

# Former Metropolitan Opera conductor James Levine files suit against “McCarthyite” sexual harassment charges and firing

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On March 15, former longtime Metropolitan Opera conductor James Levine filed a lawsuit in New York State Supreme Court against the opera company and its general manager, Peter Gelb, for breach of contract and defamation.

Levine certainly has every right to defend himself against the Met’s brutal and anti-democratic actions, its complete disregard for due process and common decency.

The opera abruptly suspended the conductor from his position as musical director emeritus on December 3, 2017 after three articles appeared in the *New York Times* and *New York Post* reporting claims of sexual abuse or harassment allegedly committed by Levine from 30 to nearly 50 years ago.

In a December 7 statement, Levine insisted that as “anyone who truly knows me will attest, I have not lived my life as an oppressor or an aggressor. I have devoted my energies to the development, growth, and nurturing of music and musicians all over the world particularly with the Metropolitan Opera where my work has been the lifeblood and passion of my artistic imagination.”

Levine was then fired March 12. In the Met’s statement dismissing him after more than 45 years, it asserted that an investigation had “uncovered credible evidence that Mr. Levine engaged in sexually abusive and harassing conduct toward vulnerable artists in the early stages of their careers, over whom Mr. Levine had authority.” The opera had concluded “that it would be inappropriate and impossible for Mr. Levine to continue to work at the Met.”

Levine’s suit argues that Gelb and the Met acted to suspend him in late 2017 “without even the courtesy of a conversation regarding the substance of the allegations or the basis of his suspension,” and without permitting the conductor “to tell his side of the story.” Levine, his lawyers assert, nonetheless, “entered into good-faith discussions with the Met to sit for an interview as part of the Met’s ‘investigation’ into the accusations published in the *Post* and the *Times*.”

The lawsuit filed last Thursday contends that during the course of these discussions the famed conductor drew the conclusion that the “so-called investigation amounted to nothing more than a kangaroo court, where there was no intention on the part of the Met to be fair or impartial. Using McCarthyite tactics, the Met refused to provide Levine with any of the names of his accusers, before or during any proposed interview, and thereby denied

Levine an ability to respond to the allegations against him, about which he had no prior indication.” The Met’s investigation, the suit argues, “was structured simply to justify its unauthorized suspension of Levine.”

The opera company’s action, the document continues, “based only on vague and unsubstantiated accusations in the press that allegedly occurred nearly a half-century ago, constitutes a clear breach of Levine’s contracts. Indeed, had the Met actually spoken with Levine before it suspended and ultimately terminated him, the Met would have learned that accusations in the press articles were inaccurate.”

The suit cites the case of James Lestock, one of the accusers interviewed by the *Times*, who maintained a friendly personal correspondence with Levine over the course of decades, which establishes “that Lestock’s accusations of sexual misconduct should not have been credited.” It also suggests that the Metropolitan Opera had known about one of the other accusers in the press, Ashok Pai, since October 2016, “when the Met was contacted by a police detective regarding the matter.” Pai filed a police report in Lake Forest, Illinois, alleging that his relationship with Levine had begun when he was 16—Illinois’ age of consent at the time—and that his meetings with the conductor continued for years. No charges were filed.

The suit damningly accuses Gelb and the Met of making “false and defamatory public statements” immediately following the sensationalized news accounts published in early December when they asserted that the allegations were true and that the supposed misconduct had created a “tragedy” for the individuals whose lives were affected by it.

Levine’s lawyers point out that the Pai case had already been brought to the attention of the Met and dismissed as baseless. After all, the opera company subsequently “engaged Levine for further performances and services because they rightly believed that those allegations were false.”

Furthermore, Gelb and the Met publicly “acknowledged that there has not been a single instance of someone at the Met making a complaint against Levine for sexual misconduct during the over forty-five years that Levine has worked there.” Since the Met began its investigation on or around December 2, it could not possibly have come to any conclusion a day or two later regarding the truth of the accusations in the *Times* and *Post*. “Gelb and the

Met were not—and could not have been—aware of any sexual misconduct by Levine that created a ‘tragedy’ and were not—and could not have been—aware of anyone whose life has ‘been affected’ in connection with such misconduct.”

The lawsuit argues that Gelb and the Met promised Levine he would conduct various operas this season, and that their suspension and firing of him constitutes breach of contract. It insists that there is no clause in his contract indicating that he can be removed from his position as musical director emeritus. It asks for \$5.8 million in damages.

In response to the suit’s filing, a lawyer for the Met issued a belligerent statement, which one commentator characterized as “an indication of corporate anxiety.” The statement asserted that Levine had only agreed to be interviewed during the Met’s investigation “on impossible terms, asking that the identity of his accusers, who had been promised anonymity, be disclosed.” In other words, the charges about a kangaroo court and McCarthyite tactics are fully confirmed.

Levine began conducting operas at the Met in 1971 and became its principal conductor in 1973, its musical director in 1975 and the company’s first artistic director in 1986, giving up the title only in 2004. He conducted more than 2,500 performances at the Met. He has been a leading figure in the global musical world for decades.

The suit attributes Levine’s firing solely to the machinations of Gelb, who had “for years,” it claims, “sought to marginalize Levine’s substantial influence at the Met and to dismantle the extraordinary team of unquestionable experience and talent, which under Levine’s leadership, developed the Met into a highly respected and artistically superior organization.” Gelb did this “to push forth his own personal priorities of production, without the benefit of musical or dramatic training, as well as knowledge or experience,” and for his own “personal aggrandizement.”

The conflict between Levine and Gelb was no secret. Bad blood between artistic professionals, in the opera and elsewhere, is not precisely a new invention. Indeed, it is something of “a specialty of the house.”

But what’s going on now, with the Levine case and the rest of the #MeToo assault, is something different, something unprecedented. The decision by the *New York Times* in particular to set out to destroy an illustrious half-century career, an effort cheered on by the rest of the media and the cultural establishment *without a single significant dissenting voice*, reveals an advanced social and cultural rot.

It is not our job to vouch for Levine’s personal conduct or guarantee that he has led a spotless life. We do know, on the other hand, that on a daily basis the *Times* and *Post* promote or defend politicians, intelligence agency officials and military figures responsible for the deaths of hundreds of thousands, perhaps millions of people, in Iraq, Afghanistan, Pakistan, Yemen, Libya, Syria and beyond. If there should be war crimes tribunals in the future, American media propagandists will face serious consequences.

No, artistic personalities, even geniuses, are not “above the law,” nor do they deserve some special exemption from legitimate public disapproval for conduct, while not illegal, that may be irresponsible, selfish or destructive.

In general, the artist in bourgeois society confronts unfavorable, antagonistic circumstances. The conditions in 21st century America are perhaps more hostile than most. Given the exacerbated social contradictions, inevitably transformed into personal ones, it would be highly unusual to find a leading artist whose emotional and sexual life was not complicated or even distorted. If the *Times* were to put every artist on trial, “and who should ‘scape whipping?’”

Levine has not been charged with offending any statutes. However, as noted above, no one, artist or otherwise, is given *carte blanche* to behave as he or she likes. If Levine’s actions have been self-degrading or disoriented, this is additional proof, as we noted some years ago, that class society sometimes mutilates very gifted people, another sign of that society’s incompatibility with the elementary demands of human happiness.

It should be possible to defend Levine—and all the other victims—of the ongoing sexual witch-hunt without suggesting that his conduct has been emblematic of the artistic personality.

In any event, the sentiments the *Times*’ editors are seeking to tap into and encourage in their “targeted assassination” operations have nothing remotely healthy about them. Taken at face value, the *Times*—as well as the Met officialdom, for that matter—is apparently prepared, at the very least, to help seriously damage what there is left of cultural life in America on the basis of unsubstantiated, often anonymous claims and in order to appease the maddened upper middle class obsessed with sexual and gender issues.

This affluent layer, which has taken the CIA and FBI to its bosom and which chooses to believe that “the Russians” are behind every sign of social discontent in America (this demi-paradise on Earth!), has moved sharply and irrevocably to the right.

Democracy means nothing to such people. Culture means nothing to such people. As we noted at the time of Levine’s suspension three months ago, the fear of exposure has created “a mood of terror, which is the aim of the operation: to intimidate, to clamp down on opposition and dissent, to shut people up.”



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