



Opinion

OPINION | REBECCA G. PONTIKES

What Kavanaugh's testimony tells us about the kind of justice he would be



ERIC BARADAT/AFP/GETTY IMAGES

Activists march against Supreme Court nominee Brett Kavanaugh in Washington on Friday.

By **Rebecca G. Pontikes** | SEPTEMBER 28, 2018

that he was demeaning his accuser, that was precisely what he was doing.

In his testimony, Kavanaugh pointed repeatedly to a statement from Mark Judge as adequate evidence to support his innocence. But that statement was from Judge's lawyer, and the evidence that could have fleshed out the merits was largely excluded. Yet Kavanaugh insisted over and over that the committee should do its investigation based upon the evidence it had, implying that he thought it had adequate evidence to make its assessment of his fitness to be a judge.

The lack of an FBI investigation and direct statements from Judge raises troubling questions about Kavanaugh's views on inequities of power. If the reliance on a secondhand statement from Judge's lawyer — with no testimony from Judge himself — is what Kavanaugh thinks is an adequate basis upon which to make a decision, he leaves troubling questions about whether he will fairly act as a gatekeeper to send discrimination claims to trial, or any claim based upon circumstantial evidence where the parties have disproportionate access to the important information. I cannot see how he will ever view a circumstantial evidence case of discrimination or sexual harassment as having enough merit to get to a trial, the arena where employers can truly be held accountable. His presentation before the Judiciary Committee suggests that he will be arrogant and dismissive of claims he deems unworthy, making it particularly disturbing that Ford's claims are about gender-based violence.

Kavanaugh seeks to be a judge on the highest court in the nation, a position that will give him significant power to shape the law, affecting the lives of many people. But everything in his performance before the Judiciary Committee shows him to be unfit to serve on the highest bench in the land.

Rebecca G. Pontikes is an employment attorney who practices at Pontikes Law LLC, www.pontikeslawllc.com, in Boston.

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