

Accuser Jessica Mann's testimony in the Weinstein trial: A Journey to the End of the Night

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The testimony of 34-year-old Jessica Mann in the trial of Hollywood producer Harvey Weinstein in New York, mercifully, came to an end Tuesday afternoon. Mann accuses Weinstein of raping her at a hotel in March 2013 and on subsequent occasions.

The three days of questioning produced startling facts and details, including the existence of a large stock of friendly communications between the two following the alleged rape, which undermined Mann's claim she was a victim of the "predatory" Weinstein.

Oddly, Mann's has been the only questioning in the trial so far that has contained, in a terrible and twisted manner, an element of truth. But it is not the sort of truth hoped for by the prosecutors and media, i.e., one that would support a verdict of "guilty." Rather, the more one reads her testimony, the more evident it becomes that these two damaged human beings were and still are trapped in an inescapable labyrinthian process of self- and mutual degradation and destruction.

None of the media outlets has provided a thorough accounting of Mann's cross-examination, in particular, so we are obliged to assemble, somewhat disjointedly, a picture of the goings-on from fragmentary and often reluctantly offered reports.

Mann, a hairdresser and aspiring actress, grew up on a dairy farm in Washington State in a "Pentecostal [evangelical Protestant] cult," in her words. Her parents divorced when she was young and she recounted in court, *Variety* wrote, "a series of step-parents and time spent living with her grandparents." It continued: "She was poor. She worked at McDonald's, did waitressing jobs, and at one point was living in her car."

Mann met Weinstein, she told the court on Friday, at an industry party in Los Angeles, where she moved to pursue an acting career. Mann claims the producer assaulted her at the New York hotel in 2013 after a period during which he had befriended her, given her a film script and invited her to parties for events such as the Academy Awards.

During cross-examination, defense lawyer Donna Rotunno read aloud some of Mann's emails and messages to Weinstein showing affection for him, real or feigned, that continued after he allegedly attacked her in March 2013.

Under questioning by Rotunno, Mann "acknowledged that she met Weinstein voluntarily twice in New York in the hours and days" after the alleged incident, CNN reported.

"Rotunno asked a lengthy series of questions about Mann's decision to change her flight in order to see Weinstein those two times, including the day after the alleged attack, which was Weinstein's birthday. Mann also acknowledged that she asked the Weinstein Company to arrange transportation to the airport in New York and to her home once she was back in Los Angeles from that trip."

Deadline noted that in some of the emails "Mann wrote to Weinstein in the months and even years following the alleged assaults ('tons of

emails,' Rotunno said), she accepted party invitations, expressed gratitude ('I feel so fabulous and beautiful, thank you for everything') and even sought consolation following another romantic break-up ('Rough day,' she wrote. 'When are you back in LA, my friend?'). Still other emails—sent by Mann to various friends—mentioned Weinstein in friendly or professionally beneficial terms."

In April 2013, the month following the alleged rape, Mann wrote to Weinstein after he asked his employees to book her for a reading for a movie role, "I appreciate all you do for me, it shows."

Five months after the alleged attack, Mann sent Weinstein an email from Los Angeles telling him she was "always happy to see your smile and I hope to see you sooner than later ... I hope some of your genius rubs off on me." According to *USA Today*, in court Mann "acknowledged her 'flattery went above and beyond,' but said she viewed it as a 'buffer' to his feared anger."

CBS News recounted that Rotunno "pressed Mann about communications in which she provided Weinstein with her new phone number and encouraged him to get in touch.

One read: 'I got a new number. Just wanted you to have it. Hope you are well and call me anytime, always good to hear your voice,' according to court papers. The defense pointed to emails between Mann and Weinstein that appeared to show Mann was still cutting Weinstein's hair in early 2014. In one January 2014 email, he wrote her: 'That's the best hair cut and trim I've gotten. I've gotten a million compliments. Thank you.' She wrote back: 'Your [sic] the one who makes it look good with your smile and beautiful eyes!! But thank you that makes me so happy to hear. :)'"

Rotunno also inquired about a 2014 email to the producer in which Mann asked if she could introduce him to her mother. Mann explained that "My mother was pressuring me really hard to meet him."

The alleged victim acknowledged, according to the *New York Post*, that in February 2015, "she went to Weinstein for help getting membership in the Soho House members-only club in Los Angeles. Mann said it was strictly for work. 'You want the ladies and gentlemen of the jury to believe that the person you wanted to sponsor you for this exclusive club was your rapist?'" Rotunno asked Mann. The defense lawyer accused Mann of manipulating Weinstein over the course of several years.

Mann also admitted in court, reports the *Post*, "that she spent four hours holed up with him [Weinstein] in a hotel room in 2016—three years after she says he attacked her there—then gushed to him in an email, 'I feel so fabulous and beautiful.' 'Thanks for everything,' then-aspiring actress Jessica Mann added to the now-disgraced movie mogul."

"I love you, I always do. but I hate feeling like a booty call. :)" Mann wrote in a February 2017 message.

Rotunno, according to *Huff Post*, told Mann in court that the latter knew

her words “were a problem in your testimony... You sent him emails telling him how wonderful he was. You sent him emails thanking him. You sent him emails asking for things... You made a choice to have sexual encounters with Harvey Weinstein when you weren’t sexually attracted to him. You liked the parties and you liked the power.”

The defense attorney pointed out that “not one time did you say, ‘I’m not that interested.’”

One of the most disturbing moments in the trial so far occurred Monday when Mann was asked to read out loud a lengthy May 2014 email she sent her boyfriend, Kenyan-American actor Edi Gathegi, attempting to explain her relationship with Weinstein.

“My secret and my fear,” Mann had written, “is knowing that a part of the dynamic I had with Harvey [Weinstein] would mean you’d never talk to me again... I was close enough to him to tell you that he no longer has a working penis. On the lower half of his body he had some type of surgery or burn and he’s lucky to even have his parts,” Mann read. She had previously referred to Weinstein’s supposedly deformed genitalia.

The email to Gathegi went on to say that “sometimes I felt hopeless and should just be with an old man because I’m a lost cause... I accepted that my father was that older man who dated younger than me and I would in turn become that kind of woman.”

Mann, in the same communication, indicated she had tried to make Weinstein a “pseudo-father.” She continued, “Harvey validated me. He always offered to help me in ways that my parents didn’t. I felt approval to pursue the industry because he was encouraging... Harvey was my father’s age and he gave me all the validation that I needed.”

Mann’s words became “unintelligible” when she reached a part of the email to Gathegi in which, according to *Deadline*, “she seemingly made reference to an instance of sexual abuse in her past. The judge then called for a short break and dismissed the jury and the weeping witness. After a five-minute break, Mann re-entered the courtroom, still sobbing.” Eventually, since Mann was unable to go on, court was recessed for the day.

After the end of Mann’s cross-examination Tuesday afternoon, prosecutors, “in an unusual move,” noted the *New York Post*, “declined to question her on the stand again.”

The *Post* cited the comment of criminal defense lawyer Mark Bederow, a former Manhattan prosecutor, who observed, “It is very surprising that the prosecution wouldn’t even try to repair any damage caused by glaring inconsistencies [in Mann’s testimony]... It suggests they wanted the witness off the stand ASAP and they will hope to explain away the damage in summation.”

In one of the few perceptive comments in the media (“Jessica Mann Is Raw, Wounded, and Angry. Will Her Testimony Convict Harvey Weinstein?”), *Variety* noted Wednesday that in order to convict Weinstein “the jury will have to come to terms with Mann’s profoundly complex and tormented relationship with Weinstein. The critical question is whether she ‘consented’ to have sex with Weinstein, and if not, whether he used ‘forcible compulsion’ to commit the act. It will not be an easy question to resolve.”

Variety also quoted Jeffery Greco, a defense attorney, who suggested he thought “this is going to be an incredibly difficult maneuver for the prosecution to show non-consensual sex... You got somebody who had a history with a man where there was a quid pro quo all the way... That is a leap of epic proportions to get from that point to ‘I was raped, it was non-consensual.’ At what point are you able to distinguish them?”

Indeed, amidst all that is warped, emotionally pathological and purely bizarre in the relationship between Weinstein and Mann, how can anyone claim that the prosecution has met the legal standard required by the law—“beyond a reasonable doubt”—to find Weinstein guilty of rape?

The testimony of several extraneous witnesses was supposed to establish a pattern of “bad behavior” by Weinstein. Their appearances were largely

irrelevant to the facts of the case, except in so far as they revealed the apparent desire of these self-described victims to leverage a relationship with Weinstein into a career in films.

The political and media establishments are determined to see the producer convicted. The recent lurid and biased headlines speak to that: “Witness testifies Harvey Weinstein offered her roles in 3 movies for threesome,” “Harvey Weinstein Rape Accuser Says He Tried to Film Them Having Sex,” “Witness in Weinstein Trial: ‘I Want the Jury to Know That He Is My Rapist,’” “Jessica Mann alleges sick way Harvey Weinstein grieved after his mother’s death,” “Model who claims Harvey Weinstein masturbated in front of her takes witness stand,” “More Stomach-Turning Testimony in the Weinstein Trial,” etc., etc.

The trial is the chilling and inevitable denouement of a contemporary “American love story.” Mann, the product of a mad Pentecostal upbringing; Weinstein, the real self-loathing American Jew, disgusted by his own body, with its deformed genitalia. He will never be “Shakespeare in Love.”

The Weinstein trial is taking on the grotesque character of a journey to the end of the night. It is a confrontation between individuals that should have taken place in a psychiatrist’s office rather than in a courtroom. Moreover, the ugly and perverse relationship between Weinstein and Mann, in which each attempted to use the other for gain, occurred in the transactional business environment of Hollywood and American public life generally. The sickness of their relations developed out of a dynamic of mutual exploitation. In the process of procuring whatever it was they wanted – whether sex, money, a Hollywood career – they tested the limits of self-degradation.

The judge and the district attorney, to say nothing of the media, have neither the intelligence nor the elementary decency to recognize the social dimensions of the horror story in which they are playing such a despicable role. One wonders whether any of the jurors realizes he or she is being used by the unscrupulous political manipulators who have converted the courtroom into a dreadful modern New York version of *Le Théâtre du Grand-Guignol*. The prosecutors have staged a degrading spectacle, which they dare to call a trial.

How fitting it would have been if the court reporter had stood up and declared he or she could not bear—and would not be forced to transcribe—any more of Mann’s pornographic testimony. Or that someone, anyone, would have shouted out, “For God’s sake, this has to stop!”



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