

[Reader Comments are shown at the end of this editorial]

The High Court Brought Low

Don't let Donald Trump and Brett Kavanaugh have the last word about American justice.

By [The Editorial Board](#)

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New York Times Editorial – October 5, 2018

So what now?

The degrading spectacle of Judge Brett Kavanaugh's confirmation process is behind us; the degrading era of his service on the Supreme Court lies ahead. If senators [vote as expected on Saturday](#), Judge Kavanaugh, with a razor-thin victory on an almost strict party-line Senate vote, will be sworn in as the newest associate justice of the Supreme Court as early as next week.

Credible accusations of sexual assault, lies told under oath, explicitly partisan attacks on the senators trying to assess his fitness to serve: None of it was enough to give Republican leaders more than momentary pause in their campaign to seize decisive control of the Supreme Court.

Depending on your politics, you might pick one starting point or another for the nastiness of the modern battles between the parties over individual court seats. But it was Mitch McConnell, the Senate majority leader, who openly established partisan control of the court itself as the stakes in the struggle. He refused to allow Barack Obama to fill a vacancy for almost a year, holding the seat open to draw evangelical voters to the polls and elect a Republican president.

That was a clever gambit, though it had the downside of risking the credibility of the American legal system. The bet has now paid off, and the risk has been realized.

The president whom Mr. McConnell helped elect turned out to be Donald J. Trump. And while Mr. Trump had plenty of qualified, highly conservative lawyers to pick among, he chose to insist on Judge Kavanaugh. The result was a confirmation process, and now almost certainly a justice, tainted by dishonesty, shamelessness, self-pity, indifference to women's fears and calculated divisiveness — the hallmarks, in other words, of Mr. Trump's politics.

Having first sickened the White House and then Congress, the virus of Trumpism is about to spread to the Supreme Court itself.

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The Court has had a majority of Republican-appointed justices for nearly half a century, of course, and its credibility has endured, despite controversial decisions like *Bush v. Gore*, which handed the White House to a Republican president. But the elevation of Judge Kavanaugh represents something new.

The nation is now facing the possibility of three or four decades with a justice credibly accused of sexual assault, one who may well be the deciding vote to overturn *Roe v. Wade*, or at least make it so hard for a woman to exercise her constitutional right to make her own medical decisions that the ruling is effectively nullified. Thirty to 40 years with a justice whose honesty was tested and found wanting. A justice so injudicious in his manner that thousands of law professors, and a retired Supreme Court justice, opposed his confirmation. A judge is supposed to set personal feelings aside and approach even the most sensitive and emotional matters with a cool disposition and an open mind; Judge Kavanaugh revealed to the country that he was incapable of that.

In saner times, such behavior from a nominee would have sent reasonable Republicans running for the exits. But in the end, only Lisa Murkowski of Alaska had the courage of her convictions. She can go home knowing that she did the right thing.

The task of plugging the holes and patching the rents in the court's legitimacy now falls to the justices themselves, mainly to Chief Justice John Roberts Jr. He must know that every decision of political significance rendered by a 5-to-4 majority that includes a Justice Kavanaugh will, at the very least, appear to be the product of bias and vengeance. If he cares about the integrity of the court as much as he claims to, the chief will do everything in his power to steer the court away from cases, and rulings, that could deepen the nation's political divide.

There's work the rest of us can do as well.

We can, for one thing, find ways in our own workplaces and communities to assure victims of sexual assault that they will be respected if they come forward, even if so many national political figures are dismissive of them.

And if we disapprove of the direction of the courts, we can put the lessons Mitch McConnell taught us to work — and vote.

It's worth noting that, of the five justices picked by Republicans, including Judge Kavanaugh, four were nominated by presidents who first took office after losing the popular vote. And the slim majority of senators who said they would vote to confirm Judge Kavanaugh on Saturday represent tens of millions fewer Americans than the minority of senators who voted to reject him. The nation's founders were wise to design the court as a counter-majoritarian institution, but they couldn't have been picturing this.

Most Americans are not where this Senate majority is. They do not support President Trump. They do not approve of relentless partisanship and disregard for the integrity of democratic institutions. And they have the power to call their government to account.

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Reader Comments (as of 9AM Oct 6, 2018)

[lechrist commented October 5](#)

l

lechrist

Southern California [Oct. 5](#)

This is indeed, one of the darkest days in my life as an American and a female.

Thank-you to Senator Lisa Murkowski of Alaska for standing up for justice.

God help the future of our country. Vote November 6.

[walterhett commented October 5](#)

walterhett

Charleston, SC [Oct. 5](#)

Who thinks the Senate, about to appoint a proven liar, political partisan, and intemperate rube to the Supreme Court, against the recommendation of 3000 US law professors, will show an iota of respect for Roe v Wade?

In the week the Nobel Prize for Peace was awarded to two persons fighting against sexual violence as a weapon of war, the Senate turned sexual violence into a weapon for power.

Eleven white men in committee had tantrums, one announced as a "single white male." Collectively, they used women as beards, blamed victims, questioned their veracity, blocked the calendar and the beer drinking age perjury, remaining silent as Trump mocked a courageous survivor, choosing her most painful moment/self-absorbed boys laughing.

They crowded out millions of women's voices with the audacity to break the silence. In the face of millions of women's stories decades old, the Senate told the world they fear for men!

The majority white male Senate is the jury that votes, 51 wins. To win, they will have put blame above facts, expediency above patience, and a sham review over due process, carrying forward like deaf mules braying to invisible conspiracies "et tu." You think they really care about the country?

This appointment is about the place, perception, and power of American women, especially under a misogynist President whose vitriol has called women dogs and lowlives, bleeding from their faces, even as he paid for their silence for extramarital sex he swears he never had.

[Don commented October 5](#)

Don

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Butte, MT [Oct. 5](#)

The founding fathers never imagined there would be two Dakotas with four Senators. Through the electoral college and the Senate, a minority of American voters have firm control over the majority.

[Bruce Rozenblit commented 11 hours ago](#)

Bruce Rozenblit

Kansas City, MO [1h ago](#)

Our nation is dying. It has been infected with a disease. This disease was initially introduced by Mitch McConnell. He gave it to the Republican caucus. Then Donald Trump caught the disease and gave it to about 1/2 of the nation.

The disease causes a condition of all consuming power for power's sake. It obliterates institutions, all tradition and ethics. Respect for individuals and the rules that protect them are tossed aside. Get in the way and get squashed like a bug.

The forces that put Kavanaugh in that black robe are guns everywhere, abortions nowhere, unlimited profits and zero regulations. Kinda sounds like Afghanistan.

That's where we are headed. An oligarchy runs the show with the blessing of a fundamentalist theocracy. The public is placated with guns galore thinking that gives them power. It does not.

The rich guys have the power. The rest of us can drink polluted water and breathe filthy air. We can lose our pensions while they own the land we live on. Women's rights are granted on as needed basis, when convenient.

Did I say Afghanistan?

Soon we will be able to take trip to Georgiastan, and Mississippistan and Alabamastan. Trump will hold his rallies and the people will cheer just like they do for those guys with the beards in Syria and Iraq.

We will never leave Afghanistan. We brought the place home when Trump was elected.

So either get registered and vote, get involved, or take a trip to United Statestan.

[Flora commented 10 hours ago](#)

Flora

Canada [10h ago](#)

That a sitting federal judge can lie to the Senate, on camera, with the world watching, and still be confirmed to the highest court, has left me trembling. There are more forms of violence than just physical ones, and what we've witnessed in this confirmation process is a deep, deep wound to

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civilized values. Most frightening is my growing sense that there is not going to be a November vote to begin to set things on the right path again. Nothing we have seen in this administration, or from the vicious and ruthless Mitch McConnell, suggests there is anything they won't do to maintain and increase their hold on power. I hope to god I'm wrong. but there needs to be millions upon millions marching in the street and striking long before November 6. What must young people be thinking about the example adults are setting? This is an American Tragedy. It didn't have to be this way.

[Cousy commented 10 hours ago](#)

Cousy

New England [10h ago](#)

I am 52 years old. I grew up with a reverence for the Supreme Court - even knowing it's imperfections, I had confidence that the arc of history would bend toward justice (a phrase that never gets old).

But if actuarial tables are accurate, I may never again know a Supreme Court that views its role as protecting and expanding civil rights and civil liberties for all people.

Even after the 2016 election, I never allowed myself to think this day would come. I cannot describe my sadness. God help us.

[An American Moment commented 11 hours ago](#)

An American Moment

Pennsylvania [11h ago](#)

Kavanaugh's record clearly shows he will support corporate polluters, including the coal industry. This administration is causing huge damage not just to people here in the United States but globally, to the environment, in defiance of climate science. Vote them out as if our lives depended on it, because they truly do.

[Matthew Carnicelli commented 11 hours ago](#)

Matthew Carnicelli

Brooklyn, NY [11h ago](#)

As I typed on the night that this nomination was first announced, "don't get angry, get even".

Taking back the Senate in 2018 was the longest of long shots - and even if we had defeated the perjurer Kavanaugh, without achieving Democratic control of the Senate, the Republicans would have just confirmed a different ultra-conservative justice.

IMHO, 2020 will likely be a different story - and if we can gain control of the House, Senate, and Presidency, it will afford us an opportunity to right any number of wrongs. It will, for instance, allow us to implement a coherent plan to expand the Supreme Court and thus undo

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Mitch McConnell's rank corruption of that formerly august body.

There are certainly risks involved in any plan to expand the Court - but IMHO there are even greater risks in allowing this Federalist-Heritage Society cabal to permanently distort the dynamics of American democracy, in the favor of the oligarchs who fund literally every organization on the conservative side, and control the GOP establishment like an owner controls a dog.

IMHO, the single worst thing that Democrats can do going forward is to passively accept the idea that McConnell has wrested control of the Court for a generation. Never accept that.

We live in "interesting times", and if we hope to restore our once mighty democracy to its former glory, we had best become masters of outside-the-box political strategies and hard-core, take-no-prisoners political messaging.

Never surrender.

[Sarah Rose commented 11 hours ago](#)

Sarah Rose

Pender Island, British Columbia, Canada [1h ago](#)

Well, the last straw. This is no longer the country I knew and loved. I'm glad my parents are no longer around to see America the Beautiful so tarnished and fallen so low.

[Randomonium commented 11 hours ago](#)

Randomonium

Far Out West [1h ago](#)

The GOP has now achieved a political hat trick: all three branches of our government are now debased and are no longer appear to represent or even acknowledge the will of the majority of Americans.

Going forward, any decisions these institutions may make will be met with suspicion and disdain. How long can a democratic republic survive like this? Are we being prepared for permanent one-party rule?

[Diana commented 2 hours ago](#)

Diana

Centennial [2h ago](#)

Times Pick

"Having first sickened the White House and then Congress, the virus of Trumpism is about to spread to the Supreme Court itself." That one sentence actually made me gasp because it is absolutely the truth and our new reality. We have now reaped the rancorous harvest of the 2016

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election. The Supreme Court has been secured by the right for generations to come and bitter, overtly partisan Brett Kavanaugh will be helping shape the future for those generations.

[Larry Eisenberg commented October 5](#)

Larry Eisenberg
Medford, MA. [Oct. 5](#)

Susan, Susan, hollow reed,
Kav's evasions did not heed,
Heard him charge conspiracy
Cherry picked plus things to see.

In the History books your choice
Will not make scholars rejoice,
Skimpy inquiry deceptive,
Yet you find yourself receptive.

[NM commented October 5](#)

NM
NY [Oct. 5](#)

The midterms are just weeks away. The Senate is the only defense against Trump's unfit Supreme Court picks - and Kavanaugh won't be the last. As for those Senators up for reelection who didn't have the guts to stand up to Trump and McConnell, they should now feel our wrath at the polls.

[Linda commented 9 hours ago](#)

Linda
Oklahoma [9h ago](#)

The stench of Kavanaugh's rudeness, his crying, his whining, his lies, will follow him into the Supreme Court and pollute the formerly honored establishment.

[Robert Johnson commented 2 hours ago](#)

Robert Johnson
Folsom, CA [2h ago](#)
Times Pick

@sarah, Mr. Kavanaugh's behavior at the recent hearing is disqualifying enough. The blatant partisanship in his statements, his disregard for senators, especially female senators, was palpable (and on full display as he derisively sneered at their questions) as was his indignation at anyone challenging his entitlement. He openly, and demonstrably, lied in his responses to questions under oath. He promulgated conspiracy theories with no evidence and put on notice almost one third of Americans that they can expect to be treated unfairly by him. A former Supreme Court justice as well as thousands of law professors deemed his behavior as

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disqualifying. Regardless of your opinion of the accuracy of Dr Blasey's testimony, Mr. Kavanaugh has shown time and again that he is unfit to serve on the Supreme Court.

[Redfish commented 11 hours ago](#)

Redfish

St. Augustine [11h ago](#)

There is anger in our country because there is a structural imbalance in our government. The last two Republican Presidents have been elected without winning the popular vote. The less populous rural states like North Dakota that vote red get two Senators while California gets two. As mentioned in this article, four of the current Supreme Court seats were appointed by Republican Presidents that did not win the popular vote and the Senators voting for Kavanaugh represent less people than the Senators voting against him. The Republicans now have all the seats of power in our government, the Presidency, the House ,the Senate and the Supreme Court and somehow they still feel anxious and aggrieved on a daily basis. The Democrats feel aggrieved because they know they are the majority of voters but they have no power. Our democratic government system of checks and balances and representation is being put under a stress test. If you are one of the majority of voters that do not feel represented by the current Administration, the truth is you will need to work harder and longer to gain your representative share of power.

Vote early, talk to your neighbors and get them out to vote. Get involved in local politics, volunteer for local Boards. This is still a democracy, and representation is available for those who want to fight for it.

[Incontinental commented 2 hours ago](#)

Incontinental

Earth [2h ago](#)

Times Pick

You guys think the court was brought low just now? You think it hasn't been a partisan vote tally until now? Were you born after that time that they overruled the Florida Supreme Court's ruling to do a recount, and the US Supreme Court's votes were strictly along party lines? And it was basically on a technicality, that they should have ordered a statewide recount instead of a recount of suspect districts? And they didn't pass that back to Florida? You know, when they handed the presidency to W?

And how about that time that they concluded that money is equivalent to free speech? Again, on strictly party lines? And the guys who had all that money that wanted to speak freely were on that same party line?

Are you guys interested in a certain bridge that I own, for a very low price?

[JHM commented 2 hours ago](#)

JHM

New Jersey [2h ago](#)

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Times Pick

Bret Kavanaugh will burnish his resume with the best possible credential - a seat on the nation's highest court - at the expense of the unity of our nation.

Kavanaugh no doubt assumes that as the media interest dies down, as it did with Anita Hill, he will get on with his life as a Supreme Court justice. However, he figured wrong, as it won't be the same this time. The overall climate is much different than when Ms. Hill came forward. Kavanaugh will always be a tainted justice in the eyes of the majority.

The real way around this Republican-generated crisis would have been for Kavanaugh to do the most honorable thing possible, and instead of publishing a piece in the Wall Street Journal defending himself, he should have withdrawn his name from consideration.

He may not be guilty of sexual assault, but from what we've seen over the past three weeks, as Alaska GOP Sen. Lisa Murkowski put it, "he's not the right man for the court."

[K. John commented 2 hours ago](#)

K. John

Atlanta [2h ago](#)

Times Pick

I have struggled with the American jurisprudence system for some eighteen years. What happened in Florida was an eye opener. What I have learned is that we don't have a system rooted and grounded in justice. We have a system rooted and grounded in laws. And, wherever you have unjust men, one will have unjust laws. Nothing rang more true in my heart and mind over the last couple of months as I hoped my suspicions would be proved wrong. They were not. It will be difficult if not impossible to look at a court room and believe anything other than the sham we have witnessed is the testimony of how the power of the minority has hijacked justice.

[Vexations commented 10 hours ago](#)

Vexations

New Orleans, LA [10h ago](#)

I'll never be able to figure out why Lisa Murkowski was the smartest person in the room today, and that none of her party colleagues joined her. There was something about the seriousness of her gaze today that seemed to show she knows that this court, and this vacancy, are much bigger than the nominee or the occupant, while no one else did.

Susan Collins has likely handed the House, and possibly the Senate, to the Democrats today, and if in the future Roe v Wade is indeed overturned, as Trump campaigned on appointing justices specifically for that purpose, then Collins will be solely responsible. I just hope Democrats have enough control of Congress at that point to be able to void any 5-4 court decision that takes away a woman's right to choose. I have never bought Collins' song and dance of moderation. She talks the talk, but today she did not walk the walk, and in the future she will pay a heavy political price for it. It will be the mistake that ends her political career in 2020. A handful of laws targeting

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abortion providers upheld by the 5th Circuit Court of Appeals are about to go into effect; abortion could likely be illegal in Louisiana and Mississippi in only a matter of weeks. The laws will be challenged and sent to the Supreme Court, where Kavanaugh will be waiting to be vote number 5. This is the endgame of a 40 year effort to take away abortion rights in the US; Collins and Kavanaugh will be the ones to finish it off.

[AS commented October 5](#)

AS

New Jersey [Oct. 5](#)

Hopefully, the voters in November will elect Democratic majorities in the House and Senate. Granted, this will lead to political stalemate with any Democratic legislation being vetoed by President Trump (a veto-proof Senate majority likely an impossible dream) and an endless array of subpoenas and investigations, to say nothing of impeachment efforts.

But the consequences of single-party rule of all three branches of government is too awful to contemplate — including but not limited to the end of voting rights, privacy rights, the Affordable Care Act, same-sex marriage, immigration, gun safety and campaign finance reform efforts and responsible environmental and financial regulation.

God help our children and grandchildren in either case, and God save the United States of America.

[Mark commented 10 hours ago](#)

Mark

Cheboyagen, MI [10h ago](#)

Over 700 law professors and a former SCOTUS justice is only enough to convince one republican to vote no on Kavanaugh. I wonder if the justices will play beer pong while hearing arguments? Well now that this is over, the republicans can go back to the serious work of collecting bribes... I mean campaign donations.

[A Wells commented 11 hours ago](#)

A Wells

Bristol, VA [11h ago](#)

Please. If anyone is governing through the courts, it's the right. Why else would McConnell and his ilk insist on packing the courts with conservative jurists? Maybe the right should focus more on winning over voters and less on morally dubious political brinksmanship.

[Kathryn Meyer commented 11 hours ago](#)

Kathryn Meyer

Carolina Shores, NC [11h ago](#)

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@Robert Unfortunately, there are those of us who do care. We show up and vote every year; not just every four years. We vote in every local election, school elections, etc. We sign petitions, write to our representatives, we donate our funds to the extent that we can afford to support candidates and causes that benefit society and still we I feel like a hamster on a wheel at night going round and round while the empire is burning. I'm so lost right now. I'm in the midst of sheer insanity and I'm powerless; yet I keep trying, but it's really hard to keep the faith and keep supporting candidates who value what I grew up to respect about America.

[Rich commented 9 hours ago](#)

Rich

Berkeley CA [9h ago](#)

The best argument the right wing has is that a tightly constrained investigation didn't find proof of something that may have occurred in private 36 years ago. But they weren't trying very hard to learn the truth. The Democrats got played yet again by the GOP.

I'd like to hear someone on the right explain why lying under oath, dodging questions about his drinking, and issuing a political rant are not disqualifying for a supreme court justice. Or why an "investigation" into this matter failed to interview many relevant witnesses who offered their testimony. Or why the GOP refuses to release 90% of the documentation on Kavanaugh. Or why, for that matter, it was legitimate to refuse Obama the chance to appoint a justice.

[Namrata M commented 11 hours ago](#)

Namrata M

California [11h ago](#)

History will not look upon this moment kindly. I don't yet know what all will be at stake with this appointment, I do know though what is already lost. A chance to right the injustice of many millions of women who have been rendered silent for too long. If the many all male GOP senators of the Judiciary Committee had really listened to Dr. Ford with an open mind - they would have heard the echoes of millions of women in her trembling voice. Perhaps even that was not enough - although the GOP seems to show remarkable double standards around justice and principles. Who, however, can excuse the vitriol that spewed from Judge Kavanaugh against all those who he judged were behind this conspiracy. Not for a moment could he entertain the possibility that he did anything wrong - but he must be, of course he was, the victim of some great conspiracy. I am a protestor and there are many, many others like me that I know personally and nobody paid us. We only protest because we feel the weight of the past and future on our shoulders. It's another dark day for us in Northern California - once again our voices are not heard - because we are the liberals, the elites, the mob, the paid protestors of Soros. or so they would have you believe...

[GLO commented October 5](#)

GLO

NYC [Oct. 5](#)

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The handiwork of mitch, trump & the republican party will be long term and very negative for this country. Any remaining authority of the Supreme Court is now gone. And, as our citizens & society continue to move forward, the Supreme Court will ever increasingly be considered way out of step as well as highly partisan.

[Michele commented 8 hours ago](#)

Michele

Seattle [8h ago](#)

I've been fighting tears all afternoon. I can't understand how people like Collins and Flake who at one point must have loved this country and probably still think they do, can't see what is happening right in front of them with their complicity. The enabling of the Trump regime is a stain that will outweigh any other accomplishments. What can possibly be worth this? If the election in November does not flip the House or the Senate, this nation is headed for catastrophe. Fear for our democracy and Constitution. And VOTE as if our democracy depends on it- it does.

[Michael B. English commented 11 hours ago](#)

Michael B. English

Crockett, CA [1h ago](#)

@frisbee No. No, there isn't. Cavanaugh was selected specifically because the Federalist Society determined that he would produce the legal results most favorable to the Republican Party. He was not selected for being a fair and honest man.

His reputation will always be secondary to his willingness to produce those results. He would not have been selected otherwise. And we will have to remove him- or nullify the majority he produces- to fix the damage he will cause.

[Mark Kessinger commented 9 hours ago](#)

Mark Kessinger

New York, NY [9h ago](#)

The real problem at the root of all of this is the unconstitutional power wielded by the Senate Majority Leader. It is true that the Constitution allows each of the House and Senate to set its own procedural rules. But considering that political parties are nowhere contemplated by the Constitution, there is NO reasonable argument to be made that the framers of that document ever imagined that one individual, as leader of a partisan majority in the Senate, would be given the authority to selectively block the entire body from exercising its Constitutional role of advice and consent (as McConnell did when Merrick Garland was nominated), or that such an individual would have such complete control over what comes to the Senate floor and when. This is an extra-constitutional development that runs counter to the clear intent of the framers. It must be rectified.

[RK commented 9 hours ago](#)

RK

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Long Island, NY [9h ago](#)

There are about half a dozen states with population of less than 1 million. They each have two senators as do New York and California that have counties and cities with more population than the dozen states. Then there is the absurd way we elect presidents with electoral college.

It is, of course, unfair for populous states to get an unfair advantage over states with sparse population. But when the man who lost the popular vote but became POTUS anyway and the Senators from a few sparsely populated states ignore the concerns of the majority population, it is time to rethink the status quo. The time is now.

[RLS commented October 5](#)

RLS

PA [Oct. 5](#)

The Senate wouldn't be considering a Kavanaugh appointment if we had transparent elections. Exit polls indicate that Trump did not win the Electoral College and three Senate races were manipulated in 2016 alone (see links to exit poll results below).

Why the U.S. State Department Would Not Certify Trump's Election as Legitimate

<https://tinyurl.com/y8a7gqn9>

The vote counting system has been set up for concealment. A handful of private rightwing corporations count our votes with proprietary software. Is it a coincidence that statistical and pattern evidence from exit polls indicates that vote counts are being shifted to the right?

The story of whistleblower Clint Curtis (and Ray Lemme) - Murder, Spies, and Voting Lies

<http://votinglies.com/>

Curtis: "What you would have to do to [manipulate votes] is have a manufacturer that is embedded with one party, let them put in software that cannot be inspected, and the other party will have to accept the totals without any verification. I didn't think it was possible to do what they did, but essentially that's what happened. Either we have a democracy or we're going to be moving into Stalinism. I'll tell you who wins and you'll accept it."

In 2009, Germany's Constitutional Court "upheld the basic principle of the public nature of democratic elections" and ruled that the "vote count must be something the public can authenticate."

German Court Rules E-Voting Unconstitutional <https://tinyurl.com/za778ju>

#HandCountedBallotsNow!

[BobG commented 10 hours ago](#)

BobG

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Santa Barbara, CA [10h ago](#)

Supreme Court should have term limits. I like the idea of staggered 18 year terms. Every Presidential term would pick two new justices. This would make the selection process much less heated.

[Kai commented 9 hours ago](#)

Kai

Chicago [9h ago](#)

Do we have the power to call our government to account? When so many of us who live in large states with large urban populations are given so little representation? When with our outdated electoral college our presidential votes don't even count at all? Our 'democracy' has been gerrymandered into meaninglessness. That a man who received 3 million fewer votes than his opponent gets to decide the future of the country for decades shows how lost we are.

[Alberta Knorr commented 8 hours ago](#)

Alberta Knorr

Vermont [8h ago](#)

Just think about Judge Kavanaugh's testimony at the second judicial hearing as a job interview. It was not a trial. It was not meant to prove anything beyond reasonable doubt. It was a job interview for a lifetime appointment. Can you honestly say you would hire a man who behaved like Judge Kavanaugh did when being asked simple questions, often just yes or no questions? I found his behavior scary, inappropriate, and weird. I would not hire him for anything.

[Radha commented 8 hours ago](#)

Radha

BC Canada [8h ago](#)

I too cried at today's vote. I was moved to tears by Senator Murkowski's statement. She truly grasped the problem. Senator Collins was a huge disappointment toeing the party line on a candidate who is unfit to serve on the SCOTUS.

For me, the last institution of the US democracy has been thrown under the bus - the judicial branch. Now I can say all three branches of government are dysfunctional, finally now the judicial branch, because Kavanaugh is obviously a partisan with his conspiratorial attacks on the Democrats, Clinton's, and the democratic senators.

It feels like the GOP are on some kind of dark and conspiratorial power grab. I've had a dark foreboding ever since Trump won the election.

I now truly fear for the experiment called "democracy". If the Democrats don't win both the House and the Senate, I'm afraid there may be no recovery for the democracy and the US will

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transform into an autocracy/ dictatorship.

I will never forget the day Stephen Miller went on the Sunday news show and said. “ The pResident shall not be questioned. The pResident has the ultimate authority.”

[Doodle commented 10 hours ago](#)

Doodle

Oregon, wi[10h ago](#)

It's a huge mistake to think this is Trump and Kavanaugh only. The primary people responsible are the Republican Party and the Republican voters. In your own reporting, Trump wanted to give FBI a free hand to investigate but McGann the White House counsel who represents the Republican establishment said it would be disastrous.

Trump may have nominated Kavanaugh but it's the Republican Senate and the voters who are really pushing his nomination through. In fact the whole of Trump's administration and the bulk of his policies are Republican.

What we are seeing now is not just Trump, it is the result of Republican and conservative politics that do not care about decency, integrity, honesty, or even the country. I do not understand how they think their policies will keep this country and its people prosperous and well.

[Brad commented 2 hours ago](#)

Brad

Oregon[2h ago](#)

Times Pick

This is a done deal.

Trump won.

The republicans won.

The religious right won.

The anti-abortion forces won.

If winning is the objective, then know this is just the beginning.

[Memphrie et Moi commented 8 hours ago](#)

Memphrie et Moi

Twixt Gog and Magog[8h ago](#)

I am a Canadian and disappointed that the MSM is so afraid to say what we all know is true. Elections won't fix anything the nation is deeply divided and the winning side considers cheating a virtue.

The NAFTA agreement was finally signed because the USA relented on Chapter 19 which calls for outside arbitration. My country doesn't trust your courts like everything else in your kleptocracy the game is rigged.

You can go to CPAC.ca our parliamentary channel and watch the Canadian Supreme court and

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soon understand what courts look like in a democracy. Mr Kavanaugh has neither the wisdom or demeanor to argue before our supreme court. I do grant that your judicial system is about law and ours is based on justice but our risking our entire economy by insisting on Chapter 19 is because we do not trust your courts to deliver either law or justice.

[Kit commented 9 hours ago](#)

Kit

West Virginia [9h ago](#)

When our empire has its Edward Gibbon, the historian will mark two dates, among others, in the process of decline and fall. The first will be the day Donald Trump was inaugurated - the very triumph of style over substance - of entertainment over achievement.

The second will be tomorrow - the 5th of October, 2018, when the last of the formerly independent organs of a free republic - the last institution that was thought to be dedicated to fairness and the constitutional history of the state was finally, irreversibly degraded into just another partisan circus.

Who can claim impartiality, or that the Court is entitled to deference, or the benefit of the doubt so essential to its function? Who will go there with any hope of a fair hearing, or for protection from an overreaching executive. Only those who can pay the freight, buy the politicians, pay for the ad campaigns.

Mark me, mark the day.

[Linda commented 10 hours ago](#)

Linda

Oklahoma [10h ago](#)

Kavanaugh is just a Trump mini-me. We are now ruled by spoiled rich boys (who are actually up to their eyeballs in debt) who think women and poor people are theirs to toy with. Kind of like being ruled by Medieval kings. There was a reason we got rid of kings. Watch out oligarchs who think they're running the world. The rich who play with people's lives have been toppled before.

[Robert commented 11 hours ago](#)

Robert

Australia [1h ago](#)

Sorry, but you get the politicians (and therefore the Supreme Court appointees) that you deserve. The majority of Americans do not care enough about their democracy to even turn up to vote.

If you do not care about your democracy, well just be prepared to kiss it goodbye.

The economically empowered and the politically connected will inevitably take over. That is just one of the darker sides of human nature .

Just look at history books.

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Oh well there is always reality TV (the modern Roman circus equivalent) or sport to tune off into .

Surely someone else will take care of things.

[WesternMass commented 10 hours ago](#)

WesternMass

Western Massachusetts [10h ago](#)

I agree. I think Collins has just committed political suicide, but it's cold comfort. She may well be gone after 2020 but we are going to be stuck with Kavanaugh for a long, long time.

[david commented 8 hours ago](#)

david

ny [8h ago](#)

Whether or not Ford was accurate ,Kavanaugh should not have been confirmed because:

He believes a sitting president can not be indicted and prosecuted thru the judicial system.

He is against regulating firearms like the AR 15, many of which have been used in mass killings.

He is against regulations of mercury [a neurotoxin] emissions from coal power plants.

He has been less than candid about Roe.

[Me commented 10 hours ago](#)

Me

Everywhere [10h ago](#)

As an American who loves this country and who still believes in it's ideals despite all that has happened I know we will move forward. Women in many parts of this country are not satisfied and are starting to stir. What men should fear is not false accusations but the fact that they will no longer have power over women. We have reached a tipping point and there is no going back.

[Lisa Cholmondeley commented 9 hours ago](#)

Lisa Cholmondeley

Abu Dhabi [9h ago](#)

Quote from the article:

‘The nation is now facing the possibility of three or four decades with a justice credibly accused of sexual assault, one who may well be the deciding vote to overturn Roe v. Wade, or at least make it so hard for a woman to exercise her constitutional right to make her own medical decisions that the ruling is effectively nullified.’

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Correction:

‘The nation is now facing the possibility of three or four decades with a SECOND justice credibly accused of sexual assault, one who may well be the deciding vote to overturn Roe v. Wade, or at least make it so hard for a woman to exercise her constitutional right to make her own medical decisions that the ruling is effectively nullified.’

We continue to ignore Anita Hill. Her accusations were also credible.

[Douglas Weil commented 6 hours ago](#)

Douglas Weil

Chevy Chase, MD & Nyon, Switzerland [6h ago](#)

If it takes a 45 minute speech to explain "yes" when confirming a nominee to the Supreme Court, why bother with the explanation. If it is that difficult to justify confirmation, the answer should have been "no".

Susan Collins talked about the presumption of innocence but Bret Kavanaugh's freedom was not at stake and in any case, he eroded the presumption when he lied about binge drinking and his attitude toward women in his teens and early twenties. The Administration and the Senate's Republican leadership did the same when it withheld documents that would shed light on Kavanaugh's role in the White House decision to use torture as a weapon in the war on terror.

So on Kavanaugh's side of the ledger, an erosion of trust; an erosion of the presumption of innocence.

Dr. Ford's account of being assaulted was devastating. Maybe Collins and others were distracted when she read her testimony or told us all that what she remembers most vividly is the laughter. She told her story other others long before Kavanaugh was the nominee and before Trump was President. She had no reason to lie. Where was the presumption that she was telling the truth?

Certainly we have learned during the last year or two that sexual assault and sexual harassment has been a sickeningly common event in lives women and children and that it is carried in often debilitating ways for lifetimes.

Where was the 45 minute defense of the abused?

It took a simple majority and a 45 minute speech to betray us.

[Election Inspector commented 9 hours ago](#)

Election Inspector

Seattle [9h ago](#)

The Kavanaugh-dominated court will block most progressive legislation passed by the new Democratic majorities. It will repeal hard won rights that majorities have won over the past 2 generations (women's health, gay rights, voting rights, etc).

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In addition, K's vote will allow Trump to duck any responsibility for his wrong-doing regardless of what Mueller exposes. He will block efforts to enable more people to vote, and will support efforts to suppress non-Republican voters. He may even put a rubber stamp on any Trump move to supersede Constitutional limits on presidential power -- think martial law.

We MUST vote out the Republicans, who have shamelessly thrown their lot in with all of the above.

[Julia commented 9 hours ago](#)

Julia

tampa [9h ago](#)

I cannot understand how the republican can vote to confirm this individual when there are so many reasons not to.

The divisiveness of the appointment.

The self-serving falsehoods in Judge Kavanaugh's testimony.

The number of respected organizations and individuals who have pointed out his lack of judicial temperament and fitness for the position. Organizations like: The American Society of Jesuits
The National Council of Churches (representing 100,00 churches)

The American Bar Association, over 2,500 law professors from ALL of our finest institutions including Yale, Stanford, Berkeley, Columbia, U Va., Former Supreme Court Justice and Republican Justice John Paul Stevens

Not to mention that most Americans oppose it as well.

The importance of this appointment cannot be overstated since there is little remedy for this lifetime appointment.

Who does this serve besides Donald Trump and his potential legal problems and Mitch McConnell and his stranglehold on (small d) democratic lawmaking.

[Kevin Bitz commented 9 hours ago](#)

Kevin Bitz

Reading, PA [9h ago](#)

Its 1932 in America. The comparisons between Germany and The United States are very strong. I see the adults bringing the kids to rallies looks just like the 1932 youth groups...

Goodbye freedom in the USA!

[Jeff commented 9 hours ago](#)

Jeff

Ocean County, NJ [9h ago](#)

@michjas McConnell' s ploy wasn't clever. "In order to install a Justice we have to approve the nominee. What if we just refuse to consider ANY nominee." It was just brazen. It is claiming that "the Republican Party understands that if we play by the long established rules we will be a

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permanent minority. So we're making our own rules." It wasn't brilliant. Just cheating. It is what that party now represents - win at ANY cost. Even if that cost is the nation.

[Sandra Campbell commented 10 hours ago](#)

Sandra Campbell

DC [10h ago](#)

@Mark

Over 2,400 law professors with guts. I believe hundreds more tried to sign from western time zones, but were not able to, and thus, are not counted in the 2,400 number.

[ChristineMcM commented 9 hours ago](#)

ChristineMcM

Massachusetts [9h ago](#)

"Having first sickened the White House and then Congress, the virus of Trumpism is about to spread to the Supreme Court itself."

That visceral description pretty much sums up the pernicious effect Donald J. Trump has had on all branches of government. Judge Kavanaugh is perfect choice for Trump, reflecting back at him all his puerile pettiness, vindictiveness, and constant search for corners to cut.

The Board points out that there are still things Americans can do in response to this heist of our judicial system, the number #1 being, of course, voting.

I just hope the sorry events of these past weeks, as an evasive nominee turned into a caged animal vowing to seek revenge in deciding cases involving his enemies--in this case, the entire Democratic party--lights a fire under all those unhappy with this country under Trump.

After all, who knows how many more elections we'll be able to have, as a newly emboldened president contemplates actions unheard of, even in the most corrupt administration.

And without a court to protect the Republic from this unprincipled and dangerous executive, American's are right to be angry, as well as scared.

How they channel that anger will determine how we go forward as a country, including whether or not our "flawed" democracy actually remains one.

[MsB commented 9 hours ago](#)

MsB

Santa Cruz, CA [9h ago](#)

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@michjas

McConnell is cutthroat for sure, but there's nothing virtuous about his actions. He doesn't play nice and he doesn't play fair. Democracy suffers for this, as does the country.

[Davey's Dad commented 11 hours ago](#)

Davey's Dad

Birmingham, AL [11h ago](#)

Voting them out will not be easy. Gerrymandering, the influence of big money, and the Electoral College make many votes worth less and count less than others. Republican power over all three branches seems all but assured for decades to come.

[Gary Valan commented 8 hours ago](#)

Gary Valan

Oakland, CA [8h ago](#)

If we ever get past this inexorable march towards an incipient autocracy backed by American Oligarchic money (sorry, there is no other way to explain it,) right thinking Americans should re-examine Statehood and the power of Senators from minuscule states and the electoral college.

While we may not want to abandon representative democracy, the electoral college may need upgrading. Too many electors ignore the will of the people and vote otherwise.

Statehood and the power of small States has outlived beyond its usefulness or necessity, it has become an archaic remnant of a previous United States. If our constitution is dynamic this has to evolve.

Maine and West Virginia with a combined population of about 3.5 Million held sway over 323 Million Americans. What do these two Senators know that we don't? Then how about the other Trump Senators from tiny States?

Merge contiguous small States into one that can represent at least twice the population of the largest City conglomeration. If "experts" have ideas, and they always do, lets have it.

Otherwise they hold too much power over the rest of us and let us not bring up the old saw about the tyranny of the masses, how about the tyranny of the minority? This is a prescription for disaster as a Union and its just not right or fair. If they don't want to belong they can merge with Canada or Mexico...

[Alan commented October 5](#)

Alan

Columbus OH [Oct. 5](#)

I would like one of the many reviews of the testimony of Dr. Ford and Judge Kavanaugh to include an assessment of the list of charges that might have been brought had her incident been

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reported shortly after it happened and her accusation been corroborated by sufficient evidence. Perhaps someone who is or was a Maryland prosecutor or criminal defense lawyer could answer this in a comment.

I suspect the list would be long and shocking to read for most lay people. It might also explain why neither male allegedly in the room could easily decide to acknowledge what happened decades later. More to the point, it would illustrate what the White House thinks is ok to brush off with a token and incomplete investigation that did little more than provide a fig leaf for the Republican Senators seeking one to hide behind.

The Supreme Court seemed like the last remaining place that was at least somewhat insulated from hyper-partisan politics. If Judge Kavanaugh is confirmed tomorrow, it will no longer seem that way.

[Tim B commented 6 hours ago](#)

Tim B

Seattle [6h ago](#)

Trump put in another shameful performance this week, with his strange falsetto voice, mocking Christine Ford's testimony. His behavior is so far out of the norm, many fear he has damaged the office of the presidency, let us hope that in the future, rational good men and women will occupy that office.

Kavanaugh is cut from just the same cloth that Trump is, craven, ambitious and hungry for power and control. An intelligent and clear minded woman in Dr. Ford, with much to lose with her privacy let alone the awful threats to herself and her family, has had the nightmarish trauma that she endured with Brett Kavanaugh mocked again, by a boyish 'let boys be boys' advocate in Mr. Trump and his willing allies in the Republican party.

What a disgrace and a mockery of our judicial system, we can do something about all of this with the coming election this November, vote Democrat.

[Mark Keller commented 7 hours ago](#)

Mark Keller

Portland, Oregon [7h ago](#)

In her speech to the nation today, Senator Collins's laid out the standards by which:

- 1) Supreme Court nominees should be evaluated; and,
- 2) The standards by which Sexual Assault victims should be treated.

She failed, miserably, to meet her own standards on both these points.

Consider the admirable and lofty rhetoric at beginning and end of one key paragraph of her

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speech:

"Since the hearing, I have listened to many survivors of sexual assault. Many were total strangers who told me their heart-wrenching stories for the first time in their lives.... "To them, I pledge to do all that I can to ensure that their daughters and granddaughters never share their experiences."

Rarely, does one Senator have the power to dictate the parameters of an FBI investigation, but there is no question that Senator Collins had that power in the last week. The White House knew that they needed her vote, and she could have dictated the terms.

Consider that:

- 1) The FBI was not allowed to "follow the evidence where it may lead", and was only allowed to talk to 9 people.
- 2) The college classmates who came forward to say that given the frequency and intensity of his drinking, Mr Kavanaugh could not possibly have a reliable memory of his behavior at key moments.
- 3) Dr Ford herself was not interviewed after her testimony. Each of these were Senator Collins' choice.

It is ironic, and shameful, that she failed to live up her own "pledge", at the very same moment she was making it.

[Camestegal commented 9 hours ago](#)

Camestegal

USA [9h ago](#)

For over 200 years we have believed with our founders that the three branches of government, executive, legislative and judicial, were intentionally created to maintain a separation of powers so that a power grab by any one branch would be thwarted by a push back from the other two. That is how the system of "check and balance" is supposed to work. But what happens when (a) the executive branch has a corrupted value system (due to Trump), (b) the legislative branch aligns itself with the priorities set forth by the corrupt executive (as shown by the Mitch McConnell-led Republicans) and (c) the judicial branch is about to reward Kavanaugh with a Sup. Ct. seat despite knowing that his bitterly angry anti-Democratic party stance is hardly a promising sign? The unsurprising answer must be that the heretofore carefully nurtured system of checks and balances is about to come apart.

[mancuroc commented October 5](#)

mancuroc

rochester [1h ago](#)

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Most Americans are not where this Senate majority is. They do not support President Trump.....And they have the power to call their government to account.

This begs a few questions:

First, will they use their power?

Secondly, even if they use it, are the gerrymandered electoral maps and myriad strategies for voter suppression* so entrenched that it will make no difference?

Thirdly, if our election injustices somehow make it to the about-to-be-current Supreme Court, will they be given the time of day?

* Carol Anderson: One Person, No Vote: How Voter Suppression Is Destroying Our Democracy

[Nav Pradeepan commented 10 hours ago](#)

Nav Pradeepan

Canada [10h ago](#)

The Republicans' politicization of the Supreme Court presents a unique opportunity for Democrats. They can now add a new agenda to their platform: The de-politicization of the nation's highest court.

They should propose Constitutional changes to minimize or eliminate political interference in the appointment of justices to the Supreme Court. A single, 7-year term limit for justices is also worthy of consideration. There is no shortage of methods to depoliticize appointments. Democrats can study the judiciary systems of other Western democracies to determine a suitable method for the United States.

By driving home the message that the Supreme Court should be objective, impartial and non-partisan, Democrats will be able to make a compelling argument that they stand behind a judiciary that is blind to biases. Sensible Americans will realize that a reformed Supreme Court is a win-win for all.

[Shakinspear commented 7 hours ago](#)

Shakinspear

Amerika [7h ago](#)

Justice Kennedy retired, had a meeting in the White House, weeks later the nomination of Justice Kennedy's former Law Clerk was announced. Everyone lost sight of the party warriors conducting near nepotism in the nomination. The Confirmation was pushed quickly amidst a veil of hatred and anger in a state of chaos in which Majority leader McConnell repeatedly pushed the goal post up as he claimed the Democrats were pushing it back.

America has been had by the party of privilege in a sweeping decade long run up to attaining

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monopoly power of governance.

I dread the radical right actions that will occur in the next months and beyond if the Democrats fail to gain a foothold in the Congress. With that accomplishment, at least there would be a divided government that would get little accomplished, better than disasterous right wing radical actions until the 2020 election, with no guarantees we will even have elections then consider the methodical Republican power grab.

I will be voting as if my life depended on, because considering the aggressive hostile Republican takeover, it might.

[Thomas Zaslavsky commented 10 hours ago](#)

Thomas Zaslavsky

Binghamton, N.Y. [10h ago](#)

@TD, you know "the left" (your name for the moderate center) did win the vote for President by 3,000,000.

[James W. Russell commented 8 hours ago](#)

James W. Russell

Portland, Oregon [8h ago](#)

It's time for the Democrats to raise the issues of term limits for Supreme Court justices for the long term, and for the short term, when they have the votes, increasing the number of justices to offset the stolen seat and this travesty engineered by McConnell. Neither pick has legitimacy.

[Martha Shelley commented 6 hours ago](#)

Martha Shelley

Portland, OR [6h ago](#)

The Supreme Court has lost and gained credibility at various times during its history. It lost badly in the Dred Scott decision, and gained considerably in Brown v. Board of Education. Putting Bush II in the White House was a disastrous display of partisanship. But the worst decision of our time--so far--was Citizens United. Essentially they sold the country to the highest bidder. Things have gone downhill ever since, and with Kavanaugh on the Court, I expect they will get considerably worse.

[Paul commented 10 hours ago](#)

Paul

CollegePark [10h ago](#)

I admire the optimism of the NYTimes editorial board that those who lean against voting GOP will be able to vote.

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As we've seen in the past, there's a strong effort to either dissuade them not to vote, or make it hard to (by limiting the number of polling places in urban areas for example)

[zip sulman commented 9 hours ago](#)

zip sulman

[9h ago](#)

Thank you for writing so eloquently for those of us who feel this way too.

[Celeste commented 6 hours ago](#)

Celeste

New York [6h ago](#)

Kavanaugh Confirmation,

by Popular Vote (actual persons represented by each Senator):

YES = 143,577,260 (44%)

NO = 181,447,947 (56%)

Methodology:

When both Senators from a state voted YES, or both voted NO, the entire population was counted as either a YES or NO.

When one Senator from a state voted YES and the other Senator from that state voted NO, the population of that state was evenly divided between YES and NO.

[felixfelix commented 7 hours ago](#)

felixfelix

Spokane [7h ago](#)

I look forward to the good people of Maine making their next senator a Democrat and I look forward to contributing to that person's campaign. In the current election I am doing what I can to help Lisa Brown win her challenge to Cathy McMorris Rodgers.

[citybumpkin commented 4 hours ago](#)

citybumpkin

Earth [4h ago](#)

People should remember that we have 2 liberal justices in their 80's. Ginsburg is 85, and Breyer is 80. Should anything happen to either of them, Trump would nominate their replacement. It would be up to the very same that confirmed Kavanaugh to confirm these replacements. So guess what kind of Justices we will get?

If you don't like the Supreme Court with Kavanaugh on it, how much will you like it with two more Kavanaugh clones? Worried about 5-4 conservative decisions? Try 7-2. Imagine a court where Roberts will be, by comparison to a new army of Trump appointees, a voice of reason.

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How about lower federal courts stacked with Trump appointees?

The only way to prevent this is to help the Democrats flip the Senate. Donate, volunteer, persuade like-minded folks to vote, and of course vote yourself.

[Alan commented 5 hours ago](#)

Alan

Hawaii [5h ago](#)

About the only light I saw in this very dark tunnel was the petition of law professors opposed to confirming Mr. Kavanaugh. The numbers jumped each time I checked the Times website. These are the people who will teach the next generation of lawyers, and eventually judges, and no doubt his disgraceful and dishonest conduct will be thoroughly examined in Kavanaugh 101, the video of his conspiracy rant played over and over again. I'm in my 60s and may not be around to see the lessons become reforms, and respect for the Supreme Court reestablished, but if we teach our children well, we will have taken a big first step.

[Alabama commented 7 hours ago](#)

Alabama

Democrat [7h ago](#)

The U.S. Supreme Court is not credible and has not been credible for many years. As long as Republicans hold any power whatsoever none of our government institutions will be credible.

[CAZ485 commented 10 hours ago](#)

C

CAZ485

Atlanta [10h ago](#)

@lechrist. I share your despair and I'm a white male. It is very discouraging to see so many of our Senators willing to simply ignore what's best for our Country. Their discourse is filled with hatred.

We can thank Dr. Ford for her courage and the reminder that there are still people who want to live their values. The vote may be completed soon, but this isn't over.

And we can vote on November 6.

[carrobin commented 9 hours ago](#)

c

carrobin

New York [9h ago](#)

Every time I heard "it's just he said/she said," I wondered why that question mattered more than Kavanaugh's record of proven unworthiness for a SCOTUS seat--such as lying under oath and blaming a Democratic conspiracy for his predicament, as we watched him on live television at

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his hearing. Of course most of us liberals would object to any Trump candidate, but Kavanaugh is unacceptable on so many levels. Our POTUS must have great confidence that he can be depended upon to stand against impeachment--and to pardon him, just in case.

[Susan Anderson commented 6 hours ago](#)

Susan Anderson
Boston [6h ago](#)

Here is a powerful comment from The New Yorker's Adam Gopnik:

"Kavanaugh is not unqualified for the Supreme Court just because of something that he may have done when he was seventeen, or because of how he may have lied to the Senate about this or that specificity of his youthful behavior or about how he may have accepted illicitly obtained Democratic e-mails when he worked in the George W. Bush White House, or about his possible involvement in the effort to make torture seem acceptable. (Kavanaugh maintains innocence on all fronts.) ***He became disqualified for the Supreme Court the moment that he accepted the offer from Donald Trump. At this stage in his Presidency, Trump, already described in reports from his own aides as unfit for the office, implicated by his former lawyer as an unindicted co-conspirator in a felony, and now alleged, according to the Times, to have benefitted from tax schemes that in some instances amounted to "outright fraud"—not to mention being a liar and a con artist—should not be allowed to appoint Justices for lifetime appointments.***"

<https://www.newyorker.com/news/daily-comment/what-most-disqualifies-bret...>

[Pavel S. commented October 5](#)

P

Pavel S.

Wittenberg, Germany [Oct. 5](#)

For too long we on the left have focused on the purported political power of "stories," of "voices"—in short, of abstractions, which fail utterly to confront the objective, horribly non-abstract forces against which we contend in the struggle for justice. Is it any surprise that these men, these agents of the material powers of oppression, should fail to properly acknowledge the epistemic authority of an abuse survivor? Did we really expect that patriarchal oppression—which, indeed, can be conceived of in the abstract, but only by those whom it does not truly affect—might be toppled by a 'movement' constituted but by slogans, by tweets, by academic analyses?

When the unthinkable takes place, we must turn to those options which we long considered unthinkable. It is time not merely to speak of justice, but to FIGHT FOR IT.

[Marpel commented 5 hours ago](#)

M

Marpel

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New York [5h ago](#)

@Douglas Weil I wish I lived in Maine so that I could vote Susan Collins out of office. The only thing she seems to care about is grandstanding. Other senators who will vote 'yes' do not feel the need to give us a 45 minute apologia for their decision.

[Syliva commented 8 hours ago](#)

S

Syliva

Pacific Northwest [8h ago](#)

@Richard Luetzgen

" You guys lost a very basic battle"

Who is "you guys"? As far as I can tell, no one but Brett Kavanaugh was up for the Court seat last week. I didn't support the nomination or confirmation of Kavanaugh, but I lost no battle.

Also, it is true that Senate seats cannot be gerrymandered, but the lopsided reality is that Montana has same number of Senators of CA, and the entire population of Montana is only a quarter the population of Los Angeles alone, so I can't really be confident that the Senate represents the "people's will". Few decisions on any side of the aisle do represent the people's will, actually, since most "wins" in elections are really only by a few points. Even 60% to 40%, which would be considered a big win, is hardly that.

[Dazed commented 9 hours ago](#)

D

Dazed

Pinpoint [9h ago](#)

So, we vote. The election is not secure, too many with power do not care, and so even a Blue Tsunami may not be enough, but it's all we've got. Kavanaugh on the Court will mean that the third branch is now as debased as the other two, and after Citizens United, it was already headed down that road. Either it's time for divorce (and we already know who will get the Friends) or we come out, claws ready. Figuratively, of course.

[Laticia Argenti commented 10 hours ago](#)

L

Laticia Argenti

USA [10h ago](#)

@John McMahon

I, in all my naivete', or should I say strong desire to move forward and work towards common ground, thought the same thing towards President Trump, i.e., why not give him a chance, now that he is our President? That lasted for about half a day onvce he & his staff began lying about the size of the crowd at his inauguration. I do believe that this group of people in power,

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including Kavanaugh have shown who they really are. Men who hail from and continue to exist in entitled status. Furthermore, Trump will be held accountable through the electorate, and Kavanaugh? His accountability is not so readily enforced. This is a dark time on our democracy, but I remain hopeful because this situation in our history may be the very thing that ignites the populace to begin looking at Constitutional Amendments that include judicial term limits, among other items.

[Kathryn Meyer commented 11 hours ago](#)

K

Kathryn Meyer

Carolina Shores, NC [11h ago](#)

@Davey's Dad and yet just 8 years ago it was believed that the Republicans had no chance of winning. Obama won and the Dems were in control. We can't give up. Sanity must return. I'm an independent and we must find a center. This cannot be the end of this country. Good men and women must stand up and continue to speak out and fight.

[Rick commented 10 hours ago](#)

R

Rick

Louisville [10h ago](#)

@MinnRick

What is it supposed to prove except that Joe Biden made a few hypothetical remarks during a speech that McConnell later took out of context to create a non-existent "rule" that he used to justify actually blocking a nomination?

[Rick commented 10 hours ago](#)

R

Rick

Louisville [10h ago](#)

@frisbee

I hope for that too, but I'm afraid it's probably wishful thinking. Republicans are using the Federalist Society farm system now precisely to avoid what you're hoping for. The last thing they want is for a justice to sprout a conscience and think for themselves.

[Chromatic commented 10 hours ago](#)

C

Chromatic

CT [10h ago](#)

@RLS

Ever since Walden W. O'Dell, CEO of Diebold, announced that he would do everything to deliver the 2004 election to George W. Bush and Republicans, Diebold, a corporation licensed

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by various state governments in 2004 to run proprietary paperless touch voter machines, has denied any access to its voting machines, depriving the American public the ability to assess the accuracy of such voting technology, denied since Diebold has refused to release any information that independent panels can use to monitor and investigate voting machine felony malfunctions and malfeasance, whether intentional and/or due to negligence.

Where there is official corruption, there are criminal and unconstitutional acts.

The 50 states should outlaw such unverifiable voting technologies and reject their corporate patrons. A return to paper ballots (and NOT the Floridian kind with deliberately and poorly designed as well as with hanging chads) will help return the sanctity of the ballot back to the public provided that professional nonpartisans are deployed to monitor all aspects of electoral activities and be held to public account.

[Jonquil commented 9 hours ago](#)

J

Jonquil

Michigan [9h ago](#)

@Vexations

I'll tell you why Lisa Murkowski voted no. A group of indigenous Alaskans was interviewed on CNN recently. When asked how they would react if Murkowski voted yes to confirm Kavanaugh, they unanimously replied that if she voted yes, she would lose their support forever. They are a very powerful voting block in Alaska. I'd guess it's as simple as that.

[Susan Anderson commented 5 hours ago](#)

Susan Anderson

Boston [5h ago](#)

It's just too good. One more share, valuable words to know and understand:

"there is no figure in the Democratic Party who in any respect shares Trump's rhetoric or mirrors Trump's threats or repeats Trump's hatreds. Such figures exist only on the fringes of the left, whereas Trumpism has now become the central and defining faith of the Republican Party."

"Kavanaugh is an instrument of Trumpism, an insurance policy that the con man is writing for himself. The rest is misdirection."

[Robert Johnson commented 8 hours ago](#)

R

Robert Johnson

Folsom, CA [8h ago](#)

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@Richard Luetttgen, while millions of Americans may have voted for President Trump, millions more voted against him. It is only through the Electoral College that someone who lost the popular vote by around 3 million votes could win an election. Certainly, the people's will was NOT done. In addition, while Senate seats are indeed elected by popular vote, the Senate "majority" is slim at best. It goes without saying that the gerrymandered state and house districts provide an unrealistic view of what Americans want. Which means neither the Executive nor Legislative branch are doing the people's will. And with Senator McConnell's dubious at best justification for failing to fulfill his Constitutional duty by even allowing a vote on an eminently qualified Supreme Court candidate, and the adoption of a premise that a minority of legal experts support, the Judicial branch cannot be said to be doing the people's will. America is riven, but not along the lines you propose.

[David commented 4 hours ago](#)

D

David

Westchester [4h ago](#)

It should be obvious especially after this nomination process that the Republicans do not have the best interests of our democratic republic in mind. They are just interested in holding on to power by any means possible. The means for ending decisiveness for Republicans is just to accept their agenda. This whole nomination process has been an excellent example of how these "patriots" will lead to the weakening of our democratic institutions.

[MCF commented 10 hours ago](#)

M

MCF

Los Angeles [10h ago](#)

@TD Partisan gerrymandering and voter suppression make this impossible. One person one vote would be democratic. What is representative about the electoral college? It creates the tyranny of the minority that we are experiencing.

[dmf commented 10 hours ago](#)

d

dmf

Streamwood, IL [10h ago](#)

Not so fast ! Brett Kavanaugh and the GOP majority Senators who will vote and support him for the SCOTUS should know better. What if he was there for a job interview in a Bank : i) What about his several lies under oath on last Thursday . ii) Challenging an interviewer (Senator) about her drinking habits. iii) Almost shouting and yelling with bad temper at the interview Board . iv) Why should 21 Senators and millions of Americans accept , by his own admission , any excuse for his bad behavior and emotional temper for a life- time appointment at the SCOTUS ? Sen. McConnell has demonstrated lack of appreciation of huge damage for the

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Supreme Court , as constituted . This is height of McConnell 's partisan political agenda , unprecedented broken - process , without any credibility of historical proportions for both the Supreme Court and the Senate . What do you think ?

[Ockham9 commented 4 hours ago](#)

O

Ockham9

Norman, OK[4h ago](#)

I am hoping that every single litigant whose case brought before the Supreme Court and involving women's rights or legislation passed by Democratic legislatures, will demand that Justice Kavanaugh recuse himself from oral arguments and a vote in the ultimate decision. This should have been applied over the past 25 years in the case of Clarence Thomas, but going forward, we cannot give Kavanaugh a free pass for what has been obvious bias and unjudicious demeanor.

[Susan Anderson commented 6 hours ago](#)

Susan Anderson

Boston[6h ago](#)

The article is full of truth. Here are a couple more:

"Trump's purpose in appointing Kavanaugh to the Court was clearly to provide himself with a protective vote for whenever one issue or another arising from his misbehavior makes its way there. Kavanaugh's convenient late-arriving conviction that Presidents should be protected from investigation—late arriving since he evidently felt very differently when he was pursuing Bill Clinton—is catnip to Trump. And anyone who had illusions about Kavanaugh not being an acolyte of Trumpism should have been disabused by his partisan performance last week, in which he made it quite apparent. That's the deal. That's the trick. Everything else is simulation and dissimulation."

"Trump is the cause of Trumpism. No, he is not uniquely responsible for the existence of a revanchist core of ***white men who so fear the assertion of minority power that they will go to almost any lengths, and make any deal with any devil, to prevent it.*** That core has been a consistent feature of American life since the post-Civil War period."

[TD commented 11 hours ago](#)

T

TD

Indy[11h ago](#)

If this means the left will finally try to govern by winning votes and electors rather than lawsuits, we will all be better off. Up until now, they haven't had the courage of their convictions, abandoning the public square for the courthouse. Persuading millions is a lot harder work than

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suings in front of a panel of judges. If they leave their echo chambers long enough to actually speak to others and learn their minds and experiences, we might be able to undo the factionalism that drives them to circumvent their neighbors and deprive them of their place in the debate. I hope this also ends the short-sighted calls for ending the electoral college and term-limiting Federal judges. Win in Congress, leftists. It is the democratic branch and the proper place.

[carfer commented 23 minutes ago](#)

c

carfer

Woodside NY [22m ago](#)

Times Pick

It's sad, depressing and infuriating to see our great nation turned into an apartheid society: A minority of mainly white men, many of them members of the plutocracy, rules over the majority of the less well-off and less well connected. But it is impossible that this situation can continue far too long. It will explode sooner rather than later.

[Thomas Zaslavsky commented 10 hours ago](#)

T

Thomas Zaslavsky

Binghamton, N.Y. [10h ago](#)

@Bruce Rozenblit, don't blame Mitch for inaugurating the disease; it long predates him. It goes back to Goldwater's faction and Ronald Reagan. It was obvious when Newt Gingrich, Grover Norquist, and company started purging the Republican party in the shift over the cliff towards right-wing oligarchy. Mitch is only the 103-deg., near fatal fever caused by the greedy, selfish, self-centered take-no-prisoners billionaire class and their network of servants and propaganda organs. (I know this sounds feverish if you remember the U.S. of the 1960s, but it shows the huge change that's taken place.)

[Joan commented 5 hours ago](#)

J

Joan

Wisconsin [5h ago](#)

I feel incredibly sad and discouraged about the probable appointment of Brett Kavanaugh to the Supreme Court. It was Brett Kavanaugh himself whose Trumpian behavior before the Senate Judiciary Committee should have made him unfit to be elevated to the Supreme Court, but all elected Republicans except for Lisa Murkowski and one Democrat have no integrity. They only care about the power they can now wield in all three branches of our government which previously has been a democratic republic.

[Bob Chisholm commented 5 hours ago](#)

B

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Bob Chisholm

Canterbury, United Kingdom [5h ago](#)

There are two takeaways from Kavanaugh's nomination process which will have grave repercussions for American democracy. The first is that we have yet another right wing ideologue on the Supreme Court who has neither the ethics, nor the temperament to be there. The second is that the Republican leadership rammed through Kavanaugh's confirmation in the teeth of popular disapproval, and by violating long standing precedents of the Senate. Together, these two developments serve as indicators for a constitutional crisis that had been brewing even before the nomination. Can Trump be indicted or impeached? Thanks to the GOP, those dangers are over.

[Mark Keller commented 7 hours ago](#)

Mark Keller

Portland, Oregon [7h ago](#)

In her speech to the nation today, Senator Collins's she laid out the standards by which:

- 1) Supreme Court nominees should be evaluated; and,
- 2) The standards by which Sexual Assault victims should be treated.

She failed, miserably, to meet her own standards on both these points.

Consider the admirable and lofty rhetoric at beginning and end of one key paragraph of her speech:

"Since the hearing, I have listened to many survivors of sexual assault. Many were total strangers who told me their heart-wrenching stories for the first time in their lives.... "To them, I pledge to do all that I can to ensure that their daughters and granddaughters never share their experiences."

Rarely, does one Senator have the power to dictate the parameters of an FBI investigation, but there is no question that Senator Collins had that power in the last week. The White House knew that they needed her vote, and she could have dictated the terms.

Consider that:

- 1) The FBI was not allowed to "follow the evidence where it may lead", and was only allowed to talk to 9 people.
- 2) The college classmates who came forward to say that given the frequency and intensity of his drinking, Mr Kavanaugh could not possibly have a reliable memory of his behavior at key moments.

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3) Dr Ford herself was not interviewed after her testimony.

Each of these were Senator Collins' choice.

It is ironic, and shameful, that she failed to live up her own "pledge", at the very same moment she was making it.

[Ashleigh Adams commented 8 hours ago](#)

A

Ashleigh Adams

Colorado [8h ago](#)

What concerns me is the legitimacy of the Court. We NEED a more neutral entity that can interpret the Constitution. And yet the Court has no real muscle behind its decisions. It has no army, no national guard...all it really has to ensure that its decisions are accepted is the IDEA that the Supreme Court is neutral and interpreting the laws in a non-partisan manner. That is now gone.

So what happens next? Imagine a situation in which a Democratic president is in power, and the Supreme Court rules against a labor regulation in California. California has decided that, given Kavanaugh is on the Court and was put in place by minority rule, they don't need to listen to the Court, and their Democratic governor and the President don't enforce it. Then what happens? We have no neutral power to turn to in order to rule things Constitutional. This might seem great at the moment, but what happens later, when fairness really is in question? That's what scares me. In the short term, ignoring the Courts may work better for democracy (since following their decisions have caused so many problems). Long-term, however, it could be a bad situation. The Courts need to be fixed somehow. We need them, but not broken as they are.

[Thomas Zaslavsky commented 10 hours ago](#)

T

Thomas Zaslavsky

Binghamton, N.Y. [10h ago](#)

@Mark Thomason, no, and the proof is Gorsuch.

[Blackmamba commented 8 hours ago](#)

B

Blackmamba

IL [8h ago](#)

The Supreme Court of the United States aka "-The High Court" decided Dred Scott v. Sandford, Plessy v. Ferguson, Koons v. U.S., Bush v. Gore, Citizens United v. FEC, Heller v. DC and Shelby County v. Holder without the benefit or burden of Donald Trump or Brett Kavanaugh.

Unlike the elective offices in the Article I legislative and Article II executive office there are no

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citizenship nor age nor residency nor any other requirements for the Article III judicial executive nominated with the advice and consent of the Senate in our divided limited power constitutional republic of united states.

America is not and never was intended to be democracy. The only popular vote that matters in electing a President of the United States is that in each 50 state election that allocates the meaningful votes in the Electoral College from that state. The ignorant fixation on the national "popular vote" is a delusional distraction. The 4 million more votes than Hillary Clinton won over Donald Trump in California did not count nor matter in any other state.

Brett Kavanaugh's nomination exposed the fiction that the Supreme Court of the United States is anything other than a socioeconomic political educational ethnic sectarian gender historical partisan biased affair. Bias is and has been the bipartisan raison d'etre for Supreme Court of the United States nominations by both Democrats and Republicans for decades.

[Linda Miilu commented 9 hours ago](#)

L

Linda Miilu

Chico, CA [9h ago](#)

@Paul

They have also provided fewer rural polling places, and made them farther apart; this has limited the old, the disabled and the poor; many of them do not drive, and have no access to public transportation. FL reduced the number of polling places and changed voting hours; this made it hard for working people to arrive early enough, or to arrive in time after work. FL is a key State. Ohio and Indiana followed suit with changed hours and proprietary voting machines. There were even instances of voters receiving false information regarding the location of polling places. This is where the Party battles are headed; reduce the number of voters wherever possible in those States where the GOP might lose. We have not reached bottom yet.

[carrobin commented 9 hours ago](#)

c

carrobin

New York [9h ago](#)

@Doodle It seems pretty obvious to me that Republicans don't care about keeping this country and its people prosperous and well, except for those people who fund their re-elections.

[Longfellow Lives commented 1 hour ago](#)

L

Longfellow Lives

Portland, ME [1h ago](#)

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These days I feel like Blanche DuBois living in Stanley Kowalski's home and at his mercy.

My son and my daughter, both in their 20s, have voted in every election after they turned 18. We raised them to fully understand their civic responsibility. Most of their young friends, however, have never voted. Even after all this, 22 percent of Americans had no opinion or were undecided about the Kavanaugh affair. This 22 percent will likely not vote in a mid-term election.

While we shout into our echo chambers, outraged at the degradation of our democratic institutions, millions of Americans go about their daily lives unaffected and unbothered by the goings on in DC. Most could not name a single Supreme Court justice. This is the apathy that the modern Republican Party, and to a lesser extent the modern Democratic Party, depends to wield the power of government. I'm trying not to be overly pessimistic, but this is exhausting! While we pray and hope for a "blue wave" in November, and I've volunteered and donated all I could, I'm preparing myself for a massive disappointment because we've been here before. Remember, we woke up on a Wednesday morning not too long ago to the revolting grin of a con-man in the White House.

[RLS commented 11 hours ago](#)

R

RLS

PA [11h ago](#)

The GOP's assault on the Supreme Court, the environment, health care, tax policy, and other areas and would not be possible without the rolling coup that has been taking place since the implementation of the Help America Vote Act, a truly Orwellian name. It was pushed through Congress without any debate by Mitch McConnell and Robert Ney who went to jail for 30 months for fraud. It passed in the spring of 2002. Most of the country had voting machines by November of that year.

Since 2002 exit polls have shown:

- vote counts shifting in one direction (to the right), statistically impossible
- large discrepancies appear in competitive races (swing states for presidential elections) but not in noncompetitive races
- hand counted ballots and computer counts are congruent in noncompetitive elections but not in competitive races
- noncongruence between small precincts and large counties in competitive races (it's easier to manipulate votes in large districts)
- in 2010, with 300 safe House seats Republicans won an unprecedented 128 of the remaining 135 seats, they won all the close races even though they should break about even
- in 2014, the approval rating of the Republican Congress was in the single digits, yet the Party of No gained more seats despite the fact that progressive ballot measures have passed by wide margins (even in non-blue states)

Election Theft in the 21st Century with Jonathan Simon <https://tinyurl.com/ydz3jcvj>

More Simon interviews: <http://codered2014.com/>.

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[Lynn commented October 5](#)

L

Lynn

New York [Oct. 5](#)

It is a shame that there hasn't been as much outrage and constant demonstrations against the fact that the Republicans on the Supreme Court have imposed the undemocratic money-is-speech, corporations-are-people regime of unlimited secret \$\$ through Citizens United upon us, giving their wealthy donors, the NRA, and Russian money, an open door to poison our democracy.

es Democrats take contributions, recalling what happened to to the WWII hero McGovern, who was outspent many fold by Republican, but will repair the damage when in charge: all Democratic appointees to the Court opposed Citizens United and McCutcheon; Democratic Senators and Democratic Representatives have voted to overturn it but have been blocked by Republicans;]

Surely the angry men (those who aren't wealthy) who resent being held accountable for what they might have done to women when drunk, would also be angry at the installation of judges who are with welcome control of our elections by wealthy Republican donors.

[Kate commented 2 hours ago](#)

K

Kate

Anchorage [2h ago](#)

As a sexual abuse survivor I confess I have been biased in favor of Dr. Ford and Debbie Ramirez throughout this process -- so triggered and outraged I am exhausted and depleted. Now the Coup de grace.

Still...and in spite of all that when I pull back I feel an underlying despair that we are fighting another cultural battle while the world is burning. If we were a sane country a man who votes 90% of the time against the environment and for corporate polluters would never even be considered for the Supreme Court. The front page of the New York Times would be covered with stories of Anthropogenic Climate Change and all the science showing an accelerating climate disaster in the making. The clear link to increasing CO2 and the intensity of storms and wildfires and consequences of rising sea levels would be a daily drum beat. At least half of the coverage would be about what immediate steps can be taken to transition to sustainable energy before there is no hope of a habitable planet.

Instead Republicans are out to control women's bodies and sexuality and make sure their greed can have few constraints. They nominated a political operative to the Court and here we are. In my view the right is insane and I only wish God could save us.

[carrobin commented 9 hours ago](#)

c

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carrobin

New York [9h ago](#)

@Concerend Millennial I'd have no problem with Elizabeth Warren. She persists.

[suedenim commented 2 hours ago](#)

s

suedenim

cambridge, ma [2h ago](#)

Putin is winning. And so are our plutocrats, who've been angling for this for decades. They won long ago, certainly when Sandra Day O'Connor decided to let W win, because, as she has since admitted, she wanted to step down and felt she could do that with a Republican in the White House. ONE person determining the outcome of an entire election. That set the stage for everything since. And now we're done. A sitting president in the kind of serious legal jeopardy this one is in should NOT have the right to appoint a Supreme Court judge, esp one so clearly chosen because of his extreme views on presidential power. But the FBI, IRS, Democrats, etc are still all playing by the old rules.

[Leah commented 4 hours ago](#)

L

Leah

Germany [4h ago](#)

in my opinion someone who is accused by three women (by now), can't be able to make fair decisions when it comes to at least women's rights. If the things he is accused of are true, they show that he is not able to respect women's dignity and rights. and first of all, why would you want someone like him in a position like that?

[carrobin commented 9 hours ago](#)

c

carrobin

New York [9h ago](#)

@John McMahon Eisenhower was a Republican, true, but not today's kind of Republican. These guys have no shame.

[IN commented 1 hour ago](#)

I

IN

NY [1h ago](#)

The Republicans have controlled the Supreme Court for decades and lately the Justices appointed have gone from moderate conservative to hard right.

The consequences can be significant in their decisions to allow unlimited campaign money, to

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end Federal scrutiny of minority voting rights in the South, to weaken labor unions and this will continue. What is deeply troubling is the rushed and non deliberative nature of this hearing? Kavanaugh's testimony was so injudicious, ill tempered, disrespectful, and conspiratorial that it appeared to disqualify him for his job since it was so partisan. Yet no Republican Senators could question the veracity of his evasive testimony. He was under oath and was dishonest. In their voting, only one Republican Senator seemed to respond to that reality. McConnell is a villain here. He was responsible for failure to advance the Garland nomination and lowering the vote requirement from 60 to a simple majority of 50, insuring even greater partisanship. I feel this jeopardizes the purpose of the Supreme Court as an impartial and independent institution above politics. The voting requirement needs to be raised back to 60. Why wasn't McConnell's recent change in voting not discussed by the media more when it is so important?

[marcos commented 2 hours ago](#)

m

marcos

[2h ago](#)

An excellent analysis from the NYT editorial board, highlighting the fact that the minority of voters now rule the majority, both through the electoral college and through the allocation of the Senate.

The electoral college is baked into the Constitution, and chances are dim that it will change, the National Popular Vote movement notwithstanding.

And our nation's founders hardly foresaw a situation where one state with as few as 580,000 residents (Wyoming) would have equal say as a state with 39,400,000 residents (California). It seems as if Senatorial representation is also gerrymandered.

I do not think the Dems will retake the Senate in the midterms. (For the record, I am an Independent.) The odds are simply not in their favor. But that will all change in 2020, as anyone who follows the cycle knows. Even then they will probably have in the best case scenario a 53-47 majority. That's the best case.

For long term planning, the Dems should already be talking amongst themselves about playing hardball if and when they retake the Senate majority. That would include canning the arcane 60 vote filibuster, and working to admit Puerto Rico and Washington D.C. as states -something which President Trump apparently does not understand he has no control over. That is the only short term path the Dems have to some semblance of balance in the Senate.

[Michele Underhill commented 2 hours ago](#)

Michele Underhill

Ann Arbor, MI [2h ago](#)

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Take the house in 2018, take the Senate and presidency in 2020 and then pack the court... 11 justices, 13 justices, 15? The solution to pollution is dilution.

[Real D B Cooper commented 7 hours ago](#)

Real D B Cooper

Washington DC [7h ago](#)

In the closing moments of the appointment process, the senate showed some glimmer of hope. Instead of the hard-line, party line vote expected, one Republican (Murkowski) committed to voting 'no' as a matter of conscience, while one Democrat (Manchin) committed to voting 'yes' as a matter of political survival.

[CC commented 9 hours ago](#)

C

CC

Yarmouth, ME [9h ago](#)

@Camestegal

agreed: it may sadly be that the experiment is failing - the unexpected results of a Kavanaugh and Trump perhaps linked to the founders' unfamiliarity with the potential for confounding variables like the examples you cited.

[Mel commented 2 hours ago](#)

M

Mel

Chicago [2h ago](#)

That's it. I'm done. I am an independent voter and have voted for a good many Republicans in the past, mostly in state elections. I was seriously considering voting for the republican candidate for governor again this year. Not going to happen. The Republican Party has done, and continues to do, serious harm to this country. I would vote for a turnip rather than vote for a Republican candidate at this point.

[Ashwood8 commented 3 hours ago](#)

A

Ashwood8

New York, N.Y. [3h ago](#)

@michjas wrote " At no time during the confirmation process was it suggested that any of his decisions were tainted by his attitude toward women."

You may recall that a good number of his documents were never released for consideration, so we do not know whether his decisions were tainted or not.

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[pedigrees commented 3 hours ago](#)

p

pedigrees

SW Ohio [3h ago](#)

If Susan Collins wants to adhere to legal standards like the presumption of innocence for judicial nomination situations, shouldn't she also insist that any of the jurors -- in this case 100 Senators - - who decided how they would vote before hearing all of the evidence be excused from the jury? This would include, of course, Mitch McConnell as well as dozens of others. McConnell even announced publicly, in his speech to the "Values" Voters Conference (square quotes due to the fact that they appear to have no values at all or they wouldn't be listening to McConnell) how he would vote.

I realize Collins is not a lawyer but anyone who reads legal thrillers knows that jurors who've already decided the outcome of a case before they've heard the evidence can be removed for cause.

And isn't it about time Manchin changed his affiliation to the party he truly supports? There was a lot of whining about Bernie Sanders not being a real Democrat during the primaries but I'd say that Sanders is a far better Democrat than Manchin. He's a better Democrat than a lot of the Democrats, but I digress.

[H Smith commented 2 hours ago](#)

H

H Smith

Den [2h ago](#)

What happens with a corrupt supreme court? Civil disobedience. A diminished role for the court. If Roe vs Wade is overturned, docs will continue with abortion rights as always, ignoring the court. The court will become irrelevant. In that irrelevance, Citizens United - the 1984 like pronouncement filled with Orwellian double speak, will be ignored as well.

[Rose commented 2 hours ago](#)

R

Rose

NY [2h ago](#)

I'm not giving up, I'm just getting started. We will take this country back. We will make decency an important trait again. I am woman, HEAR ME ROAR!

[Quoth The Raven commented 1 hour ago](#)

Q

Quoth The Raven

Northern Michigan [1h ago](#)

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Seemingly gone are the days when our elected officials would put the well-being of the country before their own political fortune. Noble sacrifice? Fuhgeddabout it.

Judge Kavanaugh could have withdrawn for the good of the country, and to some extent, at least, salvaged what was left of his reputation.

Senators Manchin and Collins could have voted “no” rather than instead voting to hold on to their Senate seats.

Donald Trump, himself demonstrative of so many forms of inappropriate behavior, could have selected a nominee of sufficient character to preserve a semblance of decency on the Court. Instead, he chose and stood behind a nominee who he could call Mini Me.

We are left with a cheapening of and stain on our highest public offices, from the executive to the legislative and now, the judicial branches of the federal government. The only detergent that can begin to wash it away is a blue tide in the mid-term elections, and unfortunately, even that cannot wash away the ugliness that will be upon us, insofar as the Supreme Court is concerned, for decades.

[clayton commented 1 hour ago](#)

c

clayton

woodrum [1h ago](#)

Please-enough of this. The editorial boards position is one sided and not supported by the facts. The judge has an impeccable record as a Federal judge. I don't see any criticism of his opinions based on his interpretation of the constitution or his understanding the high court's prior opinions. He is qualified to be a Supreme Court Judge and the process became a purely political matter. That reflects very badly on all involved!

[J commented 2 hours ago](#)

J

J

Clinton, NY [2h ago](#)

@ Diana, I agree with the sentiment but argue that McConnell's Senate has infected the White House and SCOTUS, not the other way around. McConnell didn't need or have Trump's backing when he jettisoned Merrick Garland's nomination. That was the first sign of a Constitutional crisis: the Senate refused to perform its duty of advise and consent. Since then, rolling Constitutional crises include Trump's suspect election, Congress's refusal to act on securing our elections from foreign influence, its refusal to protect Mueller, and its refusal to consider using the 25th Amendment or the emoluments clause to investigate the executive branch. Now it has approved a clearly unfit SCOTUS nominee for clearly partisan reasons--abortion and business, yes, but mainly to secure a win in the imminent SCOTUS battle that is brewing over the Mueller

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probe. If SCOTUS doesn't intervene in the event of a credible case against Trump, then I believe we will truly have reason to fear the state of our democracy for the foreseeable future.

[Manish commented 8 hours ago](#)

M

Manish

Seattle, WA [8h ago](#)

Can't Justice Roberts chime in for the sake of his own court?

While the Constitution lays out the President nominates and Senate advises and consents, it doesn't say anything prohibiting the Supreme Court from pushing back or managing itself.

[sarah commented 9 hours ago](#)

s

sarah

N.J. [9h ago](#)

Times Pick

I hope this will be the "last word" about Judge Kavanaugh. He is extremely well qualified and should be on the Supreme Court.

The left has been outrageous and totally embarrassing as they questioned and tried to destroy Judge Kavanaugh. There was no evidence regarding their accusations.

The left must begin thinking about America and not themselves.

[Richard Luetgen commented 9 hours ago](#)

Richard Luetgen

New Jersey [9h ago](#)

I protest the speculative characterization of Brett Kavanaugh's future service on the U.S. Supreme Court as "degrading". Future Supreme Court votes are promised to nobody. Indeed, the future generally is promised to nobody. You guys lost a very basic battle that, when already lost on the merits and by the numbers, some sought to compel by clearly underhanded means that you implicitly accept as necessary ... on ideological grounds. You, like some Senate Democrats, actively participated in a degrading process that sought to reverse the outcome of the 2016 election by accepting as valid the underhanded means some used to seek to torpedo a nomination ... on ideological grounds.

What Kavanaugh's likely confirmation on Saturday will vindicate are millions of decisions taken by the people that have resulted in a Republican president, an undivided Republican Congress, two-thirds of state governors and partisan statehouse chambers in Republican hands, and state elective offices gone to Republicans down to county dog catcher ... and a federal court system that is rapidly becoming a bastion of originalist jurisprudence. Millions of Americans support

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those outcomes. And before responders wax loquacious about “gerrymandering”, they should note that a U.S. Senate seat cannot be gerrymandered – the split reality of the Senate is testimony to how riven we are on basic ideological premises, but it remains a majority Republican Senate. The people’s will was done.

...

[Concerned MD commented 2 hours ago](#)

C

Concerned MD

Pennsylvania [2h ago](#)

All you can do now is VOTE. In every election. And if the Republicans stay in the majority, then that is what the country wants. Sad but true.

[Blair M Schirmer commented 4 hours ago](#)

B

Blair M Schirmer

New York, NY [4h ago](#)

It's amusing, in its way, to watch the absurd theater surrounding Kavanaugh distract the public from the plain reality that anyone either major party nominates for the Supreme Court is going to vigorously protect the rise of corporate power and its merging with the power of the state while overseeing the disintegration of our civil liberties through the routine approval of mass surveillance and extensions of police power.

[Concerend Millennial commented 9 hours ago](#)

C

Concerend Millennial

everywhere [9h ago](#)

The boomers have turned the federal government into a sham that represents ~ 15% of the population. Please stay focused on your local governments. These court appoints have been a plan of the GOP for decades. Dems have had the worst political strategy over that time frame in this regard and have really allowed this problem to occur. Join as we continue to move further and further right. God help us if another 70 yr old gets nominated as the dem's presidential candidate.

[pasang3 commented 2 hours ago](#)

P

pasang3

Buenos Aires [2h ago](#)

Vote, Vote, Vote...that is all that is left for us, for the next generations, for our country.

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A sad sad time, for our children and grandchildren.

So please vote!

[Elizabeth A commented 1 hour ago](#)

Elizabeth A
NYC [1h ago](#)

The Democrats completely blew this. Instead of focusing on Kavanaugh's obfuscation and outright perjury, they let Ford's accusations take center stage.

So now the GOP is rallying its voters by using this as an example of how Democrats are out to get Trump.

Given the booming economy, they have plenty to crow about, and will do masterful job of crediting Trump, deservedly or not.

My hopes for a blue wave are dimming. And if Democrats don't take the House, the GOP and Trump will see it as a mandate to carry on as they've done.

[joe new england commented 2 hours ago](#)

j
joe new england
new england [2h ago](#)

Trump is stacking the Court with a swing vote willing to exonerate him for his High Crimes and Misdemeanors.

Pray the State of New York finds a way to successfully prosecute Trump.

[Jimbo commented 2 hours ago](#)

Jimbo
New Hampshire [2h ago](#)

"Most Americans are not where this Senate majority is. They do not support President Trump. They do not approve of relentless partisanship and disregard for the integrity of democratic institutions. And they have the power to call their government to account."

Fine words, New York Times. But is the last sentence true? We have the right -- for now -- to call our government to account. But do we really have the power? With gerrymandering and voter suppression and arbitrary poll closings and suddenly-required voter ID cards and foreign electoral interventions and online trolls and robo-calls and re-districting chaos and lying advertisements? Do we really? The GOP will release every dirty trick in its bag to skew the

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electoral results. They have been doing it for many electoral cycles now and with ever greater finesse and impact.

I will go to vote this November as I have ever since I could vote (back in the 'seventies). I will not be intimidated or deterred. But I will vote knowing that many who could do so are being prevented from doing so. And I have less confidence that I am voting in a free and fair election or in a free or fair society. The United States of America is no longer a secure democracy. We may be able to bring it back and I will work to make it return to that ideal. But I will also keep looking over my shoulder...

[John Grove commented 8 hours ago](#)

J

John Grove

La Crescenta CA. [8h ago](#)

Excellent analysis, let's go a step further. Assuming Democrats take over the house this election, (just saying, not actually counting chickens yet), it is imperative that the house reapportion itself and based upon the 2020 census make every congressional district approximately equal. This will add representatives to the more populous states and increase the size of the electoral college and make it more representative of how our population actually feels. No more presidents without winning the popular vote too.

[George Orwell commented 2 hours ago](#)

G

George Orwell

Toronto [2h ago](#)

The elevation of Bart Kavanaugh - an intemperate, pathologically lying, partisan conspiracy theorist - to the Supreme Court is a travesty and perhaps the clearest evidence yet that we are witnessing the decline and fall of the United States.

I hope that Flake (the coward), Collins (the fool) and Manchin (the political opportunist) are under no illusion that history will judge them harshly for their intellectual and moral dishonesty, cowardice and complicity in aiding and abetting Trump, McConnell and Grassley.

[MinnRick commented October 5](#)

M

MinnRick

Minneapolis, MN [Oct. 5](#)

"Should a justice resign this summer and the president move to name a successor, actions that will occur just days before the Democratic Presidential Convention and weeks before the Republican Convention meets, a process that is already in doubt in the minds of many will become distrusted by all. Senate consideration of a nominee under these circumstances is not fair to the president, to the nominee, or to the Senate itself."

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Sen. Joseph R. Biden (D)

November 3, 1992

Attempting to blame the Garland outcome on Mitch McConnell was a clever gambit, thought it had the downside of being proven utterly false.

[Bill Bluefish commented 1 hour ago](#)

B

Bill Bluefish

Cape Cod [1h ago](#)

Senator Ben Sasse had it right - the apparent politicization of the Court is directly related to the failure of Legislatures to make difficult political decisions. Legislators abdicate their role in favor of getting re-elected. The voters, left without the intended legislative forum for resolving political disputes, focus their political energies toward the Judicial branch.

Your editorial implies this without directly saying it, perhaps because the legislative criticism applies not just to Republicans but also to Democrats.

Stop wasting time on criticizing the structure of the Constitution, and focus on requiring legislative candidates to say what they will actually vote for. And then hold them accountable for failure.

I'm a Democrat and I will not fall prey to generalized "hope and change" rhetoric again.

[Ed commented 1 hour ago](#)

E

Ed

Washington DC [1h ago](#)

Thank you Board,

Your measured, fair assessment of this debacle is certainly a good path forward. Well said.

My hope is that over the next month, the Post and the Times will dedicate a few of their best reporters and investigators to run out the leads and talk with the various parties who may be able to corroborate or deny what happened the night Dr. Ford was assaulted, and these other allegations of sexual misconduct.

The hurried, incomplete FBI investigation is, to me, the worst part of this sordid issue. That the FBI would stand tall and deliver such a report without including a huge disclaimer that includes a complete list of caveats, uncertainties, unavailable witnesses, potential leads that could not be investigated, etc., is startling to me. Hopefully the Post and the Times will further investigate who was involved in this FBI investigation, and perhaps get to the bottom on what exactly it

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said.

Only then will there be some degree of understanding, at least in my eyes, that the 'right thing' actually happened with this nomination.

[Shakinspear commented 2 hours ago](#)

Shakinspear
Amerika [2h ago](#)

I have no regard for Justice Kennedy and his Law Clerk, Judge Kavanaugh, after this shameful display of partisan warmongering to keep and gain more power. I believe the partisan political actions by both men indicate the high degree of partisanship that exists behind closed doors in the Supreme Court. As you indicate, the Supreme Court has been brought low, and my already precarious support of the court is totally absent now. Trump is promoting the law of the jungle.

[GECAUS commented 2 hours ago](#)

G
GECAUS
NY [2h ago](#)

It seems that until the old white Republican men in Congress retire or are voted out of office, the majority of women are doomed and in a no win situation. And after reading Michael Tomasky's Opinion piece I feel like the US on the whole is doomed and I want to cry. For at the moment we are ruled by a vulgar, selfish, amoral president who did not win by popular vote and now this same president, with the help of Mitch McConnell, a staunch and amoral Republican without a soul or compassion, won the votes needed in order to seat Kavanaugh, a highly partisan judge with questionable character at the Supreme Court. Here again, the vast majority does NOT approve of Judge Kavanaugh's ascend to the Supreme Court of the United States. What a political debacle. As far as I am concerned we are now living in a questionable democratic Republic with a Supreme Court that will no longer be seen by the majority of Americans as apolitical but as a biased institution (or Supreme Court).

[Chris commented 2 hours ago](#)

C
Chris
NJ [2h ago](#)

Never, in all my 50+ years on this earth, did I find the news so despicable that I had to turn away. My first political memory was of Nixon resigning, and that didn't make me ill. But Republicans this week, and "Justice" Kavanaugh and Mitch McConnell in particular, have so degraded everything I thought was remarkable and sacred about this country that I have turned away in total, utter disgust. But I will remember this. I will remember it in November and I will remember it in 2020 and the

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next elections after that. I will remember. And I, like most Americans, will come for those who spat on the Constitution.

[michjas commented 4 hours ago](#)

michjas

Phoenix[4h ago](#)

Kavanaugh has been a judge for many years. At no time during the confirmation process was it suggested that any of his decisions were tainted by his attitude toward women. And it has not been suggested that his legal expertise was insufficient for him to render thoughtful decisions.

Simply stated, it has not been argued that he is unfit for want of legal skills. And there has been no suggestion that his work on the bench has been substandard.

There's every reason to believe that he will apply his considerable knowledge of law to the cases presented and will draw well-founded conclusions. The fact that we disagree with his conclusions does not mean that he is unfit.

[Alberta Knorr commented 2 hours ago](#)

A

Alberta Knorr

Vermont[2h ago](#)

I'm sorry. Judge Kavanaugh failed his job interview. When asked simple, direct questions, often ones that could be answered with a simple yes or no, he was belligerent, angry, abusive. I found him scary and weird. I would not hire him for anything

[Vexations commented 9 hours ago](#)

V

Vexations

New Orleans, LA[9h ago](#)

@Nav Pradeepan

Many have suggested Supreme Court terms of 18 years, which would guarantee each president could appoint two justices.

[cheerful dramatist commented 10 hours ago](#)

c

cheerful dramatist

NYC[10h ago](#)

@RLS Thanks you so much for this information, I cannot understand why more people are not upset by this. I guess the Democrats who are largely backed by the same donors as the Republicans, at least 80 percent of them, are now allowed to do anything about fixed elections.

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But there are those who will not take dark money who are winning primaries and I pray they will some how find a way to counteract the oligarchs and who else ever is controlling this country and cheating voters of their votes.

[Mark Thomason commented 11 hours ago](#)

Mark Thomason
Clawson, MI [1h ago](#)

"And while Mr. Trump had plenty of qualified, highly conservative lawyers to pick among, he chose to insist on Judge Kavanaugh."

The reaction to any of those others would have been the same, and for the same real reason. It is the way they are likely to change the law, not the terms used to Bork them.

This is about things like abortion. It would be every bit the same for any of those others.

[Roy Balcombe commented 58 minutes ago](#)

Roy Balcombe
Clayton North Carolina [58m ago](#)

If the elected representatives, in both houses of government, had the courage to pass laws on contentious issues, instead of abdicating their responsibility to the unelected judges in the Supreme Court, the political bias of the Court would not be so important, and this would be more true to the essence of Democracy.

[josie8 commented 1 hour ago](#)

j
josie8
MA [1h ago](#)

Your editorial has many good points, but I take issue with one key point: there is no credible evidence to support Dr.Ford's statement. Dr. Ford is a good person, and her anguish was real, but there wasn't a soul in the country who came forward to back up her story. Judge Kavanaugh's tirade was out of order, inappropriate, and in my opinion, was an immediate disqualifier for the position he so much wanted. Sen. Collins civics lesson was what we all need to know, to understand, and Sen. Murkowski's vote and her explanation for it was a fundamental, philosophical truth about our country. Both women were excellent and articulate, respectful, thoughtful and honest. We are fortunate to have both of them in the Senate, speaking for us. They make us proud.

[Gretna Bear commented 11 hours ago](#)

G

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Gretna Bear

[11h ago](#)

I've said this repeatedly, future SCOTUS pronouncements out of touch with American society's values, with the Congress, the POTUS, whose Executive Branch enforces and carries out Federal Law, that Court who has ZERO enforcement powers of its own could find itself isolated and possible ignored without recourse. The Court to be relevant must respect and acknowledge in their opinions the will of the other branches and the majority of Americans. This clearly would be a serious threat to the separation of powers and our constitutional federal representative democracy.

[Andrea W commented 1 hour ago](#)

A

Andrea W

Brooklyn,. NY [1h ago](#)

The recent struggle to nominate a Supreme Court judge has appeared to have torn our nation apart. News outlets, television commentators, outraged individuals have screamed out their point of view. However what has really happened is that we are learning the huge difference between a democracy and a republic. Most of us refer to our system as a democracy. It isn't. If it were the countless millions of us would be represented rather than the current representation of the few. We are now stunned by the ravages of our electoral system where an electoral college represented by a few can and does override the will of the people. Cable news interviews lately lament the apparent breakdown of our democracy . However, we have not yet experienced democrecy. Perhaps we should focus on how to move ourselves into a system where each vote counts. We have all been disenfranchised by the electoral college. Can we focus on getting each vote to count? If we can do that we will get a chance to see true democracy in action and perhaps then the agenda of the few will no longer override the will of the many. Then perhaps a future Supreme Court will fairly represent the American people rather than being manipulated by a small group's narrow agenda. To the founding fathers who imposed the electoral system on us I say: " Yes we the people, can do this."To the people I say, "Let's do it! Let's give democracy a try!!"

[Woman commented 2 hours ago](#)

W

Woman

America [2h ago](#)

The argument that Kavanaugh's life would be ruined if he was not confirmed is telling, and smacks of the entitlement of the Trumpian era.

Not getting a seat on the SCOTUS is not going to ruin his life; he will continue to have an income, his family, his privileged lifestyle. He would likely be a public figure with appearances on television, or a regular column in print or online media.

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To say that not having this seat will ruin his life lays bare the entitled thinking of the GOP. Millions of Americans lead humble lives—but in their eyes, to have Kavanaugh lead a life without that appointment is ruination.

[Thomas Renner commented 2 hours ago](#)

T

Thomas Renner

New York [2h ago](#)

I agree and firmly believe the majority of Americans do not agree with the way trump and congress are steering the country. I hope they all get out and vote for somebody new. In my district I see this young man Max Rose, he has my vote.

As for Judge Kavanaugh, he really has a lot to reflect on. If over a thousand law professors and a retired SCJ said I was unfit to serve it would make me change my believes, time will tell!!

[Smoke'em If U Got'em commented 3 hours ago](#)

Smoke'em If U Got'em

New England [3h ago](#)

I think the Time ought to be ashamed at itself for stoking these partisan attacks on our institutions of government. Looking at the Supreme Court to solve American political issues is a mistake of the first order. The Roe V. Wade issue is a seminal event in the court's history that has created a cultural fissure like nothing before since the civil war. Even if the courts intent was honorable and even inevitable in the annals of time, this America was nowhere ready for it.

Anita Hill, now Dr. Ford, testimony and issues should never have been made a public spectacle. It was done for political reasons and not for the reason they, as individuals, advocate and want to make testimony to. Their complaints were weaponized by the tribalistic opposition engaging in the politics of personal destruction.

The Times needs to take responsibility for their use of their massive footprint in the media to stoke partisan mudslinging, tribalism, and flat out hate for people that don't agree with you.

[Marla Randolph Stevens commented 6 hours ago](#)

M

Marla Randolph Stevens

Des Moines, IA [6h ago](#)

@John

The effect of the court's rulings are not proportional to the votes. A flipped 5-4 will be devastating to millions and will give vastly disproportionate comfort to an elite and powerful few -- as devastating as if they were 9-0.

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Also, your use of the term "hysterics" is telling and belittling of survivors of sexual harassment, abuse, and assault and those who love and believe us.

[Ben commented 6 hours ago](#)

B

Ben

NY [6h ago](#)

@HMG0313 I respect your faith; it is admirable, but is in the end just faith. And faith is something to fall back to, yes, when everything is lost - but hopefully we are not quite there yet.

If the trends themselves continue as they do, with the apparition of ideological conservatism rearing itself more intensely every decade – a certain conservatism represented starting as early as McCarthy, to Nixon, to Reagan, to Gingrich, to Bush, and now represented by our current head of state – then things cannot easily switch back to an ideal equilibrium with a single year of voter turnout. We cannot rely on faith alone to set things back. We need an emotion more productive, but just as lasting, to reverse such decades long structural shift in the fabric of government and the American psyche.

[Sam commented 8 hours ago](#)

S

Sam

Seattle [8h ago](#)

Law professors train the next generation of lawyers. They formed my view of the law and helped shape my values as they no doubt will for the next generation. And if you can't afford \$400 for ABA dues, I rather doubt your stature to speak for any fraction of the profession.

[HMG0313 commented 8 hours ago](#)

H

HMG0313

NJ [8h ago](#)

The pendulum always swings both ways. Ultimately cooler heads will prevail and informed minds will eventually restore civility to political discourse, heal our national divisions and, yes, make America great again.

[Duane Coyle commented 9 hours ago](#)

D

Duane Coyle

Wichita [9h ago](#)

Speaking as a practicing lawyer off 38 years, law professors have little standing in the eyes of practicing lawyers in political matters. Not even a third of licensed lawyers are members of the

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ABA—and for the most part that is not due to the cost of belonging to the association. Law professors have less influence on practicing lawyers than a Hollywood star.

[Michael commented 28 minutes ago](#)

M

Michael

North Carolina [28m ago](#)

My dear mother died of Alzheimer's, a long and painful descent into darkness. I remember vividly the helpless, distraught feelings as I traveled that road by her side. This, what I feel now for our country, is exactly the same desolation. It is extremely painful to watch someone and something you love die before your eyes, one day at a time. And, make no mistake, the America in which I came of age is dying. Now all of us know what it must feel like to be born black in this country. We are at the mercy of those who care nothing for us, and in fact despise us. I like to pretend that my vote matters, but living as I now do in the reddest region of a newly red state, a poster child of gerrymandering so extreme a federal court demanded change (but only after the upcoming midterm), I know that my vote doesn't count. I will vote nonetheless, but it won't matter. We are under the jackboot of extremist minority rule, and I see zero signs that those in that minority are anything but delighted. These are dark, dark times.

[Ric Fouad commented 29 minutes ago](#)

Ric Fouad

New York, NY [28m ago](#)

The Trump Presidency, perhaps by confronting us with the imperative of responding to unthinkable monstrosities and irrational affronts on civility, has also inspired some of the finest journalism of our time.

This editorial on the Brett Kavanaugh spectacle is another example: Bravo, NYT, on articulating so well the travesty we are watching unfold — and thank you especially for singling out Senator Lisa Murkowski. She alone among Republicans recognizes that the legitimacy of the Supreme Court will be undermined by this nomination railroad job, her courage is among the rare inspirations in an otherwise ugly, partisan melee.

Everyone should also read a companion article in today's Times, from Alexander Burns, itself a remarkable and sensitive piece auguring darker days ahead as our national divide widens: "Bitter Tenor of Senate Reflects a Nation at Odds With Itself" <https://nyti.ms/2BXdKq2>

Nor can one say enough about the fantastic Times exposé of the Trump family tax dodge — another remarkable piece.

All in all, thank you, NYT, for being a beacon when our nation most needs an unwavering light.

[Joseph C Bickford commented 51 minutes ago](#)

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J

Joseph C Bickford

Greensboro, NC [51m ago](#)

Because of the way representatives are elected to Congress we have both a minority president and a minority Congress. Eventually the rule of this right wing minority will trigger a reaction. I hope that reaction will be at the polls and not violence in the streets, but the country is in bad shape as the new Justice is seated.

[John P commented 52 minutes ago](#)

J

John P

Pittsburgh [51m ago](#)

@Mark Arizmendi, How is it that republicans can ignore Kavanaugh's actions while testifying. Lying under oath is, or used to be, disqualifying for any person wishing for a position. Challenging opposition and casting it as partisan rather than defusing the charges with facts would also disqualify.

[Ron commented 52 minutes ago](#)

Ron

Florida [51m ago](#)

The nine-justice/lifetime appointments/majority decision reality of the present Court is not written into the Constitution. IF the Court now begins to impose its threatened right-wing agenda, and especially if it eviscerates Roe—and IF the Democrats take back control of both houses of Congress in 2018 or 2020, they should initiate changes on all these matters: appointing two new Democratic justices to an 11 person Court; 12-year term limits; or a supermajority voting requirement in votes to overturn congressional enactments. All have been tried in the past without success, but FDR's court packing terrified a conservative Court into submission. The Republicans have played hardball (plus cheating). Democrats must now learn to play even harder.

[J commented 1 hour ago](#)

J

J

Va [1h ago](#)

I am totally disappointed in the way the paper and other media have portrayed the appointment of judges to the SCOTUS in the past 30 years. They are scaring the American public and portraying justice as a political event. It's not. Judges rule on the constitution and the law. They don't take politics into consideration. Please stop politicizing the role of the courts. They have a job. Let them do it the right way.

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[Richard Robbins commented 1 hour ago](#)

R

Richard Robbins

New York City [1h ago](#)

This editorial claims the Court's "credibility has endured, despite controversial decisions like Bush v. Gore." That 5-4 partisan decision that went out of its way to say it wasn't precedent setting (because it countered bedrock conservative principles such as states' rights) permanently destroyed any semblance of credibility or non-partisanship of the Court. McConnell and the GOP's recent maneuvers are simply expected byproducts of the hyperpartisanship of the Court.

[Birdlover commented 2 hours ago](#)

Birdlover

Michigan [2h ago](#)

The citizenry only has the power to call politicians to account if voting is fair. The GOP has worked long and hard to oppress the vote for this very reason.

[Peak Oiler commented 3 hours ago](#)

Peak Oiler

Richmond, VA [3h ago](#)

It all sounds fine and good to do what we can locally.

The Supreme Court has the final word. Even if the Party of Sanity retakes the Senate and House, they can pass laws forever and a partisan, bought-and-sold SCOTUS can overturn them.

Without added more justices, what DO we do NOW before every freedom we have thought inviolable is taken from us?

[Michele Underhill commented 3 hours ago](#)

Michele Underhill

Ann Arbor, MI [3h ago](#)

@michjas the intense and powerful display of partisanship remains a problem however, and cannot be wished away. When people show me who they are, I believe them. I know who judge Kavanaugh is. He may sit on the sc but he is unfit for the sc.

[Fair commented 2 hours ago](#)

F

Fair

USA [2h ago](#)

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Elections have consequences. I'm glad Judge Kavanaugh will be confirmed. As 1) I believe he's a moderate and 2) I am not convinced of the allegations against him ranging from somewhat credible to completely insane. I'm pro-choice, and I have no fear of Kavanaugh or even 9 justices appointed by Republican presidents when it comes to Roe. This hysteria is unfounded.

Mob rule isn't democracy. Trying to bribe Senators for a vote with GoFundMe sites isn't democracy. Having one-sided media is destructive to the Country and is likely to expand the divide in the country. Throwing false allegations at upstanding citizens with no corroboration is despicable (i.e. Swetnick), and then attacking them for having the nerve to be angry is just unbelievable to any reasonable person.

Finally, as a woman, I take offense when I hear all women should be believed. Gender shouldn't factor in truth. As an immigrant, I value the inherent ideals in our system, if you are accused, you are presumed innocent. As a citizen, I perform my civic duty and vote. I didn't vote for Trump, but right now if I were voting, I wouldn't vote for any Democrat since they seem to no longer support free speech or the presumption of innocence. I'm not really sure what the Democratic agenda is. Is it 50% resist Trump 20% identity politics 10% weaponize MeToo 10% abolish ICE & 10% healthcare?

I respect the ballot box, and if Democrats win in November and start the impeachment show, I will dislike it, but I'll respect it

[Mark Kessinger commented 9 hours ago](#)

M

Mark Kessinger

New York, NY [9h ago](#)

@Richard Luetgen -- It's quite a stretch to call the act of a partisan majority leader a "constitutionally valid act" when the Constitution contemplates neither the existence of political parties nor the role of majority leader.

[carrobin commented 9 hours ago](#)

c

carrobin

New York [9h ago](#)

@Robert HILLARY CLINTON WON the popular vote by almost 3 million votes. More Democrats vote than Republicans do.

[Soxared, '04, '07, '13 commented 2 hours ago](#)

Soxared, '04, '07, '13

Boston [2h ago](#)

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I see no light on the horizon. The darkness descended upon us in 2016, long before Donald Trump's bizarre candidacy found the ultimate success in his election as president.

Of all the demonstrably false, ugly and anti-democratic episodes in the history of this nation; of all the fractures to the fabric of American society; of all the upheavals that soldered Americans together: two World Wars; the breakout of a nation from the rudiments of transportation into the gold standard for air travel; rail movement; automobiles; the space program; all of these ebbs and flows of fortune and disaster in our history.

President Barack Obama nominated a centrist, a Republican Appeals Court judge, Merrick Garland, to succeed the deceased Antonin Scalia on the Supreme Court. The Senate Majority Leader, Mitch McConnell, exhumed the rotted caskets from the graves of the Civil War. On his own, denied a president's lawful prerogative as authorized by the Constitution, the so-called revered Bible of our democracy that Republicans tell us, ad infinitum, that they love only less than their Lord.

It was this act by McConnell that set the stage for the unlikely election of a totally unfit president, all to stack the federal judiciary heavily tilted toward the oligarchs and the Koch Bottles and ALEC, the predators of our government and our national resources and our honor.

Judge Brett Kavanaugh was merely the latest drip out of the faucet. Passionate, partisan, petty and puny is he. And his Court.

[JSK commented 45 minutes ago](#)

J

JSK

Crozet [45m ago](#)

House democrats are already postulating that if they win the House they'll open investigations. Like half the country, or more, I do not like Kavanaugh's nomination. I am inclined, like most partisans, to quip that his temperament is not suited to the SCOTUS.

Having said this, I think the last thing this country needs is another partisan House investigation, this time into what will be a sitting court justice. This will drive the wedges deeper, the press will obsess with it, the social media will display continued and escalating acrimony. Are we then to expect two impeachment proceedings--one for a sitting SCOTUS justice and one for the president? I can understand the latter, but the former is too much. Work on better legal protections for women subject to abuse, for better socialization of young men (some of which is already happening). Work on better health care, infrastructure, job retraining or a host of other things that would be more productive than protracted political cat-fights for the sake of whatever base.

Push the Senate to reinstate a 60 vote threshold to break a filibuster--to foster better SCOTUS and other federal court nominations and minimize the influence of groups like the Federalist Society. Otherwise the the whole focus of the process will continue down a path of recrimination

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and obstruction.

Politicians are often more concerned with holding power than with the good of the country. We could do with fewer hearings, be they for Benghazi or Kavanaugh.

[Kay Bee commented 1 hour ago](#)

K

Kay Bee

Upstate NY [1h ago](#)

While I am truly disheartened by the current state of politics in our country and believe Kavanaugh should have done the right thing for the country by withdrawing, I don't like the suggestion in this editorial that the Supreme Court should somehow reflect "the will of the people" as reflected by the popular vote. If that were the case, I fear we would still have Plessy v. Ferguson as the law of the land.

[Pat commented 1 hour ago](#)

P

Pat

NYC [1h ago](#)

His confirmation is ample evidence that we need to reform Congressional power. Iowa, Mississippi, N/S Dakota have two Senators so why does NY not have 10 or twenty? California 30. It is rigged to keep us a backward non thinking country. And while we are allocating more seats for the states with our population why not get rid of the electoral college and add a few seats to the SCOTUS.

[Phil Fitzpatrick commented 1 hour ago](#)

P

Phil Fitzpatrick

Westerly, RI [1h ago](#)

While I agree with your headline that our highest court has been brought low, and I agree with your pointed observations about Judge Kavanaugh, the latter part of your editorial is wrong headed.

The will of The People should be irrelevant to the appointment of a Justice. It is the President's duty to nominate an outstanding candidate and the Senate's job to approve that person in the absence of good reason not to. The primary responsibility resides in the executive branch.

The Supreme Court was not intended to be a power organ. Indeed, the institution has been eroded by decades of appointments significantly based on the predictable future opinions of those nominated.

The populace generally knows almost nothing of the law, while having clear, if divided, views

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about justice. Appointments to our Supreme Court should be based upon outstanding devotion to the law which is evidenced by a body of wise and learned decisions on lower courts.

A candidate's popularity with the public and any reflection of popular opinion is irrelevant.

Your conclusion is sadly entirely correct. The high court has been brought low in a series of politically biased appointments, not to mention the rude bickering of some Justices in their opinions.

Respectfully submitted,

Phil Fitzpatrick

[John Graubard commented 1 hour ago](#)

J

John Graubard

NYC [1h ago](#)

The politicization of the Supreme Court has just begun.

Imagine that the Democrats win the Presidency, the House, and the Senate in 2020 or 2024. They then (a) expand the Supreme Court to 11, 13, 15, or even 17 justices and (b) approve a series of 30-somethings from the Democratic Socialists of America to the new positions. Then, when the GOP (or its successor) gets power, it repeats the process in the other direction.

The only way this can be avoided is a constitution amendment that sets the number of justices at 9 and gives them one 18 year term (the existing justices would be assigned to staggered terms by seniority). That way each Presidential election would give the winner two picks. And, the amendment should also require that any justices be approved by a 3/5 majority in the Senate (along with other lifetime appointments to the judiciary). Finally, to prevent the Court from becoming unable to act due to the inability of the President to obtain Senate confirmation of an appointee, the amendment should provide for the temporary elevation, for an individual case only, of one or more sitting Court of Appeals judges chosen by random selection.

[Des Johnson commented 1 hour ago](#)

Des Johnson

Forest Hills NY [1h ago](#)

Voters "have the power to call their government to account." It's a fragile power, one that might have been used in 2016. But immaturity in the body politic allowed energy to be drained away in petulant ignorance of process and consequences. I welcome all the voices that clamor now, but hope against hope that they find a unity that can halt the backward slide of the USA. In another part of the NYT today an editorial refers to "a nation at odds with itself." We are not a nation! At best, we are two nations. Many of the people who make up either nation trace their roots back to

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Ireland. A border was imposed there in 1921 to separate two nations--I was born in a town divided by that border, and from my earliest years, say what stubborn division looks like. In the newly created Northern Ireland, there remained two nations. One has had a permanent majority, and has, for decades, imposed one-party sectarian rule. Americans, note well: this is where Republican hegemony is driving us--against a wall from which there are few escape routes.

[MC commented 2 hours ago](#)

M

MC

NJ [2h ago](#)

The Trump virus of indecency, lies, partisanship over country, delegitimization of democratic institutions now infects the Supreme Court.

Trump didn't start all the problems, but he is the culmination of everything that is wrong with this country. Great leaders bring out the best in people. Trump always brings out what is worst in us.

It is fitting that Kavanaugh - a credibly accused sexual predator, a partisan hack, someone who lies fluidly and frequently - a full reflection of Trump "values" is a Justice picked by Trump. A 30 to 40 year ongoing damage to the Supreme Court and lasting reminder of the damage done by Trump.

If Democrats and Independents don't vote in record numbers on November 6 to take back and make House and Senate Democratic - to truly reflect majority rule in this country, to defeat Republicans and Trumpism, to check Trump, and then vote in record numbers to defeat Trump in 2020, our democracy (as flawed as it may have been) will be permanently lost.

[Angelsea commented 2 hours ago](#)

A

Angelsea

Maryland [2h ago](#)

I was a Republican for years based on the "party line" of "for God, Country, and Family." The GOP has proven itself to be anything but that. Unfortunately, the DNC has not redeemed itself from its reputation as Godless, libertarian, fascists which I also abhor.

But this I promise - I will vote for any candidate, Democrat or Independent (when they are viable and stand a chance) to ensure the Republicans in national and state contests are defeated.

Kavanagh, taxes, health care, Social Security, Medicare, (the list goes on and on) disassembly of hard-won American institutions and rights by the Republicans has proven they are the animus of the American people. We must ensure that party is either reformed or destroyed.

God help us if we are unsuccessful.

[John commented 9 hours ago](#)

J

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John

Pittsburgh/Cologne [9h ago](#)

Beyond all the hysteria, there is a simple fact.

Before Kavanaugh, the SC was 5-4 and after Kavanaugh it will still be 5-4. A little more conservative, and good deal younger, but still 5-4, with Roberts not being a very reliable conservative. Once Thomas retires next year, and is replaced by Coney Barret or Thapar, the SC will STILL just be 5-4.

The only significant issue for Democrats would be if RBG or Breyer goes. Both seem healthy and determined to outlast Trump and/or a Republican Senate, so there is a good chance that they will eventually be replaced by similarly liberal judges.

Based on all the hysterics, one might think that Kavanaugh was shifting the balance to 9-0.

[Alex commented 2 hours ago](#)

Alex

San Francisco [2h ago](#)

The senators who voted for Kavanaugh put self-aggrandizement before oaths, honor and love of country.

They have degraded the Constitution to advance their selfish ambitions.

They have betrayed us.

For what shall it profit a man, if he gain the whole world, and suffer the loss of his soul?

[Faye commented 39 minutes ago](#)

F

Faye

Brooklyn [39m ago](#)

We can thank those on the hard left for President Trump and his two Supreme Court appointments. They sabotaged the democrat candidate, Hillary Clinton, by voting for Jill Stein and Bernie Sanders, who himself was a saboteur of the 2016 election by undercutting Hillary Clinton during the primaries. We can thank the hard left for George W. Bush and his right-wing Supreme Court appointments via their support, again, for a third party nominee, the unelectable Ralph Nader.

The three "C"s, consensus, compromise and cooperation, are foreign to those on the radical fringes of our political spectrum. They are all equally responsible fo this very dark moment in American history.

[Richard Bittner commented 2 hours ago](#)

R

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Richard Bittner
Greenwich NY [2h ago](#)

@Mike Livingston the court should be neutral, as was the demeanor of Merrick Garland, denied a hearing because the founding fathers could not imagine a man as dishonorable as Mitch McConnell period, no one ever answers that.

[PS commented 2 hours ago](#)

P

PS

Vancouver [2h ago](#)

What about Joe Manchin? He could have voted no, but naked political calculation (and nothing else despite protestations to the contrary) decided his vote?

[Donald commented 9 hours ago](#)

D

Donald

Yonkers [9h ago](#)

@Nav Pradeepan. That is the opposite of what I just suggested, but I would be fine with your solution and in fact prefer it. We both see the same current problem.

[John McMahon commented 10 hours ago](#)

J

John McMahon

Cornwall Ct [10h ago](#)

I agree, Mitch McConnell is really, terribly bad news for our country. And for his Party. Poor Mitch is sowing the seeds that spell the end the Republican Party. Mitch = the last hurrah.

When Congressional majorities change hands, I sincerely hope the Democrats turn the other cheek. Mitch is not worth the Democrats' wrath; he is a stalwart clerk or at most an unenlightened shop steward.

On Kavanaugh, i would not have voted for Judge Kavanaugh but now that it looks like he will be approved, why not give him a chance? Being a Supreme Court Justice is a whole new deal compared to being an appellate judge. Kavanaugh will need to assimilate on the Court and, with no higher earthly authority, will find out who he is as he looks in the mirror and sees the last resort on fairly heavy questions. So let's give Brett K a few years before we declare Brett a failed Justice. Justice Earl Warren, vilified by the right for his judicial progressivism, was appointed by Dwight Eisenhower.

[White Rabbit commented 2 hours ago](#)

W

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White Rabbit

Key West [2h ago](#)

Senator Murkowski followed her conscience and represented her constituency while Senator Collins labored to defend the indefensible. How long before Justice Kavanaugh becomes her biggest disappointment? Trump picked him to further his own personal agenda and I fear now owns him.

[Clyde Platt commented 49 minutes ago](#)

C

Clyde Platt

Whidbey Island Washington [49m ago](#)

John Roberts could protect the Supreme Court's reputation by steering it to adopt the same rules of judicial conduct that apply to every other judge in the country save its nine justices. Not even the Supreme Court should be above the law.

[Prometheus commented 1 hour ago](#)

Prometheus

Caucasus Mountains [1h ago](#)

Since the GOP knows it has a future demographics problem as to votes and winning elections, they are setting up a political machine where a minority will rule over a majority.

The SCOTUS is a fundamental pillar of their plan. Should laws be passed that the GOP loses on the floors of Congress, the SCOTUS will simply overrule them by ruling they're unconstitutional.

The Senate already works to their ends. For example: currently 18% of the people control 50% of the Senate seats; then there is gerrymandering in the House, which incidentally has a case coming up to the SCOTUS that Kennedy wanted to hear. Kennedy saw the threat of gerrymandering. Now 5-4, gerrymandering will be bolted in unless Roberts comes over. I'm not holding my breath.

You'll be hearing a lot of liberal optimism about Roberts moving into Kennedy's swing seat. I'll believe it when I see it.

This is what the immigration issue is all about too.

[Mark Arizmendi commented 1 hour ago](#)

Mark Arizmendi

Charlotte [1h ago](#)

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Unfortunately, while the Editorial Board calls for comity and unity, they remain in an entrenched position of building straw-men which they use to support their own agenda. They spare no criticism of Kavanaugh and blindly believe Ford, though neither side has been proven. Will there be apologies to Kavanaugh if he's proven right? I hope the same for Ford if she's proven to be truthful. Might be good for this Board to ask for unity and try to heal rather than perpetuate their singular agenda.

[david commented 3 hours ago](#)

d

david

ny[3h ago](#)

Finley Peter Dunne was a political columnist who invented a character, Mr. Dooley who remarked "The Supreme Court follows the election results."

The moral, VOTE in 2018.

Lack of voter turnout elected Trump and elected conservatives to the Senate.

A Democratic Senate can block future Kavanaugh like Court appointments.

[I Vote commented 4 hours ago](#)

I

I Vote

Ohio[4h ago](#)

@Richard Luetzgen I'm not sure with which strawman you're debating about gerrymandering a Senate seat; it's common knowledge that is irrelevant. The gerrymandering concern relates to the Supreme Court deciding on gerrymandering cases for US Representative seats.

[Rosiepi commented 2 hours ago](#)

R

Rosiepi

Charleston, SC[2h ago](#)

McConnell 'risked the credibility of the courts ' and with tomorrow's vote he will sadly fulfill that.

Shameful time in America,- power trump's all.

[Linda Miilu commented 9 hours ago](#)

L

Linda Miilu

Chico, CA[9h ago](#)

@BobG

12 years is long enough for the "best and brightest" to make some key Decisions. Given that we

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are headed towards a lot of 90 yr. old voters, we don't need to burden the Court with a similar demographic.

[R Rao commented 9 hours ago](#)

R

R Rao

Dallas [9h ago](#)

In a democracy the legislature must be supreme as it reflects the will of the people. The court merely ensues that the legislatures, federal and states, do not throw the individual under the bus. If our legislatures perform as they should the court will hold no fear for the citizen. Even with partisan justices.

[WesternMass commented 2 hours ago](#)

W

WesternMass

Western Massachusetts [2h ago](#)

This country is going to pay dearly for Trump, McConnell, Ryan and Kavanaugh for a long, long time to come. The damage will be with us for at least a generation.

[Christine commented 2 hours ago](#)

Christine

Long Beach [2h ago](#)

I'm truly, deeply sorry, Dr. Blasey. Your testimony was completely convincing to me, and probably to everyone in the country, with the possible exception of our poor excuse for a president. My biggest worry is that others who've suffered similar assault and bullying will be dissuaded from speaking up.

You are the hero in this, Dr. Blasey. Stay strong. Encourage others to speak the truth. Never give up. We are with you and we will rise!

[frisbee commented 11 hours ago](#)

f

frisbee

New York City [11h ago](#)

It's hard to spin any good news out of this situation but I will try: Kavanaugh strikes me as one of those lawyers that "loves the law" and will care greatly about his legal legacy on the court (and badly want his tarnished reputation to be erased). Is there a chance he will moderate his rulings going forward to avoid being accused of political partisanship -- thereby proving less conservative than he might have been if all this had not happened?

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[John Brews ..](#)   commented 31 minutes ago

John Brews ..  

Reno NV [31m ago](#)

The Kavanaugh confirmation went through because the baleful billionaires running the GOP told their Senators to do it. The demise of Democracy has been underway for decades and full scale publicly acknowledged Oligarchy awaits only a few weeks away.

[Prof. Jai Prakash Sharma commented 37 minutes ago](#)

Prof. Jai Prakash Sharma

Jaipur, India. [37m ago](#)

Brett Kavanaugh's highly questionable confirmation to the Supreme Court means the extension of the same morally crippled and politically vindictive leadership to the apex court as is wrecking havoc in the White House and muddying the political waters in Washington. With this the sanctity of the US constitutional working and the institutional autonomy seem to have been seriously compromised, all due to the evil machinations of Trump, whose destructive legacy will outlast him with long term consequences for the US political system.

[Karen commented 4 hours ago](#)

K

Karen

Denver, CO [4h ago](#)

@Concerend Millennial Not sure if this is of any comfort, but there are plenty of baby boomers who are as concerned as you and fighting back in an effort to win the midterms for the Dems so we can bring some balance back.

Are you planning to vote? Are your friends planning to vote? If the millennials had voted in numbers in 2016 and not sat on the sidelines, Trump would not be president today. Every vote counts. It's really as simple as that.

[citybumpkin commented 4 hours ago](#)

c

citybumpkin

Earth [4h ago](#)

@Alan People operate on incentives, and look at who our country has been rewarding. Trump? Kavanaugh?

Many ambitious law students will see that Kavanaugh was made a Supreme Court Justice, and

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they will mold themselves to be just like him. Because it is now a proven path to the highest position an ambitious young lawyer can aspire to.

[Scarlett commented 6 hours ago](#)

S

Scarlett

Arizona [6h ago](#)

@Richard Luetzgen

Dear Mr. Luetzgen: I wish you WERE getting tired of pointing things out. Unfortunately, that does not seem to be the case. Just saying.

[Alan Behr commented 2 hours ago](#)

A

Alan Behr

New York City [2h ago](#)

This demonizing of a sitting federal judge is appalling. If conservatives politicized the process by failing to consider President Obama's perfectly qualified nominee, Judge Merrick Garland, this kind of payback does not compensate. When you take up tactics of the other side that you once deplored, you legitimize the tactics. Because both sides are employing them, they are the new norm. That is all that such writing will accomplish. Indeed, every day, at any hour, you have between six to twelve references to President Trump on headlines on the home page, and in each case, the piece itself is negative. We know you do not like him. I don't like getting emails from him calling US senators "despicable," as I just have. But he is the president of the United States. Start showing him more respect, please, and do the same for Judge Kavanaugh--and maybe you will regain the credibility that these floor-pounding pieces have so damaged since the media first helped make President Trump an inexplicable political force. An editorial persuades no one when, as the comments always show, it reaches just the same people, agreeing with you yet again on a position they knew you were going to take before they read the first word.

[Steven commented 18 minutes ago](#)

S

Steven

New York [18m ago](#)

This editorial is hysterical nonsense.

Kavanaugh has been a widely respected Judge on the DC Court of Appeals for 12 years, authoring over 300 opinions, which few opposing his confirmation have criticized, let alone read. The ABA, a non-partisan legal group gave him its highest rating (and temporarily withdrew it until the FBI investigation, and then restored it after the investigation was concluded).

I don't know what it means to say that Ford's testimony was "credible." It certainly wasn't

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corroborated. And she kept it to herself for 30 years, only pulling it out to write a letter to Diane Feinstein, but asking her not to disclose it to anyone? Well then why did she write it in the first place, if she never wanted it to see the light of day? What's credible about that?

Oh, and the 2400 law professors? There are over 10,000 living tenured, associate and adjunct law professors in this country. So less than 25% oppose his nomination? That's not very impressive. I'm sure every left wing law professor opposes his confirmation.

And one retired Supreme Court justices opposes confirmation? I wonder what Kennedy, the Justice Kavanaugh is replacing, thinks.

And what's the point of continuing to bring up Garland and the popular vote? These are partisan issues that have nothing to do with whether Kavanaugh is qualified to sit on the Supreme Court.

Editorials used to be more reasonable and balanced. Now their just blatant weapons in a political war.

[michjas commented 9 hours ago](#)

michjas

Phoenix [9h ago](#)

McConnell turned the rules of court appointments on their head. And he did it in a manner that was both legal and Constitutional. That was so clear to the Democrats that they did not challenge the process he set in motion.

McConnell's innovation, while acknowledged to be permissible, was attacked for being overly aggressive. In short, McConnell was not playing nice.

Neither party has ever sacrificed its agenda in order to play nice. The idea of putting good manners before the good of the party is otherwise known as folly or suicide.

If Schumer had thought of McConnell's strategy, he would have been viewed as a hero. McConnell was more clever than Schumer. And that's all there is to it.

[Linda Miilu commented 2 hours ago](#)

L

Linda Miilu

Chico, CA [2h ago](#)

@TD

The origin of the Electoral College was a political move to keep Southern planters in the new Union. The South still had slaves; and, they counted them as part of their population. The EC is based on population counts; if slaves had not been counted, the South would not have garnered

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the EC votes they were given; cotton was still king in Northern mills. Connect those dots. Why do you think Nixon went South to campaign for votes? He was a fairly moderate Californian socially; he needed those EC votes, despite segregation and the denial of the right to vote for black Southerners. The following "leftists" made your life better, as well as the lives of your parents and grandparents: FDR, Truman, LBJ, and Obama.

[Thomas D. Dial commented 10 hours ago](#)

T

Thomas D. Dial

Salt Lake City, UT [10h ago](#)

@RLS Differences between votes recorded on ballot media and votes reported in exit polls cannot reasonably be assumed to be evidence of vote fraud. There are other reasons, and the only valid conclusion is that there might be something wrong with the vote tallies, the exit poll tallies, or both. Such differences, if large, might justify recounting a sample of the ballots or the ballots in a sample of precincts.

The 2016 election exemplifies one important possibility quite well. Donald Trump was a highly polarizing candidate; and in more than a few places he was a widely unpopular one, to the degree that some voters might prefer not to answer an exit poll question or to answer it in a way that matched their neighbors' perceived leanings. They may, in the privacy of the voting booth, do something they prefer to keep private. Some will do so by asserting a privacy right and declining to answer the question, as may a possibly substantial number of voters generally (I decline exit polltakers on principle). This leads to a possibly significant part of the sample having voted for "Unknown." There is no good way to allocate their votes within the sampled population, and in 2016 it is not unlikely that those voters split differently from those who provided answers.

And there also is, always, the possibility that some of those who answered to an exit poll told a little fib.

[Jpl commented 2 hours ago](#)

J

Jpl

BC Canada [2h ago](#)

Well let's hope Americans do use their voting power, and make something new. Yet if the well-heeled, and educated Americans, had actually showed they cared about ordinary people, by building a social safety net (proper health care, access to higher education for all able, and living wages), rather than perpetuating a social darwinism that feathers the comfortable's nests and shames the poor and weak, you wouldn't be here today- doing more America-style handwringing. Yes, it would have been healthier if the US had joined other functional social democracies. But maybe a putinesque plutocracy is what the, head in the sand, ruling classes always really wanted. They are one step closer now.

[TD commented 2 hours ago](#)

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T

TD

Indy [2h ago](#)

In saner times, no one organizes a smear campaign to destroy someone they disagree with using salacious accusations of vicious crimes. It is dishonest to say that no nominee ever acted this way, without recognizing that no Senator or Senators ever stooped so low. Even Murkowski, as you said, thinks he is a good man. So why credit her with courage, and then get right back to legitimizing the character assassination of Kavanaugh?

[JT commented 2 hours ago](#)

J

JT

NM [2h ago](#)

While the founders were rightly concerned about the tyranny of the majority but the safeguards put in place are now enabling a tyranny of the minority. To make matters worse, the Republicans are aggressively wielding their minority backed power with zero apparent restraint.

I don't know how long the majority will accept policies that it considers radical and immoral, but I have real concerns as to the future of our country.

[LeftCoastBoomer commented 2 hours ago](#)

LeftCoastBoomer

California [2h ago](#)

Now the wait begins for Trump to claim that he can't be investigated and that his Justice Department needs to do something about it.

That's one of Kavanaugh's many tenets of unfettered executive powers not yet delivered to the President.

Trump will need to test his chosen Justice and see if he really got the one he wanted. I'm afraid he got everything he could have dreamed for.

[eclectico commented 16 minutes ago](#)

e

eclectico

[16m ago](#)

Our constitution dictates that every state get two senators no matter its population, that citizens don't choose our president, the Electoral College does, and that Supreme Court justices are appointed for life. Accordingly, the rural areas, the areas dominated by the Republican part, rule. We need a new constitution, but there is no way that is going to happen in this era. The only

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savior of the way of life that is accepting of all people, no matter their origin, skin color, religion or lack thereof, sexual orientation, and other personal choices is the Democratic party. Yes, that disorganized mass of common people has its faults (by definition no political party can satisfy all the citizens) but despite its faults, face it, the previous sentence remains valid.

Thus I second the Times' editorial board: VOTE !

[Anony commented 27 minutes ago](#)

A

Anony

Not in NY [27m ago](#)

"If [Chief Justice Roberts] cares about the integrity of the court as much as he claims to, the chief will do everything in his power to steer the court away from cases, and rulings, that could deepen the nation's political divide."

Roberts' pious claims of political impartiality are about as believable as Kavanaugh's claims of having just a beer or two. It's all about winning no matter what the cost. Even perjury proved to be a price not too high to pay in the case of Kavanaugh. Roberts will do just as the Republicans who put him there want him to do. With the seating of Kavanaugh, he now has his vaunted majority. Supreme Injustice.

[Etienne commented 28 minutes ago](#)

Etienne

Los Angeles [28m ago](#)

I've often wondered what it was like in the country in the run-up to the Civil War. In doing so I was playing mind games. The reality is much worse.

[Yo commented 42 minutes ago](#)

Y

Yo

Alexandria, VA [42m ago](#)

If Democrats do not take at least the House this November, the massive transfer of wealth and power to the traditionally-privileged that is occurring under Trump and the Republicans will effectively become irreversible. Equality of opportunity and equality under the law will be dead in this country.

[Sister Meg Funk commented 1 hour ago](#)

S

Sister Meg Funk

Beech Grove IN [1h ago](#)

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We have been here before. The pre-emptive strike invading Iraq took us to war that is on-going. This time all three branches of our democratic American government have swirled in the cycle of violence to wound each other. These hits have harmed each of us as violence is not a skillful means to heal and hold each other in the grasp of mercy. Did we learn anything from Iraq? Can we learn from this spectacle? Your question is "So what now?" The first response is to vote in midterms. Check now if name is registered at local precinct. There's been some purging along with the gerrymandering. Second, study the options and engage in dialogue with candidates. Third, practice sitting meditation: find a place of solitude, sit quietly, still the mind, descend the mind's eye into the heart. Linger. If this is not possible, then realign daily routine, safe place, soft space and stay awake.

[farhorizons commented 3 hours ago](#)

f

farhorizons

philadelphia3h ago

@James W. Russell

I want the next president to pledge to fight for term limits for members of Congress also. We cannot survive the hold on legislative power of people like McConnell, Graham, Schumer, Pelosi and the others who protect the entrenched interests of the power elites.

[Rudy Flameng commented 2 hours ago](#)

R

Rudy Flameng

Brussels, Belgium2h ago

You write that during his hearing, Kavanaugh engaged in "explicitly partisan attacks on the senators trying to assess his fitness to serve". Yes he did. And in so doing he proved precisely that fitness to the GOP.

You appear to think even now that the system is sound, but that it has been hijacked somehow by a clique of right-wing extremists. That this is, actually, a temporary hiccup and that all will be well. I don't agree.

I am very concerned that the system itself is broken. I believe, too, that this has been the case for quite some time. If the system were able to live up to your expectations, and this means if the people staffing it were conscious their duty is to protect the Common Good, rather than serve a particular group's interests, you would have had a President Gore... If the Electoral College had been abolished or, at the very least, reformed to reflect the will of the people by district, rather than by State, you would have President H. Clinton... If electoral districts were delineated by an independent organ, rather than by partisanship seeking to entrench a majority, you would have a much more responsive House of Representatives... If the Press, at least in its newscasts were under a legal obligation to report unbiasedly (as used to be the case), special interests would have far less sway over who gets to be a candidate for office...

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This is not a blip. This is a train wreck. Of a train carrying dangerous and highly reactive chemicals. This will get ugly.

[MaryKayKlassen commented 2 hours ago](#)

M

MaryKayKlassen

Mountain Lake, Minnesota [2h ago](#)

We have taken a slow waltz into no man's land, since we elected Bill Clinton. I voted for him the first time because of two reasons, a small clipping that I had saved earlier about how Bill & Hillary Clinton were working in Arkansas to improve the quality of education. I found it after he was elected. The second reason I voted for him was because he said he would go into Yugoslavia to stop the genocide. Looking back, I had questions about his sexual predatory behavior in Arkansas, and didn't dismiss this, but couldn't foresee how damaging this would be to the psyche of this country that we are experiencing now with the election of Donald Trump. Then, there was George W. Bush, who I didn't vote for, and his horrendous foray into Iraq, which turned the Middle East into a powder keg. The lesson to be learned is that character matters, but so does intelligent thinking in regards to decision making. Now, we are left with no ability to have either one, character or intelligent thinking, and without both, we are going to be hard pressed to recover not only our Democracy, but good policy, and a future for whether the species in the climate that is rapidly changing can physically endure in the long run.

[Mark Caponigro commented 2 hours ago](#)

M

Mark Caponigro

NYC [2h ago](#)

With regard to the shamelessness of Brett Kavanaugh, we should note that at least that one of his moral failings is true of Neil Gorsuch as well. The otherwise ostensibly well behaved Justice Gorsuch is shameless for having accepted the nomination to the Supreme Court, after what Mitch McConnell did to poor Merrick Garland (and poor Barack Obama, and all us poor Americans who voted for President Obama). Anyone would have been shameless, and lacking in decent regard for the Constitution, to accept that nomination in those circumstances.

[Jeo commented 2 hours ago](#)

J

Jeo

San Francisco [2h ago](#)

Go watch Lawrence O'Donnell's segment from tonight about how the Senate is deeply undemocratic, and always has been, designed to be from the start. It's getting worse though, as the population of states like NY and CA swell, making the power of sparsely-populated states like Wyoming or Alabama completely out of whack with the population, so that a small percentage of people from these states now make decisions for the remaining vast majority.

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In addition to that you have the Electoral College, which has the same effect on the Presidential election. Donald Trump got a minority of the votes in the election but was elected despite this, so again a small collection of certain kinds of states gets to make decisions for the rest.

Face it folks, this isn't democracy, and it's not working. And what's not working is built in.

It wasn't as much of a problem say in the 1940s perhaps, but the population has shifted since then, and now a minority gets to make decisions for the rest to a much larger degree. They're also places that are relatively remote and easy targets for FOX News and the other propagandists for the wealthy, so it's not like we're just subject to a more "conservative" or religious governance than we'd vote for, we're subject to rule by oligarchs who are good at spending their money to brainwash people.

Enough fiddling around the edges, the entire system has failed and can't handle the makeup of the modern country. Update it or scrap it and start over.

[Evan commented 7 hours ago](#)

E

Evan

Thayer [7h ago](#)

This experiment in Democracy is the United States of America, not the United People of America. The tension between States rights and Federal rights is spread throughout the Constitution and was written because the previous controlling documents failed spectacularly after only a few years due to the very same tensions. It took years to develop the trust to get the individual States to ratify the Constitution after the failure of the Articles of Confederation. To this day a State has tremendous agency over much of its commerce and governance. A State Governor sits at the head of a huge bureaucracy that provides millions of jobs and critical services to all citizens. Contrast that with a senator who is a political actor, or a laughable congressperson who is a low level fund raiser.

There is little chance that States, their Governors, or their Attorneys General will choose to forfeit their hard-fought and won sovereignty, even looking beyond the preponderance of Republican State Governments. The widespread belief that the electoral college is something we can simply adjust to see what happens is a fallacy. Doing a Constitutional Convention or Amendment through to ratification is impossible without a centrist, generally less partisan cultural environment, IMHO.

[Amy commented 2 hours ago](#)

A

Amy

Brooklyn [2h ago](#)

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In my opinion Garland should have been given a hearing, but McConnell's decision was entirely legal. He went home and will continue as a respected judge.

By comparison, the smear of Kavanaugh was a vicious personal attack. It smeared him, it hurt the credibility of women with legitimate claims, and it soiled the Supreme Court.

[KB commented 2 hours ago](#)

K

KB

WA [2h ago](#)

In a democracy, voters have the ultimate power. If you are feeling powerless for all the reasons there are to feel that way and I'm not just talking about today's actions, then vote on November 6th and take back your power. Don't be discouraged...take back your power...vote!

[Flyover Country commented 2 hours ago](#)

F

Flyover Country

Akron, OH [2h ago](#)

Was Anita Hill not a credible accuser of Justice Clarence Thomas? Many would say she was though the atmosphere, aided greatly by former VP Biden, did not treat her as such. And with a credibly accused Supreme Court justice on the bench for all this time has the Court suffered because of it? I am no Kavanaugh supporter but your argument is deeply problematic on this count. You are offering a false narrative to support your desired outcome. Offer a true narrative regardless of the outcome.

[B. Windrip commented 2 hours ago](#)

B

B. Windrip

MO [2h ago](#)

Our claim to being the world's leading democracy is becoming farcical. Our claim to being a democracy is at the very least tenuous. What we have now is tyranny by the minority in all three branches of government. We are staring into the abyss.

[Donald commented 2 hours ago](#)

D

Donald

Yonkers [2h ago](#)

Pack the Court. I don't know how hard that would be — very hard, no doubt and maybe it can't be done, but it is time we stop pretending the Court is above politics and start treating it as an exceptionally undemocratic and unrepresentative legislative body with life long terms for its members.

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[Thomas D. Dial commented 10 hours ago](#)

T

Thomas D. Dial

Salt Lake City, UT [10h ago](#)

@Don One might equally suppose the founders never imagined that a state like Montana, with less than a third of one per cent of the population, would have a full two per cent of the Senators, a six-fold overrepresentation. But they did, and apparently thought quite well of the idea, as they did of the Electoral college.

[Jim C commented 2 hours ago](#)

J

Jim C

Richmond VA [2h ago](#)

An optimistic conclusion, but do the voters really have the power to call this government to account? I have to wonder if our system hasn't been hopelessly rigged by the GOP at this point. With their voter repression laws, gerrymandering, the aging voting machines vulnerable to hacking, the absurd electoral college and our insane laws allowing unlimited campaign spending, how can we even call the US a democracy any more?

[B.Sharp commented 2 hours ago](#)

B.Sharp

Cinciknnati [2h ago](#)

@lechrist

Well said, and when Senator Lisa Murkowski is up for election I am planning to send her a small token for her brave decision.

I am sure it wasn't easy.

[D.S. commented 2 hours ago](#)

D

D.S.

Manhattan [2h ago](#)

Nothing will ever change while you have an electoral college and California or NY have the same number of senators as North Dakota, something needs to change, we pay the bills and the minority instills their misguided whims on the country as a whole. Maybe for starters we should start exercising term limits for the house, senate, Supreme Court then the little pathetic fiefdoms of corruption and rot might diminish.

[William M. Palmer, Esq. commented 9 minutes ago](#)

W

William M. Palmer, Esq.

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Boston [9m ago](#)

Times Pick

Washington is a town rife with politics, and individuals do not simply "fall into" Supreme Court nominations. Rather, as has Kavanaugh, they pursue them through careful building of careers and connections. The Supreme Court has been ruled (pun intended) by politics, rather than disinterested intellect, for decades, in the most part - a tilt that has been accelerating this millennium.

On New Year's Day, 2000, I went to a "black-eyed pea" party at the private DC residence of a well-known Catholic newspaper lay author. A number of Jesuit priests were in attendance, as was Associate Justice Scalia. I found myself alone in the dining room with the hostess and Scalia, and the hostess said to Scalia, there is something I have to show you, and she took out a marionette doll of then-President William Clinton, and started manipulating it- clearly mocking Clinton. Scalia laughed uproariously. Later on as I was walking behind Scalia in a hallway, we passed a photograph of Eisenhower on the wall, and Scalia turned to me and volunteered "now, there's a real president." Disinterested analysis of the Supreme Court's election decision in Bush v. Gore, such as by Judge Posner in his book, demonstrates that it was a starkly political decision.

What we saw briefly last week was the partisan face behind the mask Kavanaugh presented - until his path to power was challenged. The mask will return, but the partisan firmament will remain.

Put simply, we are in for more of the same . . .

[A Survivor commented 2 hours ago](#)

A

A Survivor

Colorado Springs [2h ago](#)

Partisan politics has now trumped (!) every known virtue: decency, dignity, temperance, courage, honesty, kindness, and justice. The Land of the Free has sunk into the bully frog's swamp of greed.

As a young woman, I came to this country because of its freedoms, opportunities, and values that genuinely made people proud. The civil rights movement, feminism, and the great technological and social advancements of the 60s and 70s gave such great hope that America was truly a country where everyone had a chance to become whatever they wished to be. How changed it all is now.

Worst for me is the utter devaluation of Dr. Ford, who behaved with true virtue, only to be denigrated publicly by our president and dismissed as insignificant - while behind the scenes faced death threats and undoubtedly a worsening of her PTSD. As I watched her testimony, I wept for many reasons: empathy, truth, my own memories of assault, admiration, and above all a new hope that finally now, things have changed and sexual assault survivors will be heard and venerated for their courage.

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I can tell you one thing for sure: the name of the perpetrator, if known, is NEVER forgotten.

Today I have no tears left, just a grim determination to carry on trudging towards an imaginary future where women have a say about our bodies again, and where survivors are finally compensated for the lifetime of safety, self esteem, innocence, and opportunities that have been stolen from us by corrupt powerful men.

[Mike B commented 2 hours ago](#)

M

Mike B

Ridgewood, NJ [2h ago](#)

What now? I tell you. The moment we regain the majority we defund two SCOTUS seats a kick off Gorsuch and Kavanaugh. Last hired, first fired. 5-4 becomes 3-4, and we have our cases all lined up and ready to go...undo all the progressive roadblocks and get big anonymous money out of politics. Get direct popular election of the president with non-suppressed votes.

There's much to do and putting Neil and Brett on the unemployment line is the first step to what this nation deserves; true majority rule by the people, not corporations.

[Doug Giebel commented 2 hours ago](#)

D

Doug Giebel

Montana [2h ago](#)

A central (perhaps the central) question regarding Judge Kavanaugh is related to the oath he swore before the Senate hearing, the same oath he asks those to swear who come before him in his courtroom.

If Judge Kavanaugh is certain he did not conspire with his friend Mr. Judge to kidnap and attack Prof. Blasey Ford, or if he does not recall those vicious actions, why did he repeatedly evade answering questions and repeatedly lie -- while under oath?

The obfuscation and lying would be unnecessary if Judge Kavanaugh were truly innocent. It's the lying under oath for which Republicans excoriated President Clinton. What goes around SHOULD come around.

And if one needs further evidence of Judge Kavanaugh's guilt, it was the shameful process to protect their Judge concocted by the Republican majority.

The lies were required because the truth was the truth.

Doug Giebel, Big Sandy, Montana

[Harold r Berk commented 17 minutes ago](#)

H

Harold r Berk

Ambler, PA [17m ago](#)

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Kavanaugh's raw threat looking at Senate Democrats that "what goes around comes around" will be the basis for recusal motions against him in many cases. He has a choice. He can continue as a partisan hit man or rather rise above his scurrilous threats and actually become an even handed Justice not beholden to the Republican right wing.

The legitimacy of the Court is in the balance. Kavanaugh needs by deeds and actions to erase the vitriol he expressed in his nomination hearing. Writing an Op-Ed in the Wall Street Journal does not cut it. Opinions and votes as a Justice capable of seeing and appreciating the views of others and ruling without partisan bias will be an important test of whether Kavanaugh is just a political hack or a true jurist capable of rising above Trumpism and all its horrors.

[mistah charley, ph.d. commented 34 minutes ago](#)

mistah charley, ph.d.
Maryland [34m ago](#)

@sarah - strangely enough, sworn eyewitness testimony counts as "evidence" - and when such evidence conflicts, it becomes necessary to assess credibility. One witness called for a full and fair objective investigation, which was NOT held - the other did not want one, and his preference prevailed. Who was more credible? Opinions differ - but as Todd Rundgren put it in a song, "People will believe anything."

[Vicki Biggs-Anderson commented 36 minutes ago](#)

V

Vicki Biggs-Anderson
Grand Marais, MN [36m ago](#)

As hard as it was to read, I read every word of Mr Bruni's editorial. And as much as I want to disagree with his conclusions about our three branches of government now being "sickened." by Trumpism, I cannot.

It's just the truth, and if as some say, the truth shall makes us free, but not before it makes us miserable, well then I guess my feelings are right on. Frankly, in my misery on this day, I search for signs that our country will survive this sickness. The one spark of hope I have today came from Senator Amy Klobuchar, (D-MN), whose speech on the Senate floor Thursday was both healing and inspiring. So my thanks to both Mr. Bruni and Sen. Klobuchar.

Truth and vision formed our nation. They can re-form it, even in our darkest hour.

[Shakinspear commented 43 minutes ago](#)

Shakinspear
Amerika [43m ago](#)

The first Supreme Court transgression against Americans was the Bush v. Gore decision that gave Bush the Presidency after he sued for it.

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The second blunder was the "Citizen's United" decision that put our nation's government up for sale. Kennedy wrote it.

The third strike by the Court was when Justice Kennedy retired and his former Law Clerk Kavanaugh was appointed to replace him.

I don't care much for Justice Kennedy.

This is the lowest conduct a Court could have done. Really low.

[Adrienne commented 19 minutes ago](#)

A

Adrienne

Midwest [18m ago](#)

"Most Americans are not where this Senate majority is. They do not support President Trump. They do not approve of relentless partisanship and disregard for the integrity of democratic institutions. And they have the power to call their government to account."

Your last sentence is false. Pretending or hoping this it is true is wishful thinking. We don't have the power to call the government into account, especially now. First of all, the Electoral College ensures people in the less populous states get more of a say and the Citizen's United decision, handed down by Republicans on the Supreme Court, means those with the most money get to speak the loudest.

Please stop promoting the idea that the GOP government actually cares about the citizens.

[Richard McLaughlin commented 2 hours ago](#)

R

Richard McLaughlin

Altoona PA [2h ago](#)

This is the logical extension to the partisanship of the last thirty years. It really will not come as much of a shock to most Americans because it's been building for that long. Almost no one actually expects Justice to be blind anymore. She's wearing 'Google Glasses' under that blindfold.

[Patrick Borunda commented 4 hours ago](#)

Patrick Borunda

Washington [4h ago](#)

@Julia

Justices can be impeached.

But more importantly...a House investigation can reveal facts justifying a federal district court

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prosecutor bringing charges of perjury under oath.

Farm out the incidental pieces of evidence to Maryland, Virginia, and the District...even if Trump tries to pardon Kavanaugh on the the perjury charges, he cannot escape state charges for incidentally related actions.

It's now a war.

[Mike Livingston commented 4 hours ago](#)

M

Mike Livingston

Cheltenham PA [4h ago](#)

Brought conservative, not low. There's a big difference.

[Mark Kessinger commented 6 hours ago](#)

M

Mark Kessinger

New York, NY [6h ago](#)

@Richard Luetgen —I am aware of what the Constitution provides. But when e document doesn't even contemplate the existence of political parties, and when it goez to such length to ensure that no branch of government is without checks on its power, and when the foundong ideal is the right of a people to govern themselves, there is simply no rational argument to ne made in support of the idea thay a partisan majoritybleadrrowould ever ne vested with so much powerto impede a Constitutional process. McConnell does not speak for thw Senate as a whole, and it is to that body as a whole that the role of advice and consent is given. It was an unconstitutional usurpation of power.

[Thomas Zaslavsky commented 6 hours ago](#)

T

Thomas Zaslavsky

Binghamton, N.Y. [6h ago](#)

@Bruce Rozenblit: P.S. Your comment is generally on target, as usual. Thanks for your good sense.

[Alberta Knorr commented 2 hours ago](#)

A

Alberta Knorr

Vermont [2h ago](#)

Totally agree. Simply stated, Kavanaugh failed his job interview. He was scary and abusive. I wouldn't hire him for anything.

[John commented 22 minutes ago](#)

J

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John

Colorado [22m ago](#)

Times Pick

The editorial board has made the same error as Roger Cohen by conflating Kavanaugh with Trump. Read Kavanaugh's D.C. Circuit opinions and you will see, if you aren't as biased as you appear, that he has consistently worked to eliminate politics from judicial analysis. There will not be a resurgence of partisan politics on the Supreme Court because ordinarily there isn't such misbehavior in the first instance except in the eyes of partisans who cannot comprehend objective judging. The media is doing the work of destroying faith and respect in the judiciary. The media seem to think that there must always be a tag line of which president appointed a justice, as if that tells the entire story about the person and the analysis. I did not favor Kavanaugh, but I think you will see, if you are intellectually honest, that he will do the opposite of what you predict. You folks don't understand law and you surely don't understand judging.

[Jake Wagner commented 2 hours ago](#)

J

Jake Wagner

Los Angeles [2h ago](#)

This editorial adds to the division which makes US politics so dysfunctional.

Yes, Kavanaugh will likely be a conservative justice, who opposes abortion on occasion.

But we should remember that the Supreme Court is designed to represent a cross-section of America, not those who are liberal, not those who agree with the NY Times editorial policy.

We should remember that every branch of government makes mistakes, sometimes grievous ones. The sad fact is that the majority is often wrong, and often writes into law beliefs and principles which become antiquated with time.

But there is a virtue to having a modicum of respect for our institutions, even when they take turns we don't agree with.

It is true that Trump is a terrible president, partly because he has little respect for the separation of powers written into the constitution.

But his predecessor Obama also abused executive authority. He tried to provide amnesty to illegal immigrants, when any changes in immigration law should have been subject to negotiations in Congress. The presidency is separate from the courts, so it was improper for Obama to second guess court decisions. He did this in the case of George Zimmerman, making it clear that he thought Zimmerman was guilty in spite of a not guilty verdict.

Liberals criticize Trump, but they blurred the lines themselves when they were in power.

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Liberals should learn to accept defeat and work within the system to make changes they believe in.

[carrobin commented 9 hours ago](#)

c

carrobin

New York [9h ago](#)

@JimVanM What do you mean, "instead of voting"? Hillary got almost 3 million more votes than Trump. The antique Electoral College keeps giving us Republicans instead of the winners. No wonder the Republicans love it.

[Richard Luettgen commented 9 hours ago](#)

Richard Luettgen

New Jersey [9h ago](#)

...

As a Republican, I repeatedly condemned the actions of Mitch McConnell to deny Merrick Garland, a qualified and highly respected jurist as well as the choice of a sitting president, an up-or-down confirmation vote on the floor of the Senate, and even hearings to vet him. However, that offensive partisan if constitutionally valid act does not justify what was done to Kavanaugh by Democrats.

In the interests of America, we should be wishing Brett Kavanaugh a long and inspired life term of service on the U.S. Supreme Court and avidly hope for his wisdom while he serves it.

[Rob Harold commented 2 hours ago](#)

R

Rob Harold

NJ [2h ago](#)

Those who hoped Trump would rise to meet the responsibilities of the office of president have been sorely disappointed. It would be delusional to expect Kavanaugh to be any different.

[sonya commented 2 hours ago](#)

s

sonya

Washington [2h ago](#)

@frisbee He will dismantle Roe piece by piece. And favor the president in the case of serious charges. And rule for big business over labor. Do not be naive - he was picked for these specific reasons, not because of his legal scholarship.

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[Thomas Zaslavsky commented 10 hours ago](#)

T

Thomas Zaslavsky

Binghamton, N.Y. [10h ago](#)

@Kathryn Meyer, I hope by "independent" you don't mean halfway between some degree of decency and moderation (Democrats) and profit-centered suppression (Republicans).

[Kathy Piercy commented 2 hours ago](#)

K

Kathy Piercy

AZ [2h ago](#)

I am 67. I know I won't live to see that day. I cried for 3 days when Trump was elected. I knew full well what was coming. But every policy decision, from denigrating our environment, to locking up immigrant kids and separating families, or nominating Supreme Court justices, are like being assaulted all over again.

[Milton Lewis commented 2 hours ago](#)

M

Milton Lewis

Hamilton Ontario [2h ago](#)

I do not know how he does it but somehow Trump ends up getting his way. Is it time for his detractors (and I am one of those) to acknowledge that the man has some ability. And that if you overlook the taunts, the mocking behavior and his insensitivity to cultural diversity he is achieving his goals. But at what cost to American values? In my view too high a price has been paid to implement his programme. Trump's America is NOT great! And Trump is a global embarrassment.

[Ev Mason commented 2 hours ago](#)

E

Ev Mason

Bayville, New York [2h ago](#)

My sister said it best: The Republicans want to jam their candidate through before the midterms, because they want their candidate on the Supreme Court before the midterm votes remove their power in Congress, before their power passes to a new legislative body voted in by the people. Therefore, they want their candidate on board before the will of the people obviates that selection. Which means their agenda (in their minds anyway) is more important than the will of the people. Unconscionable and unconstitutional. We have become a banana republic.

[TDC commented 2 hours ago](#)

T

TDC

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MI2h ago

It was jarring to see on the replays of the Thomas-Hill hearings several of the same senators still on the judicial committee at the Blasey-Kavanaugh hearings. Perhaps politics should not be a lifelong profession. Too bad rational discussion on congressional term limits rarely, if ever, surfaces.

[common sense advocate commented 2 hours ago](#)

c

common sense advocate

CT2h ago

I wish that these hostile, insulting men were merely "dismissive" of women's sexual assault claims. Does the word "dismissive" include bragging publicly about being an "alumnus" of a teenaged girl's body or grabbing a woman by the pussy? Does it include calling sexual assault victims paid liars, making fun of men who acknowledge they did harass or assault women (instead of lying like Trump exhorts them to)? Does "dismissive" include men screaming about conspiracies and laughing at questions even when they wrote out the answers themselves years ago? Does it include outright lying and humiliation and death threats?

If the worst assault victims will experience with a Kavanaugh court and Trump's hundred some odd federal judge appointments is dismissiveness - we will be unbelievably lucky, like win a billion dollar lottery even though we never bought a lottery ticket lucky.

[Alex commented 2 hours ago](#)

A

Alex

Brooklyn2h ago

West Virginia Democrats better know what to do next. Joe Manchin should be ashamed to look his constituents in the eye.

Collins was predictable, and I hope she has the integrity to resign in disgrace when Kavanaugh allows the right to choose and coverage for preexisting conditions to be undermined.

[RamS commented 2 hours ago](#)

RamS

New York2h ago

@Mark Thomason I disagree. It wasn't the same with Gorusch. Because he had no skeletons in his closet, not because of who he was replacing. If someone had come up with allegations against Gorusch, you bet the same scenario would've happened, as it did for Thomas. So aside from Thomas and Kavanaugh, no one else was treated in this manner.

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[J. Waddell commented 13 minutes ago](#)

J

J. Waddell

Columbus, OH [13m ago](#)

Times Pick

Susan Collins gave an excellent summary of why Kavanaugh should be confirmed. I note the NYT didn't dare attack her and kept their focus on Trump.

I only wish the NYT had been as tough on Clinton as they were on Kavanaugh. Clinton unquestionably broke the law. (Merely setting up a private communications system without proper approval violates FOIA requirements.) Her dissembling about the cause of the Benghazi attack when she knew the truth almost immediately after the fact, the use of the Clinton Foundation as a sinecure for campaign aides and a conduit for influence buying, and other unethical if not illegal actions are why Trump won. Had the NYT been tougher on her early on, the Democrats might have nominated someone who could have beaten Trump. (e.g. almost anyone else.)

[Didier commented 5 minutes ago](#)

Didier

Charleston, WV [5m ago](#)

Times Pick

Our country has been torn apart by the Citizens United opinion.

It is now time to abandon any hope that we can take our country back without electing representatives to support the ratification of a constitutional amendment overturning it.

Rich, white men with dark money have taken over our country by controlling the messages heard by the electorate, and the evil that is represented by Donald Trump and Brett Kavanaugh will only grow until we return the First Amendment to the people.

[Richard Blaine commented 18 minutes ago](#)

R

Richard Blaine

Not NYC [18m ago](#)

"Most Americans are not where this Senate majority is. They do not support President Trump. They do not approve of relentless partisanship and disregard for the integrity of democratic institutions. And they have the power to call their government to account."

.

The entire world wants an end to Donald Trump and Mitch McConnell.

.

Yet Democrats seem to be getting ahead of themselves, once again.

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The polls in the last two weeks have shown a very rapid and strong shift to the Republicans. The Democrats may still win the overall vote, but they may well not win a majority of seats in the House of Representatives.

Elections aren't won until the votes are counted.

If things keep going this way, the Democrats may find themselves very disappointed on the morning of November 7.

[Bevan Davies commented 25 minutes ago](#)

Bevan Davies
Kennebunk, ME [25m ago](#)

With every Trump victory, we move closer to a very real crisis of democracy. And it will take decades to reverse the damage he has done and continues to do.

Senator Collins' clever speech did nothing to address the many issues liable to come before the Court: climate change and attacks on air and water pollution; voting rights and assaults on a citizen's right to express his or her opinions via the ballot box; attacks on the legitimate designation of public lands as National Parks, and many others.

And the questions of legitimacy of the court based on population are very important, too. Now, there will be questions surrounding this court for a long time. A Trump victory, indeed.

[Oscar Lee commented 29 minutes ago](#)

O
Oscar Lee
PA [29m ago](#)

I didn't vote for Trump two years ago, and I disagree with many of his policy, needless to say about his integrity or character. However, he is our president nevertheless. And even he loses the popular vote, he is our legitimate president under the constitution, and hereby has every right to nominate the justice for the SCOTUS. Don't let our political opinion undermines our institution. Let us not forget the limits of executive power, it is still up to the congress to decide, and don't blame Trump for a republican congress.

[B. Windrip commented 19 minutes ago](#)

B
B. Windrip
MO [19m ago](#)

So let's review. We have a president "elected" by a minority of voters. He is under investigation for obstruction of justice and possible conspiracy against his own country. He nominates a judge

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credibly accused of sexual assault to serve on the Supreme Court. That judge happens to have the highly unusual belief that a Republican president is virtually above the law while in office. After a sham investigation, the judge is about to be confirmed by Senators representing an even smaller minority of the population. He will join other judges placed on the Court in a similarly undemocratic manner to create a majority whose views drastically diverge from a most of the population. And we claim to be a democracy.

[DBA commented 19 minutes ago](#)

D

DBA

Liberty, MO [19m ago](#)

So what now? This nation will be infected. I still cannot believe Senator Collins could be hoodwinked like this. Either that, or she's been lying to everyone, because she blamed her decision on the case that was made against Kavanaugh, and ignored his lack of character and demeanor. He's unfit to serve on the court, and as others have said, our country is now heading further down the rabbit hole known as the Trump administration. Our only recourse is to vote them out. We're still be stuck with this court, but hopefully John Roberts will awaken and realize that he needs to provide a leavening influence for a change.

[Rich Pein commented 38 minutes ago](#)

R

Rich Pein

La Crosse Wi [38m ago](#)

One solution to the problem of our unrepresentative government is to act locally. Do not just vote. Go to city council meetings, county board meetings, and town meetings. Find out what is being proposed and then make your opinion known to your local representatives. Get involved locally. It works.

Another solution to our shared problem is to actively listen to the folks who disagree with you. Find ways to talk to each other. Listen, think and then speak. If you do not understand, then listen more.

[Mike Wilson commented 41 minutes ago](#)

M

Mike Wilson

Lawrenceville, NJ [41m ago](#)

The conservatives have packed SCOTAS and thereby created a monopoly government. They are, however, in the minority and becoming more so every day. So, the only way for the people to have their voice heard is to join together, that is, we must learn to be citizens and work together toward a democracy that is of, by, and for us. Otherwise we will continue to march further and further into oligarchy, puppets of a conservative rule.

[FJG commented 1 hour ago](#)

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F

FJG

Sarasota, Fl. [1h ago](#)

Today I viewed a picture of the Supreme Court building, and I was overwhelmed with a lingering despair.

[AT commented 19 minutes ago](#)

A

AT

New York [19m ago](#)

What The NY Times doesn't say, when it continually reports to us that we are a nation divided is that we aren't divided in half. The Republican senate, while there may be more of them in office, they represent less Americans than Democrats. There are less Republicans in the country, but the way our government was set up, to give rural voices a fair share of governmental control, they now have more power, more voice than city dwellers. I wish this was reported more. Our despair would lessen some. There are millions of people who want Roe overturned, I understand that. Just as there are millions of Americans who are Trumpites. But they are not half of the population. More Americans agree on gun control and fair immigration policies than don't. The party in power now, the party that will put an aggressive, partisan, accused sexual predator onto the Supreme Court, does not represent half the country. They have gerrymandered themselves into a position of complete power. They fired up their base when Barack Obama was elected. There was racism in this Republican Party, that was there long before Trump. There is blatant misogyny. And it is a party committed to deregulation that will be so thorough, I'm not sure there will be green spaces left when they're done. But they do not represent half the country. Millions of Americans are outraged and energized. We should have seen this coming. We should have woken up sooner. But we're woke now. And we are not afraid.

[Olin Joynton commented 1 hour ago](#)

O

Olin Joynton

Ludington, MI [1h ago](#)

In a big picture way, the spectacle was not degrading but rather something in which we should take pride. It would not have played out so openly in many countries where the media are muffled and the outspoken are jailed. The price of liberty is confrontation with much we find repugnant, and liberty is well worth that price.

[cover-story commented 19 minutes ago](#)

c

cover-story

CA [19m ago](#)

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While this is an appropriate editorial on this dark day, I continue to be concerned the Editorial Board is not sufficiently concerned about the power of the donor class to influence Mitch McConnell's behaviors . Afterall, all indications are the donor class wrote the tax bill, not the Senators. Many in the Republican big donor class desire second only to tax breaks for serious get my corporation as much above above the law as possible. This new court can help a great deal with that.

My belief is the NY Times, and until recently Paul Krugman, will not be able to fully discuss solutions until they more fully understand the Republican billionaire donor class in detail. With Kavanaugh on the court knowledge may be power in protecting American journalism.

[RDeYoung commented 19 minutes ago](#)

R

RDeYoung

Kalamazoo, Mi. [19m ago](#)

Sorry Mr. Chief Justice, but the Roberts Court has been supplanted by the Brett-Bart Court....so much for that legacy.

[Yulia Berkovitz commented 18 minutes ago](#)

Y

Yulia Berkovitz

NYC [18m ago](#)

The liberals are bent on destroying Our Country. I just want them to know that tens of millions of us - the silent majority - are watching, and we are making up our minds for generations to support the Republican cause. I used to call myself independent. The vicious spectacle in which the Dems were ready to destroy an honest man for a political gain by any means necessary has put me firmly on the right.

[Stan Nadel commented 2 hours ago](#)

S

Stan Nadel

Salzburg [2h ago](#)

Kavanaugh should be charged with perjury and jailed, and if the Democrats get enough power they should expand the Supreme Court to 15 and appoint new justices to counter balance the Republican packed court. Any complaints about that being political can't be taken seriously now.

[Gordon Alderink commented 2 hours ago](#)

G

Gordon Alderink

Grand Rapids, MI [2h ago](#)

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Hopefully, reckoning for McConnell et al will be realized in November. If it is true that the majority of Americans are opposed to the draconian policies/actions/choices of Mr. Trump and the unethical actions of McConnell, then we can begin to change the direction with our vote.

[Gail Cammero Reilly commented 2 hours ago](#)

G

Gail Cammero Reilly

Haddon Heights, NJ 08035 [2h ago](#)

When Judge Kavanaugh was nominated, I did not support his confirmation to the court, primarily because of his inclinations on religious liberty, executive power, and too much political juice. He seemed vulnerable to excessive scrutiny and a risk to the court's stability. Pairing him with Trump, is one example.

Now that he is about to be confirmed, when does the assertion he's "credibly accused of sexual assault" stop? Adding that he shows "dishonesty, shamelessness, self-pity, and indifference to women's fears" does not make it true. Kavanaugh may serve another 30 or 40 years, but two of the current justices are over age 80 - a seat will be opening sooner than later. Stoking fear about Roe v Wade being reversed and ignoring Planned Parenthood v Casey denies readers pertinent facts - and insights. Kavanaugh may, instead, be the vote that sends abortion rights back to the states.

Does Kavanaugh's tirade indicate he lacks judicial temperament or a man who reacted badly to public evisceration? How can I rely on a venerable news organization to answer with facts?

[Alan R Brock commented 2 hours ago](#)

Alan R Brock

Richmond VA [2h ago](#)

I believe that this latest scorched-earth McConnell "victory" could be short-lived. There are substantial grounds and clear evidence of perjury sufficient for a Democratically controlled Congress to impeach and remove justice Kavanaugh.

I am beyond sick and tired of Mitch McConnell's bad faith antics and the intellectual dishonesty of his Republican cohorts. This nonsense needs to end. We do not have to tolerate justice Kavanaugh for the next several decades. Enough!

[Patrick Borunda commented 2 hours ago](#)

Patrick Borunda

Washington [2h ago](#)

One chapter closes but the story certainly is to be continued.

I agree with Edward Allen from the Spokane Valley here in Washington State. If (now when) confirmed, Kavanaugh will be impeached. I will go further and say that he will be charged and

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convicted of perjury. He has no protection against a charge brought for an action he took prior to confirmation. In that case, the senate vote is immaterial.

He may have a seat but the GOP cannot stop the Fourth Estate from doing the investigation that the FBI could/did not do. The positions taken by law school faculty, the ABA and Justice Stevens are not going to go away and will be revived at every re-telling of this sordid tale. Kavanaugh is a pariah among his peers. I suspect there will be an upshot of amicus curiae briefs in case involving progressive causes and Democratic Party pleadings. "Contentious" doesn't scratch the surface.

In the meanwhile, I am looking forward to the reaction of the other Justices when Blackout Brett is in the minority on a decision; how do you suppose his primal scream dissent is going to go over? How dare the other Justices question his judgment? They have no right! After all...he was the captain of his basketball team!

[Barbara commented 7 hours ago](#)

B

Barbara

Connecticut [7h ago](#)

@Vexations

But would Murkowski have voted no if she did not have the cover of her two colleagues, Flake and Collins, voting yes so that her vote was not the deciding vote against Kavanaugh? A win win for her—she voted her constituency, which will help her reelection campaign, and she did not destroy the Republican pick for the Court.

[D commented 7 hours ago](#)

D

D

Chicago [7h ago](#)

@Jonquil

That means Murkowski did her job, which is to represent her constituents. Finally a politician doing the job she was elected to do.

Seeing her talk, she seemed genuine, unlike the overly prepared research paper Collins had. There was nothing extemporaneous about Collins' talk, which goes to show she had her mind made up a long time ago if she needed to prove her points.

[alan brown commented 2 hours ago](#)

a

alan brown

manhattan [2h ago](#)

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When one side loses it often predicts doom. Justice Kavanaugh, if he is confirmed, has yet to write a single opinion on the high court but, as in this editorial, he continues to be vilified. Reference was made to the Constitution but the nation elected Trump President, the Constitution confers on him the right to nominate Supreme Court judges and the Senate must advise and consent. All of these requirements were fulfilled and we remain a constitutional republic. Democrats will have their day, perhaps as soon as this November but it is certain that that day will come. In the meantime everyone should dial down the bitterness and division which the vast majority of the nation finds repellent. But are we capable of that? Great empires and democracies (Rome, Greece) have faltered and fallen. We can't allow that to happen here.

[Christian Haesemeyer commented 18 minutes ago](#)

C

Christian Haesemeyer

Melbourne [18m ago](#)

I think the rest of us must go whatever we can to trash this court's reputation, and to circumvent or refuse to implement its decisions (eg if Roe v Wade is overturned and abortion rights revert to states, CA and other pro-choice states can make abortion free for women from all states, and even pay their travel costs).

[Daniel Tobias commented 19 minutes ago](#)

Daniel Tobias

NY [19m ago](#)

Advice for People in a toxic relationship with their government

"We hold these truths to be self-evident, that all Persons are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness. — That to secure these rights, Governments are instituted among Persons, *deriving their just powers from the CONSENT of the governed*, — That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness. Prudence, indeed, will dictate that Governments long established should not be changed for light and transient causes; and accordingly all experience hath shewn that mankind are more disposed to suffer, while evils are sufferable than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same Object evinces a design to reduce them under absolute Despotism, it is their right, it is their duty, to throw off such Government, and to provide new Guards for their future security. — Such has been the patient sufferance of these Colonies; and such is now the necessity which constrains them to alter their former Systems of Government."

[Phil commented 2 hours ago](#)

P

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Phil

NJ [2h ago](#)

@Robert

Very true. I feel one party has been bought by that 1%. So now corporations are people! And they have gerrymandered and gamed the system.

[Hank commented 5 minutes ago](#)

H

Hank

Port Orange [5m ago](#)

As a moderate lifelong Republican I will not vote for a Republican ever again.

[Ross commented 2 hours ago](#)

R

Ross

Vermont [2h ago](#)

Surely, vote, but if all that is offered are worthless, milquetoast corporate democrats, don't expect much to change. Obama is wrong. Find a candidate who inspires you. Just possibly, that person will deliver what we've needed for decades.

[jg commented 2 hours ago](#)

j

jg

Bedford, ny [2h ago](#)

Bravo to our neighbor and friend to the north. I don't often recommend comments from people outside the country with prescriptions...even when I agree. But this suggestion to the Democratic Party is spot on. Perhaps you can move down here to work for us!

[LarryGr commented 2 hours ago](#)

L

LarryGr

Mt. Laurel NJ [2h ago](#)

Sorry, there were no, zero, nil credible accusations of sexual assault against Kavanaugh. This premise was laid to waste by evidence and facts.

Just because you want the accusations to be true does not mean they are true.

I do fear the reaction of the unglued left if Trump nominates Amy Coney Meyers to replace a

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retiring Breyer or Ginsberg. There will be a level of misogyny from the left that this country has never seen before.

[NYer commented 2 hours ago](#)

N

NYer

NYC[2h ago](#)

"Don't let Donald Trump and Brett Kavanaugh have the last word about American justice."?

They ALREADY HAVE had the last word! Another sleazy Trump corruption of our government, now tainting the Supreme Court too.

The counter-measures outlined in this editorial are really pathetic too, I have to say. The Times still doesn't seem to get it -- while it -- and many of us in the nation --were hoping that somehow our system of government would withstand the onslaught of Trump and hie gang, it has REPEATEDLY failed to do so. Travesties of "justice" can now flow freely from the Supreme Court.

"That was a clever gambit, though it had the downside of risking the credibility of the American legal system"

The REAL point is the McConnell and the Republicans have cared more about power and control than the "credibility" of the government for the last ten years or more. Well, now they've won, corruption is rampant, and our government has lost the last fig-leaf of credibility. Who has any faith in the Congress, the Presidency, our "justice" system, or our government overall at this point?

[Ronald B. Duke commented 2 hours ago](#)

R

Ronald B. Duke

Oakbrook Terrace, IL[2h ago](#)

The real disgrace to our nation is the behavior of the left. Their goal, their final stratagem in defeat, is to delegitimize the constitution, our governing institutions, and the electoral process, because they have lost control of these and the game is no longer working for them. America is returning to its roots as an individualistic economic society powered by self-responsibility and hard work; it will not become the ideologically driven European-style socialist administrative state favored by the left.

[JimVanM commented 10 hours ago](#)

J

JimVanM

Virginia[10h ago](#)

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@A Wells

The right is winning by exercising the constitutional levers put in place by the founding fathers. Those on the left are getting more and more hysterical instead of voting. In November if the right wins again at the ballot box will the left congratulate the right or continue to claim foul? I am a moderate Republican, and by no means proud of the hardball of the right, but I am old enough to remember the left playing similar hardball.

[M. commented 2 hours ago](#)

M

M.

California [2h ago](#)

The undemocratic nature of Republicans' more recent wins, with a minority of the vote, called for humility and modest governance. Instead, they smash and grab what they can. This is profoundly unwise. When the majority sees its will subverted repeatedly by those who game the system, when the leaders' petty criminality and lies go unpunished (and libel like claiming protestors are paid hardly even gets mentioned), the people lose faith in our Republic. We see our leaders for the despots they have become. I would not be surprised if changes start happening outside the peaceful mechanisms designed into the Constitution--violent mobs, assassinations, and the like, which would be absolutely disastrous for the nation.

[Ron commented 2 hours ago](#)

R

Ron

Virginia [2h ago](#)

If you want to find the dirtiest hands in this mess. You don't have to look further than Feinstein. She had the letter for months before the confirmation hearings but said nothing. She had it when she interviewed Kavanaugh but said nothing. At the same time, smidges leaked out. She denies it was her, but this letter was in her sole possession. Who else? If she really thought the accusation were credible she would have brought it out earlier. She could bring it out the first day of the hearing but didn't. Instead, she played politics with it. There was plenty of time to investigate. But she waited until the hearing were over to drop it on the nation after the hearings were over. She was willing to destroy a man and his family to get a political agenda across. She probably expected him to fold rather than fight. As one NYT contributor wrote, "For Once, I'm Grateful for Trump". They didn't give up. As the testimony took place, it became clear that there was no corroboration. Even her own best friend denied Fords statement about her knowledge of the event and Ford didn't tell about it either. Feinstein used Ford. Then she and other Democrats demanded an FBI investigation. They got what they asked for but not what they wanted. Senator Collins was right. We cannot give up the assumption of innocence. That was exactly what Feinstein was counting on happening

[ManhattanWilliam commented 2 hours ago](#)

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ManhattanWilliam
New York, NY [2h ago](#)

Alas, that the Editorial Board is too optimistic in it's assessment of the American voting public. Strictly speaking the Republicans in Congress don't command a plurality of the population but far too many DO support these vile, corrupt and immoral politicians currently in control of our Federal Government. I could rail against Sen. Collins, whom I had respected for most of her career by saying that she sold out on her vow regarding ROE. Saying that she discussed this with Kavanaugh TODAY and he gave her "assurances" is ridiculous. Anyway, laying the blame for all this horror at the feet of one person, even Mr. Trump, is simplistic. Plainly put, this county is SICK AT HEART. The ties that previously bound us together, however tenuously, are broken. Can we just say that a native Manhattanite has more in common with the man in the moon than the citizens of Alabama, Mississippi or Kentucky. Once the mid-terms are over things will clarify more and possibly even become more fractious. Am I the only person who's begun to think about other ways out of this disaster? Some sort of federation of 2 or 3 republics, linked economically and with common defense but with separate legislative, social and judicial systems? Our current federal system has proven inadequate to satisfy the divergent views currently tearing us apart. I don't have 40 years left to suffer under injudicious opinions from a Justice Kavanaugh. WHO, I ask, will lead us out of the darkness into the sunlight?