

**The Problematic Nature of Ad-Hominem Attacks in the Digital Age**

**Brigitta Borinstein**

Brigitta Borinstein graduated with honors and distinction from the Virginia Military Institute (VMI) in 2019 with a major in International Studies and Political Science and a minor in National Security. While a cadet at VMI, Brigitta participated in school-wide ROTC requirements, ran Division 1 track and field, and held a number of leadership positions within the cadet military system. Her summers between semesters included time spent learning Arabic in Amman, Jordan, and internships. In the absence of challenging professional opportunities in the Camp Lejeune area, Brigitta channeled her enthusiasm for guiding others towards healthier lifestyles by building her own business underneath the umbrella of Arbonne International, a health and wellness company. Simultaneously, she launched a podcast specific to young women seeking additional personal and professional leadership development, and does freelance podcast editing as well. Brigitta currently lives in Jacksonville, North Carolina with her husband, who is stationed at Camp Lejeune.

## Introduction

Premature public perception stimulates the widespread shaming and job dismissal seen in the current social environment. Although people are increasingly learning to question the truth, information is manipulated and filtered for many different motivators. This often results in a misperception of events based on limited context and, oftentimes, job dismissal that is becoming more and more commonplace.

In light of how complicated this issue is, the solution seems to be found in an idea of social due process.<sup>1</sup> This is an ideal state in which individuals in society learn to recognize how widespread misinformation or misleading information is and scrutinize their own sources before drawing conclusions. There must be an allowance for an unbiased investigation to occur not only before people are fired, but also before the public treats a false narrative as fact.

This issue of people getting fired or publicly shamed on the basis of public perception has a number of root causes, none of which is solely responsible for the issues we are facing, but all of which contribute to a certain degree. Among contributing factors are social media, which give a platform of publicity to anyone without need for credibility. Incentivizing that platform is the increased pressure felt by more traditional newspaper and news outlets to compete with social media. This competition drives a desire to embellish writers to make their headlines more gripping and sensational. Both reporters and social media “reporters” publish at a speed that far outpaces the speed of any thorough investigation into claims made against the character and conduct of an organization or individual. As a result of this speed and the knee-jerk, impatient reactions by the public, actions are made to punish individuals before investigations are finished. Additionally, in the midst of that turmoil and drama of what are often very serious allegations being made, the person accused is given very little opportunity to present his or her side of the story in this very public “courtroom” of digital platforms that does not resemble a real courtroom in critical ways.

While the constitution provides due process in cases that threaten the life, liberty, or property of an individual, the question of required due process in cases of public shaming and job-loss as the result of false allegations becomes a grey area that needs more definition.

A term being used more and more to identify the masses disregarding any form of due process is “cancel culture” and much of the communication of the masses occurs in online platforms. Given the novel ripple effects that technology has had on how accusations are made and defended against, there is a dearth of due process protection with regards to those tried in the court of public opinion. Without a policy in place to provide some sort of due process when individuals are left with no practical avenues to pursue justice and truth on their behalf, there should be concern among those seeking to safeguard the foundational mission of the judicial system as being in search of the truth.

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<sup>1</sup> Quinn Adams, interview by author, January 31, 2021.

## Theoretical Framework: How to Approach this Issue

The idea of due process comes from the fifth amendment of the Constitution of the United States. It reads that “no person shall be ...compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law ...”<sup>2</sup>

The framework for fair treatment assumes a courtroom setting in which both parties—the accused and the accuser—gather information and evidence to support an argument, and are given the opportunity to present it. The relationship between the uniquely fast-paced information traveling via technology and social media, and the prevalence of cancel culture in many of those platforms is that it takes a lot of this “innocent until proven guilty” process out of the safe haven of a courtroom. With this combination comes little more than public shaming based on perceptions that usually have yet to be verified or contextualized. In other words, “cancel culture ... treats conjecture as fact,”<sup>3</sup> and social media platforms allow for the sender of whichever ad hominem criticism to immediately grow a team (a following) and pursue defeat of the accused.

Another side of this coin that is imperative to consider is the damage done to both parties when engaging in disputes in this manner. In his book, *So You’ve Been Publicly Shamed*, Jon Ronson recounts personal stories through interviews he has had with people who have both been publicly shamed (the victim of a viral attack) as well as the perpetrator of such an accusation. What is interesting to note is not only the overnight loss of reputation and livelihood by the one accused of, for example, dishonest behavior (an attack was made on his character that resulted in vast amounts of companies pulling his books from their shelves and cancelling their relationship with him before any evidence was gathered other than an article written by another journalist), but also the intense guilt and remorse felt by the one who made the attack on another’s character into the virtual world for all to see and shame. The accuser saw the dramatic and life-altering consequences of his actions on such a public platform, and had to grapple with the morality of his having done so for a painfully long time.<sup>4</sup>

Much like what was motivating the journalist in Jon Ronson’s book, there is a financial incentive to be the first reporter on a scene and little to no reason to wait until the truth unfolds to have better accuracy in a story.

Media, social media, and technology are all widely regarded as tools falling under the category of double-edged swords. Although they can be used for good, they can also be extremely damaging. A benefit of technology is the speed with which information can be sought and dispersed, but its harmful side will be the focal point of this paper: Now, there is a platform giving voice to anyone — regardless of credibility — an unprecedented ease of access to deliver a swift attack with little to no verification before it goes viral.

As a result, the American public and audience listening to these information-distributing media are given a first impression that, however false it may end up being, is very difficult to correct and

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<sup>2</sup> U.S. Constitution, amend. V.

<sup>3</sup> Noe Padilla, “Cancel Culture” Should Be Cancelled, *The Bottom Line*, February 13, 2021, <https://thebottomline.as.ucsb.edu/2019/05/cancel-culture-should-be-cancelled>.

<sup>4</sup> Jon Ronson, *So You’ve Been Publicly Shamed* (New York: Penguin Publishing Group, 2015).

undo. Researchers Kai H. Lim, Izak Benbasat and Lawrence M. Ward specifically refer to this as first impression bias. As defined in their abstract, first impression bias describes how “people are strongly influenced by the first piece of information that they are exposed to, and ... are biased in evaluating subsequent information in the direction of the initial influence.”<sup>5</sup> The knee-jerk reaction to claims made against individuals is often their immediately being fired. The victim is, at this point, now jobless, unable to perform in a profession, publicly shamed, and left with a ruined reputation before any investigations or trial proceedings have even begun.

Coupled with the problematic nature of social media allowing a platform to anyone regardless of statement verification is the severe pressure the reporting and news industries are under in their fight to stay relevant. As more and more people move to make social media their main source of news and current events, journalists have to think of every possible way they can get people to read their articles and pay for subscriptions to their medium. With sensationalism producing more clicks on their articles, there is a strong incentive to be the first journalist to write on a given topic as opposed to waiting for the truth to unfold to produce accurate reporting.

The cases presented will weave in four widely differing examples of individuals who, due to either a false accusation or a conclusion drawn before an investigation was completed, saw their reputations instantly ruined in the eyes of the average consumer of the news. Each has led a fairly high-profile, public-facing career and each scenario shows a unique issue or negative result that includes some of the following:

- An individual is accused and his or her reputation is permanently tarnished on the basis of unverified evidence promulgated by the media.
- An individual is criticized within an organization by someone else who has little (if anything at all) to lose by way of a job title or occupation. Those criticisms are then taken more seriously than the evidence of character displayed shown by the one accused throughout a reputable career.
- An individual is accused and subsequently fired before investigations or trials have been thoroughly completed.

### Case #1

General J.H. Binford Peay III retired from his stellar career in the U.S. Army as a four-star general. He then led the Virginia Military Institute (VMI) as superintendent for seventeen years with dedication. His exemplary leadership was venerated despite his abrupt and forced resignation on October 26, 2020. The unceremonious end to his career is not unique, but rather emblematic of the widespread shaming and job dismissal we see in today’s social climate.

What General Peay found himself in the midst of is just an example of what many individuals deal with in the context of today’s cancel culture: Media that are so quick to pounce on an idea that no

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<sup>5</sup> Kai H. Lim, et al, “The Role of Multimedia in Changing First Impression Bias.” *Information Systems Research* 11, no. 2 (June 2000): 115–136. *JSTOR*, [www.jstor.org/stable/23015878](http://www.jstor.org/stable/23015878). Accessed 13 Feb. 2021.

one even bothers to cross reference it with precedent, and a platform given to those with a complaint that completely disregards the character of the person being accused.

Issues began to gain traction when VMI found itself in the public spotlight with a controversy concerning the campus' historical statues, namely that of General Thomas "Stonewall" Jackson. Well before the growing tension, however, General Peay issued a letter to the VMI community at large first in response to the death of George Floyd. On June 4, 2020, Peay reiterated the "principles on which VMI stands: fairness; equity; honor; integrity; accountability; respect and high standards."<sup>6</sup> It was in this context that he condemned racial injustice and reaffirmed the school's mission to create graduates capable of contributing to "affect appropriate change in our communities [and] eradicate racism" among other honorable missions.<sup>7</sup> This letter also admitted humbly to the school's imperfections and shortcomings with a very clear intention of devotion to improving and correcting them.

Almost two months later, another letter was distributed to the VMI community on July 29, 2020 in response to increased chatter regarding the statue of Confederate General Jackson on the school campus. In seven pages of thoughtful writing, General Peay detailed changes and updates that the school would be making to lay certain very historically rooted traditions to rest in light of their direct correlations to historical events and figures that are, today, controversial and viewed differently. Out of the changes that many would consider great steps in the right direction and massive undertakings on behalf of the school, the media focused on one paragraph. In this one paragraph, General Peay references a "primary focus on honoring VMI's history [which] has been to celebrate principles of honor, integrity, character, courage, service, and selflessness" in relation to the statue of Stonewall Jackson.<sup>8</sup> He qualifies the school having his longstanding statue by recognizing the reasons why it was erected in the first place, namely that "Stonewall Jackson was a professor at VMI, a West Point graduate who served in combat in the Mexican War, a military genius, a staunch Christian" in addition to being "a Confederate General."<sup>9</sup> It was this statement and the disregard for the many pages to follow filled with genuine and intentional acquiescence and adaptation that made this case more of a moneymaker for news outlets. It was this small defense that sparked claims of racism, finger-pointing, and dramatic accusations.

On October 17, 2020, The Washington Post published an article: "At VMI, Black cadets endure lynching threats, Klan memories and Confederacy veneration." The journalist spoke with a number of black cadets and alumni who seemed to have a very different perspective on racism at VMI

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<sup>6</sup> "A Statement from Gen. J.H. Binford Peay III '62", last modified June 4 2020, *Virginia Military Institute*, Headlines, <https://www.vmi.edu/news/headlines/2019-2020/a-statement-from-gen-jh-binford-peay-iii-62-4-june-2020.php>

<sup>7</sup> Ibid.

<sup>8</sup> General J.H. Binford Peay III to Members of the VMI Corps of Cadets, Faculty and Staff, and the Classified Team, Alumni, VMI Agencies, George C. Marshall Foundation, and Friends of the Institute, July 29, 2020, *Virginia Military Institute*, <https://www.vmi.alumni.org/wp-content/uploads/2020/07/Way-Forward-for-Greater-Understanding-Fair-and-Equality.July-2020.Formatted.docx.pdf>

<sup>9</sup> Shapira, Ian. "At VMI, Black Cadets Endure Lynching Threats, Klan Memories and Confederacy Veneration." *The Washington Post*, October 17, 2020. [https://www.washingtonpost.com/local/at-vmi-black-cadets-endure-lynching-threats-klan-memories-and-confederacy-veneration/2020/10/17/3bf53cec-0671-11eb-859b-f9c27abe638d\\_story.html](https://www.washingtonpost.com/local/at-vmi-black-cadets-endure-lynching-threats-klan-memories-and-confederacy-veneration/2020/10/17/3bf53cec-0671-11eb-859b-f9c27abe638d_story.html)

from that expressed in General Peay's aforementioned letters. A despicable threat was cited by a black cadet who recalled another student saying he would "'lynch' his body" among other events that seemed to be outliers in the school's day-to-day, but very concerning and meriting attention nonetheless.<sup>10</sup>

This article was followed up by another one two days later — also by *The Washington Post* — titled Virginia Governor "Northam calls for VMI investigation after Black cadets describe relentless racism." This article is in reference to a letter addressed to VMI and its Board of visitors in which Governor Northam expresses "deep concerns about the clear and appalling culture of ongoing structural racism at the Virginia Military Institute."<sup>11</sup>

The first mistake Governor Northam makes here is to assume guilt on the part of VMI to all of the claims of racism mentioned in the previous article. Before contextualizing all the statements and before cross referencing them with the statements produced from VMI, he accused the school of something that should be taken extremely seriously and considered a very significant charge: Racism. Northam's letter reads on with plans for "an independent, third-party review of VMI's culture, policies, practices, and equity in disciplinary procedures."<sup>12</sup>

The response to Governor Northam was promptly delivered the next day on October 20, 2020. In it was the "welcom[ing] [of] an objective, independent review of VMI's culture and the Institute's handling of allegations of racism and/or discrimination" and a "pledge [of] full cooperation."<sup>13</sup> Also reemphasized was the already begun efforts initiated by VMI the prior month with the same goals of uprooting any inequality.

Three days later, on October 23, 2020, the Governor's Chief of Staff sent in correspondence to General Peay that Governor Northam had "lost confidence" in his leadership of the Institute as its superintendent of over seventeen years.<sup>14</sup> Another three days later, and General Peay would officially resign.

A headline from one week after the resignation of VMI's superintendent reads "Williams: VMI is steeped in racism. Removing a statue and its superintendent are not enough."<sup>15</sup>

It is important to note that, just a few years prior to all of this, Governor Northam —a VMI graduate—had to defend himself from accusations of racism after a photo of him in blackface was

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<sup>10</sup> Shapira, Ian. "At VMI, Black Cadets Endure Lynching Threats, Klan Memories and Confederacy Veneration." *The Washington Post*, October 17, 2020. [https://www.washingtonpost.com/local/at-vmi-black-cadets-endure-lynching-threats-klan-memories-and-confederacy-veneration/2020/10/17/3bf53cec-0671-11eb-859b-f9c27abe638d\\_story.html](https://www.washingtonpost.com/local/at-vmi-black-cadets-endure-lynching-threats-klan-memories-and-confederacy-veneration/2020/10/17/3bf53cec-0671-11eb-859b-f9c27abe638d_story.html)

<sup>11</sup> Governor Ralph Northam to Mr. Boland and Members of the VMI Board of Visitors, October 19, 2020, *The Washington Post*, [https://www.washingtonpost.com/context/letter-from-virginia-gov-ralph-northam/db652d21-6c0e-4392-abd3-56ea90b4bd9e/?itid=lk\\_inline\\_manual\\_4](https://www.washingtonpost.com/context/letter-from-virginia-gov-ralph-northam/db652d21-6c0e-4392-abd3-56ea90b4bd9e/?itid=lk_inline_manual_4)

<sup>12</sup> *Ibid.*

<sup>13</sup> John William Boland to Governor Ralph Northam, October 20, 2020, *Scribd*, [https://www.scribd.com/document/480885413/VMI-responds-after-call-for-investigation-into-reports-on-racist-incidents#from\\_embed](https://www.scribd.com/document/480885413/VMI-responds-after-call-for-investigation-into-reports-on-racist-incidents#from_embed)

<sup>14</sup> "Statement of John William Boland '73," October 26, 2020, *Virginia Military Institute*, <https://www.vmi alumni.org/the-resignation-of-gen-j-h-binford-peay-iii-62/>

<sup>15</sup> Michael Paul Williams, "Williams: VMI is steeped in racism. Removing a statue and its superintendent are not enough," *Richmond Times-Dispatch* October 30, 2020. [https://richmond.com/news/state-and-regional/williams-vmi-is-steeped-in-racism-removing-a-statue-and-its-superintendent-are-not-enough/article\\_fefdf3c3-c1f0-5f54-9b13-26dad0fd8381.html](https://richmond.com/news/state-and-regional/williams-vmi-is-steeped-in-racism-removing-a-statue-and-its-superintendent-are-not-enough/article_fefdf3c3-c1f0-5f54-9b13-26dad0fd8381.html)

publicized. This seems like an effort by many to exculpate his reputation by projecting it onto VMI and he is unapologetic for having dealt such a blow to his alma mater.

This timeline is provided in order to convey the intense speed with which these events took place that disallowed even a correction on the part of the school should they end up being found guilty of any wrongdoing once the investigations are completed. Before investigations began, the school was labeled guilty. After cooperation and transparency was promised, faith was lost in the school's leadership.

### Case #2

Major General Stephen Neary of the U.S. Marine Corps was fired “due to a loss of trust and confidence in his ability to serve in command.”<sup>16</sup> He had only just recently arrived in Stuttgart, Germany three months prior to take command of Marine Corps Forces Europe and Africa. The reason for his being fired came after an encounter with a group of Marines participating in an outdoor physical training event. As he was walking by, General Neary overheard very loud, explicit rap music because played, which included use of the N-word. In an effort to be instructional, Neary “[asked] the junior Marines how they would feel if he said it.”<sup>17</sup> In his posing this question from a condemning perspective, he used the N-word and shocked many of the young Marines within listening range. According to a Lance Corporal who spoke with the press, “it came as a shock to hear it from a white general officer.”<sup>18</sup> Without regard to the teachable context in which the word was being referenced and the denunciation of the music being played that incorporated it, the Lance Corporal said “[General Neary] lost respect right there.”<sup>19</sup> Weeks later, while the investigation was still ongoing and nowhere near its conclusion, Neary was relieved of duty with little to consideration of a career that showed evidence of honorable and respectful character towards all persons regardless of race or other identifiers.<sup>20</sup>

### Case #3

The disputes during the senate confirmation hearings of now Supreme Court Justice Brett Kavanaugh were widely covered and likely need little repetition here. To review, in the aftermath of Kavanaugh's nomination and confirmation, Senator Lindsey Graham posed the question:

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<sup>16</sup> Philip Athey, “Marine Corps Forces Europe and Africa commander fired,” *Marine Corps Times* October 20, 2020. <https://www.marinecorpstimes.com/news/your-marine-corps/2020/10/20/marine-corps-forces-europe-and-africa-commander-fired/>

<sup>17</sup> Vandiver, John, “Marine Corps general under investigation for using racial slur is relieved of command,” *Stars and Stripes* October 20, 2020. <https://www.stripes.com/news/marine-corps-general-under-investigation-for-using-racial-slur-is-relieved-of-command-1.649236>

<sup>18</sup> Ibid.

<sup>19</sup> Ibid.

<sup>20</sup> Philip Athey, “Marine Corps Forces Europe and Africa commander fired,” *Marine Corps Times* October 20, 2020. <https://www.marinecorpstimes.com/news/your-marine-corps/2020/10/20/marine-corps-forces-europe-and-africa-commander-fired/>

“What am I supposed to do? Go ahead and ruin this guy’s life based on an accusation?”<sup>21</sup> This was intended to be a rhetorical question, but at the same time, there is a degree of truth to it. Isn’t this what we continue to be seeing happen underneath the large umbrella of cancel culture activity? The debate that occurred during Kavanaugh’s confirmation hearings serves as a reminder of the permanent damage that is done by accusations being treated as truth and reported on before evidence is cross examined. He was emotional—and understandably so—when he expressed to the senate that the accusations “‘reported breathlessly and often uncritically by the media’” have “‘destroyed [his] family and [his] name ... built up through decades of very hard work and public service at the highest levels of the American government.’”<sup>22</sup> He continues on a cautionary note to warn that “‘this grotesque and coordinated character assassination will dissuade good people from serving our country.’”<sup>23</sup>

These quotes are taken from Kavanaugh’s statement slightly less than two weeks after Dr. Christine Blasey Ford’s accusations of sexual assault were directed towards Kavanaugh and publicized by the media. They quickly became a focal point in the senate confirmation hearings to the point of senators referring to then judge Kavanaugh as “‘evil,’” “‘your worst nightmare,’” and a person who “‘will threaten the lives of millions of Americans for decades to come.’”<sup>24</sup>

Kavanaugh immediately sought to hold a hearing in response to the accusations and was cooperative from the very beginning, encouraging the legal process to be played out and followed. During a ten day delay, however, the media wreaked havoc on his reputation, treating Dr. Ford’s claims as proven evidence that Kavanaugh was a lawless, immoral man unfit to be confirmed to the Supreme Court.

Cases of sexual assault should always be taken extremely seriously, with both accusers and victims having the rights and opportunities to be fairly examined just like anything else. When this fair examination process was undergone in this case, it was led by Rachel Mitchel whose career has specialized in prosecuting sex-crimes. Incorporated in Mitchel’s conclusion that Dr. Ford’s accusations were not substantial enough was the explanation that “‘Ford’s case [was] particularly weak because the witnesses Ford identified to her alleged attack in about 1982 [had] all “either refuted her allegations or failed to corroborate them.’”<sup>25</sup> In presenting her work of synthesizing evidence and testimonies, Mitchel concluded that there were numerous gaps where Dr. Ford’s accusations fell extremely short of being able to reasonable consider Kavanaugh as having been guilty of the sexual assault. Witness testimonies denied involvement when Dr. Ford said they were

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<sup>21</sup> Willis, Jay, “Supreme Court Justice Whose Life Was ‘Destroyed’ by Sexual Assault Allegations Receives Standing Ovation,” *GQ* November 16, 2018. <https://www.gq.com/story/brett-kavanaugh-life-ruined>

<sup>22</sup> The New York Times, “Brett Kavanaugh’s Opening Statement: Full Transcript” *The New York Times* September 26, 2018. <https://www.nytimes.com/2018/09/26/us/politics/read-brett-kavanaughs-complete-opening-statement.html>

<sup>23</sup> *Ibid.*

<sup>24</sup> *Ibid.*

<sup>25</sup> Hans A. von Spakovsky, “Kavanaugh Is Innocent Until Proven Guilty – Not the Other Way Around” *The Heritage Foundation* October 5, 2018. <https://www.heritage.org/courts/commentary/kavanaugh-innocent-until-proven-guilty-not-the-other-way-around>

present at the party the night she was assaulted, dates and timelines changed, and recollections varied on many critical details of the event.

Justice Kavanaugh pinpointed the issue perfectly in his argument addressed to the senate that “the Constitution gives the Senate an important role in the confirmation process” but that they have “replaced ‘advice and consent’ with ‘search and destroy.’”<sup>26</sup> Given how much of the general public follows along with and pays attention to Supreme Court nomination hearings, this only exacerbated the pressure to make the accused — Kavanaugh — guilty before innocent for the sake of entertainment.

#### Case #4

Comedian and actor Bryan Callen found himself in the midst of rape accusations that were directed towards him from tweets on Twitter. What began as sexual assault accusations directed at his Callen’s best friend and fellow comedian, Chris D’Elia, soon turned towards Callen as well. Katherine Tigerman accused Callen of sexual assault, and her accusation sparked a chain reaction resulting in more people coming out against Callen through reports to the New York Times.

Tigerman’s husband, Gabriel Tigerman, “[sent] Mr. Callen’s representatives and others direct demands that they cease doing business with him, or else be falsely branded as supporters of sexual assault.”<sup>27</sup> Following this, Callen was dropped by his agents and cancelled by many of the comedy clubs that had contracts with him to the tune of an estimated \$25,000 in income.<sup>28</sup> In response, Callen sued Tigerman with the intention to “preserve his ability to work and earn a living.”<sup>29</sup> Now Callen is extremely vocal about the need for some semblance of due process to make its way into the relatively new arena of public, social, digital media.

#### Case Comparison and Analysis

To reiterate, anyone found guilty of sexual assault or racism, and any institutions guilty of the same should face consequences. The focal point of this paper remains not the crimes and misdemeanors in question, but the wrongdoing of firing someone in anticipation of an assumed guilt before taking proper legal steps.

There are no comparisons being drawn between the main characters of the four cases mentioned above. The purpose of each case summarized above is to showcase very different inputs and

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<sup>26</sup> The New York Times, “Brett Kavanaugh’s Opening Statement: Full Transcript” *The New York Times* September 26, 2018. <https://www.nytimes.com/2018/09/26/us/politics/read-brett-kavanaughs-complete-opening-statement.html>

<sup>27</sup> Dominic Patten, “Bryan Callen Goes On The Offensive Against Rape Claims; Ex-‘Goldbergs’ Star Sues Alleged Victim’s Husband” *Deadline* September 24, 2020. <https://deadline.com/2020/09/bryan-callen-rape-claims-lawsuit-goldbergs-katherine-fiore-tigerman-jen-kirkman-1234584891/>

<sup>28</sup> *Ibid.*  
<sup>29</sup> *Ibid.*

outputs of a generally similar issue, which is the issue of public perception driving professional action.

In the case of General Peay and the Virginia Military Institute, there is the conflict of a governor adjudicating on the basis of perceived public opinion and impatiently drawing his conclusion before the agreed-upon investigation was undergone. To many observers, this seems merely like an excuse by the governor to show some sort of moral high ground by denouncing racism. Both parties, however, denounced racism and said it has absolutely no place at a school like VMI, or anywhere for that matter. Another reason Governor Northam abruptly and prematurely dismissed General Peay could have been motivated by a desire to delete those who challenge his perspectives such as on the topic of statue removal. The media could have, for example, taken for face value the statements made by General Peay that he, as the superintendent of the school, desired nothing more than to continue their work towards uprooting any and all racism. He clearly stated that such awful behavior has no place in the school's system or ideals. They could have also considered the integration of women as cadets that has been heralded by many as careful, thoughtful, and well-executed when considering the values of equality for which VMI strives in 2021.

Insinuated in the Governor's public remarks that he had lost his faith in General Peay's leadership of VMI over his supposed inability or lack of will to eradicate racism was an attempt to tarnish his reputation via public shaming. Although General Peay is now at a stage of life when retirement is appropriate, had he been younger when he had been, more or less, fired from position as superintendent, his case would overlap much with that of Bryan Callen in immediate job loss and near inability to recover with a secondary professional career.

In the case of Justice Kavanaugh, there is, similar to that of General Peay, a backwards sequence of events in which both men responded to an accusation with a commitment to transparency and desire to go through the proper legal channels. Although General Peay was doing this as a representative of a school, the comparison still applies. In the interim, however, news reporters published slandering statements and dramatic headlines targeting their reputations and ignoring their immediate acquiescence to legal follow-through. In the case of VMI, this was to an investigation. In the case of Kavanaugh, this was to a hearing on the claims that were made against him.

As shown by the case of General Neary, such swift punishment before investigation actually robs young people (such as the Marines listening to explicit or disrespectful music) of a teaching moment and instead points the finger of accusation towards the person with years of career experience condemning such disgusting jargon. The Commandant in charge of relieving General Neary on the basis of lost trust acquiesced to appease the few young Marines who reported the General and left a bad precedent for skipping the proper use of investigative channels and prematurely drawing fickle conclusions.

In all of these unique cases, the media actually seem to downplay the serious nature of accusations such as racism or sexual assault. There are enough stories that are embellished by the media at the encouragement of the all-too-excited public that many have lost trust in journalism altogether. There is a trend of preemptive accusations followed months or years later by innocent verdicts uncovered after the proper channels have been exhausted. This trend only hurts those with honest

complaints when accusations are uncovered to be false after already being in the spot light of public focus. And in the case of VMI, when the complaints may have been perfectly honest, it hurts all involved to not provide context, disregard credibility, and act too impatiently for justice to truly be pursued through trusted avenues.

### **Moving Forward: Is There a Solution to This Problem?**

For such an obvious problem, there is certainly no clearly defined solution. There is no simple legal case to be made on the behalf of defending someone's reputation being torn apart at the hands of the media and the online masses. There is also no case to be made in all instances of forced step-downs from positions before inquiries are made and investigations into allegations are completed. However complicated the issue at hand, the question still remains.

A defamation case could certainly be a plausible route to pursue given that claims against a person are clearly false, but that is a bandaid approach when the initial damage of ruined first impressions has already been done. Once the American public ingests a dramatic story that pinpoints a person's supposed nonethical or abusive behavior, it is treated as fact and the accused almost immediately loses respect at the urging of the masses. While still an option, defamation charges do not get at the root of the problem and merely serve to potentially gain back a modicum of personal dignity in the case of the one who has been publicly shamed.<sup>30</sup>

If there are provisions for members of a society to be provided with protections against loss of life, liberty, or property, should provisions be added or amended in response to such a dramatically different communication environment? In other words, could there be steps taken to pursue the development of a social due process that would outline a procedure of response and requirement of evidence?<sup>31</sup> A solution is absolutely imperative not only for the search for truth, but also in defense of those deprived of a reputation and ability to perform in a profession.

At its core, this is a grassroots issue of civility and behavior. Who would openly criticize another with malicious intent and no factual foundation of evidence if he or she also exercised respectful behavior and honorable conduct? In a public arena that fosters "internet-based cancel culture, anyone anywhere can launch an attack on anyone anywhere."<sup>32</sup> The heart of the issue with this is that "cancel culture ... treats conjecture as fact," and is often discouraging to those who either do not feel they can voice their opinion in disagreement or do not have the platform to do so.<sup>33</sup>

Springing forth from this is even today's staggering proportions of Americans who generally do not feel comfortable exercising their right to free speech for fear of judgement or public marginalization.

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<sup>30</sup> Quinn Adams, interview by author, January 31, 2021.

<sup>31</sup> Quinn Adams, interview by author, January 31, 2021.

<sup>32</sup> Fred Bauer, "Cancel Culture Impoverishes Both the Heart and the Intellect," *National Review* September 25, 2019, <https://www.nationalreview.com/2019/09/cancel-culture-impoverishes-heart-and-intellect/>

<sup>33</sup> Noe Padilla, "Cancel Culture" Should Be Cancelled, *The Bottom Line*, February 13, 2021, <https://thebottomline.as.ucsb.edu/2019/05/cancel-culture-should-be-cancelled>.

Increasing education and awareness of misinformation and disinformation might encourage individuals to be less reactive to sensational headlines. News outlets could be held accountable to producing solid content which is communicated alongside accurate context for a given story. If a system of verification is in place, then responsibility for adjudicating the truth comes into question. Among many potential areas of improvement, the most easily implemented might be the adaptation of ethics curricula in journalism education to today's form of news distribution.

There is great need for a civil due process in which the public seeks truth and critical context in the midst of misleading information. There must be respect and patience among news outlets to allow for unbiased investigations to occur before conclusions are drawn, no matter how tempting the financial incentive for dramatic content might be. In the end, this will serve both sides of the aisle as truth will only be more difficult to decipher in light of new technological developments.

In short, today's social climate necessitates the revival of a public that recognizes information as potentially misleading or even completely false. There must be respect and patience among news outlets to allow for unbiased investigations to occur before conclusions are drawn, no matter how tempting the financial incentive for dramatic, one-sided content might be. In the end, this will serve both sides of the aisle as truth will be more and more difficult to decipher in light of new technological developments.

## Sources

Adams, Quinn. Interview by author, January 31, 2021.

Athey, Philip. "Marine Corps Forces Europe and Africa commander fired," *Marine Corps Times* October 20, 2020. <https://www.marinecorpstimes.com/news/your-marine-corps/2020/10/20/marine-corps-forces-europe-and-africa-commander-fired/>.

Bauer, Fred. "Cancel Culture Impoverishes Both the Heart and the Intellect," *National Review* September 25, 2019, <https://www.nationalreview.com/2019/09/cancel-culture-impoverishes-heart-and-intellect/>.

Boland, John William. October 20, 2020, *Scribd*, [https://www.scribd.com/document/480885413/VMI-responds-after-call-for-investigation-into-reports-on-racist-incidents#from\\_embed](https://www.scribd.com/document/480885413/VMI-responds-after-call-for-investigation-into-reports-on-racist-incidents#from_embed).

Lim, Kai H., Izak Benbasat, and Lawrence M. Ward. "The Role of Multimedia in Changing First Impression Bias." *Information Systems Research* 11, no. 2 (June 2000): 115–136. *JSTOR*, [www.jstor.org/stable/23015878](http://www.jstor.org/stable/23015878). Accessed 13 Feb. 2021.

The New York Times, "Brett Kavanaugh's Opening Statement: Full Transcript" *The New York Times* September 26, 2018. <https://www.nytimes.com/2018/09/26/us/politics/read-brett-kavanaughs-complete-opening-statement.html>.

Northam, Ralph. October 19, 2020, *The Washington Post*, [https://www.washingtonpost.com/context/letter-from-virginia-gov-ralph-northam/db652d21-6c0e-4392-abd3-56ea90b4bd9e/?itid=lk\\_inline\\_manual\\_4](https://www.washingtonpost.com/context/letter-from-virginia-gov-ralph-northam/db652d21-6c0e-4392-abd3-56ea90b4bd9e/?itid=lk_inline_manual_4).

Padilla, Noe. "Cancel Culture" Should Be Cancelled, *The Bottom Line*, February 13, 2021, <https://thebottomline.as.ucsb.edu/2019/05/cancel-culture-should-be-cancelled>.

Patten, Dominic. "Bryan Callen Goes On The Offensive Against Rape Claims; Ex-'Goldbergs' Star Sues Alleged Victim's Husband" *Deadline* September 24, 2020. <https://deadline.com/2020/09/bryan-callen-rape-claims-lawsuit-goldbergs-katherine-fiore-tigerman-jen-kirkman-1234584891/>.

Peay, J.H. Binford, III. July 29, 2020, *Virginia Military Institute*, <https://www.vmialumni.org/wp-content/uploads/2020/07/Way-Forward-for-Greater-Understanding-Fair-and-Equality.July-2020.Formatted.docx.pdf>.

Ronson, Jon. *So You've Been Publicly Shamed* (New York: Penguin Publishing Group, 2015).

Shapira, Ian. "At VMI, Black Cadets Endure Lynching Threats, Klan Memories and Confederacy Veneration." *The Washington Post*, October 17, 2020. <https://www.washingtonpost.com/local/at-vmi-black-cadets-endure-lynching-threats->

klan-memories-and-confederacy-veneration/2020/10/17/3bf53cec-0671-11eb-859b-f9c27abe638d\_story.html.

“Statement of John William Boland ’73,” October 26, 2020, *Virginia Military Institute*, <https://www.vmi.edu/news/headlines/2019-2020/a-statement-from-gen-jh-binford-peay-iii-62-4-june-2020.php>.

U.S. Const. Amend. V.

Vandiver, John. “Marine Corps general under investigation for using racial slur is relieved of command,” *Stars and Stripes* October 20, 2020. <https://www.stripes.com/news/marine-corps-general-under-investigation-for-using-racial-slur-is-relieved-of-command-1.649236>.

Virginia Military Institute. “A Statement from Gen. J.H. Binford Peay III ’62” Headlines. Last modified June 4, 2020. <https://www.vmi.edu/news/headlines/2019-2020/a-statement-from-gen-jh-binford-peay-iii-62-4-june-2020.php>.

von Spakovsky, Hans A. “Kavanaugh Is Innocent Until Proven Guilty – Not the Other Way Around” *The Heritage Foundation* October 5, 2018. <https://www.heritage.org/courts/commentary/kavanaugh-innocent-until-proven-guilty-not-the-other-way-around>.

Williams, Michael Paul. “Williams: VMI is steeped in racism. Removing a statue and its superintendent are not enough,” *Richmond Times-Dispatch* October 30, 2020. [https://richmond.com/news/state-and-regional/williams-vmi-is-steeped-in-racism-removing-a-statue-and-its-superintendent-are-not-enough/article\\_fefdf3c3-c1f0-5f54-9b13-26dad0fd8381.html](https://richmond.com/news/state-and-regional/williams-vmi-is-steeped-in-racism-removing-a-statue-and-its-superintendent-are-not-enough/article_fefdf3c3-c1f0-5f54-9b13-26dad0fd8381.html).

Willis, Jay, “Supreme Court Justice Whose Life Was ‘Destroyed’ by Sexual Assault Allegations Receives Standing Ovation,” *GQ* November 16, 2018. <https://www.gq.com/story/brett-kavanaugh-life-ruined>.