

This copy is for your personal, non-commercial use only. To order presentation-ready copies for distribution to your colleagues, clients or customers visit <https://www.djreprints.com>.

<https://www.wsj.com/articles/why-theyll-never-stop-targeting-kavanaugh-11568933484>

OPINION | DECLARATIONS

Why They'll Never Stop Targeting Kavanaugh

The continuing assault reflects both a fixation and an effort to deprive the court of its legitimacy.



By

Peggy Noonan

Sept. 19, 2019 6:51 pm ET

Here are the reasons, in no certain order, that the accusations against Justice Brett Kavanaugh will never stop and his foes on the progressive left never let up.

Because progressives have to prove they were right to advance the sexual-assault accusations of Christine Blasey Ford. They lost that battle; Justice Kavanaugh sits on the court. They won't stop the assault until they can prove they were right to launch it.

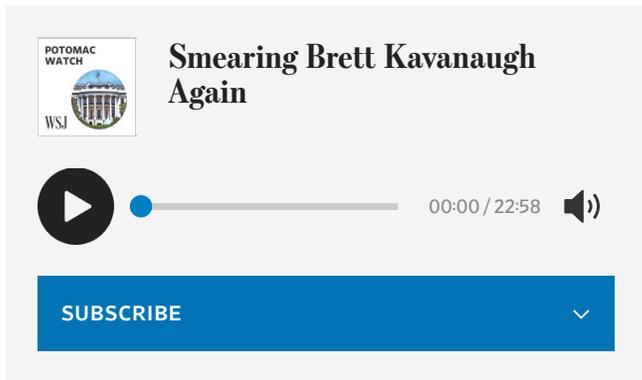
Because people become fixated on their targets. Because #MeToo continues as a potent cultural force. Because as the court assumes an ever more powerful role in American life, confirmation hearings and their aftermath will become more brutal and never-ending.

Because the authority and legitimacy of future rulings that are not pleasing to progressives (most prominently, perhaps, on *Roe v. Wade*) can be undermined through footnotes that say "the 5-4 decision was joined by a justice credibly accused of sexual assault."

Because the steady drum of allegations diminishes not only Justice Kavanaugh's stature but that of the court itself, which will be helpful when Democrats attempt to pack it.

Because the crazier parts of the progressive left increasingly see politics as public theater, with heroes and villains, cheers and hisses from the audience, and costumes, such as outfits from "The Handmaid's Tale."

Because modern politics is, for the lonely and strange on all sides,



entertainment and diversion. And one's people must be entertained.

Because many progressives believe deep in their hearts that conservative

men are both sexually obsessed and repressed, that conservatism is a way of looking at the world in which women are lesser, mere prey. They think this is behind everything, including conservative reservations about or opposition to abortion. In this view, conservative jurists who say things like "60% of my clerks were women" and "I coach the girls' soccer and debate teams" are engaged in an elaborate cover. They hate the modern world. Behind closed doors they're always swinging caveman's clubs.

Because where there's smoke there must be fire. There was Ms. Ford, then the Yale rumors. There's no way there isn't something to it.

So it will never end.

For Democrats, it is not "good politics," and most of them know it. What was done to Justice Kavanaugh had a positive impact on 2018 Senate outcomes—for Republicans. There was a backlash. Women worried their sons and husbands would be targeted in a prosecutorial atmosphere that had abandoned due process.

People are complicated. Jill Abramson, who covered the 1991 Clarence Thomas hearings as a reporter for The Wall Street Journal, told a story years later. Anita Hill had just testified. During a break, Ms. Abramson went for lunch in the Supreme Court cafeteria. As she stood waiting to pay for her food she chatted with another reporter about how Ms. Hill's testimony had been lethal for Judge Thomas. The cashier, a middle-aged black woman, overheard, gave Ms. Abramson a baleful look, and said: "They'll do anything to bring down a black man." It was clear she supported him. In Ms. Abramson's view it was an early sign of broader public opinion.

In an excerpt from a new book by two of its reporters, the New York Times this week famously reported another allegation of sexual misconduct by an undergraduate Mr. Kavanaugh. The Times later corrected its story to note the purported victim refused to be interviewed for the book and friends say she has no memory of such an incident. Democratic presidential contenders had already called for Justice Kavanaugh's impeachment. Soon they changed the subject. But they'll return to it.

What is kind of horrifying is the extent to which all this stems from the charges brought last year by Ms. Ford. Mr. Kavanaugh, she said, had drunkenly attempted to force himself on her at a high-school party.

I watched her testimony, as I've written before, with a bias. In my experience women in such matters are telling the truth. I assumed her charges would be substantiated.

And yet they were not, not at all, not even after a year. Not a single witness emerged to corroborate her account. The woman Ms. Ford described as a close, lifelong friend who could back up her account said she remembered no such party or gathering and had in fact never met Brett Kavanaugh. Now she admits she does not herself believe Ms. Ford's story.

Throughout the drama those who believed Judge Kavanaugh's denials operated at a disadvantage: Any criticism of Ms. Ford would be treated as a smear, so there was almost none.

I'm reminded of this by the riveting book "Justice On Trial," by Mollie Hemingway and Carrie Severino. Most such investigations are written by liberal journalists for a liberal audience; Ms. Hemingway and Ms. Severino are conservatives who went forward with journalistic seriousness and paid attention to information others might ignore. They suggest "where there's smoke there's fire" can't be applied to the Kavanaugh case because from the moment he was nominated to the court he was targeted by pyromaniacs.

A leftist feminist group linked him to allegations of sexual harassment against another judge, for whom he'd clerked a quarter-century before. An activist group accused him of supporting the "problematic trope that the Constitution should be 'colorblind.'" Another group said his judicial philosophy amounted to supporting the "white supremacist patriarchy."

This was par for the course for a Republican nominee, but soon after Ms. Ford's charges came the New Yorker story in which a Yale classmate of Judge Kavanaugh said that during her freshman year he exposed himself at a drunken dorm party and caused her to touch his genitals. But the story didn't hold—the reporters were unable to find a witness to corroborate it, the accuser had "significant gaps" in her memories, and it took six days of "carefully assessing her memories" and consulting with an attorney provided by Democrats, to name Judge Kavanaugh.

The since-disgraced lawyer Michael Avenatti then brought forward a woman who claimed she was gang raped at a high-school party by Mr. Kavanaugh and his friends, as were other young women. Her story fell apart too.

Then a charge came in through Democratic Sen. Sheldon Whitehouse. A constituent had called his office to say a man believed to be Mr. Kavanaugh had sexually assaulted a woman on a boat in Newport, R.I., in 1985. Now there was a fourth accuser! Eventually the Judiciary Committee tracked down the constituent, an anti-Trump activist who'd called for a military coup. He later recanted his accusations on Twitter and apologized.

A letter to Sen. Kamala Harris's office claimed Judge Kavanaugh had sexually assaulted a woman while driving home from a party. The accuser was a political activist who later admitted her charge was "just a ploy" made because she was angry. Asked if she'd ever met Judge Kavanaugh she said, "Oh Lord, no."

In both cases the accusers seemed shocked you couldn't just . . . lie.

"Normally the burden of proof is on the accuser," write Ms. Hemingway and Ms. Severino, "but the media were not even paying lip service to that principle."

They weren't.

The charges will probably never stop, but at this point many of us, having seen what Justice Kavanaugh was put through because of ideology and politics, will never find them believable.

Copyright © 2019 Dow Jones & Company, Inc. All Rights Reserved

This copy is for your personal, non-commercial use only. To order presentation-ready copies for distribution to your colleagues, clients or customers visit <https://www.djreprints.com>.