

Sexual assault case in Massachusetts against actor Kevin Spacey threatens to fall apart

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On July 8, the criminal case against actor Kevin Spacey for allegations of sexual assault during an incident in July 2016 unraveled to the point that legal experts suggested it might never come to trial.

The dismissal of the case would represent a legal blow to the attempt by the #MeToo campaign to present all claims of sexual misconduct as facts and all the accused as sexual predators. It would be a blow to the witch-hunt as a whole, which has ruined or threatened dozens of artists' careers and created an atmosphere of censorship and intimidation.

In late December 2018, Massachusetts authorities charged Spacey with indecent assault and battery over accusations he groped a then 18-year-old man, William Little, at a Nantucket island restaurant called the Club Car in the summer of 2016.

The mother of the alleged victim, a former prominent Boston television news anchor, Heather Unruh, has been the public face of the widely covered case since she launched her accusations at a Boston news conference in November of last year. She bluntly told the assembled media at the time, "I want to see Kevin Spacey go to jail. I want to have the hand of justice come down on him."

Unruh was joined in her condemnation of Spacey as a "sexual predator" by the entire American media and Hollywood-based #MeToo campaign. Since November, these elements, in predictable fashion, have treated the allegations of the young man and his mother as fact, issued frenzied denunciations of the actor and worked toward the destruction of his career.

However, the case hit a possibly fatal roadblock at a pretrial hearing last Monday. Spacey's lawyer Alan Jackson asked Little about missing text messages relevant to his claims against the actor. When Jackson pointed out that deleting evidence that might be used in

a prosecution was a felony punishable by prison, the young man, after a break in the hearing, pleaded the Fifth Amendment against self-incrimination.

Prosecutor Brian Glenny was obviously taken aback by the turn of events, and "Judge Thomas S. Barrett of Nantucket District Court then said the case 'may well be dismissed' if the accuser continues to refuse to testify" (*New York Times*). Barrett added, "The case revolves around this individual, and without him the Commonwealth [of Massachusetts] will have a tough row to hoe."

The young man used his cellphone the night of the incident to message his girlfriend and friends, send posts through the social media platform Snapchat and take photos with Spacey toward the end of the night. Spacey's lawyers insist that the Nantucket episode involved flirtation and consensual behavior and that the mysteriously missing texts might well verify that.

The family now claims they cannot find the cellphone, nor do they remember law enforcement returning the cellphone as police claim. The judge had given the family until last week's hearing to produce the device. Further, Heather Unruh testified to having deleted material from the phone relating to what she claimed were merely her son's "frat boy activities," but asserts she did not remove or edit material relating to the night of the incident.

In place of the phone, the family offered a computer backup of what remains of the phone's content, but Alan Jackson made a strong appeal to the judge that the backup was not adequate. Since there are no witnesses testifying, the cell phone is the only piece of evidence that might have clarified the events.

The prosecution's case threatens to become a humiliating fiasco. Legal experts who spoke to the *Boston Globe* were generally skeptical the case would

continue much longer. “If I were a betting man, I’d say this case is going to end short of a trial,” through dismissal, Chris Dearborn, clinical professor of law at Suffolk University and a former Massachusetts public defender, told the *Globe*.

In an email to the newspaper, prominent Los Angeles defense attorney Mark Geragos wrote, “The phone is material relevant evidence and when combined with the recent dismissal of the civil suit it would appear that the criminal case is in real jeopardy of being dismissed.” The family recently dropped a civil suit against Spacey less than a week after it was filed. *USA Today* noted that dismissal of the suit was “made ‘with prejudice,’ meaning the lawsuit cannot be filed again, and ‘without costs to any party.’”

While Barrett did not toss the Nantucket case out July 8, Jackson plans to file a motion to dismiss near the date of the next court hearing scheduled for July 31. Spacey faced up to five years in prison if found guilty.

Spacey first confronted allegations in the initial wave of the #MeToo witch-hunt in the fall of 2017. Actor Anthony Rapp accused Spacey in an interview of making inappropriate advances to him some 30 years previously, when he was 14 and Spacey was 26. Subsequently, numerous individuals have come forward and accused Spacey of various sexual improprieties and making “unwanted sexual advances.”

As a result, the gifted actor was fired from the popular Netflix series *House of Cards*, his scenes were removed from the already completed *All the Money in the World* (directed by Ridley Scott) in an unprecedented move, and his career has likely been irreparably damaged. These acts of censorship and sabotage were taken prior to any legal proceeding, much less a conviction, amidst a flurry of allegations across Hollywood, the mass media and university campuses.

The WSWS noted in December 2018 that “the episode with Rapp three decades ago should not have occurred. If Spacey has been guilty of other misconduct, he deserves to be called to account—legally, if it rises to that level.

“Again, however, an unorthodox and even promiscuous lifestyle is not a crime, nor is it as unusual in the film and theater world as many are now pretending ... Hollywood, owned and operated by a handful of ruthless conglomerates, regularly and

unquestioningly partners with the US military and the CIA, that is, with major war criminals. Nothing in Spacey’s conduct justifies the attempt to ‘disappear’ him.”

All those genuinely opposed to sexual harassment, assault and rape should have recognized by now the reality of the #MeToo campaign. It is not, by any means, a progressive or empowering movement—most easily seen in its total disregard for the conditions of working class women and men worldwide, including the documented widespread sexual violence against immigrants in ICE detention centers.

Rather, the campaign serves two principal and reactionary political purposes. First, #MeToo utilizes the weapon of identity politics to divert attention from social inequality, war and the danger of dictatorship. Its upper-middle class advocates argue that a war must be waged on “men” while a growing number of workers and youth find themselves at war with the entire ruling class.

Second, the campaign assists the efforts of the powers that be to erode democratic and legal rights, particularly the presumption of innocence and right to due process. While the erosion of these basic rights is defended in the name of obtaining extrajudicial “justice” for victims, it sets an anti-democratic precedent that will inevitably be used to target and suppress the working class as it comes into struggle.

The recent legal setback in the Kevin Spacey case opens a crack in the #MeToo campaign, through which one can spy the danger of believing its claims about itself, especially in such complicated matters of social and sexual life.



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