

# *SENIOR COMMUNICATION PORTFOLIO*

Spring 2019

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*Com490 | Dr. Hillier*

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When I started at The University of Tampa, I was unsure about my major and timid, to begin with the department of communication studies. As I reflect on my semesters, I am now so thankful for the educational experience I have encountered. During my first semester, I was enrolled in mass media and society. I was inspired by my professor and the class content to declare my major as communication with a concentration in communication studies. I have learned how to conduct in-depth research properly, how to represent clients, and how to maneuver through different visual media sources. Each class in this department showed me different values within the communication field. Two of the classes that challenged me the most were communication and law, and communication and media ethics. These classes pushed my research and presentation skills to the next level.

Communication and law showed me the importance of understanding the First Amendment with intent to work in the communication field. Through this class, I learned how to complete in-depth research and fact-checking. The submitted research paper is one of three that I submitted for this class. For this assignment, I was required to analyze court cases revolving high school student's liberties pertaining to their First Amendment freedoms, and make an argument on a hypothetical case. I chose to submit this piece of research because I am proud of how much work I did to prove my point. Through my research and analyzation of the court cases I studied to complete this work, I proved to my professor and to myself how strong my research skills have grown through my time at the University of Tampa. My hard work gave me confidence in my ability to complete information searches in order to defend an important message with given information and outside research. If I were to go back and edit the paper to resubmit it, I would

provide a stronger counter-argument, and disprove it with a third court case involving high school First Amendment conflicts.

I had trouble finding a proper media source to submit for my portfolio. I have made it through this department learning the basics of design and media production, but I am not confident that my completed projects are completed to senior status. I am most confident with my research, so after meeting with Dr. Hiller, I decided to submit a powerpoint of a presentation that I completed as a group project for my communication and media ethics course. I also decided to back up the powerpoint with the research paper my group completed with supporting information. I chose to submit this work because it was by far the most challenging assignment I have had to complete over my time at UT. For this particular assignment, my group was required to conduct a study on an unethical current event that happened during the semester. My group chose to study the Kavanaugh case. My responsibilities for this project were to describe why Brett Kavanaugh was being investigated, find information on the FBI's involvement with the case, and explain why the FBI's interest in the case was deontological with no teleological benefit. In the research paper, I defended and explained my argument, wrote the introduction, as well as proofread and edited the language used by each member to ensure clarity to the reader. The second part of this assignment was a 45-minute presentation. We were expected to teach our topic, and explain our subject in depth while capturing the audience's attention. To add a creative twist, we decided to act out each of our individually assigned subjects. As the FBI, I explained the setting and background of the situation and narrated the case's most important events in a timeline format. My groupmates acted out each scene with important quotes or actions throughout the case. This project pushed me to better my presentation skills, and it taught me

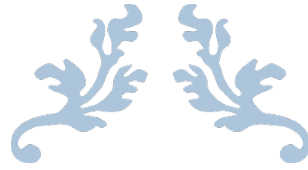


how to confront constructive criticism in a group setting. I struggled with editing the paper as a whole due to different writing styles and the research content of each group member. Another challenging part of this assignment for me was the presentation. Before this project, I have never stood in front of a class and presented hefty content in a clear and concise manner. The presentation as a whole should have been practiced one or two more times, but this also allowed me to improvise and collaborate in a team to help a group member prove their point. The skills that I gained from this assignment will be some of the most important as I move into the workforce. I strengthened research skills during this assignment, which will help ensure credibility in future work. My demonstration and presentation skills will benefit me during business meetings, and my new ability to communicate with groupmates when their work needs clarification will prove how driven and dedicated I am to this field.

I chose communication studies as my minor because I wanted to learn about how the public, media, and businesses communicate with each other while simultaneously being exposed to the different areas of communication that can be used to effectively communicate a message. Both of my submissions relate to my concentration in different ways. The content of my research submission does not necessarily relate, but I have proved the connection of this piece to my concentration through my ability to gather necessary information and make educated conclusions. My media submission relates to my concentration because now I am not only able to collect information, I can confidently present and explain it in a professional setting.

The University of Tampa's Communication Department has provided me with life skills that will benefit me as I embark on my post-undergraduate journey. The class content in this department has challenged my abilities and improved my work ethic. Each professor has been

incredibly supportive as I have worked my way to graduation over the past few years. I am more confident in my communication skills now more than ever, and I am excited to use my research and presentation abilities in the workforce, as well as use other skills like organizational management and public relations, that I have learned through other classes. I would like to eventually continue my studies as a graduate student, but for now, I plan on gaining work experience in either Manhattan or Washington DC. I am applying to work with corporate companies in public relations or human relations in order to learn in a more hands-on setting.



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# SHORT PAPER 2

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High School Speech



NOVEMBER 1, 2018

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COM 327 D

Students in high school are generally considered too young to understand things like politics, law, and ethics by adults. Most adults make important governmental decisions for young people without consideration for teenager's opinions or how it will have an effect on young adults when they turn 18. Historic court cases *Tinker v. Des Moines Independent Community School District*, 393 U.S. 503 (1969) and *Hazelwood School District v. Kuhlmeier*, 484 U.S. 260 (8th Circuit 1988) were turning points that showed the United States that high school students have more to say than parents, teachers, or government officials might have thought. These cases opened the population's eyes to reconsider how younger generations are affected and how they will be affected in the future, in the eyes of the law. Both *Tinker* and *Hazelwood* are still regularly used in court today as references when dealing with high school students and their first amendment rights being threatened by educational institutions. In the given scene a high school student has had her First Amendment rights restricted by the school over the cancellation of a special edition of the newspaper, a students' suspension after social media posts of the restricted content, the suspension of students for the social media posts, and the cancellation of the newspaper. *Tinker* and *Hazelwood* would be referenced, along with a court case like *Doninger v. Niehoff*, 527 F. 3d 41 (2nd Circuit 2008) that deals with high school students and personal social media web pages.

The presented high school speech scenario is a perfect example of restricted speech of high school students in the present day. The student in the given storyline is a journalist for the high school newspaper. In this issue of the paper, the student planned to release an investigative story about a local environmental disaster. The student followed proper journalism standards and figured out that the principal's husband was one of the main the reasons that the refinery spill was not controlled as effectively as it should have because he was committing unfaithful acts

against his wife. This paper also aligned with the environmental club's open discussion panel. The principal decided to cancel the panel and demanded that the paper not be published, or the editors would be suspended and the school newspaper club will be dropped. The principal's claim that the publication of this article would inflate her husband's legal exposure and leave her more exposed to ridicule, therefore negatively affecting her position as principal was supported by the school district superintendent. That same night with support from the paper's executive board, Mary Beth, editor-in-chief, published the article on her Facebook page, then tweeted and posted on YouTube about the principal's threat. The next day Mary Beth and the board were suspended and the school paper was canceled. If this case was considered in a court of law court cases Tinker and Hazelwood would be essential in deciding the court opinion. The question at stake is: Because Mary Beth believed that hers and the student newspaper journalists First Amendment rights were being restricted by the school, should she be able to outwardly express the information inside the newspaper to her personal social media pages, without being reprimanded by the school?

Often times schools limit young people's speech as they advance through school. Tinker is arguably the most important court case in U.S. history that defends the restriction of high school student speech from academic institutions. John and Mary Beth Tinker were two students in Des Moines Iowa who lead a group of peers in wearing black armbands on their sleeves symbolizing their views against the Vietnam War to school. During this time the Vietnam War was a controversial topic. The draft forced young people to fight in the war, many straight after high school graduation. The sibling's school requested the armbands be taken off due to a violation of student dress code, the students obliged but their fathers took the school district to court. The court had to consider the First Amendment rights of students, a school's ability, or

lack of ability to limit student freedoms and the fact that the students were protesting the war. In 1969 the justices came to the conclusion that students maintain their right to freedom of expression within an academic institution. This quote is crucial to the outcome of the court case. The statement made it clear to school districts around the country that they are to consider the first amendment rights of their students before they act, it gave power to students who feel they are restricted by school policy, and importantly, it still defends students (and teachers) freedom of speech and expression to this day.

Hazelwood is another pivotal court case in student free speech history. Student newspaper journalists wrote articles about teen pregnancy, birth control, and divorce, that contained interviews and quotes from students who had been personally affected by these social issues. The paper was regularly reviewed by the principal before publication, the controversial content in this specific newspaper issue concerned the principal of the interviewed student's safety. In Hazelwood The principal was worried that there was not enough time for students to reconsider their articles, so he decided to pull the two pages from the paper altogether. The students appealed their case to the Court of Appeals for the Eighth Circuit claiming that the school's principal stripped them from their First Amendment freedoms. With Tinker in mind, the justices determined that the school had the right to take away the articles to protect other students from harm.

If the court were to make their decision considering only the outcome of Tinker, the students would win the court case. Their freedom of speech is being restrained which is unconstitutional because according to the majority of the Tinker case, "[neither] students [nor] teachers shed their constitutional rights to freedom of speech or expression at the schoolhouse gate" 393 U.S. 503. Contrarily, if this case was invested solely based off of Hazelwood he school

district would win. Although the First Amendment rights of the students are being invaded by the school, when the majority of Hazelwood is decided that:

Educators do not offend the First Amendment by exercising editorial control over the style and content of student speech in school-sponsored expressive activities so long as their actions are reasonably related to legitimate pedagogical concerns. 484 U.S. 270, 273.

Due to the contrast in these two court opinions, the case would need a more in-depth consideration. The would need to also consider court cases that deal with students and the internet.

Another that could be used as a resource in determining the court opinion is *Doninger v Niehoff*. A student, Doninger, and four members of the student council was displeased in the way the school was handling the scheduling and rescheduling of an event for the students. She used mas-email and blog posts to voice her opinion. The email caused an outcry from the community flooding the school's phone and email with messages from parents. The blog posts contained offensive wording and untrue statements against the school. As a result of her actions, Niehoff (the principal) decided to restrict Doninger from running for Senior Class Secretary. When this case was brought to court Doninger claimed that her first amendment rights were being hampered by the school not allowing her to run for the student government position. The conclusion states that the United States public school system heavily relies on its school's administrations for judgment in these cases and therefore the court cannot take control of the situation unless there is a specific violation of student rights. There is a difference between this case and the one presented. This case was a student taking advantage of social media to get what she wanted rather than using social media to bring awareness to a local disaster.

After looking into different court cases and deeply considering the conclusions of Tinker, Hazelwood, and Doninger, the students in this scenario would win if this case was presented to the court. The importance of Tinker v Des Moines is still present. It protects the expression rights of students within high schools around the country and would continue to do so with this case. Similarly to Tinker, Mary Beth in the presented case followed instruction from the school of not publishing the news article in the school newspaper, just like the Tinker siblings took off their armbands when asked. The cancellation and suspension of the students in the journalism club is taking away their freedom of expression in the future. Hazelwood's important stance on student journalism and school newspaper publication were also followed. The students obliged to the school's order and did not publish the article in the school newspaper. The students did not disregard the principal's ability to override any suggestive content being released inside the school paper causing no pedagogical concerns. The argument that Mary Beth posting her information on her personal social media pages is subject to the same response as the student in the Doninger case is unfair. Both cases are similar in that each student took to their own means in relaying information to the public, but the reasons why either student did so are different. Doninger used her internet and social media platforms to manipulate the situation she was in, while Mary Beth simply posted her story that followed the ethics of journalism properly, then informed the community of the newspaper's executive board's undeserving suspension and cancellation of the school newspaper.

If Mary Beth's case was brought to the court's attention today, the court conclusion would be a significant addition to the history of student free speech. This court case would be a crucial reference for future cases dealing with not only First Amendment rights of high school students but any case that social media use is mentioned in relation to school administration. It is



important that the court would rule in favor of Mary Beth and the newspaper executive board. If they did rule in favor of Mary Beth the court opinion would show the United States public school education system and U.S. population that high school students have valid opinions about current events. As social media platforms grow students are gaining more ways to express their viewpoints there is no question that academia and social media will overlap. This case encourages adults and public officials to consider younger generations opinions and actions when it comes to making lawful decisions. It will be interesting to one day see how the court will use past court cases like Tinker, Hazelwood, and Doninger to come to their decision when a case like this is presented to a court.

## Cases

*Hazelwood School District v. Kuhlmeier*, 484 U.S. 260 (8th Circuit 1988)

*Doninger v. Niehoff*, 527 F. 3d 41 (2nd Circuit 2008)

*Tinker v. Des Moines Independent Community School District*, 393 U.S. 503 (1969)



# The Kavanaugh Case

Victoria, Grace, Larissa, Sideya





July 6, 2018

Letter to Senator Dianne Feinstein





July 9, 2018

Trump's Announcement



Sept 16, 2018

Ford's accusation became public



# September 17, 2018

Kavanaugh rejects statements in the letter



# September 19, 2018

Attorney Debra Katz, announces Ford is willing to testify before  
Congress





# September 23, 2018

Deborah Ramirez sent new allegations in New Yorker





September 27, 2018

Hearings



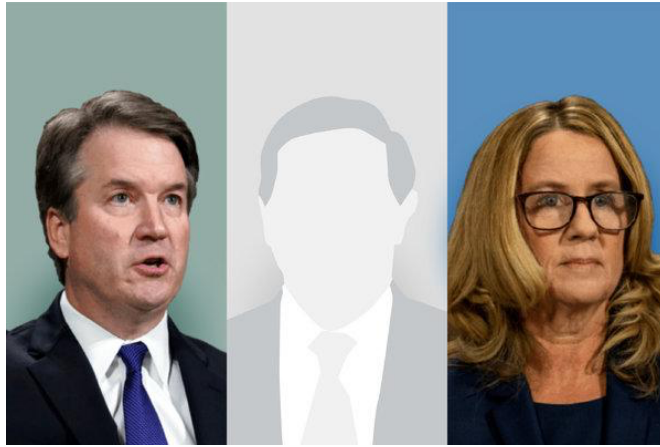
September 28, 2018

Sen. Jeff Flake declared One Week FBI investigation



# October 1, 2018

FBI Instructed to interview anyone who could be involved  
Trump Press Conference supporting Kavanaugh



October 2, 2018

FBI does not plan to interview Ford or Kavanaugh



# October 4, 2018

FBI Concluded Investigation  
Senators review report Democrats attacked info because FBI  
didn't interview over 40 potential witnesses



October 6, 2018

Senate Voted 50-48 in favor of Kavanaugh joining the  
Supreme Court  
Kavanaugh was Sworn in



# Donald Trump

- **Situation role and response**
- **Trump's ethics**
  - Deontological
  - Teleological
  - Utilitarianism



# FBI

- No Teleological
- Deontological:
  - Protect the Country
- Utilitarianism



# Kavanaugh

- Ethical Perspectives:
- Teleological (moral agent)
  - Too partisan in viewpoint (bias)
  - Trying to look good for the public
- Deontological (consequences)
  - News is news



# Dr. Ford

## Deontological

Moral duties and moral agents actions are more important than the consequences

- Was her motivation to push her own political agenda?
- Was her motivation purely to call attention to the actions of one person who is supposed to uphold the law and stand for justice?

## Teleological

Consequences of the moral agent

- Kavanaugh won
  - Victims lost
  - Fords security was put at risk
- Sparked support
  - Donating GoFundMe Money
  - Called attention to sexual assault survivors



# Ethics Recap

- **FBI:** No teleological, but Deontologically it is their duty
- **Kavanaugh:** teleological- too partisan, deontologically- news is news
- **Trump:** deontological, moral duty to nominate a good candidate, teleological, one with minimum negative consequences
- **Ford:** teleologically- sparked support, Deontological- What was her motivation?

# Questions

- 1. Should Kavanaugh have been voted into his current position on the supreme court given the sexual allegations situation? Why or Why not?**
- 2. Was President Donald Trump ethically correct in supporting Kavanaugh after the sexual allegations against him came forward?**
- 3. What would you have decided in the vote?**

The Ethics of the Kavanaugh Investigation

Grace Caraway

Sideya Dill

Victoria Leyboldt

Larissa Simon

The University of Tampa

The Ethics of the Kavanaugh Investigation

Earlier in 2018, President Donald Trump had the responsibility of presenting a new Supreme Court Justice nominee to be voted on by the Senate due to a vacancy. After some consideration, Trump announced Brett Kavanaugh as his nominee. Shortly after his nomination, Dr. Christine Blasey Ford's accusations of sexual misconduct against Kavanaugh became public. The allegations sparked ethical questioning from the public of whether or not Kavanaugh should still be considered for the nation's highest judicial system. Donald Trump allowed the Federal Bureau of Investigation (F.B.I) to investigate the allegations before the Senate's vote to approve Brett Kavanaugh to be one of nine Supreme Court Justices. Considering the agency, the people involved, public opinion, and the involvement of the U.S. government, this case presents multiple ethical standpoints for each party involved. The Senate approved Brett Kavanaugh to join the United States Supreme Court, after having had three women come forward with sexual misconduct allegations against him.

### **Donald Trump**

On July 9, 2018, President Donald Trump announced his nominee for the United States Supreme Court as Brett Kavanaugh.

Donald Trump and Brett Kavanaugh share many of the same political and social views. Both are conservative Republicans who share very similar values and belief systems. Kavanaugh has been theorized to have received the backing of Trump for this position because of the commonalities of their view on the Republican party and the presidential responsibility. Dickinson reported that Kavanaugh has been given the title "presidential protector" (2018). President Trump who in the past has been, and is currently in, legal trouble began supporting Kavanaugh after he "pointedly refused to comment on whether a sitting president must respond to a subpoena or has the power to pardon himself" (Dickinson, 2018). Trump has been invested in Kavanaugh and how he fits into his own legal agenda from when he discovered that Kavanaugh had "repeatedly raised doubts about whether presidents are



accountable to other branches of government” (Dickinson, 2018). Kavanaugh, only 53 years old, would be an ideal candidate to carry out a conservative agenda in the Supreme Court for years to come (Newkirk, 2018).

On September 16, 2018, the sexual assault accusations against Kavanaugh brought to attention by Christine Ford went public. After that, two additional women came forward to make accusations, of their own, against Kavanaugh. Kavanaugh denied all allegations. When the allegations were made against Kavanaugh, Donald Trump came forward to still defend him as his choice for a Supreme Court nominee, a member of the judicial system, and a respected member of society. Trump expressed confidently that the allegations would be cleared and that his nominee would be successful in securing a spot on the nation's highest court. Donald Trump stood behind Kavanaugh.

According to Collins, Zeleny, Liptak, and Bash, by the time the third accuser came forth with allegations against Kavanaugh, Trump referred to the accusations as ‘ridiculous.’ Donald Trump began to put direct blame on the opposing political party, suggesting that Brett Kavanaugh’s Supreme Court nomination was "caught up in a hoax set up by the Democrats" (Malloy, 2018). Donald Trump claimed that the situation had been fabricated and created by the Democrats. Trump, in his continued defense of Kavanaugh, began to target lawyer, Michael Avenatti, discrediting him as a lawyer and a Democrat (Collins, Zeleny, Liptak, & Bash 2018). Michael Avenatti is an attorney who also happened to have represented Stormy Daniels during President Trump’s situation with the pornography actress who claimed to have had an affair with Trump, which he also denied. Avenatti is now representing one of the Kavanaugh accusers. Donald Trump said, "if you look at this lawyer [Avenatti] that came out he's a lowlife," Trump said, "he's a Democrat lawyer. Not a very good one" (Collins et al., 2018). Trump has even questioned Christine Ford as to why she did not report her sexual assault at the time if it was "as bad as she says" (Collins et al., 2018). However, sexual assault

is one of the most underreported crimes in the United States, as it is very difficult to prove, a deterrent that inhibits victims from coming forward. Donald Trump then attempted to discredit Deborah Ramirez, another accuser, by continuing to call attention to the fact that “she was intoxicated and doesn't remember parts of the alleged incident” (Collins et al., 2018).

Donald Trump has been disrespectful and aggressive against the allegations from the beginning, behavior which is not unprecedented, looking at his own history with women, sexual allegations made against him, and the way in which he handled those. In 2016, during the presidential campaign, more than a dozen women accused Trump of sexual misconduct, sexual assault, and sexual harassment. The women all came forward after a tape from 2005 was released that heard President Donald Trump referencing his view on women saying how that "when you're a star, they let you do it. You can do anything. ... Grab them by the p\*\*\*y. You can do anything" (Malloy, 2018). Donald Trump has denied all allegations often attempting to discredit the women, mitigating, or simply bypassing the claims. “The President has also voiced suspicion about the year-old #MeToo movement, complaining that allegations made decades later can ruin a man's life” (Malloy, 2018). Donald Trump has also publicly asked why a woman would wait so long to come forward if they claim to be telling the truth. (Malloy, 2018). He followed by expressing that he feels that it is “a very scary time for young men in America, where you can be guilty of something you may not be guilty of” (Malloy, 2018). Trump has claimed that the situation with Kavanaugh is way bigger than the Supreme Court nomination in further attempt to mitigate the situation and change the focus point. With Trump’s history, there is no surprise at how aggressively he has denied the allegations of Kavanaugh as well as how hard he worked to defend the name of his presidential protector.

From a deontological view, the act of Trump attempting to discredit women who are making sexual assault allegations towards a prestige member of society is wrong and is not what is expected from the President of the United States. From Trump's deontological viewpoint, the action was correct to defend his choice, stand by his word, and stand by the notion of innocent until proven guilty. However, the way in which he acted, attacked the defense verbally, and how insensitive he carried on throughout the few months over which the situation occurred was wrong. Overall, Trump has different values in regards to the sexual safety of women in society than many, which has been proven by his own allegations and comments. From our deontological viewpoint, morally Trump's backing of a potential sexual attacker was wrong. There is no moral good in Trump backing Kavanaugh and the manner in which he did so.

From a teleological standpoint, the negative choices made by the President of the United States ultimately have negative consequences for many. The desired outcome is that an adequate and respectable candidate will be chosen to fill the vacancy within the United States Supreme Court and that such will be chosen by the leader of the country. However, Donald Trump's decision to choose Kavanaugh further portrays that the only outcome he was concerned with was the one relating to his own agenda. He was not concerned with the outcomes of the defendants in the Kavanaugh's case, or women, or what message this might send to other sexual perpetrators. As a leader of the country, in this situation especially, it was important for Trump to make a utilitarianism decision, to act ethically, and conduct himself morally, all things of which he did not.

## **FBI**

On July 30, 2018, Dr. Christine Blasey Ford sent a letter to Senator Dianne Feinstein alleging that President Donald Trump's Supreme Court nominee, Brett Kavanaugh, physically and sexually assaulted her in high school (Kelly and Estepa, 2018). Her accusation

against Kavanaugh was made at a critical time socially and politically. In 2017, the #MeToo movement went viral igniting a conversation around the world about how sexual assault is defined and the way it is viewed today. Following Dr. Ford's allegations, multiple other sexual assault claims against Kavanaugh were released. Deborah Ramirez was another woman who came forward with a sexual misconduct claim against Kavanaugh from when they studied together at Yale (Mayer and Farrow, 2018). These accusations quickly stirred up complications within the White House, the media, and the public. Trump ordered an F.B.I. investigation that was to be "limited in scope and completed in less than a week" (Fandos and Stolberg, 2018). With only seven days to gather information from all sources involved, as well as any evidence, completing a full and in-depth investigation of the case was next to impossible. During the week of the case, there was outrage on both sides of the political spectrum. As the court case proceeded, Republicans claimed that the vetting process that Kavanaugh experienced was too intense, while Democrats held the argument that any conclusions made by the F.B.I. are illegitimate due to lack of time to fully investigate (Lucas, 2018). Due to lack of sufficient evidence, the F.B.I. could not conclude if the claims made against Kavanaugh were true or false. After the F.B.I. presented their report to both sides of the Senate, the Senate voted 50-48 in favor of Kavanaugh taking his seat in the Supreme Court (Abramson, 2018). The Senate's vote raised ethical questioning by the public. The accusations made by the women are serious and were expected not to be taken lightly. Although the allegations made against Kavanaugh could not be proven due to lack of physical evidence, one ethical dilemma is whether or not it was acceptable for the Senate's vote to approve Kavanaugh into his position with the history of allegations. In addition, during an emotional testimony, Kavanaugh outwardly accused Democrats of constructing this case as a political tactic against the Republican party, calling the hearing a "national disgrace" (Shabad, 2018). The then Supreme Court nominee expressed to the nation his

political bias. His belief that the democratic party was conspiring against him as a Republican, should have raised the question during the Senate's vote that Kavanaugh might not be able to separate his bias. This could potentially disrupt the Supreme Court process in future Supreme Court cases.

The seven-day time constraint that the F.B.I. was given to complete a full investigation was the biggest ethical dilemma for the F.B.I to face. The expectation that the F.B.I. would consider this case with the same level of importance given by the public was not met. There were dozens of people who were not interviewed by the F.B.I. (Caldwell and Przybyla, 2018). Dr. Ford and Kavanaugh were two of the people who the F.B.I. did not contact during their investigation. Important parts of the allegations were not looked into that could have had an influence on the Senate's decision. The F.B.I. is a government lead organization therefore, there can be no teleological outlook in the Bureau's interest. Moreover, because teleological ethics concern how a person's morals are affected by the choices that are made, a teleological goal for the F.B.I would be bias and corrupt. On the other hand, due to bias in public opinion, the F.B.I.'s deontological ethical standpoint is important for the population to understand. Deontologically, the F.B.I. has a duty to protect the American people from harm. Each investigation should be completed professionally and thoroughly to ensure proper proceedings in each case. A proper verdict based on accusations and testimonies made by the parties involved, combined with the lack of tangible and sufficient evidence the F.B.I. was unable to conclude if the verdict was guilty or not guilty. The F.B.I. carried out their duty to the U.S. Constitution.

### **Dr. Ford**

In July 2018, after it was announced that Brett Kavanaugh was one of the candidates on Donald Trump's Supreme Court nominee shortlist, a concerned Christine Blasey Ford contacted her Senator through an anonymous letter (CNN, 2018). This letter, addressed to Senator Dianne Feinstein, detailed the assault that Ford claimed to have happened in the early

1980s (CNN, 2018). Ford's letter served the purpose of calling the senators attention to the possible ethical concern and repercussions that this might have on the nation if Kavanaugh were to be confirmed into the Senate. According to her testimony, at this point in time, Ford wished to remain anonymous for reasons concerning her own safety as well as her family's. Additionally, as a professor at Palo Alto University, she knew that her life would never be the same once she went public with this information because of its controversial nature. Despite her fears of going public, she believed that telling her story on a national level was her civic duty, as she states in the opening remarks of her testimony. On September 16, 2018, the Washington Post published Ford's story and with her consent, named her, making her identity public (The Washington Post, 2018). During her testimony, Ford recounted the details from that night as she was able to remember. A lot of skepticism arose about the timeline of her coming forward with the allegations including from President Trump himself who openly expressed doubt of her testimony. Many people were also skeptical of her argument because of the lack of evidence. In an article that details the way our brains process trauma, Jonathan Foiles points out how our brains tend to suppress this trauma in an effort to protect us. "Flashbacks activate the amygdala, the part of the brain that monitors our surroundings for signs of danger and prepares us to take action, and repress Broca's area, the part of our brain responsible for putting our thoughts and feelings into words" (Foiles, 2018). During her testimony, Ford points out that although she was unable to answer many of the questions asked because of memory loss, the details that brought her to testify were unforgettable. She says "they have been seared into my memory and have haunted me episodically as an adult." She was visibly upset and obviously emotional while publically detailing the attack.

Apart from the assault itself, these last couple of weeks have been the hardest of my life. I have had to relive my trauma in front of the entire world, and have seen my life

picked apart by people on television, in the media, and in this body who have never met me or spoken with me (Ford, 2018).

Ford spoke about her experience of having her identity public. Some of the things Ford risked include her own safety, as well as that of her families. Ford also risked her career and reputation during this process.

There are many ethical theories about Ford's motives and the outcome of the testimony that could be explored. From a deontological standpoint, one can draw two possible conclusions. One might say that her purpose behind going public was to push her own liberal agenda. During the time that Ford's identity went public, it was mentioned by Emma Brown in the original Washington Post article, that Ford's political views were mainly democratic. Not only that, but Brown writes that Ford had made small donations to a multitude of political organizations. This sparked an uproar from the Republican community that snowballed conspiracy theories about Ford and where her motives fall. If this were truly the case, and Ford publicly spoke out to push her own political agenda, it would be ethically unsound. Although, with our knowledge of the hardship and many threats she has faced during this process, one cannot imagine an individual would desire so much negative attention. Ford detailed in her testimony that her family had to move four times and constantly have security guards around. The counter-argument would be that her reasoning was solely to bring public awareness to Kavanaugh's immoral actions. If this were the case, her reasoning behind going public would be ethical because of her principled intentions.

Teleologically analyzing the situation, we are also able to see different ethical views on the outcome of the case. One might think that because Kavanaugh won the Supreme Court vote, that this sends the wrong message to survivors of sexual assault and is a huge loss for victims and their advocates. Additionally, the harmful repercussions that this case has had on Ford, her family, her career, and her reputation are having their own negative long-lasting

impacts. This would mean that the outcome outweighs the purpose behind Ford coming forward. On the other hand, this case brought a huge amount of publicity and spotlight to sexual assault awareness. A GoFundMe page was created for Ford and her families security needs such as their home security system, and the multiple relocations her family had to face, as stated by Ford in her GoFundMe biography. The acceptance for donations closed on November 21, with Ford promising that “All funds unused after completion of security expenditures will be donated to organizations that support trauma survivors” (GoFundMe, 2018). After analyzing the different ethical standpoints, we assert that both teleologically and deontologically, Christine Blasey Ford’s case is ethically sound.

### **Kavanaugh**

After the allegations against Kavanaugh were made public, there was a downward spiral of other accounts of sexual assaults that began to infiltrate into the situation. The allegations had the public questioning how Kavanaugh would respond, and if it would turn into a situation that could eventually be overlooked. Through his testimony during the Senate hearing and personal claims that have been stated to multiple media outlets, his voice was clearly heard. During the hearing with the Senate, he was able to deliver his own personal testimony that he stated to have written without the help of outside sources and that it was solely from his point of view (NBC, 2018).

As Kavanaugh began to deliver to his speech in regards to the accusations, he mentions his feelings in reference to the Democratic agenda, Dr. Ford, and himself. Directed towards Dr. Ford he states, “you have replaced advice and consent with search and destroy,” he firmly believes that part of the accusations made against him was in response to past political issues surrounding the 2016 political election. The situation was referred to as a “political hit after the election and revenge on behalf of the Clintons”, in sight of Kavanaugh (NBC, 2018). Therefore there is no question as to why he would see them as liars who tried



to take him down but struggled in doing so because he did well during his hearings. (NBC, 2018). Kavanaugh also acknowledged the fact that he was willing to be compliant in any kind of investigation that needed to take place. In closing, Kavanaugh stated that “those who make sexual accusations deserve to be heard, but so do those that the accusations are made out to” (NBC, 2018). However, Democrats considered him to be a potential threat, if given a position of power regarding the entire situation. Due to the public nature of a Supreme Court Justice, millions of Americans listen to these political figures. The vote to approve Kavanaugh’s position in the Senate would create turbulence amongst those who believe Ford. Kavanaugh argues that it has destroyed his family and the reputation of his name, and it would affect not only his life but everyone else involved for years to come.

Alongside Kavanaugh’s personal Testimony, another claim in the process was his declaration of virginity throughout high school and leading into his early college years. The Huffington post discusses his virginity as a counterclaim to the sexual assault allegations against him. It was during an interview session with Fox News that he used this as a clutch. Stating that because of his virginity he would have never done such a thing (Madani & Miller, 2018). The party Ford acclaims to have attended 35 years ago when this supposedly occurred, could not have been accurate because of the lack of physical proof. “We’re talking about allegations of sexual assault. I have never sexually assaulted anyone,” Kavanaugh told Fox News. “I did not have sexual intercourse, or anything close to sexual intercourse, in high school or many years thereafter” (Madani & Miller, 2018). His virginity was called into question because of a history professor, Stephen Kantrowitz, who taught him at Yale during freshman year. He claimed to have heard a different story about the event. This brought into question Kavanaugh’s truthfulness since he admitted that during their conversation he mentioned losing his virginity that year. Moreover, he was compelled to share this as a piece

of evidence in order to have Kavanaugh's honesty and integrity considered before the vote to decide if he is worthy of taking a seat as Supreme Court Justice.

In terms of ethical perspectives in the eye's of the public, there are two ways in which Kavanaugh can be evaluated, in reference to the allegations made against him. Through a teleological lense, Kavanaugh chose to deliver his testimony without help from others, and that decision alone portrays how he wants to be authentic in his reaction. He handled himself well throughout the situation but could have been more aggressive in his actions against Dr. Ford. Although according to others it seemed too partisan of a response and in violation of rule 3(h)(1)(E) of the Judicial Court (Denning, 2018). By presenting his side in this manner it came off as too biased to a particular side and too politically targeted. In presenting his claim in this way, it made it seem as if the only thing that was important at the time was securing his nomination into the Supreme Court (Denning, 2018). His presentation of his political bias during this case affects his credibility as a potential leader. In considering all that has been said and done in regards to the whole situation, deontologically it isn't all that bad. Sexual assault accusations can be damaging to one's reputation. However at the same time, any kind of public good or bad can still put people in the spotlight of the media, and in the eyes of the public.

### **Conclusion**

The Kavanaugh case is one that will continue to be referenced to in the sexual misconduct conversations for the years to follow. These allegations appeared at a pivotal time in history during the #metoo movement concerning sexual misconduct and the way it is handled and viewed in society. People are more vocal on the subject of sexual assault than previous times and are expressing the importance of conversation now more than ever. Dr. Ford and Kavanaugh's reputations will be forever changed from this investigation and overall situation. The political spectrum seemed to be split more clearly during the week of the investigation leaving many Democrats in disapproval of the way the investigation was

handled. Republicans were left feeling victorious with a cloud potential vengeance after the claims made during Kavanaugh's testimony. This particular case presents multiple ethical standpoints that show how different people and agencies will react based on personal and political morals and values.

### **False Allegations**

After Kavanaugh was elected as Supreme Court Justice a woman admitted that her accusation against Brett Kavanaugh of sexual assault was untrue. Judy Munro-Leighton falsely claimed that she submitted an anonymous letter to Senator Kamala Harris that accused Kavanaugh and one of his friends of raping her in a car (Lapin, 2018). When investigators looked into the situation they found that she was not the anonymous accuser who wrote the letter. Situations like these hurt Dr. Ford's case, even after the verdict has been made, as well as other sexual assault victims.

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