

# Conflict over FBI investigation puts Kavanaugh hearing in doubt

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Prospects for a Senate Judiciary Committee hearing next Monday to hear allegations of sexual misconduct against Supreme Court nominee Brett Kavanaugh were thrown in question Wednesday as the attorneys for the accuser, Christine Blasey Ford, indicated that she would not appear before the committee without a prior FBI investigation into her claims.

A letter from the attorneys Tuesday to the Judiciary Committee chairman, Republican Senator Charles Grassley, seemed to leave open the possibility that Ford might appear at the hearing. “The hearing was scheduled for six short days from today and would include interrogation by Senators who appear to have made up their minds that she is ‘mistaken’ and ‘mixed up,’” they wrote.

The letter demanded an FBI investigation of the alleged incident first, but it did not explicitly declare that Ford would refuse to come to the hearing. However, one of Ford’s attorneys, Lisa Banks, in media interviews Tuesday night and Wednesday, flatly stated that Ford would not attend Monday’s hearing and wanted a more drawn-out process.

Grassley and other Senate Republicans rejected the demand for a delay, and President Trump, who could order the FBI investigation, declared he would not do so. Trump, who has so far withheld his usual Twitter smears against Ford, said Wednesday that it is “very hard for me to imagine anything happened” between Kavanaugh and Ford, calling his nominee “an extraordinary man” with “an unblemished record” and presenting him, not Ford, as the main victim.

Whatever took place at a home in Montgomery County, Maryland in 1982 is long past the statute of limitations and would have been a matter for local police, not the FBI. Nor is it clear what the FBI would actually investigate, beyond the accounts of Ford and

Kavanaugh, and the third person allegedly in the room, Kavanaugh’s friend, Mark Judge. It is highly doubtful that reliable evidence of even such elementary facts as where and when the party took place, if one took place at all, could be obtained after 36 years. And no one knows what went on in the room, if something did occur, except those involved, the boys then 17, the girl 15.

The Democratic Party seized on the demand for an FBI investigation only after it had been rejected by the Republicans and Trump, making their position transparently an effort to prolong the process of confirming Kavanaugh until as late as possible, even after the mid-term election. This is not so much an effort to defeat him, as to free Democratic senators from supposedly pro-Trump states, like North Dakota, Indiana, Missouri, West Virginia and Montana, from having to cast a vote on the nomination in the midst of difficult reelection campaigns.

Ford’s allegations have been seized on and promoted by the Democrats to serve as a substitute for any more extensive political effort to block the nomination of a vicious right winger to the Supreme Court, giving the highest court a hard-right five-member majority for the foreseeable future. This under conditions where only 31 percent in the most recent poll voice support for the Kavanaugh nomination.

Democratic senators, and particularly women senators, have increasingly used the language of the #MeToo campaign to suppress any airing of the political issues at stake in Kavanaugh’s nomination. Perhaps the crudest statement came from Hawaii Senator Mazie Hirono. “Guess who’s perpetuating all of these kinds of actions? It’s the men in this country,” she told a news conference. “And I just want to say to the men in this country: Just shut up and step up.”

There is nothing remotely progressive or democratic about smearing half the adult population of the United States over what may or may not have happened to a teenage girl 36 years ago.

Senator Elizabeth Warren, Democrat of Massachusetts, posted on Twitter a video clip of Kavanaugh speaking at his alma mater, Georgetown Preparatory School, in 2015. “What happens at Georgetown Prep stays at Georgetown Prep,” he said. “That’s been a good thing for all of us, I think.”

Warren said sententiously, “I can’t imagine any parent accepting this view. Is this really what America wants in its next Supreme Court Justice?”

Again, there is ample reason to oppose the installation of an apologist for torture, adamant opponent of abortion rights and judicial shill for big business on the Supreme Court. But the Democrats choose to focus on an alleged sexual assault and blur the critical political issues. The Democrats degrade politics into scandal-mongering—employing the same weapons used by the Republicans for decades, as in the Clinton impeachment.

The direction of the Democrats was suggested in a commercial released Tuesday by the group, Demand Justice, that links Donald Trump’s celebration of his right to assault women, in the “Access Hollywood” tape; Trump’s support for Roy Moore, the Alabama Senate candidate defeated after a press campaign alleging sexual misconduct with teenage girls; and the allegation against Kavanaugh. The Republican Party is the party of sexual predators, the commercial fairly shouts, and the Democratic Party is the party of #MeToo.

Meanwhile, the Republicans appeared to be strengthened in their determination to push through the Kavanaugh nomination, after initial disarray when Ford first came forward publicly. Several Republican senators flatly declared that if Ford did not appear at the hearing Monday, they would move forward to a vote on the nomination.

Grassley rejected any delay for an outside investigation, saying in a statement, “Dr. Ford’s testimony would reflect her personal knowledge and memory of events. Nothing the FBI or any other investigator does would have any bearing on what Dr. Ford tells the committee, so there is no reason for any further delay.”

The political calculations of the Republicans are identical to those of the Democrats, albeit in reverse. They are concerned that any failure to push through the Kavanaugh nomination will alienate Christian fundamentalists and ultra-conservative Catholics in the run-up to the mid-term election. At the same time, they want to maintain the pretense of offering “respect” to Ford.

This was indicated by the seemingly curious proposal Tuesday from Senator Susan Collins that the questioning of Ford should be conducted by an attorney for Kavanaugh, rather than by the senators directly. This was followed by the announcement Wednesday that Kavanaugh has hired a prominent female litigator, Beth Wilkinson, for his legal team. The clear intention is to avoid an Anita Hill-style line-up of male senators bullying a female witness about an alleged sexual assault, by bringing in a female lawyer to do the job.

*The author also recommends:*

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