

The jury verdict in the Depp-Heard case: A telling, deserved blow to the #MeToo witch-hunt

David Walsh
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On Wednesday, a jury in Fairfax, Virginia found for actor Johnny Depp in his defamation lawsuit against his former wife, actress Amber Heard. The verdict is a significant defeat for the #MeToo sexual misconduct witch-hunt and a victory for the defense of elementary legal norms, including the presumption of innocence and the right to due process.

The seven-person civil jury awarded Depp \$10 million in compensatory damages and \$5 million in punitive damages (lowered to \$350,000, in accordance with the maximum under state law). Heard was awarded \$2 million in damages for a comment made by Depp's lawyer in the British press during an earlier, unsuccessful lawsuit in the UK. Depp had sought \$50 million, for damage done to his film career, and Heard had countersued for \$100 million.

Since October 2017, hundreds of lives and careers have been ruined through the dissemination of largely unsubstantiated claims, gossip and rumors. Isolated and officially disgraced, instantly turned into pariahs by the media, many of the accused have simply chosen to disappear. Virtually none of the latter have been charged with a crime, much less convicted. Now, a well-known figure has stood up to the petty bourgeois lynch mob, taken the issue to court and permitted a jury to decide on the merits of the case. The results are clear enough.

The jury, whether it intended to or not, rendered a damning verdict not only on the Depp-Heard affair, but on the entire McCarthyite scandal-mongering that has consumed a considerable portion of the upper middle class in recent years, led by the *New York Times*, the *New Yorker* and the *Washington Post*, and championed directly and indirectly by the Democratic Party and its "left" apologists. In reality, if most of the #MeToo allegations were subjected to the same degree of objective scrutiny, they would fall apart in a similar fashion. Hence, the howls of outrage from the identity politics-obsessed media following Wednesday's verdict.

The Depp-Heard case hinged on a *Washington Post* opinion piece published in December 2018, one year into the #MeToo campaign, "I spoke up against sexual violence—and faced our culture's wrath. That has to change," which appeared with Heard's byline. In the piece, the actress (in fact, a ghost writer, as the trial revealed) asserted that "two years ago ... I became a public figure representing domestic abuse." This was a thinly veiled

reference to her marriage to Depp (2015-2017), an allegation that ultimately triggered his suit. The actor denied that he had ever physically abused Heard.

That the jury, after six weeks of hearing evidence and three days of weighing the facts, concluded its deliberations in such a decisive fashion is revealing. As various commentators noted, public officials and celebrities are obliged to meet a "very high burden of proof" in order to collect damages. The jury members had to determine if two passages and the headline of the *Post* article were defamatory. Because of Depp's prominence, as the Associated Press noted, "to find that she committed libel, the jury needed to conclude that Heard acted with 'actual malice,' meaning that she either knew what she wrote was false or that she acted with reckless disregard for the truth. The jury ruled in favor of Depp on all three counts, finding that she had indeed acted with actual malice." Meanwhile, Heard's lawyers had informed the jury Depp's claim "had to fail if Heard suffered even a single incident of abuse." The jury members evidently did not believe the actress's allegations of physical abuse.

CNN legal analyst Joey Jackson termed it a "tremendous victory" for Depp. What the actor had to overcome, Jackson pointed out, "was a First Amendment issue which is, that we all have the right to express our thoughts and opinions. What they (the jurors) said was that, yeah, you do have a First Amendment right unless you say something that is false, that injures someone's reputation and causes damages to them in their industry."

In a statement released after the verdict, Depp noted that six years earlier, his life and the lives of those closest to him "were forever changed. All in the blink of an eye. False, very serious and criminal allegations were levied at me via the media, which triggered an endless barrage of hateful content, although no charges were ever brought against me." The allegations, Depp asserted, had "a seismic impact on my life and my career. And six years later, the jury gave me my life back. I am truly humbled."

The actor commented further that he had made the decision to pursue the case, "knowing very well the height of the legal hurdles that I would be facing" and that his private life would be exposed to public view. He expressed the hope "that my quest to have the truth be told will have helped others, men or women, who have found themselves in my situation, and that those supporting them never give up. I also hope that the position will now return to

innocent until proven guilty, both within the courts and in the media. ... Veritas numquam perit. Truth never perishes.”

In her own post-verdict statement, Heard commented that she was “heartbroken that the mountain of evidence still was not enough to stand up to the disproportionate power, influence, and sway of my ex-husband.” She asserted that she was even more disappointed for “what this verdict means for other women. It is a setback. It sets back the clock to a time when a woman who spoke up and spoke out could be publicly shamed and humiliated. It sets back the idea that violence against women is to be taken seriously.”

The results of the trial are not such a “setback” because Heard represents neither women in general nor abused women in particular. Rather, she typifies the selfish layer of affluent men and women who have attempted to advance their interests, regardless of the far-reaching consequences, through the reactionary #MeToo campaign. Along with numerous others in Hollywood, she clearly identified in the course of the sexual misconduct witch-hunt an opportunity to curry favor with the media and entertainment industry establishment. Hence, her opportunistic decision in 2018 to re-invent herself as a crusader for “women’s rights.” The cynicism of that operation can hardly be overstated.

The broader significance here is the question mark the verdict places over all the unsubstantiated claims made against actors, musicians, comedians and media personalities over the past number of years. If Heard was not simply to be taken at her word, and the jury decisively concluded she was not, why should anyone else be?

As noted above, these wider implications of Wednesday’s verdict sent the #MeToo forces into paroxysms of anger. Many engaged in their own form of “jury nullification,” dismissing the verdict as illegitimate and continuing to assert, without proof, that Heard was a persecuted survivor of abuse.

Rolling Stone headlined its response, “Men Always Win’: Survivors ‘Sickened’ by the Amber Heard Verdict.” In “Why The Depp v. Heard Verdict Is So Brutal,” *BuzzFeed News* commented that “Being a woman in the world doesn’t mean you’re ever just being punished by one man or one event; it means having to tangle with a tapestry of subjugation.” A. O. Scott in the *New York Times* observed, without bothering to offer a shred of proof, that the public was “primed to accept him [Depp] as flawed, vulnerable, human, and to view her [Heard] as monstrous. Because he’s a man. Celebrity and masculinity confer mutually reinforcing advantages.”

In an especially loathsome comment, Moira Doneghan in the *Guardian*, the house organ of British liberal philistinism, claimed that the trial, with its “strange, illogical, and unjust” verdict, “has turned into a public orgy of misogyny. While most of the vitriol is nominally directed at Heard, it is hard to shake the feeling that really, it is directed at all women.”

In *Time* magazine, sociologist Nora Bedera concluded from the trial that subjecting accusers to cross-examination was itself a “structural inequality” and presumably should be prohibited. While the public mistakenly considers tough questioning under oath to be “the gold standard of seeking truth,” the *Time* piece argued, “scientific studies find that it actually *obscures* the facts in

sexual-violence cases.” Cross-examination “often produces traumatic symptoms in survivors that can impede their ability to recall details of the violence they endured.” Bedera, of course, assumes that the accusers are “survivors” of abuse and the accused are culpable, which makes the argument much easier for her. In fact, the case demonstrates that the accused must have the right, through legal counsel, to subject the accuser to thoroughgoing, comprehensive questioning. No honest person can object to that.

The argument that Depp triumphed in the case because of his film star status has little or no validity. In fact, as indicated, he faced considerable legal odds suing Heard in a US court. One might say this much : Depp’s prominence proved beneficial to the extent that he was able, unlike many others, to ignore the media hostility, assume the legal expense and devote months to the case. His status, for once, created something more of a level playing field.

As for the claim that Depp’s much wider popular support gave him an unfair advantage, this speaks, in part, to his history as a substantial artist (including in films such as *Minamata* and *Waiting for the Barbarians*), his presence in court and the public’s general lack of confidence in Heard’s testimony.

NPR pointed out that on TikTok, as of May 23, “#IStandWithAmberHeard has garnered about 8.2 million views, while #JusticeForJohnnyDepp has earned about 15 billion views.” The broader reaction provides a more accurate picture of public attitudes toward the Hollywood #MeToo crowd in particular, in all its self-centeredness, self-pity and self-promotion.

The *World Socialist Web Site* has insisted since October 2017 that the cascade of denunciations and subsequent “disappearances” had nothing to do with defending women’s rights in the workplace or at home—indeed, that the anti-democratic character of the purging, in the long run, would undermine *everyone’s* rights. This sentiment is certainly more widely shared at this point.

The Depp-Heard trial has had the positive effect of bringing out the narrowness of the privileged social layer invested in the #MeToo campaign and its isolation from the mass of the population, women and men alike.



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