



Written by [R. Cort Kirkwood](#) on February 11, 2019

Fairfax Impeachment Unlikely as Delegate Backs Off, Accusers Ready to Testify

The Virginia delegate who asserted he would introduce impeachment articles against Lieutenant Governor Justin Fairfax, who is grappling with two accusations of sex assault, has put his plans on hold.

Delegate Patrick Hope, of Arlington, [who loudly](#) stated that he would file an impeachment bill today if Fairfax did not resign, says “additional conversations” are needed.



Hope might have realized that while calling for impeachment is mighty fine virtue signalling, it might not actually work out. Problem is, the accusations involve crimes that, even if Fairfax committed them, occurred long before he became lieutenant governor, and thus, are not impeachable offenses.

Fairfax faces two disturbing accusations. Vanessa Tyson, a professor at Stanford University, [claims that](#) he forced her to perform oral sex in a hotel room during the Democratic National Convention in Boston in 2004.

Fairfax admitted to a consensual assignation with Tyson but denies he forced himself on her.

[Meredith Watson claims](#) Fairfax raped her while they were students at Duke University in 2000.

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Impeachment Unlikely

The impeachment resolution, the [Washington Post reported](#), says the members of the House of Delegates, where such proceedings are initiated, believe the women:

Whereas the House of Delegates believes all allegations of sexual assault must be taken with the utmost seriousness; and whereas the House of Delegates believes the allegations made by Dr. Vanessa Tyson and Ms. Meredith Watson to be credible in nature, while also respecting the principles of due process; now, therefore, be it resolved by the House of Delegates that proceedings for the impeachment of Lieutenant Governor Justin E. Fairfax shall be initiated.

But Hope has, apparently, backed off, at least according to his Twitter account. “There has been an enormous amount of sincere and thoughtful feedback which has led to additional conversations that need to take place before anything is filed,” [he wrote](#).

“We owe it to all parties involved — especially the victims,” he wrote, “to make sure that we have thought through every option the General Assembly has. That’s what these conversations are for — so we can build more consensus on a path forward.”

Of course, Hope wrote, “I believe Dr. Vanessa Tyson and Meredith Watson. I promise that my work on this issue will be tireless until we have a process and outcome that treats these women with the respect they deserve going forward.”

Most likely, Hope ran into the state constitution, which says impeachment is a remedy for “malfeasance



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in office, corruption, neglect of duty, or other high crime or misdemeanor.” Virginia State [Senator Dick Saslaw told](#) the *Post* that “impeachment implies high crimes and misdemeanors while you are in office, that’s what it’s for.”

Fairfax refuses to resign. His spokeswoman, the *Post* reported, said he is “aggressively exploring options for a thorough, independent, and impartial investigation of these allegations” by the FBI, and that Fairfax is “is confident in the truth that will emerge” once that investigation has concluded.

Willing to Testify

Meanwhile, the two accusers, [NBC reported](#), say they will willingly testify for an impeachment. Vanessa Tyson, the first of the two, is “fully prepared” to accuse Fairfax, [her lawyers wrote](#) in a prepared statement.

“We are confident that once the Virginia legislature hears Dr. Tysons’ harrowing account of the sexual assault, the testimony of many corroborating witnesses, and evidence of his attempts to mislead the public about the *Washington Post’s* decision not to run the story in 2018, it will conclude that he lacks the character, fitness and credibility to serve in any capacity.”

The statement said “he is attempting to mislead the public by volunteering to submit to an investigation by the FBI, which has no jurisdiction in this matter.”

True perhaps, but her lawyers at Katz, Marshall & Banks should know the Virginia legislature likely doesn’t have the power to impeach.

Anyway, Nancy Erika Smith, the attorney for accuser Number 2, said likewise, [NBC reported](#). “We will provide at least two witnesses whom Ms. Watson told of the assault the day after Fairfax raped her,” she said. “We will also produce documentary evidence of Ms. Watson revealing to others the fact that Fairfax raped her.”

Other Problems

All three of Virginia’s top officials are under fire. Fairfax was set to take office had Governor Ralph Northam resigned because of the now-famous blackface photos in his yearbook from medical school, which Northam first admitted, then denied, are him. Those photos inspired Attorney General Mark Herring to say Northam must step down, but then Herring admitted a similar transgression.

None of the three, apparently, has any intention of quitting.

As damaging as the blackface and sex scandals are, they did get the Democratic Party’s [advocacy of infanticide](#) off the front pages.

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