

Swiss newspaper raises important questions about the Harvey Weinstein trial

Why will no one in the American media do the same?

David Walsh
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A perceptive article posted on the website of the *Neue Zürcher Zeitung*, the German-language daily newspaper published in Zurich, Switzerland, raises troubling questions about the trial of Hollywood producer Harvey Weinstein on rape and sexual assault charges, currently under way in New York City.

Journalist Sarah Pines, in “Weinstein trial: Believe the one who shouts ‘Wolf!’ loudest,” paints a highly (and legitimately) unflattering portrait of the American media. She indicts in particular its refusal to adhere to the “legal principle that both sides should be heard.” She takes note of the deliberately selective treatment of the Weinstein trial in the media, and the latter’s general refusal to inform the public about facts and defense arguments that call into question the validity of the allegations against the once powerful producer.

Pines’ article is disgracefully rare. We are not in a position to pronounce on Weinstein’s guilt or innocence, but we do know *beyond the shadow of a doubt* that important sections of the American political and media establishment are determined to see him locked away.

Actress Annabella Sciorra was the first witness in the ongoing trial to accuse Weinstein of sexual assault, although the alleged incident lies beyond the statute of limitations. Sciorra asserts that Weinstein raped her at her apartment in late 1993 or early 1994. The purpose of her testimony from the prosecution’s point of view is to try to show a pattern of “predatory” behavior.

In her piece, Pines—who is attending the trial in Manhattan—comments on certain issues that came out in defense attorney Donna Rotunno’s cross-examination, for example, that “Sciorra ... was still involved in Weinstein productions decades after the incident, although, as she claimed in court, she ‘feared for her life’ whenever Weinstein was near her.” Indeed, the defense highlighted August 2017 Instagram communications to a friend in which Sciorra said she was “more broke than [she] ever imagined” and added, “I’m hoping Harvey has a job for me.” After this job-seeking effort failed, Pines writes, “In October 2017 Sciorra went to the press with the rape accusation.”

The *Neue Zürcher Zeitung* article continues, “In court her [Sciorra’s] story reveals breaks, incoherences and gaps in memory [for example, she could not recall the date or even the year of the alleged rape]. None of this could be found in the national and international press in the days that followed, just as there was

hardly any mention of the video clip in which Sciorra admits [to talk show host David Letterman in 1997] she enjoys lying.”

Indeed, the media coverage of Sciorra’s appearance was one-sided and biased in the extreme. One striking example of this prejudicial character is Chris Francescani’s January 24 article on the ABC News website. Sciorra, writes Francescani, “testified in wrenching detail about the night nearly 30 years ago that she said the disgraced Hollywood producer violently raped her at her apartment.” Francescani goes on, remarkably, “In the course of several hours of often tense cross-examination, Rotunno tried repeatedly to impeach Sciorra’s credibility, with virtually no success. Each time Rotunno appeared to have laid a rhetorical trap for Sciorra, the actress struck back, turning the tables on the line of questioning and forcing Rotunno to move on.”

An Associated Press story, widely reproduced, asserts that “actress Annabella Sciorra confronted Harvey Weinstein from the witness stand Thursday, testifying that the former Hollywood studio boss overpowered and raped her.” The use of the loaded word “confronted” already implies the guilt of the accused. “In a quivering voice,” the AP continues, “Sciorra told the jury that the burly Weinstein barged into her apartment in the mid-1990s, threw her on a bed and forced himself on her as she tried to fight him off by kicking and punching him.” CNN adds: “In emotional testimony with vivid detail, actress Annabella Sciorra said Thursday that Harvey Weinstein barged into her apartment 25 years ago and raped her.”

That Sciorra spoke in a “quivering voice” or that her testimony was “emotional” and full of “vivid detail” has absolutely no bearing on the truth or falsity of her account—it is a cynical and transparent effort to play on the heartstrings of the public.

Weinstein’s defense pointed out that the subsequent witness, Miriam “Mimi” Haley (who recently changed her name from Haley), who accuses Weinstein of assaulting her in 2006, also kept in touch with Weinstein for years.

One has to search the American media to find these details, included by the *Hollywood Reporter*: Haley “decided to continue having a professional relationship with Weinstein, and continued to communicate with him regarding work opportunities. Haley later met with him in London to pitch him an idea she had and, a few years later, emailed him to say that she was becoming a yoga teacher.

“After Haley’s prosecution testimony concluded, she was cross-examined by defense attorney Damon Cheronis, who pointed out that Haley saw Weinstein at Cannes in 2008, two years after the alleged assaults. She called him that same year and signed a 2008 email to Weinstein, ‘Lots of Love, Miriam.’ ... In an entry for the three days in late July 2006 that followed an undesired [according to Haley’s testimony] sexual encounter with Weinstein, Haley had drawn hearts on her calendar.”

Numerous other publications, even more heavily invested in the #MeToo campaign, do not even go through the motions of referring to the defense cross-examination of Sciorra and Haley. *Salon*, for example, fails to even refer to the defense questioning, as does *The Cut* in *New York* magazine, which simply reports on “The Harrowing Testimonies of Harvey Weinstein’s Accusers.”

Pines in the *Neue Zürcher Zeitung* is entirely within her rights in observing, “‘He raped me,’ ‘Victory for #MeToo’—these or similar ones are the last few days’ headlines; they are the starting points for predictable coverage that produces yawns and concern at the same time. The truth, or its closest possible approximation, consists less than ever in unbiased portrayals or an all-inclusive narrative, but in the tendentious, dramatically one-sided. Who is to be believed? Whoever shouts ‘Wolf!’ the loudest.”

The journalist’s description of the media covering the Weinstein trial is especially damning. It is worth citing at length:

“Every day 70 journalists sit in the courtroom, most of them from the American media, only a few from abroad. They are always the same faces, mostly young and female. ...

“The days devoted to questioning witnesses begin with the prosecution’s side, which understandably tries to portray Weinstein in a bad light. But after the prosecution’s questioning concludes, some of the journalists get up and don’t return. Why also report on the defense case? Why raise doubts about the women’s narrative? ...

“Even newspapers that didn’t send reporters to the Manhattan Supreme Court serve readers spoon-fed, tendentious stuff without any pretense of neutrality. In the courtroom itself, the journalists hardly ever look up from their laptops to study the facial expressions of those involved, to capture the dynamics, to give room to intuition. When Sciorra theatrically raises her arms above her head to demonstrate how Weinstein held her down, the clacking of the keyboards swells up like an approaching swarm of locusts.”

Pines concludes her recent piece, under the subhead “Women are not only victims,” with a passage that a female journalist perhaps writes more effectively, “Women can lie, calculate, take stone-cold revenge, just like men. Is the notion so unbearable? For its part, the media coverage is quite content with images stressing female weakness. Headlines and trial reports, written thousands of times by commentators who have not spent a minute in the courtroom, then spread millions of times on social media, show the weaker sex in close-up: weeping and confused.”

In a previous article, Pines asked whether a fair trial for Weinstein was still possible given the anger and hatred on display, noting that the trial’s “infrastructural difficulties” and the media commotion “make disturbingly clear how much US society has changed. The perpetrator-victim structure is becoming increasingly

pronounced, and the rule of law—the presumption of innocence, the work of a lawyer, the right to legal counsel—is being called into question, if not undermined.”

In the tedious sameness and near hysteria of its tone, in its vindictiveness and law-and-order cruelty, in its contempt for the rights of the accused and general hostility toward democratic principles, in its sophistic claims that sexual assault cases require a “relaxation” of standards by which guilt or innocence is determined, the US media coverage of the Weinstein trial is a spectacle of ignorance and reaction.

Why is it that a respectable, conservative Swiss newspaper is able to publish truthful, thoughtful articles about the Weinstein case, and the American media produces almost nothing but dishonest, partial rubbish?

As Pines suggests, one must seek the answer in “how much US society has changed.”

The corrupt, wealthy media and its representatives, morally owned lock, stock and barrel by giant conglomerates, has one point of departure and one watchword above all: the defense of the wealth and privileges of the American elite.

The #MeToo campaign and identity politics generally have become vital to the Democratic Party wing of the establishment for a number of reasons: to divert attention from the social disaster and the danger of war and fascism, to ensure that mass opposition to the hated Donald Trump does not take on radical and left-wing colors, to divide as much as possible the population along gender and racial lines, to block the development of independent working-class politics in response to the crisis of capitalism and to enrich and empower the upper-middle-class layers who feed from the racist and gender-obsessed trough.

One fact stands out unmistakably: the matter of Weinstein’s culpability or otherwise is of the *least interest* to the people actually conducting and sensationalizing the case. He is simply a pawn in a larger political and social game.



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