



Speechwriting Case Study

ETHICS AND LEADERSHIP

The School for Ethics and Global Leadership

n.b. This is a hypothetical exercise. Some facts, events, and characters are real. Others are not.

It is late September, 2018, and the country is in the grips of a political, ethical, and emotional firestorm. The nomination of Brett Kavanaugh to the Supreme Court, couple with the subsequent allegations that Christine Blasey Ford has leveled against him, have provoked widespread controversy. Meanwhile, the all-important midterm Congressional elections are imminent, with soaring and salacious rhetoric on both sides. This rhetoric has not only tested American civility, but also the nearly 250 year-old American system itself. The nation is searching for its soul.

THE SCENARIO

Christine Blasey Ford is unable to agree with the Senate Judiciary Committee on the terms of her anticipated testimony before the Committee on Monday, September 24. As a result, Committee Chairman Chuck Grassley revokes her invitation to testify and presses forward with a vote. On Tuesday, September 25, the Committee votes against recommending Judge Kavanaugh's nomination to the Supreme Court. (Republican Senators Jeff Flake and Ben Sasse, long opponents of the Trump Administration, vote "present" rather than for or against Kavanaugh, making the vote 10-9 against.) In addition, two female Republican Senators (Susan Collins of Maine and Lisa Murkowski of Alaska) have indicated they cannot support Kavanaugh. These two actions effectively kill the nomination, and the White House reluctantly withdraws his name.

Judge Kavanaugh has a lecturer position at Harvard Law School, where he teaches a course on modern Supreme Court history. He is scheduled to begin teaching in a few weeks. Activists on Harvard's campus are calling for Harvard University President to investigate Ford's allegations before allowing Kavanaugh back on campus. Four students wrote [an opinion piece in the Harvard Law Record](#) calling him "a credibly accused sexual assailant," claiming that many women would self-select out of his classes out of fear, and saying, "Unless a full and fair investigation is conducted, Harvard Law School cannot allow Kavanaugh to continue teaching its students."

At the same time, dozens of Kavanaugh's former Harvard students signed [a letter](#) in July calling him "a devoted teacher...who was exceptionally generous with his time," and [a New York Times review](#) of his past course evaluations found students "praised his mastery of legal materials, intellectual rigor, fair-mindedness and accessibility" almost universally. There were no allegations of sexual misconduct. Many of his colleagues at Harvard Law School [praised him](#) after his nomination to the Court. And, of course, Kavanaugh disputes Ford's 36 year-old claims vigorously.

Tonight—Wednesday, September 26—marks the start of Harvard Law School's Homecoming celebration. Hundreds of powerful alumni/ae (a veritable "who's who" of the nation's power elite) will rub elbows with current students. Many are consumed with the Kavanaugh controversy. Some wealthy donors are threatening to pull pledges if Kavanaugh is allowed to continue teaching; others are threatening to pull pledges if he is not. Though there is precedent for investigating professorial misconduct against current students, there is little precedent for investigating claims dating back to a professor's time in high school, and the process could take many months. Cable news crews are scurrying through the campus. Protesters are ready to disrupt classes. Social media is hot with anger.

The Harvard Law School Dean is scheduled to give a welcoming speech in front of students and alums this evening. It is clear that the Dean must use this speech to address this controversy.

Have you chosen to conduct an investigation, and if so, will he be suspended or allow to teach during the investigation? Will you instead allow him to continue, without an investigation? Or end his Harvard teaching career immediately?

YOUR CHALLENGE

Groups 1 and 2: Write a speech for the President of Harvard Law School to deliver at the opening Homecoming convocation. Defend your choice to allow Kavanaugh to continue teaching, and your decision not to launch an investigation, while also acknowledging those present and not present who disagree with your choice. Use ethos, logos, and pathos and remember your audience! The television cameras will be rolling.

Groups 3 and 4: Write a speech for the President of Harvard Law School to deliver at the opening Homecoming convocation. Defend your choice to launch an investigation (it is up to you to decide whether he is allowed to continue teaching during the investigation), while also acknowledging those present and not present who disagree with your choice. Use ethos, logos, and pathos and remember your audience! The television cameras will be rolling.

Groups 5 and 6: Write a speech for the President of Harvard Law School to deliver at the opening Homecoming convocation. Defend your choice to ban Kavanaugh from teaching, and your decision not to launch an investigation, while also acknowledging those present and not present who disagree with your choice. Use ethos, logos, and pathos and remember your audience! The television cameras will be rolling.

GROUPS:

Group One:

Group Two:

Group Three:

Group Four:

Group Five:

Group Six: