

The case of punk duo PWR BTTM: The erosion of democratic rights in pop culture

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The long-standing principle that an accused person must be presumed “innocent until proven guilty” is disturbingly absent in the controversy surrounding recent allegations of sexual assault against a member of the punk band duo PWR BTTM.

Ben Hopkins and Liv Bruce met and formed PWR BTTM in 2013 while attending Bard College (in Annandale-on-Hudson, 100 miles north of New York City). They released their debut LP *Ugly Cherries* in 2015. One day before their second album, *Pageant*, was set to be released on May 12, allegations of sexual assault were leveled against Hopkins in the closed Facebook group, Chicago DIY.

On May 11, Facebook user Kitty Codero-Kolin accused Ben Hopkins of being a “known sexual predator,” commenting “U should avoid going to their shows/boycott their music/not allow them in safe spaces ... I have personally seen Ben initiate inappropriate sexual contact with people despite several ‘nos’ and without warning or consent.”

The same day, Hopkins and Bruce released a statement saying they were shocked by the allegations, but took them seriously and encouraged the person to come forward. Within 24 hours of the accusation’s appearance, their Brooklyn record release show was cancelled and Salty Artist Management issued a statement indicating it would no longer represent the band. Polyvinyl, the label that was releasing *Pageant*, declared that it was pulling the record. Bled Fest and Hopscotch removed the band from their festival lineups, and opening bands dropped out of its tour.

On May 12 the online feminist blog Jezebel posted an interview with the anonymous accuser stating that they had been forced to engage in unprotected sex with Hopkins following a show and again a month later following text messages. The peculiarity of “forced” sexual encounters a month apart, punctuated by text messages, has not seemed to strike any of those blackballing PWR BTTM.

Hopkins issued a response on May 18, noting that “Based on the nature of our communications and our interactions with one another, I understood our interactions to be fully consensual. We stayed in touch over the course of several weeks by exchanging texts and pictures. Later, she asked if she could stay with me at my home, where we had sex several more times over the course of those days.”

Both Polyvinyl and Father/Daughter Records (the label that put out the band’s debut album) issued statements to the effect they would no longer sell or distribute PWR BTTM music, and have

pulled their music off streaming sources such as Amazon, iTunes, and Spotify, in what can only be described as blacklisting. Much like in Ray Bradbury’s *Fahrenheit 451*, where books are burned and only kept alive by exiles living in the woods who have memorized their contents, the band’s music remains solely in the memory.

In a self-serving manner, the record companies have thrown the duo to the wolves, issuing statements that take Hopkins’ culpability for granted. Father/Daughter’s statement read, “Victims and survivors need to be heard, considered and supported as opening up about such trauma is extremely difficult and emotionally taxing Father/Daughter is and always will be a community for artists to thrive and grow and their feelings are equally as valid and important as the two people who run the label.”

And Polyvinyl commented, “Throughout our 20 years, Polyvinyl has purposefully operated on the core principle that everyone deserves to be treated with fairness and respect. There is absolutely no place in the world for hate, violence, abuse, discrimination or predatory behavior of any kind. In keeping with this philosophy, we want to let everyone know that we are ceasing to sell and distribute PWR BTTM’s music.”

In a grotesque display of moralistic grandstanding, the entire industry has jumped on the bandwagon. Across the board, labels and bands pledged to make donations to the Rape, Abuse & Incest National Network (RAINN) and the National Coalition of Anti-Violence Programs (NCAVP) in light of the accusations and “in solidarity of all survivors,” according to Father Daughter Records.

In less than a week, without any investigation or criminal charges having been laid, much less a trial occurring followed by a conviction, the band has become a leper within the music industry, especially among the radical “left” and identity politics groups, the very ones who once praised Hopkins and Bruce for their “queer identity.”

The assumption of guilt is harrowing. The Facebook statements by anonymous alleged victims and friends of these alleged victims are taken for entirely good coin. This is the politics of so-called radical feminism. Anyone who challenges an accuser’s account is instantly labeled an “abuse” or “rape apologist.” Any call for evidence or questioning of the alleged victim is deemed “victim blaming,” while the basic rights to presumption of innocence and a trial by jury have been cast aside. *Ei incumbit probatio qui dicit, non qui negat* (The burden of proof is on the one who declares, not

on one who denies).

This fundamental right to the presumption of innocence is inscribed in the legal codes and constitutions of the majority of advanced capitalist countries. Its origin dates back to the end of Middle Ages, to the transition from feudal to capitalist relations, the era of bourgeois-democratic revolutions. The ideology we associate with constitutional democracies and the historic struggles against the “divine right of kings” emerged in this period.

The presumption of innocence is also part of contemporary international law. Article 11 of the United Nation’s Universal Declaration of Human Rights, states that “Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence.”

According to the Convention for the Protection of Human Rights and Fundamental Freedoms of the Council of Europe, “Everyone charged with a criminal offence shall be presumed innocent until proved guilty according to law.” This article applies to the whole of the European Union.

The US Supreme Court determined in 1895 in the case of *Coffin v. United States* that the presumption of innocence followed from the Fifth, Sixth and Fourteenth amendments to the United States Constitution. The decision argued, “The principle that there is a presumption of innocence in favor of the accused is the undoubted law, axiomatic and elementary, and its enforcement lies at the foundation of the administration of our criminal law.”

In its decay and decline, the bourgeoisie spurns the principles it based its rule upon and once claimed to hold dear. Presumption of innocence has been under attack for years in particular when it comes to sexual assault allegations. Many universities and colleges, for example, have all but eliminated this fundamental legal principle in cases of alleged sexual harassment. They now apply a “preponderance of the evidence” standard, which means that accusations are considered to be more probably true than not true. This is the lowest standard of proof in the American legal system, far lower than the historic standard for the determination of guilt in criminal cases--“beyond a reasonable doubt.”

These attacks have wide-ranging and dangerous implications, which go far beyond the realm of sexual behavior. The Obama administration carried out extrajudicial drone killings of US citizens, stripping them of their constitutional right to due process and trial by jury, in the name of the “war on terror.” Indeed, the same social elements who dismiss elementary democratic rights in regard to alleged sexual misconduct, on the grounds that the “epidemic” of sexual violence demands special measures, line up behind imperialist invasions and regime change around the globe in the name of the “emergency” defense of “human” or “women’s rights.”

These pseudo-left and feminist forces, on the one hand, and the various state apparatuses, on the other, now often align in pushing for the prosecution of alleged sexual crimes and the weakening of protections against police and state power.

In the run-up to the 2014 New Zealand elections, for instance, the Labor Party attempted to gain support from the identity-politics groups with a call to shift “the burden of proof on the issue of consent to the defence,” in cases of sexual assault, which they

referred to as “a monumental [i.e. progressive] shift” in the justice system.

The “call-out-culture”--i.e., the public naming and denunciation of individuals alleged to be guilty of “oppressive behavior” without any proof necessarily being provided--held up by some “radical activists” as some sort of alternative or “restorative justice” provides almost no protections for the accused. It is, therefore, no wonder this ideology finds support within the establishment, which is seeking increasingly dictatorial powers to deal with social discontent.

The “tough-on-crime” rallying cry, which hailed historically from the extreme right, has now been appropriated by upper middle class feminist liberals, who demand a “tough-on-rape” approach. These are the same people who called for a witch-hunt against Brock Turner last June, who was sentenced to six months in prison after being found guilty of sexual assault, and the judge who sentenced him.

Early this month, prosecutors in Maryland were forced to drop charges against two undocumented immigrant youth, Henry Sanchez Milian, 18, and Jose Montano, 17. The pair was detained following the allegations of a 14-year-old classmate, who claimed she was forced into a bathroom and sexually assaulted by the two boys.

The Trump administration lent its full weight to smearing the youth and seeing to it that they received the harshest possible sentences as part of the White House’s vicious anti-immigrant effort--until an investigation revealed that the accuser was not telling the truth.

The elements leading the undemocratic and puritanical campaign against PWR BTTM would have assisted ideologically in rallying public opinion against the immigrant youths, just as they have done against WikiLeaks founder Julian Assange. Like clockwork, the pseudo-left can be counted on to join each state orchestrated witch-hunt, adopting the presumption of guilt in all cases of sexual assault.

The speed of events and the direction they have taken in the PWR BTTM case should set off alarm bells for all those committed to basic democratic rights. Not a single label or musician has come out in the band’s defense. The entire industry has taken to self-serving soapbox denunciations out of fear of being labeled a “rape apologist” and facing similar banishment.



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