

The Al Capone theory of sexual harassment

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This post was co-authored by Valerie Aurora (<https://blog.valerieaurora.org/2017/07/18/the-al-capone-theory-of-sexual-harassment>) and Leigh Honeywell (<https://hypatia.ca/>) and cross-posted on both of our blogs.

We're thrilled with the [recent](https://techcrunch.com/2017/06/27/the-latest-in-the-binary-capital-blowup-and-what-it-means-for-startup-investing/) [trend](https://techcrunch.com/2017/07/03/dave-mcclure-has-resigned-as-gp-of-500-startups/) [towards](https://www.axios.com/pro-rata-2457456474.html) [sexual harassment in the tech industry having actual consequences – for the perpetrator, not the target, for a change.](https://www.axios.com/pro-rata-2457456474.html) We decided it was time to write a post explaining what we've been calling “the Al Capone Theory of Sexual Harassment.” (We can't remember which of us came up with the name, Leigh or Valerie, so we're taking joint credit for it.) We developed the Al Capone Theory over several years of researching and recording racism and sexism in [computer security](https://motherboard.vice.com/en_us/article/8q8x3g/female-hackers-still-face-harassment-at-conferences) [open source software](https://lwn.net/Articles/417952/) [venture capital](http://venturecapital.wtf) [and other parts of the tech industry](http://venturecapital.wtf) [. To explain, we'll need a brief historical detour – stick with us.](http://geekfeminism.wikia.com/wiki/Timeline_of_incidents)

As you may already know, [Al Capone](https://en.wikipedia.org/wiki/Al_Capone) [was a famous Prohibition-era bootlegger who, among other things, ordered murders to expand his massively successful alcohol smuggling business.](https://en.wikipedia.org/wiki/Al_Capone) The U.S. government was having difficulty prosecuting him for either the murdering or the smuggling, so they instead convicted Capone for failing to pay taxes on the income from his illegal business. This technique is standard today – hence the importance of money-laundering for modern successful criminal enterprises – but at the time it was a novel approach.

The U.S. government recognized a pattern in the Al Capone case: smuggling goods was a crime often paired with failing to pay taxes on the proceeds of the smuggling. We noticed a similar pattern in reports of sexual harassment and assault: often people who engage in sexually predatory behavior also faked expense reports, plagiarized writing, or stole credit for other people's work. Just three examples: Mark Hurd, the former CEO of HP, was accused of sexual harassment by a contractor, but [resigned for falsifying expense reports](https://www.fastcompany.com/1678564/hp-ceo-mark-hurd-settled-alleged-sexual-harassment-victim-fudged-expenses-got-28m-severance-) [to cover up the contractor's unnecessary presence on his business trips.](https://www.fastcompany.com/1678564/hp-ceo-mark-hurd-settled-alleged-sexual-harassment-victim-fudged-expenses-got-28m-severance-) Jacob Appelbaum, the former Tor evangelist, left the Tor Foundation after he was accused of both [sexual misconduct and plagiarism](https://mic.com/articles/145279/jacob-appelbaum-digital-rights-activist-leaves-tor-amid-sexual-misconduct-allegations#.AoMYXuABU) [. And Randy Komisar, a general partner at venture capital firm KPCB, gave a book of erotic poetry to another partner at the firm, and accepted a board seat](https://mic.com/articles/145279/jacob-appelbaum-digital-rights-activist-leaves-tor-amid-sexual-misconduct-allegations#.AoMYXuABU) [\(and the credit for a successful IPO\) at RPX that would ordinarily have gone to her.](https://techcrunch.com/2015/03/03/kleiner-trial-is-a-front-row-seat-to-a-vc-firm-in-flux/)

Initially, the connection eluded us: why would the same person who made unwanted sexual advances also fake expense reports, plagiarize, or take credit for other people's work? We remembered that [people who will admit to attempting or committing sexual assault also disproportionately commit other types of violence](https://yesmeansyesblog.wordpress.com/2009/11/12/meet-the-predators/) [and that “criminal versatility” is a hallmark of sexual predator](https://yesmeansyesblog.wordpress.com/2009/11/12/meet-the-predators/) [s.](https://www.ncbi.nlm.nih.gov/pubmed/12616928) And we noted that taking credit for others' work is a [highly gendered behavior](https://www.strategy-business.com/blog/Outing-Gender-Bias) [.](https://www.strategy-business.com/blog/Outing-Gender-Bias)

Then we realized what the connection was: all of these behaviors are the actions of someone who feels entitled to other people's property – regardless of whether it's someone else's ideas, work, money, or body. Another common factor was the desire to dominate and control other people. In venture capital, you see the same people accused of sexual harassment and assault also doing things like [blacklisting founders](https://www.bloomberg.com/news/articles/2017-06-29/former-employee-sues-binary-for-post-resignation-harassment) [for objecting to abuse and calling people nasty epithets](https://www.bloomberg.com/news/articles/2017-06-29/former-employee-sues-binary-for-post-resignation-harassment) [on stage at conferences.](http://valleywag.gawker.com/star-investor-dave-mcclure-calls-woman-lying-bitch-du-500212536) This connection between dominance and sexual harassment also shows up as overt, personal racism (that's one reason why we track both [racism and sexism](http://geekfeminism.wikia.com/wiki/Sexism_and_Racism_in_Venture_Capital#Sexual_harassment) [in venture capital\).](http://geekfeminism.wikia.com/wiki/Sexism_and_Racism_in_Venture_Capital#Sexual_harassment)

So what is the Al Capone theory of sexual harassment? It's simple: people who engage in sexual harassment or assault are also likely to steal, plagiarize, embezzle, engage in overt racism, or otherwise harm their business. (Of course, sexual harassment and assault harms a business – [and even entire fields of endeavor](http://www.kaporcenter.org/tech-leavers/) [– but in ways that are often discounted or ignored.](http://www.kaporcenter.org/tech-leavers/)) Ask around about the person who gets handsy with the receptionist, or makes sex jokes when they get drunk, and you'll often find out that they also violated the company expense policy, or exaggerated on their résumé, or took credit for a colleague's project. More than likely, they've engaged in sexual misconduct multiple times, and a little research (such as calling previous employers) will show this, as we saw in the [case of former Uber and Google employee Amit Singhal](https://www.nytimes.com/2017/02/27/technology/uber-sexual-harassment-amit-singhal-resign.html) [.](https://www.nytimes.com/2017/02/27/technology/uber-sexual-harassment-amit-singhal-resign.html)

Organizations that understand the Al Capone theory of sexual harassment have an advantage: they know that reports or rumors of sexual misconduct are a sign they need to investigate for other incidents of misconduct, sexual or otherwise. Sometimes sexual misconduct is hard to verify because a careful perpetrator will make sure there aren't any additional witnesses or records beyond the target and the target's memory (although with the increase in use of text messaging in the United States over the past decade, we are seeing more and more cases where victims have substantial written evidence). But one of the implications of the Al Capone theory is that even if an organization can't prove allegations of sexual misconduct, the allegations themselves are sign to also urgently investigate a wide range of aspects of an employee's conduct.

Some questions you might ask: Can you verify their previous employment and degrees listed on their résumé? Do their expense reports fall within normal guidelines and include original receipts? Does their previous employer refuse to comment on why they left? When they give references, are there odd patterns of omission? For example, a manager who doesn't give a single reference from a person who reported to them can be a hint that they have mistreated people they had power over.



A mural depicting Al Capone smoking a cigar in front of a bridge and a subway, used under CC-SA from [Wikipedia](https://commons.wikimedia.org/wiki/File:Lisboa_2011_107) [.](https://commons.wikimedia.org/wiki/File:Lisboa_2011_107)

Another implication of the AI Capone theory is that organizations should put more energy into screening potential employees or business partners for allegations of sexual misconduct before entering into a business relationship with them, as recently [advocated by LinkedIn cofounder and Greylock partner Reid Hoffman \(https://techcrunch.com/2017/07/02/silicon-valley-blacklist/\)](#). This is where tapping into the existing whisper network of targets of sexual harassment is incredibly valuable. The more marginalized a person is, the more likely they are to be the target of this kind of behavior and to be connected with other people who have experienced this behavior. People of color, queer people, people with working class jobs, disabled people, people with less money, and women are all more likely to know who sends creepy text messages after a business meeting. Being a member of more than one of these groups makes people even more vulnerable to this kind of harassment – we don’t think it was a coincidence that many of the victims of sexual harassment who spoke out last month [were women of color \(https://www.nytimes.com/2017/07/04/insider/technology-sexual-harassment.html\)](#).

What about people whose well-intentioned actions are unfairly misinterpreted, or people who make a single mistake and immediately regret it? The AI Capone theory of sexual harassment protects these people, because when the organization investigates their overall behavior, they won’t find a pattern of sexual harassment, plagiarism, or theft. A broad-ranging investigation in this kind of case will find only minor mistakes in expense reports or an ambiguous job title in a resume, not a pervasive pattern of deliberate deception, theft, or abuse. To be perfectly clear, it is possible for someone to sexually harass someone without engaging in other types of misconduct. In the absence of clear evidence, we always recommend erring on the side of believing accusers who have less power or privilege than the people they are accusing, to counteract the common unconscious bias against believing those with less structural power and to take into account the enormous risk of retaliation against the accuser.

Some people ask whether the AI Capone theory of sexual harassment will subject men to unfair scrutiny. It’s true, the majority of sexual harassment is committed by men. However, people of all genders commit sexual harassment. We personally know of two women who have sexually touched other people without consent at tech-related events, and we personally took action to stop these women from abusing other people. At the same time, abuse more often occurs when the abuser has more power than the target – and that imbalance of power is often the result of systemic oppression such as racism, sexism, cissexism, or heterosexism. That’s at least one reason why a typical sexual harasser is more likely to be one or all of straight, white, cis, or male.

What does the AI Capone theory of sexual harassment mean if you are a venture capitalist or a limited partner in a venture fund? Your first priority should be to carefully vet potential business partners for a history of unethical behavior, whether it is sexual misconduct, lying about qualifications, plagiarism, or financial misdeeds. If you find any hint of sexual misconduct, take the allegations seriously and step up your investigation into related kinds of misconduct (plagiarism, lying on expense reports, embezzlement) as well as other incidents of sexual misconduct.

Because sexual harassers sometimes go to great lengths to hide their behavior, you almost certainly need to expand your professional network to include more people who are likely to be targets of sexual harassment by your colleagues – and gain their trust. If you aren’t already tapped into this crucial network, here are some things you can do to get more access:

- Seek out opportunities to meet, socialize with, and [sponsor \(https://www.newit.org/resources/sponsors-vs-mentors-whats-difference-infographic\)](#) targets of oppression
- Read about and educate yourself about oppression
- Support people who speak out about oppression
- [Don’t support people who are accused of oppressive behavior \(https://hypatia.ca/2016/06/21/no-more-rock-stars/\)](#)
- [Speak up and take concrete actions when you see oppression \(https://frameshiftconsulting.com/ally-skills-workshop/\)](#)

These are all aspects of [ally skills \(http://frameshiftconsulting.com/ally-skills-workshop/\)](#) – concrete actions that people with more power and privilege can take to support people who have less.

Finally, we’ve seen a bunch of VCs pledging to donate the profits of their investments in funds run by accused sexual harassers to charities supporting women in tech. We will echo many other women entrepreneurs and say: don’t donate that money, invest it in women-led ventures – especially those led by women of color.

Published by Leigh Honeywell

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3 thoughts on “The AI Capone theory of sexual harassment”

1. Pingback: [Dr Who, Game of Thrones, & Tyler the Creator | Sex with Timaree](#)

2. **mirymom** says:

July 18, 2017 at 7:05 PM

Reblogged this on [Mirymom's Blog](#) and commented:

Fascinating read . . .and reads true from my own experience, too.

3. **Jennifer** says:

July 20, 2017 at 6:05 AM

You’re right. You nailed it “all of these behaviors are the actions of someone who feels entitled to other people’s property – regardless of whether it’s someone else’s ideas, work, money, or body.” Thank you for making the connection. *Of course* someone who steals property is likely to do it across the board. Not only important for every person to know (sexual abuse is not some special misbehaviour that a victim provoked), but also, this might educate the people who go after money crimes to do better profiling.

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