

# Not a gray-area claim against judge

If true, the sexual assault claim against Kavanaugh should be disqualifying



Cathy Young

If the presidency of Donald Trump were a fictional drama, the last-minute emergence of sexual assault charges that may derail the Supreme Court confirmation of Judge Brett Kavanaugh would be a perfect twist.

Many religious conservatives have thrown in their lot with Trump, despite numerous allegations of sexual misconduct against him, in large part because they count on him to give them a solid majority on the high court. Now, the battle for the Supreme Court could become the site of Trump's most humiliating failure.

But, of course, this isn't fiction. It's a real-life conflict that involves two actual people and life-altering accusations whose veracity is extremely difficult to establish.

When the substance of the accusation first became known late last week, one could argue

that both the anonymity of the accuser and the lack of specific detail made it impossible to investigate. But now, research psychologist Christine Blasey Ford has come forward to tell her troubling story.

According to Ford, when she was 15, 17-year-old Kavanaugh and a classmate (since identified as writer Mark Judge) attacked her at a party in a suburban Maryland home. Ford says that when was on her way to an upstairs bathroom, the highly inebriated boys pushed her into a bedroom, locked the door and played loud music to stop her from calling for help. She says that Kavanaugh pinned her down and tried to undress her, and that she believes he would have raped her if Judge had not jumped on the bed, allowing her to escape in the melee.

Ford did not tell anyone at the time. But her husband, whom she married in 2002, confirms that she told him early on she had been a victim of assault. In 2012, she discussed the incident in couples therapy; while the therapist's notes do not contain



AP/J. SCOTT APPLEWHITE

Supreme Court nominee Brett Kavanaugh has denied sexual assault allegations by a California research psychologist.

names, her husband says she mentioned Kavanaugh as one of her attackers.

Both Kavanaugh and Judge have categorically denied the allegation. So far, no other women have accused Kavanaugh of impropriety.

What to make of the story so far? It is important to note that what Ford alleges is not a gray-area encounter where the lines between consent and coercion

are blurred, but a violent attack. Dismissing it as "loutish behavior," as some conservatives have done, is wrong — and I say this as someone who has criticized feminist attempts to conflate loutish behavior with rape.

But there is also much we don't know. Ford has told The Washington Post that she came to terms with the trauma caused by the attack after going through

psychotherapy. Were there elements of "recovered memory" in this process? It's possible that the real-life incident was more ambiguous than Ford now recalls, and that the therapy influenced her memories.

It is also entirely possible that the incident happened, and that Kavanaugh is telling the truth when he says he doesn't remember it; intoxication will do that.

If true, the accusation should be disqualifying. One can argue that even a terrible act by a drunk 17-year-old, whether it's a sexual assault or a car accident that causes severe injury, should not destroy his life. But it's appropriate to have a very high standard for a lifetime seat on the Supreme Court.

Yet even a thorough investigation may never establish the truth. There may be poetic justice in the fact that a key political battle of the Trump era comes down to an accusation of sexual assault. And yet this story also illustrates the difficulty of doing justice to all when handling such accusations.

Cathy Young is a contributing editor to Reason magazine.



Gov. Andrew M. Cuomo speaks during a news conference last week.

And it is not unusual to see the clock displaying the wrong time for weeks.

Jurisdictional issues? Maybe the governor can figure them out and fix the 34th Street entry and exit, way before the 33rd Street one is completed.

John Minogue, Manhasset

## Controversy over SCOTUS nomination

I am not professing that I am for or against the confirmation of Judge Brett Kavanaugh to the Supreme Court. However, since the chair of the Judiciary Committee has focused on it, I

would like to see all male and female members of Congress investigated to see whether they did anything sexually inappropriate in high school. Remember, let he who is without sin cast the first stone.

Robert Damato, Floral Park

A Newsday reader had to "applaud Fred Guttenberg," who tried to shake the hand of Supreme Court nominee Brett Kavanaugh ["High, low moments in SCOTUS hearing, Letters, Sept. 14]. I ask, why applaud him?

I would not know Guttenberg if he approached me and tried to shake my hand. I doubt if too many people would know Guttenberg without a proper introduction. It is sad that the Newsday reader did not recognize Guttenberg's action for the political stunt it was. Guttenberg, whose daughter was killed in the Parkland, Florida, school shooting

was really there to help the left's agenda, and for that reason, should be admonished for exploiting his daughter's memory in a political circus.

Guttenberg was just part of the show orchestrated a handful of Democrat senators, including Cory Booker and Diane Feinstein, who have lost all sense of decency.

Dan Martin, Babylon

Our nation has sunk to a new low where reasonable dialogue and difference of opinion is no longer tolerable.

At the hearing for the Supreme Court nominee, the leftist activists took to communistic tactics to disrupt the session even before the questioning of the nominee began ["A raucous first day at Kavanaugh hearing," News, Sept. 5]. It is a sad day for what used to be a democratic republic with respect for the freedom of speech

and the sharing of opinion.

Joseph Rusczyk, Kings Park

## Can I get my own Suffolk IDA break?

It seems as if every day I read of a business looking for a tax break on the promise of hiring a few employees and keeping them employed for a set number of years ["Warehouse developer wants help, LI Business, Sept. 13].

I'm wondering, if I let Suffolk County know I will continue to live here and spend most of my wages in this county, instead of moving to the South, would it agree to cut my property taxes? I need a personal IDA tax break!

Laura Smith, Centereach

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