

Brett Kavanaugh and the role—once again—of sexual misconduct allegations in American politics

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Brett Kavanaugh, President Donald Trump’s nominee for the US Supreme Court, is a hardened, longtime political reactionary, a mouthpiece for powerful moneyed interests and an enemy of the working class.

The principal author of the Kenneth Starr report to Congress on the Monica Lewinsky-Bill Clinton sex scandal, Kavanaugh was at the heart of the effort in 1998 to stage a political coup against a twice-elected president. A few years later, as a lawyer in George W. Bush’s White House, Kavanaugh helped formulate the administration’s unconstitutional and criminal detention and interrogation (i.e., torture) policies.

Since his appointment to the US Court of Appeals in 2006, Kavanaugh has relentlessly pursued a right-wing agenda, ruling again and again in defense of big business, against abortion rights and environmental regulation, in favor of authoritarian and anti-democratic measures. He is a thoroughly repugnant figure who, if confirmed to the Supreme Court, would solidify its ultra-right character and direction.

No one could have less sympathy for Kavanaugh than we do.

However, the *New York Times*, *Washington Post*, leading Democratic Party officials and other establishment elements are attempting to block Kavanaugh’s nomination on the basis, once again, of an allegation of sexual misconduct, which in the absence of corroborating evidence remains nothing more than an allegation.

To a large extent, the current campaign is an effort to bury the most significant political issues involved in his candidacy for the Court.

Christine Blasey Ford, a psychology professor at Palo Alto University in California, accuses Kavanaugh and a friend of sexually assaulting her in the early 1980s, when

all three were high school students. Senate Judiciary Committee Chairman Charles Grassley (Republican—Iowa) has called Kavanaugh and Blasey to appear at a hearing on Monday.

Arguments and methods have been borrowed from the #MeToo campaign. “She must be believed,” we are told. Blasey is already identified by some as a “sexual assault survivor.” In fact, none of the commentators, including ourselves, have any way of knowing what took place.

It is not entirely clear at this point whether Blasey will appear at the Senate hearing on Monday. The *New York Times* is already preparing alibis in case she does not. “Dr. Blasey,” we read, “thrust suddenly into a spotlight that she never sought, has been inundated with vulgar email and social media messages, and even death threats, according to a person close to her, who spoke on the condition of anonymity to discuss a private matter.” Blasey “is effectively in hiding,” the person said.

Clearly, at a certain point, legitimately or not, Dr. Blasey *did* seek the spotlight. And the damage done by anonymous, unaccountable sources should be evident even to the very naïve at this late date.

If this allegation is supported by facts, rather than one person’s recollection 35 years later, it is grounds for Kavanaugh’s removal as a nominee. However, the arguments enveloping this affair are disturbingly similar to those being used in the ongoing Hollywood and media sexual witch-hunts. The matter goes far beyond the fate of the wretched Mr. Kavanaugh. There must be some burden of proof, even regarding a Kavanaugh.

In Otto Preminger’s *Advise and Consent* (1962), the exposure of a past homosexual relationship leads to the suicide of a right-wing US Senator. While the film as a whole smacks of the Cold War liberalism of the time, it got one thing right: accusations of sexual misconduct to

achieve political ends are treated as something shameful and unprincipled.

We have the real-life example of the Clinton impeachment, in which Kavanaugh played a deplorable role. Indeed, the politics of sex scandals has been associated with the ultra-right. It is the contribution of the Democrats, the *Times*, the *Nation* and others to have made it a “left” cause.

There are innumerable grounds on which the nomination of Kavanaugh should be opposed. But the political opposition mounted by the Democrats has been feckless, hiding behind the claim that the Republican control of the Senate makes Kavanaugh’s confirmation inevitable. But now that an accusation of sexual misconduct has been raised, the Democrats and their media associates are growling like lions.

A *Times* editorial board statement Tuesday—“Why America Needs to Hear Brett Kavanaugh’s Accuser”—summons up a good deal of sophistry and double-talk to justify the assertion contained in its headline.

The editorial asserts that the “accusations are detailed and appalling.” However, at this point, what has been presented is one person’s *allegation*. The *Times* notes that Kavanaugh’s claim of innocence “is the sort of denial that an innocent man would offer,” before continuing, “It is also increasingly the modus operandi in the age of Donald Trump, regardless of the accusations at hand: Don’t engage with the specifics, just deny, deny, deny.” In other words, Kavanaugh’s denial is as good as an admission of guilt.

Carrying on with the same sort of argumentation, the editorial acknowledges that “there’s much we don’t know and probably never will with certainty,” and then suggests the opposite—that “there are two things we do know ... there is no upside for women who come forward with stories of sexual harassment or assault, especially when the accused is a famous or powerful man” and “while Dr. Blasey has not given the public any reason to doubt her credibility, the same can’t be said of Judge Kavanaugh, who has given misleading or inaccurate testimony to the Senate Judiciary Committee over the years [a reference to his covering up of his role in the formulation of the Bush administration’s detention policies].”

In regard to the first point, it is a half-truth at best. Blasey has certainly become a heroine to the *Times* and that significant portion of the American corporate media and establishment that—for entirely tactical and

opportunistic reasons—opposes the Trump administration.

As for the second argument, it is not really an argument at all. That Kavanaugh is a dishonest, right-wing hatchet-man is no proof that he was a would-be rapist at 17.

There is a serious accusation against Kavanaugh and, as a matter of law and process, it deserves a public airing. However, the *Times* is insisting that the fate of the Supreme Court nomination be decided on the basis of a claim whose truth or non-truth—at least at this point—no one is in a sufficiently informed position to determine.

If next Monday’s Senate hearing goes ahead as planned, Kavanaugh will have been thoroughly prepared and coached by his handlers. The one-day event may supply its own sordid fascination and “drama,” but no one can possibly believe that it will settle the matter. The hearing is not a trial in which a substantive, time-consuming prosecution or defense can be mounted.

If the Democrats in Congress should block his nomination on the basis of an unsupported allegation, they will have achieved nothing of any lasting value. The *Times*, in its typically vulgar and pragmatic manner, resorts to this: “The bottom line is that Brett Kavanaugh is up for a lifetime appointment to the highest court in the land, and there is now a credible accusation of sexual assault against him.”

The *real* “bottom line” is this: Dianne Feinstein, Patrick Leahy, Dick Durbin, Charles Schumer and the rest of the Senate Democrats (along with the *Times* editors) haven’t the slightest desire to expose Kavanaugh as a defender of social inequality and the corporate oligarchy, with which defense they heartily concur—much less mobilize the population against such forces and policies. To do so would cut across their own class interests and lay bare their record of participating in every filthy, anti-working class measure undertaken by the various administrations, Republican and Democratic. So they turn to what has become in recent decades the tried and true, charges of sexual misconduct.

The character and trajectory of the Kavanaugh-Blasey controversy speaks, above all, to the rotten nature of bourgeois politics, especially in its current, almost indescribably degraded state.



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