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The Unconscious Victim of Quiescence

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Abstract

John Gaventa describes his investigation into the lives of Appalachian coal miners as an “account of the local injustices,” (Gaventa 1980 v.). The same can be said for this investigation into the Vanderbilt Rape Trial. Similar to the accounts of Central Appalachia, an act of “local injustice” occurred on the campus of Vanderbilt University in the summer of 2013. The realities of the high profile Vanderbilt Rape case are compared and applied to the framework of power Gaventa specifies in *Power and Powerlessness*. The parallels between both cases are undeniable and ultimately serve one purpose for their comparison. Like Gaventa, the efforts in this paper are simply written, “to develop a more adequate explanation for what I had seen,” (Gaventa 1980, vi).

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Abstract: *John Gaventa describes his investigation into the lives of Appalachian coal miners as an “account of the local injustices,” (Gaventa 1980 v.). The same can be said for this investigation into the Vanderbilt Rape Trial. Similar to the accounts of Central Appalachia, an act of “local injustice” occurred on the campus of Vanderbilt University in the summer of 2013. The realities of the high profile Vanderbilt Rape case are compared and applied to the framework of power Gaventa specifies in Power and Powerlessness. The parallels between both cases are undeniable and ultimately serve one purpose for their comparison. Like Gaventa, the efforts in this paper are simply written, “to develop a more adequate explanation for what I had seen,” (Gaventa 1980, vi).*

Author’s Note: In the summer of 2016 I interned at the Madison Police Precinct in Davidson County Tennessee just outside of Nashville. This work is a condensed version of the research paper written for PSCI 397. The victim’s name has been changed to protect her identity. It should also be noted that a similar case garnered national attention in June 2016. Former Stanford University swimmer, Brock Turner was convicted of three counts of sexual assault and sentenced by a judge to just six months in a county jail. The judge, Aaron Persky, was widely criticized by advocacy groups and other observers, but ultimately cleared of any misconduct.

The Facts of the Case

Lisa Quinn was starting her senior year at the acclaimed and highly regarded Vanderbilt University. Described as a bright neuroscience student and a member of the Vanderbilt dance team, the victim had begun dating the defendant, Brandon Vandenburg, shortly after meeting him. Vandenburg was a junior college transfer from Palm Desert California, who had just arrived at Vanderbilt three weeks earlier to begin his career on a football scholarship. On June 22, 2013 they met up at the Tin Roof bar in downtown Nashville with groups of their friends. Vandenburg

handed Quinn a vodka Redbull followed by a shot of Fireball whiskey. After declining the third drink that was offered to her, Vandenburg handed her a large blue drink called a California iced tea and insisted that she try it. After taking two sips, the victim would remember nothing that occurred in the following twelve hours.

The surveillance videos show Vandenburg pulling up to the dorm room of Gillette Hall in the victim's black Mercedes Benz and flagging down a couple teammates to help him carry her into his room. The players who helped him were Cory Batey, Brandon Banks, and Jaborian "Tip" McKenzie. Vandenburg had allegedly never met these men before, but later said he was aware of their positions on the football team. The four men are seen on surveillance video carrying the victim down the hallway and putting her in the elevator. On the second floor, the victim is seen lying face down in front of the elevator while the boys converse and make trips back and forth from the bathroom, all the while laughing and smiling. A perfect smile is captured on video when Vandenburg and the other three are carrying the victim to Vandenburg's dorm room 213. Due to a perfect time stamped sequence, it is easily determined that the victim was in the room for approximately 32 minutes. Within two minutes inside the room, Vandenburg hands out condoms, the woman's clothes are off and co-defendant Cory Batey is captured on video raping the victim. It does not stop there. Brandon Banks is caught raping the woman with a water bottle in the anus and pictures were taken of this as well. Batey then proceeded to sit on the victim's face and urinate all over her body and hair. All the while, Vandenburg is videotaping and taking pictures instructing the players, laughing hysterically, and encouraging the acts. In the video footage, Vandenburg's pants are pulled down and he has pornography sites pulled up on his laptop. Unable to get an erection due to cocaine use, he slaps the victim on the buttocks and assures his teammates that she is not waking up. Batey participated in the slapping and asks

McKenzie to take a picture on his phone.

After they had their fun, the unconscious victim is thrown face down in the hallway while Vandenburg decides the next play. His three teammates ditch him and as a result, Vandenburg is pictured getting emotional and upset. He is left alone in the hallway where he is seen covering up the surveillance camera with a towel. He calls some fellow teammates and asks for their advice. Shortly after, several teammates of Vandenburg's are seen entering the building and rush to his aide. They all congregate in the hallway and decide to bring the victim back into Vandenburg's room where he leaves her for the night.

At 8:00am the victim is seen standing in the hallway wrapped in a towel. She goes back and forth to the bathroom a few times and then goes into room 214 where a friend she knew lived. She leaves the building with another friend around noon and discovers her car in front of Gillette Hall. She gets in it and drives away. She texts Vandenburg, hoping to find an explanation for what happened the night before. He informs her that she got sick all over his room and that he had to take care of her all night. He then asks her to come over. She returns to Gillette Hall in the afternoon of June 23 and hopes Vandenburg can fill in the blanks. He says he does not want to talk about it, his mood shifts, and he initiates intercourse. The defendant has unprotected consensual sex with the victim to cover up any DNA his teammates may have left behind. She never saw him again.

The following day, Vanderbilt security investigated the surveillance footage to determine the cause of an act of vandalism to a door the same night in Gillette Hall. Yet, they end up finding clues to a much bigger crime than vandalism. The image of four athletes carrying an unconscious female through the hallway was first witnessed by Vanderbilt security and then tagged by news stations all over Tennessee. Investigators intervened from there and interviews

began. Police seized all cellphones and laptops and informed the victim of what they were investigating. Vandenburg had returned to California to try to destroy any evidence that may have been on his friend's phones or laptops because he had sent them videos from that night. Four days later cellphone videos were recovered and detectives informed the victim that she had been raped. Vandenburg claimed he never touched her. Brandon Vandenburg and Cory Batey both pleaded innocent to the events described.

Vandenburg and Batey were tried together the first time the case went to trial. Perhaps what makes this case so unique is the presence of a mistrial and the continued delay of the trial's progress. After failing to disclose that he had been a victim of a statutory rape, juror # 9, Matthew Swift, suddenly became the center of attention. Having no choice but to declare a mistrial, Judge Monte Watkins prepared for the continuance of this case. The co-defendants then had their cases severed and were tried separately. Now it is 2016, Cory Batey is serving a 15-year sentence with 100% time served. Brandon Vandenburg was found guilty and awaits his sentencing. The horrific events described and the ongoing legal maze unfolded here has been commonly referred to as the Vanderbilt Rape Trial.

Power Split Three Ways

John Gaventa examines the relationship that forms between the powerful and the powerless in society as a result of power. Gaventa claims, "power works to develop and maintain the quiescence of the powerless," (Gaventa 1980, vii). Gaventa explains this phenomenon by dividing certain aspects of this relationship into three dimensions of power. The first dimension initiates the ladder of power and captures "on observable conflict in decision-making arenas, power may be understood primarily by looking at who prevails in bargaining over the resolution

of key issues,” (Gaventa 1980, 14). The second dimension evaluates a “mobilization of bias,” developing, “a set of predominant values, beliefs, rituals, and institutional procedures that operates systematically and consistently to the benefit of certain persons and groups at the expense of others,” (Gaventa 1980, 14). The third dimension is a culminating power, which “influences, shapes, or determines conceptions of the necessities, possibilities, and strategies of challenge in situations of latent conflict,” (Gaventa 1980, 15). While Gaventa illustrates the quiescence and rebellion in an Appalachian valley, the theory he proposes works in other examples of social power. The case of the Vanderbilt Rape Trial and the escapades of Brandon Vandenburg and Cory Batey constitute a relevant example of social power, and Gaventa’s theory can be used to highlight and explain their actions and the resulting trial.

While there are a variety of directions and routes that could potentially be evaluated in this case and compared accordingly, the examples provided for each dimension represent aspects of the case as a whole. The events surrounding the case and the controversy that was tied to it allow for further interpretation of the era of the Vanderbilt Rape Trial. Having started in 2013, the summer of 2016 marked the fourth year that this case has remained on the table. With that, the impact of current events and other circumstances surrounding this case have contributed to the power that is the Vanderbilt Rape Trial.

The Struggle for Power

The relationship between a defendant and a victim is perhaps one of the most vital connections when determining justice; especially in this particular case. While the life of a young woman was ruined, there was a never-ending chain of lives brought down in a cruel domino effect. The direct conflict is clear, and the victimization is amplified due to the simple

fact that four men were charged. We see here an “observable conflict” that can be described only as a conflict in the first dimension of power. The entire defense is composed of the “powerful”. Their role is clear-cut and they are to blame. They used their power and the victim is tossed aside.

The decision to partake in a sexual assault and rape was a conscious choice made by the young men that night, particularly by their leader, Brandon Vandenburg. The powerful character that Vandenburg represents is a perfect example of a second dimension of power. Often coined as the “ringleader” or “puppet master” throughout Batey’s trial, Vandenburg orchestrated the “participation” of others. The decisions to carry the victim into his room, to cover the security camera, and to ask for the help of teammates all qualify Brandon Vandenburg as the “agenda setter” of this group.

During Vandenburg’s trial, the associate dean of students, Giel Black, was called to the witness stand. The second dimension of power persists, this time indirectly through the involvement of the Vanderbilt athletic department; but more importantly exercised on the part of the administration. Black explained the process involved in bringing the defendants in for questioning. They waited patiently for football practice to be over the next day and scheduled an evening sit down with the boys. Not only does this cast the university administration as an apparent agenda setter; but also it shines a light on what the administration’s priorities were. Clearly, the comfort and schedule of the almighty athletic department took precedence over the still powerless victim. Not only is the victim still left figuratively unconscious of her reality, but the decision to let an entire day pass by stalled the process for justice.

Gaventa explains that, “Once having prevailed in the decision-making of the organization (first dimension), the leaders develop barriers for the exclusion of certain participants and issues

(second dimension), having a further effect upon their consciousness of their own power (third dimension) (Gaventa 1980, 168). This connection and culmination of the powers can be viewed through a judicial perspective implemented in the re-trial. The victim's power was being altered right before our eyes in courtroom 5A. The leader in this case becomes the trial itself when it is postponed; pushing the victim further into a world of quiescence and shining the light on Juror #9. Structurally, the legal use of a trial represents the second dimension; while fueling the fire of Juror #9's second dimension and morphing this power to encompass the first dimension as well. Ultimately, the effect of postponing or the "prevention of conflict" is in play here when the trial cannot proceed as originally planned. Even though the jury found both defendants guilty across the board, the role of a dishonest juror emerged to be an element of power in and of itself.

Where Does Power Truly Lay

The temporary physical state and role of the "unconscious victim" is where Gaventa's theory is elucidated in the example of this case. Gaventa states that, "power amongst the leaders produces 'consciousness of power' that is reinforcing to the drive to control in the leaders, then the fact of powerlessness of the non-elite may also produce a 'consciousness of powerlessness' that is reinforcing to the acquiescence of the led," (Gaventa 1980, 169). An even more shocking aspect of this case is that the victim was taken advantage of a second time on a separate occasion. After the defendant lies about the actions that ensued that night, the victim is left in the paramount and sovereign third dimension. The defendant has exerted his power with a false story, accumulating the first and second dimensions to the awaiting third. Quiescence clings to the victim once again.

Yet another appalling factor of this case is the lack of awareness exhibited by some

members of the 2013 college generation. They signify a category all their own and can themselves take Gaventa's power analysis in a whole new direction. Representing the third dimension of power, the consciousness of the powerless victim is exposed once the consciousness of power is crowned to the countless students who simply strolled past the victim's body when she lay unresponsive on the floor. While there was never an official count as to how many students may have walked past, but the bystanders of Gillette Hall also become the "powerless" when they do not to assist the victim. They are aware of their surroundings in the secluded sanctuary of Gillette Hall, where the football players reside. They become transfixed by the team mentality, and make the conscious choice not to assist the victim. The steering towards this direction of power is frightening and may have even impacted the entire future of the powerless. What could have happened if just one fellow classmate would have paused to glance at the victim or intervene?

We have the video evidence; not a single person paused, turned around, or even blinked an eye. The powerful individuals who pattered through the carpeted hallway of Gillette now serve as active members of society. It can be rightfully assumed that any student having crossed that conscious path in 2013 has long since carried on with their lives from their time at Vanderbilt University. Yet they are unaware that they possess another title that will be permanently tattooed on their souls forever. They are scarred with their role as quiescent to power. What future generations would have done in this scenario cannot be determined. The manipulation of consciousness is clearly exercised throughout the decisions that were made by many young minds that night in June.

Ultimately, the social context of the powerful and powerless becomes an evolving reality that has not stopped changing. As of the summer of 2016, the fate of Brandon Vandenburg is yet to be

determined, but the one time powerful athletes now follow orders behind bars. The stunted power leaves room for the conclusion of justice. I would like to challenge quiescent victims everywhere to stand up against the predators, the agenda setters, and embrace the justice that can only result from a change in consciousness.

Epilogue

I don't believe in coincidences. The irony inherent in the time frame of this case has been nothing short of remarkable. The first time I learned of the Vanderbilt Rape Trial was in January 2015. The initial proceedings were in full swing at the time, and that began my fascination. I would walk across campus listening to nothing but live, gavel-to-gavel coverage. The summer that followed, I was awarded the opportunity of interning at the Davidson County District Attorney's Office in Nashville, Tennessee. It was during that time that the judge would declare a mistrial, and it was the first time I had ever been in a courtroom. It was also the first time I would be in the same room with Corey Batey and Brandon Vandenburg. I watched as both defendants transformed from violent criminals in "traffic cone hued" orange jumpsuits, back into obliging members of society with bibles under their muscular forearms. After the mistrial was declared, I waited patiently for updates while proceeding with my sophomore year of college. Corey Batey was re-tried in the spring of 2016 and found guilty. Yet the fate of Brandon Vandenburg, the real mastermind, was still up in the air.

I discovered Vandenburg's trial was set to be heard in June of 2016; the same time that I would be returning to Nashville and interning at the Davidson County Police Precinct, investing the in's and out's of the law enforcement side of justice. It was during this time that I began my dedicated documentation and passion for this case. I began to apply all that I had learned from

these internships, plus the countless hours I had spent digressing political literature while continuing to earn a degree in political science. I was truly embracing the value of receiving a well-rounded liberal arts education, contextualizing it to my own outside learning.

It is widely acknowledged now that rape and sexual assault has become a growing problem on college campuses across the United States. It is difficult to assign a number for how many college students have been sexually assaulted every year due to the vast number of cases that go unreported. Many may recall the widely publicized case of former Stanford University swimmer, Brock Turner and his short sentence of six months. Turner was released after serving only three months, sparking outrage among victims and other legal observers. Yet, Vanderbilt and Stanford are not the only universities affected by this epidemic. The horrors of rape and sexual assault have come to haunt colleges and universities across the nation. It can be argued that sex crimes inevitably and inadvertently come to mind when campus culture is analyzed and scrutinized. Not only do we need to educate our future college students about the severity of this problem, but analyze the harmful effects of rape, sexual assault, and abuse of power on a society.

Today, Brandon Vandenburg is serving a 17 -year sentence with a requirement of 100% time served. Corey Batey is serving 15 –years. It has been rumored that Jaborian “Tip” McKenzie and Brandon Banks are anticipated to plead guilty to the charges pending against them. Yet the ramifications of this case continue to this day.

This case has earned a special place in my heart. I pray for the powerful victim in this case and I recognize and acknowledge her strength and effectiveness. No longer is she the unconscious victim of quiescence, but an everlasting symbolic plaintiff. Though never addressed by Gaventa, I choose to believe that the statement of a victim’s story serves as a dimension all its own. The relationship between power and powerlessness, be it a crime of rape, the power of the

justice system, or an evaluation of the Appalachian Valley, serves to illuminate the importance of human relationships and their impact on society.

References

Gaventa, John. 1980. *Power and Powerlessness: Quiescence and Rebellion in an Appalachian Valley*. Urbana: University of Illinois.