hill-100-women-of-the-year/>. Accessed 19 Mar. 2021.

Axios. “Read Prosecutor Rachel Mitchell’s Memo about the Kavanaugh-Ford Hearing.” *Axios*, <https://www.axios.com/brett-kavanaugh-rachel-mitchell-prosecutor-memo-2c3233cc-1d42-416b-af04-02700aa9a711.html>. Accessed 30 Mar. 2021.

Blackwell, Christopher. *Athenian Democracy: A Brief Overview*. 28 Feb. 2003,

http://www.stoa.org/demos/article_democracy_overview@page=all&greekEncoding=UnicodeC.html.

Clark-Parsons, Rosemary. “‘I See You, I Believe You, I Stand With You’: #MeToo and the Performance of Networked Feminist Visibility.” *Feminist Media Studies*, June 2019, pp. 1–19. *DOI.org (Crossref)*, doi:10.1080/14680777.2019.1628797.

Crenshaw, Kimberle. “Mapping the Margins: Intersectionality, Identity Politics, and Violence against Women of Color.” *Stanford Law Review*, vol. 43, no. 6, July 1991, p. 1241. *DOI.org (Crossref)*, doi:10.2307/1229039.

Crenshaw, Kimberlé. “Opinion | We Still Haven’t Learned From Anita Hill’s Testimony (Published 2018).” *The New York Times*, 27 Sept. 2018. *NYTimes.com*, <https://www.nytimes.com/2018/09/27/opinion/anita-hill-clarence-thomas-brett-kavanaugh-christine-ford.html>.

Crenshaw, Kimberlé Williams. “Black Women Still in Defense of Ourselves.” *Nation*, vol. 293, no. 17, Oct. 2011, pp. 14–15.

“Declaration of Independence: A Transcription.” *National Archives*, 1 Nov. 2015,
<https://www.archives.gov/founding-docs/declaration-transcript>.

Desai, Shevon. *Research Guides: “Fake News,” Lies and Propaganda: How to Sort Fact from Fiction: What Is “Fake News”?* <https://guides.lib.umich.edu/c.php?g=637508&p=4462356>.
 Accessed 8 Feb. 2021.

Farrell, Thomas B. *Norms of Rhetorical Culture*. Yale University Press, 1993.

Ferré-Sadurní, Luis, and Jesse McKinley. “Cuomo Says He Won’t Bow to ‘Cancel Culture’ and Rejects Calls to Resign.” *The New York Times*, 12 Mar. 2021. *NYTimes.com*,
<https://www.nytimes.com/2021/03/12/nyregion/cuomo-resign-congress.html>.

Ferré-Sadurní, Luis, and Mihir Zaveri. “Sexual Harassment Claims Against Cuomo: What We Know So Far.” *The New York Times*, 19 Mar. 2021. *NYTimes.com*,
<https://www.nytimes.com/article/cuomo-sexual-harassment-nursing-homes-covid-19.html>.

Fortin, Jacey. “#WhyIDidntReport: Survivors of Sexual Assault Share Their Stories After Trump Tweet.” *The New York Times*, 23 Sept. 2018. *NYTimes.com*,
<https://www.nytimes.com/2018/09/23/us/why-i-didnt-report-assault-stories.html>.

Frank, Jill. “Athenian Democracy and Its Critics.” *Ethnic and Racial Studies*, vol. 42, no. 8, June 2019, pp. 1306–12. *DOI.org (Crossref)*, doi:10.1080/01419870.2019.1586971.

Gómez, Jennifer M., and Robyn L. Gobin. “Black Women and Girls & #MeToo: Rape, Cultural Betrayal, & Healing.” *Sex Roles*, vol. 82, no. 1, Jan. 2020, pp. 1–12. *Springer Link*,
 doi:10.1007/s11199-019-01040-0.

Haskins, Ekaterina V. “Endoxa, Epistemological Optimism, and Aristotle’s Rhetorical Project.” *Philosophy and Rhetoric*, vol. 37, no. 1, 2004, pp. 1–20. *DOI.org (Crossref)*,
 doi:10.1353/par.2004.0010.

- Heinrichs, Jay. *Thank You for Arguing: What Aristotle, Lincoln, and Homer Simpson Can Teach Us about the Art of Persuasion*. Third edition, Three Rivers Press, 2017.
- “Here’s a List of Political Figures Accused of Sexual Misconduct.” *NBC News*, <https://www.nbcnews.com/storyline/sexual-misconduct/here-s-list-political-figures-accused-sexual-misconduct-n827821>. Accessed 30 Mar. 2021.
- Hill, Anita. “Opinion | Anita Hill: How to Get the Kavanaugh Hearings Right (Published 2018).” *The New York Times*, 18 Sept. 2018. *NYTimes.com*, <https://www.nytimes.com/2018/09/18/opinion/anita-hill-brett-kavanaugh-clarence-thomas.html>.
- . “Opinion | Anita Hill: Let’s Talk About How to End Sexual Violence (Published 2019).” *The New York Times*, 9 May 2019. *NYTimes.com*, <https://www.nytimes.com/2019/05/09/opinion/anita-hill-sexual-violence.html>.
- Hulse, Carl. *Confirmation Bias: Inside Washington’s War over the Supreme Court, from Scalia’s Death to Justice Kavanaugh*. First edition, Harper, an imprint of HarperCollinsPublishers, 2019.
- Johnson, Eliana. “Yale Turns on Kavanaugh.” *POLITICO*, <https://politi.co/2DyGLL4>. Accessed 1 Apr. 2021.
- Johnson, Richard Gregory, and Hugo Renderos. “Invisible Populations and the # METOO Movement.” *Public Administration Review*, vol. 80, no. 6, Nov. 2020, pp. 1123–26. *DOI.org (Crossref)*, doi:10.1111/puar.13209.
- Jones, Jacqueline. *Labor of Love, Labor of Sorrow :Black Women, Work, and the Family from Slavery to the Present /*. New York :, c1985., <http://hdl.handle.net/2027/mdp.39015040489430>.
- Kantor, Jodi, and Megan Twohey. *She Said: Breaking the Sexual Harassment Story That Helped Ignite a Movement*. Penguin Press, an imprint of Penguin Random House LLC, 2019.

- Knutson, Jacob. "CNN: Anita Hill Says She's Voting for Biden and Will Help Him with Gender Issues." *Axios*, <https://www.axios.com/anita-hill-vote-biden-gender-issues-718b43ec-39ce-4043-8a70-74a33deba8c8.html>. Accessed 15 Dec. 2020.
- Leung, Rebecca, and Robert Williams. "#MeToo and Intersectionality: An Examination of the #MeToo Movement Through the R. Kelly Scandal." *Journal of Communication Inquiry*, vol. 43, no. 4, Oct. 2019, pp. 349–71. *DOI.org (Crossref)*, doi:10.1177/0196859919874138.
- Lockwood, Richard. *The Reader's Figure: Epideictic Rhetoric in Plato, Aristotle, Bossuet, Racine and Pascal*. Librairie Droz, 1996.
- Mayer, Jane. "What Joe Biden Hasn't Owned Up to About Anita Hill." *The New Yorker*, <https://www.newyorker.com/news/news-desk/what-joe-biden-hasnt-owned-up-to-about-anita-hill>. Accessed 15 Dec. 2020.
- Miller, Anita and Nina Totenberg. *The Complete Transcripts of the Clarence Thomas--Anita Hill Hearings October 11, 12, 13, 1991* /. Chicago, IL :, 1994, <http://hdl.handle.net/2027/mdp.39015031793832>.
- Nussbaum, Martha C. "Aristotle, Politics, and Human Capabilities: A Response to Antony, Arneson, Charlesworth, and Mulgan." *Ethics*, vol. 111, no. 1, 2000, pp. 102–40. *JSTOR*, doi:10.1086/233421.
- NW, 1615 L. St, et al. "How Social Media Users Have Discussed Sexual Harassment since #MeToo Went Viral." *Pew Research Center*, <https://www.pewresearch.org/fact-tank/2018/10/11/how-social-media-users-have-discussed-sexual-harassment-since-metoo-went-viral/>. Accessed 30 Mar. 2021.
- . 1615 L. St, et al. "Republicans Who Rely Most on Trump for COVID-19 News See the Outbreak Differently from Those Who Don't." *Pew Research Center*, <https://www.pewresearch.org/fact->

tank/2020/10/12/republicans-who-rely-most-on-trump-for-covid-19-news-see-the-outbreak-differently-from-those-who-dont/. Accessed 1 Apr. 2021.

---. 1615 L. St, et al. "Views Of Gender In The U.S." *Pew Research Center's Social & Demographic Trends Project*, 18 Oct. 2017, <https://www.pewresearch.org/social-trends/2017/10/18/wide-partisan-gaps-in-u-s-over-how-far-the-country-has-come-on-gender-equality/>.

"On #MeToo, Americans More Divided By Party Than Gender." *NPR.Org*, <https://www.npr.org/2018/10/31/662178315/on-metoo-americans-more-divided-by-party-than-gender>. Accessed 24 Mar. 2021.

Patterson, Orlando. "Opinion | Op-Ed; Race, Gender and Liberal Fallacies (Published 1991)." *The New York Times*, 20 Oct. 1991. *NYTimes.com*, <https://www.nytimes.com/1991/10/20/opinion/op-ed-race-gender-and-liberal-fallacies.html>.

Pogrebin, Robin, and Kate Kelly. *The Education of Brett Kavanaugh: An Investigation*. Portfolio/Penguin, 2019.

Raymond, Adam K. "A Brief Guide to the Joe Biden–Anita Hill Controversy." *Intelligencer*, 7 May 2019, <https://nymag.com/intelligencer/2019/05/guide-joe-biden-anita-hill-controversy.html>.

Rhode, L. *#MeToo: Why Now? What Next?* <https://go.gale.com/ps/i.do?p=LT&u=carl39591&id=GALE%7CA607787220&v=2.1&it=r&sid=LT&asid=4e605b6e>. Accessed 27 Feb. 2021.

Rosette, Ashleigh Shelby, et al. "Intersectionality: Connecting Experiences of Gender with Race at Work." *Research in Organizational Behavior*, vol. 38, Jan. 2018, pp. 1–22. *ScienceDirect*, doi:10.1016/j.riob.2018.12.002.

Supreme Court Nominee Brett Kavanaugh Sexual Assault Hearing, Judge Kavanaugh Testimony / C-

SPAN.Org. <https://www.c-span.org/video/?451895-2/supreme-court-nominee-brett-kavanaugh-sexual-assault-hearing-judge-kavanaugh-testimony>. Accessed 24 Mar. 2021.

Supreme Court Nominee Brett Kavanaugh Sexual Assault Hearing, Professor Blasey Ford Testimony

/ C-SPAN.Org. <https://www.c-span.org/video/?451895-1/professor-blasey-ford-testifies-sexual-assault-allegations-part-1&event=451895&playEvent>. Accessed 24 Mar. 2021.

TIME Person of the Year 2017: The Silence Breakers / *Time.Com*. <https://perma.cc/B4VX-BAV8>.

Accessed 27 Feb. 2021.

The Gettysburg Address by Abraham Lincoln.

<http://www.abrahamlincolnonline.org/lincoln/speeches/gettysburg.htm>. Accessed 9 Feb. 2021.

Trix, Frances, and Andrea Sankar. "Women's Voices and Experiences of the Hill-Thomas Hearings."

American Anthropologist, vol. 100, no. 1, 1998, pp. 32–40.

Walton, Douglas, and Fabrizio Macagno. "Enthymemes, Argumentation Schemes and Topics."

Logique Et Analyses, vol. 52, no.205, 2009, pp. 39-56. *JSTOR*, www.jstor.org/stable/44084912.

Accessed 8 Feb. 2021.

White, Deborah G. *Ar'n't I a Woman? :Female Slaves in the Plantation South* /. Rev. ed., New

York :, c1999.,

"Women in the U.S. Congress 2020." *CAWP*, 4 Jan. 2021, [https://cawp.rutgers.edu/women-us-](https://cawp.rutgers.edu/women-us-congress-2020)

[congress-2020](https://cawp.rutgers.edu/women-us-congress-2020).

ACADEMIC VITA

EDUCATION

The Pennsylvania State University, University Park, PA Expected May 2021
Schreyer Honors College, Paterno Fellows Program
 Bachelor of Arts in Communication Arts and Sciences
 Bachelor of Arts in Women's, Gender, and Sexuality Studies
 Minor in Rhetoric, Certificate in Holocaust and Genocide Studies
Honors Thesis: Public Discourse about Sexual Violence from 1991 to 2018: An Analysis of the Hill and Kavanaugh Hearings

INTERNSHIP EXPERIENCE

Eugene Depasquale Congressional Campaign **Virtual**
Finance Intern May 2020-August 2020

- Researched donors to help the campaign reach its \$3.7 million dollar fundraising goal.
- Responsible for the organization of finance data and participated in phone banking and voter outreach.
- Communicated extensively with donors to invest in Eugene Depasquale's campaign.

United States Department of State, Secretary's Office of Global Women's Issues **Washington, DC**
Intern May 2019 - July 2019

- Worked on Middle East Policy Issues pertaining to women and girls
- Drafted memos, and background papers for senior policy advisors
- Published a DipNote on the Department of State's Blog highlighting U.S. sports diplomacy and the Women's World Cup
- Obtained a Secret Level Security Clearance

LEADERSHIP EXPERIENCE

University Park Undergraduate Association **University Park, PA**
Director of Sexual Misconduct and Prevention July 2020-Present

- Coordinated the logistical and fundraising effort to bring Chanel Miller for Sexual Violence and Prevention Week
- Organized the programming effort for UPUA reps to understand the new Title IX regulations
- Advocated to Penn State administrators about releasing the 2018 Climate Survey and creating substantial changes to Office of Sexual Misconduct and Response sexual misconduct informal investigations

Schreyer Gender Equity Task Force **University Park,**
Founder September 2019 - Present

- Founded a group of student leaders to meet and brainstorm initiatives to educate Scholars about sexual violence
- Coordinate with the Gender Equity Center and Schreyer Administration to develop a plan and programming to bring to Scholars and develop new ideas for implementation of sexual violence programming at New Student Orientation

Gender Equity Center **University Park, PA**
Peer Educator November 2018 - Present

- Work with the Gender Equity Center to advocate for awareness about sexual assault around campus
- Participate in facilitations workshops in order to give presentations to clubs and organizations

Penn State Undergraduate Speaking Center **University Park, PA**
Tutor January 2019 - Present

- Mentor native and non-native students with the arrangement, delivery, and outline of their speeches for speaking courses
- Trained in pedagogical methods to develop best mentoring practices

Department of Biology, Eberly College of Science, Penn State **University Park, PA**
Learning Coordinator, Environmental Science January 2019 -December 2020

- Assist the Professor with developing new content and organization for an Environmental Science class of 500 students
- Guided 20 teaching assistants in training with techniques to ensure quality engagement with future students

Teaching Assistant, Environmental Science

- Facilitated three lab groups of 12 students from various backgrounds in discussions and exercises that explored topics such as identity, environmental issues, and global awareness by creating an engaging safe space to share all views.
- Inspired students to think differently and responsibly for reading and grading students journals

RESEARCH EXPERIENCE

Children, Media and Conflict Zones Lab

University Park, PA

Undergraduate Rock Ethics Institute Research Fellow

January 2020 – May 2020

- Selected as a paid Undergraduate Research Fellow by the Rock Ethics Institute to assist Dr. Warshael
- Responsible for writing literature reviews on scholarship
- Provide gender analysis to documents highlighting how young girls are affected in conflict zones

Department of Communication Arts and Sciences, College of the Liberal Arts

University Park, PA

Research Assistant, Doctoral Candidate John Rountree

January 2018-May 2018

- Read primary text documents and created outlines providing information about local elections
- Created maps which identified active political groups in specific electoral districts
- Transcribed interviews with local politicians

LEADERSHIP AND COMMUNITY INVOLVEMENT

- **Invited Speaker: Penn State Council of Sustainable Leaders, Sustainability Showcase Series:** Invited to give a lecture on Local and Global Perspectives on Sexual Violence
- **Penn State Dressage Team:** Varsity Rider on Equestrian Team
- **Penn State Code of Conduct Task Force:** Appointed to a university-wide task force to make recommendations in order to revise Penn State's Code of Conduct to address the immediate issues and longstanding problems of racism, bias and intolerance
- **Schreyer Honors College Dean Student Advisory Board**
- **Paterno Fellows Program Student Advisory Board**

AWARDS

- **Rock Ethics Institute Stand Up Award:** Recipient of the 2020 Stand Up Award for courage in bringing attention to the problem of sexual violence on campus and fighting for institutional change to prevent it and support survivors [https://sites.psu.edu/standuppsu/erin_brown/]
- **Penn State Truman Nominee:** Selected from a pool of applicants to be nominated as a Truman Scholar
- **Phi Beta Kappa Honors Society:** Inducted in the spring of 2020 from the upper 5% of the junior class.
- **CAS Community Leadership Award:** Recognized as an outstanding CAS student for efforts that have enhanced the experiences of the undergraduate community.
- **Penn State Student Engagement Grant:** Awarded a grant to support my internship at the Department of State <https://www.engage.psu.edu/author/erin-brown/>
- **Barry Paterno Fellow Director's Scholarship:** This award supports a Paterno Fellow engaging in enrichment experiences during their time at Penn State.
- **D. Motzer Brown Scholarship:** This award supports a Penn State student in enrichment activities.
- **Rock Ethics Institute Undergraduate Fellowship Award:** The Rock Ethics Institute supports fellowships for undergraduates who work closely with and assist Rock faculty on interdisciplinary ethics projects. The Rock awarded me this grant to work with Dr. Warshel in the Children, Media, and Conflict Zones Lab.
- **Department of Women's Studies Outstanding Undergraduate Student Award:** The Outstanding Undergraduate Student Award is presented each year to a student in the Department of Women's, Gender,

and Sexuality Studies (WGSS) who demonstrates an understanding of, and commitment to, feminist principles through scholarly work and feminist activism.

- **Department of Communication Arts and Science Student Marshal 2021:** Selected as the top student in the CAS Department.