

Stop Firing the Innocent

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Yascha Mounk Contributing writer at The Atlantic

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As companies and organizations of all sorts have scrambled to institute a zero-tolerance policy on racism over the past few weeks, some of them have turned out to be more interested in signaling their good intentions than punishing actual culprits. This emphasis on appearing rather than being virtuous has already resulted in the mistreatment of innocent people—not all of them public figures or well-connected individuals with wealth to cushion their fall.

What happened to Emmanuel Cafferty is an especially egregious example. At the end of a long shift mapping underground utility lines, he was on his way home, his left hand casually hanging out the window of the white pickup truck issued to him by the San Diego Gas & Electric company. When he came to a halt at a traffic light, another driver flipped him off.

Then, Cafferty told me a few days ago, the other driver began to act even more strangely. He flashed what looked to Cafferty like an “okay” hand gesture and started cussing him out. When the light turned green, Cafferty drove off, hoping to put an end to the

disconcerting encounter.

But when Cafferty reached another red light, the man, now holding a cellphone camera, was there again. “Do it! Do it!” he shouted. Unsure what to do, Cafferty copied the gesture the other driver kept making. The man appeared to take a video, or perhaps a photo.

Two hours later, Cafferty got a call from his supervisor, who told him that somebody had seen Cafferty making a white-supremacist hand gesture, and had posted photographic evidence on Twitter. (Likely unbeknownst to most Americans, the alt-right has appropriated a version of the “okay” symbol for their own purposes because it looks like the initials for “white power”; this is the symbol the man accused Cafferty of making when his hand was dangling out of his truck.) Dozens of people were now calling the company to demand Cafferty’s dismissal.

By the end of the call, Cafferty had been suspended without pay. By the end of the day, his colleagues had come by his house to pick up the company truck. By the following Monday, he was out of a job.

Cafferty is a big, calm, muscular man in his 40s who was born and raised in a diverse working-class community on the south side of San Diego. On his father’s side, he has both Irish and Mexican ancestors. His mother is Latina. “If I was a white supremacist,” he told me, “I would literally have to hate 75 percent of myself.”

After finishing high school, Cafferty bounced from one physically demanding and poorly paid job to another. For most of his life, he had trouble making ends meet. But his new job was set to change all that. “I was very proud of my position,” Cafferty told me. “It was the first time in my life where I wasn’t living check to check.”

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When Cafferty was wrongly accused of being a white supremacist, he fought hard to keep his job. He said he explained to the people carrying out the investigation—all of them were white—that he had no earthly idea some racists had tried to appropriate the “okay” sign for their sinister purposes. He told them he simply wasn’t interested in politics; as far as he remembered, he had not voted in a single election. Eventually, he told me, “I got so desperate, I was showing them the color of my skin. I was saying, ‘Look at me. Look at the color of my skin.’”

It was all to no avail. SDG&E, Cafferty told me, never presented him with any evidence that he held racist beliefs or knew about the meaning of his gesture. Yet he was terminated.

The loss of his job has left Cafferty shaken. A few days ago, he spoke with a mental-health counselor for the first time in his life. “A man can learn from making a mistake,” he told me. “But what am I supposed to learn from this? It’s like I was struck by lightning.”

After Cafferty told his side of the story, the initial social-media vilification he had experienced gave way to a kind of embarrassed silence. The man who had posted a picture of the encounter on Twitter deleted his account and admitted to Priya Sridhar, a local news reporter, that he “may have gotten ‘spun up’ about the interaction and misinterpreted it.” Repeatedly asked whether they had any evidence that Cafferty was a white supremacist, had known the meaning of the inverted “okay” symbol, or had previously been reprimanded for his performance, SDG&E refused to answer. Nor did the company respond to my request for confirmation that the team that had investigated Cafferty was all white.

A company representative did provide a generic statement: “SDG&E employees are held to a high standard and are expected to live up to our values every day, whether in interactions with fellow employees or the public. The company did more than simply react to the photo. Multiple factors led to the decision to terminate. We conducted a good faith and thorough investigation that included gathering relevant information and multiple interviews, and took action in line with those values. While we are not able to reveal the full circumstances surrounding our investigation, we stand by our decision and will not be commenting any further.”

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As for Cafferty, his only desire, even now, is to get his job back. When I asked him whether he’d like to share anything else with me at the end of a long interview, his first thought was for the company that had fired him: “I feel like SDG&E is a victim in this as well. Some guy sent a Twitter mob after them and they were just trying to defend themselves. Perhaps I’m naive and loyal to a fault, but they were put in a bad position.”

Emmanuel Cafferty’s story is not one of a kind. Other companies, trying to prove to the public that they take racism seriously, have also sacrificed business partners or employees who likely did nothing wrong.

David Shor, for example, was until recently a data analyst at a progressive consulting firm, Civis Analytics. (Emerson Collective, the majority owner of *The Atlantic*, is an investor in Civis Analytics.) Shor’s job was to think about how Democrats can win elections. When Omar Wasow, a professor at Princeton, published a paper in the country’s most prestigious political-science journal arguing that nonviolent civil-rights protests had, in the 1960s, been more politically effective than violent ones, Shor tweeted a simple summary of it to his followers.

Post-MLK-assasination race riots reduced Democratic vote share in surrounding counties by 2%, which was enough to tip the 1968 election to Nixon. Non-violent protests *increase* Dem vote, mainly by encouraging warm elite discourse and media coverage.
<https://t.co/S8VZSuaz3G>, pic.twitter.com/VRUwnRFuVW

— ((David Shor)) (@davidshor) May 28, 2020

Because the tweet coincided with the first mass protests over the killing of George Floyd, it generated some pushback. After a progressive activist accused Shor of “concern trolling for the purposes of increasing democratic turnout,” a number of people on Twitter demanded that he lose his job. Less than a week after he tweeted the findings of Wasow, who is black, Civis’s senior leadership, which is predominantly white, fired Shor.

Reached for comment, Civis denied that the tweet led to the firing: “We have not, nor would we ever, terminate employees for tweeting academic papers. These rumors are incorrect and unsubstantiated. Civis was founded on the principles of free speech and the pursuit of truth through objective scientific research, and that has not changed. This is an internal personnel matter, and out of respect for our employees and alumni, we won’t be commenting further.”

When I pressed Civis for evidence that Shor had been, despite appearances, fired for wrongdoing unrelated to his tweet, the company asked me to publish a new statement. It was almost identical to the original, but it omitted the first sentence asserting that Civis would never terminate employees for tweeting academic papers.

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One Civis employee, who requested anonymity for fear of professional repercussions, told me, the only reason for the firing “that was communicated that I heard were the client and staff reactions to the tweet.” The employee also said that at “our company-wide meeting after Shor’s firing blew up on Twitter, [CEO] Dan [Wagner] said something along the lines of freedom of speech is important, but he had to take a stand with our staff, clients, and people of color.”

(Civis chose not to comment on this anonymous description of its company-wide meeting.)

Majdi Wadi’s life is a testament to the opportunities America offers immigrants and refugees. He came to Minneapolis from Palestine and started a business, Holy Land, a food and catering company that now employs nearly 200 people. The local press is full of articles lauding his achievements and his determination to give back to the community. On the company’s 25th anniversary, Representative Keith Ellison, now the attorney general of Minnesota, celebrated it in a short speech on the floor of the House of Representatives.

“Where I came from, you have no right to dream,” Wadi told me. “Here, after a while, I realized you can dream. And then I realized you can achieve your dreams. And then I realized the sky is the limit. And then I realized beyond the sky is the limit.”

But Wadi’s American dream came crashing down to Earth on June 4, when his 24-year-old daughter admitted to him that she had written a series of deeply racist and anti-Semitic posts on Twitter and Instagram starting when she was 14 years old until she was 18. An activist had drawn public attention to these posts after stumbling across an especially noxious one. That same day, Wadi did what he describes as “one of the toughest things I’ve ever had to do in my life”: he fired his daughter from her position as the company’s catering director.

Neither Wadi’s long standing in the community nor his quick action to sever his company’s ties with his daughter are likely to salvage his company. Nearly all of his business partners have canceled their contracts. His landlord terminated the bakery’s lease.

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After he saw his life’s work evaporate in a few days, Wadi reluctantly told me, he has struggled to sustain his belief in the American dream. “All that I’m asking is that everyone who canceled our lease, who threw out our products, who is calling for a boycott of our produce give us a chance to prove that this is not who we are.”

Cafferty was punished for an offense he insists he did not commit. Shor was punished for doing something that most wouldn’t even consider objectionable. Wadi was punished for the sins of his daughter. What all of these rather different cases have in common is that none of the people who were deprived of a livelihood in the name of fighting racism appear to have been guilty of actually perpetuating racism.

These cases do not negate the good that can, and hopefully will, come from America’s newfound determination to root out racial injustice. Given the gravity of police misconduct in this country, there is little doubt in my mind that the overall thrust of the changes set in motion by the protests over the murder of George Floyd is highly positive. Nevertheless, it would be a big mistake—especially for those who deeply care about social justice—to dismiss the fate of people such as Cafferty, Shor, and Wadi as a minor detail or a necessary price for progress.

First, these incidents damage the lives of innocent people without achieving any noble purpose.

Second, such injustices are liable to provoke a political backlash. If a lot of Americans come to feel that those who supposedly oppose racism are willing to punish the innocent to look good in the public’s eyes, they could well grow cynical about the enterprise as a whole.

Third, those of us who want to build a better society should defend the innocent because movements willing to sacrifice justice in the pursuit of noble goals have, again and again, built societies characterized by pervasive *injustice*.

One of the core tenets of liberal democracy is that people should not be punished for accusations against them that are unsubstantiated, for actions that are perfectly reasonable, or for offenses that were committed by others. No matter how worthy the cause they invoke, you should not trust anyone who seeks to abandon these fundamental principles.

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[Yascha Mounk](#) is a contributing writer at *The Atlantic*, an associate professor at Johns Hopkins University, a senior fellow at the German Marshall Fund, and a senior adviser at Protect Democracy. He is the author of *The People vs. Democracy*.

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