

# US Senate sets first vote on Kavanaugh nomination

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Senate Majority Leader Mitch McConnell filed a cloture motion late Wednesday that sets up an initial procedural vote on the Supreme Court nomination of Brett Kavanaugh on Friday morning. If the motion to limit debate is approved, this will start 30 hours of formal debate on the Senate floor, likely to go round-the-clock, with a final vote late Saturday evening or early Sunday morning.

Under Senate rules, no filibuster is permitted on the Supreme Court nomination, and closing debate requires only a bare 50 votes plus the tie-breaking vote of Vice President Mike Pence, the same margin that would be sufficient to confirm Kavanaugh for the vacancy created by the resignation of Justice Anthony Kennedy.

As of this writing, the outcome of both the procedural vote and the confirmation vote remained uncertain. After Senator Heidi Heitkamp of North Dakota announced her opposition, 48 Democrats will vote no, with only Joe Manchin of West Virginia yet to declare a position. On the Republican side, all 48 who have announced a position will vote yes, with three publicly undecided, Susan Collins of Maine, Jeff Flake of Arizona, and Lisa Murkowski of Alaska.

Three of the four “undecided” senators would have to vote against Kavanaugh to defeat the nomination.

A further FBI background check on Kavanaugh was turned over to the White House and the Senate in the early hours of Thursday morning, and senators began reading the document—apparently consisting of extracts of nine witness interviews—throughout the day on Thursday. The background check was demanded by Flake as a condition of approving the nomination on the Senate Judiciary Committee, where it passed by an 11-10 party-line vote.

Thursday was given over to political posturing on both sides, revolving around the unproven allegations

of sexual assault against Kavanaugh dating back to 1982, brought by Christine Blasey Ford, who testified at last Thursday’s nationally televised hearing. The FBI investigation included limited questioning of potential witnesses to the assault described by Ford, as well as a second woman, Deborah Ramirez, who described sexual misconduct by Kavanaugh when they were both students at Yale in 1985.

The third woman who has made public charges against Kavanaugh, Julie Swetnick, has not been interviewed by the FBI and has not testified under oath in any public forum.

Both parties are treating the nomination primarily as a tool for mobilizing supporters in the midterm elections November 6. President Trump vilified Blasey Ford at a campaign rally Wednesday night in Mississippi. With the most competitive Senate seats in states Trump carried in 2016, including North Dakota, Indiana and Missouri, Republican officials calculate that presenting Kavanaugh as the victim of a smear campaign will help them widen their current narrow margin of 51-49.

Democratic Party officials make the same calculation about the House of Representatives, albeit in reverse, targeting two-dozen vulnerable Republican incumbents in suburban seats where upper-middle-class women can be influenced to switch to the Democrats by the “believe the woman” campaign. The Democratic Party needs to gain 23 seats November 6 to take control of the House.

Groups linked to the Democratic Party staged protests in Washington Thursday, rallying outside Senate offices and then at the Supreme Court. Generally small protests were also held in other cities.

Those participating in the Washington protest, as well as in lobbying of Senate offices and occasional confrontations of Republican senators at public venues,

were drawn from the upper-middle-class women's groups that orbit the Democratic Party, supported by pseudo-left organizations like the International Socialist Organization and the Democratic Socialists of America.

The slogan of all these protests—"We Believe Survivors"—was openly antidemocratic, since it flatly dismisses the presumption of innocence. Describing Blasey Ford, Ramirez and Swetnick as "survivors" amounts to declaring that they "survived" sexual assault by Kavanaugh, the very charge that needs to be proven but which lacks any supporting evidence outside of the statements of the three women, flatly denied by Kavanaugh.

Perhaps the most reprehensible abandonment of the presumption of innocence came from the American Civil Liberties Union, which issued a public statement from its board, opposing the confirmation of Kavanaugh, while buying \$1 million worth of television ads that linked Kavanaugh to Bill Clinton and Bill Cosby as sexual malefactors.

As with the protests staged on Thursday, the ACLU statement condemned Kavanaugh, not for his vicious right-wing record on civil liberties, including support for massive NSA spying, or for his role in drafting the rules for torture in the Bush administration, but solely for his alleged sexual misconduct, which remains unproven.

The ACLU statement declared, "We cannot remain silent under these extraordinary circumstances about a lifetime appointment to the highest court of the land. The standard for such an appointment should be high, and the burden is on the nominee. That burden is not met as long as there are unresolved questions regarding the credible allegations of sexual assault."

An ACLU spokeswoman noted that the organization had not opposed Trump's first Supreme Court nominee, Neil Gorsuch, who had a similarly right-wing record as a judge, underscoring that the opposition to Kavanaugh is based purely on the allegations of sexual assault.

This statement was condemned by two former ACLU leaders, who declared that the TV ads paid for by the group grossly violated the principle of the presumption of innocence. Former ACLU vice president Michael Meyers, who was on the group's national board from 1981 to 2005, said, "It's a violation of everything we believe in as civil libertarians. It's appalling, shocking.

It's unacceptable."



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