

# The Washington Times

## Kavanaugh impeachment calls 'smoke' to fire up Democrats' base, court watchers say

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Calls by Democrats to impeach Supreme Court Justice Brett M. Kavanaugh are no surprise to court watchers, who long anticipated there would be moves from the left to discredit the justice ahead of any 5-4 rulings.

They also noted the revived impeachment rhetoric comes ahead of the 2020 election, giving any moves against the justice heightened political scrutiny.

“It is about working up the base and maybe convincing it that judges matter, something Republicans have known for at least two generations,” said Lucas Powe, a law professor at the University of Texas.

Legal scholars noted the Democrat-controlled House could vote to impeach Justice Kavanaugh if they believe he lied during his confirmation hearings last year, but the Republican-controlled Senate likely would not vote to remove the justice.

“The Democrats do not actually think they will remove him from office. Their goal is to diminish his legitimacy as a judge,” said Josh Blackman, a professor at South Texas College of Law. “Beyond impeachment, Justice Kavanaugh’s opponents will continue to use all of the allegations to delegitimize any 5-4 decision he joins.”

Their analysis comes after a New York Times article published Saturday focused on Deborah Ramirez, who accused Justice Kavanaugh of thrusting his penis in her face at a party during their time at Yale University. The article by Robin Pogrebin and Kate Kelly is adapted from their anti-Kavanaugh book set for release this week.

Justice Kavanaugh has vehemently denied any misconduct.

Saturday’s article claimed the FBI did not interview any of the purported witnesses whom Ms. Ramirez’s legal team referenced, and that her lawyers claimed the agents were limited on what they could investigate by the Republican-held Senate Judiciary Committee.

The investigators, though, talked to nearly a dozen people, including three unnamed individuals related to Ms. Ramirez’s claims as well as Ms. Ramirez herself, the Associated Press reported at the time.

The New York Times article also reveals an accusation from Max Stier, a classmate at Yale, who claimed he saw Justice Kavanaugh with his pants down at a party and friends pressed his genitals into a different girl’s hand. The article says it “echoes Ms. Ramirez’s allegation” and lends credence to her claims.

Mr. Stier reached out to the FBI, but his claim wasn’t investigated, The Times reported. The Times did not report having tried to corroborate Mr. Stier’s account itself.

The Times issued a clarification Sunday, saying “An earlier version of this article, which was adapted from a forthcoming book, did not include one element of the book’s account regarding an assertion by a Yale classmate that friends of Brett Kavanaugh pushed his penis into the hand of a female student at a

drunken dorm party. The book reports that the female student declined to be interviewed and friends say that she does not recall the incident. That information has been added to the article.”

Jonathan Turley, a law professor at George Washington University said Democrats would need “clear and conclusive” evidence to reopen the controversy surrounding the justice’s confirmation about a year ago.

“There is a danger that politicians will seek ‘do-overs’ with shifting majorities or political realities,” he said.

Ilya Shapiro, publisher of the Cato Institute’s Supreme Court Review, said there was nothing new in the article other than insinuations by people who did not have direct knowledge to the relevant allegations.

“It’s not a surprise that Democrats are now making political hay out of all this, but it’s all smoke, no fire,” he told The Washington Times.

He also cautioned Democrats from going after the justice. At least two Democratic senators who were up for re-election in states Trump won and who had voted against Justice Kavanaugh in October lost their Senate seats.

“Calling for Kavanaugh’s impeachment is a dangerous move that may end up backfiring, just as Democrats running in close Senate elections were hurt last year after the confirmation imbroglio,” Mr. Shapiro said.

Justice Kavanaugh also faced sexual misconduct allegations from Christine Blasey Ford, who claimed he touched her inappropriately while the two were at a high school party more than three decades ago. Her allegation was never corroborated.