

Impeaching Kavanaugh rouses progressive Democrats after confirmation

Nadler offered more detail in an [interview](#) with The New York Times, saying a Democratic Congress would probably move quickly to subpoena records from the White House and the FBI relating to their background investigation into Kavanaugh, and that it would consider interviewing [dozens of potential witnesses](#) whom the FBI did not.

Meanwhile, 40 members of the Congressional Progressive Caucus, which speaks for the left flank of House Democrats, sent [a letter](#) to Trump last week suggesting Kavanaugh's impeachment could be the outcome of further investigation.

"If a careful examination of the entire scope of his legal history — thus far withheld from the Senate — demonstrates that Mr. Kavanaugh lied under oath, the constitutionally prescribed remedy would be impeachment proceedings," the lawmakers wrote.

Even House Minority Leader Nancy Pelosi, D-Calif., who has aggressively tamped down talk of impeaching President Donald Trump inside her caucus, has not closed the door on going after Kavanaugh, though she said it "would not be my plan."

Many Trump allies now take it for granted that Democrats will try to bring down not only Kavanaugh but the president if a blue wave materializes in November.

"This is absolutely a scrimmage for impeachment," said Michael Caputo, a former Trump campaign adviser. "I believe they will try to impeach Brett Kavanaugh, I believe they will try to impeach President Trump."

But many liberals think impeaching Kavanaugh, or even talking about it, is not only bad politics, but dangerous for democracy.

"That is not happening anytime soon," said Jim Manley, a former aide to Harry Reid, the former Democratic Senate leader. "I really wish folks would stop this talk of impeaching Kavanaugh and keep the focus on where it belongs" — the midterm elections.

Chase, who was appointed by President George Washington, was acquitted by the Senate on charges that involved his conduct as a trial judge in lower courts and he remained on the Supreme Court until his death seven years later. The outcome would likely be similar for any attempt to impeach Kavanaugh.

Portrait Of Samuel Chase

Engraved portrait of Samuel Chase (1741-1811), early 19th Century. Chase served as an Associate Justice of the United States Supreme Court from 1796 to 1811 and is the only Justice to be impeached, although he was acquitted by the Senate and remained on the court. Stock Montage / Getty Images

While it takes majority of the House to impeach a federal official, kicking them out of

office requires a two-thirds supermajority of the Senate, or 67 votes. Even if Democrats beat the odds and manage to win control of the Senate in November, they would need to find a large number of Republican senators to join them in taking the historically unprecedented action of removing a sitting Supreme Court justice.

That's why even many progressive opinion leaders are urging liberal voters not to invest energy or hope in what Mother Jones magazine calls a "[liberal fantasy](#)."

Worse still, warned Jonathan Turley, a prominent liberal legal scholar, impeaching Kavanaugh would set a dangerous precedent that either party could use to alter the balance of power on the court for political reasons.

"This is a terribly reckless idea for the Democrats to pursue," said Turley, a professor at George Washington University's Law School. "If we start to impeach justices based on shifting congressional majorities then we'll reduce ourselves to the level of Robespierre."

Judicial impeachments are rare for a reason, Turley noted, and they're designed to address misconduct while on the bench, not actions before judges are sworn in, as is the case with the charges against Kavanaugh.

Only 15 federal judges have been impeached and eight were convicted by the Senate, [according](#) to the historian of the House of Representatives. A handful of others have resigned under threat of impeachment, including former Supreme Court Justice Abe Fortas, who stepped down in 1969 after it was revealed that he accepted payments from a friend under federal investigation.

Even liberal mega-donor Tom Steyer, who has spent \$50 million on an effort pushing for Trump's Impeachment, is not throwing his weight or money behind the Kavanaugh removal effort.

"I don't think we are headed in that direction at this point," said Alberto Lammers, a spokesperson for Steyer's Need to Impeach effort against Trump. "We are focused on the midterm elections."