

# Unsealed testimony confirms judicial misconduct in filmmaker Roman Polanski's 1977 criminal case

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A transcript of a 2010 closed hearing unsealed Sunday night supports the claims of Polish-French filmmaker Roman Polanski that a judge was going to renege on a sentencing agreement in 1977. Threatened with being thrown in jail for years, or even decades, Polanski fled the US.

Retired Deputy District Attorney Roger Gunson, who prosecuted Polanski in 1977, testified in 2010 that he was so concerned about the handling of the sexual assault case by Judge Laurence Rittenband that he drafted a document seeking the latter's removal. Gunson's sealed testimony was ordered released by a California Appellate Court last Wednesday after Los Angeles District Attorney George Gascón dropped the longstanding objections of his predecessors.

In 1977, Polanski pled guilty to unlawful sexual intercourse with a teenage girl and was sent to California's Chino state prison for a 90-day diagnostic evaluation, with the understanding that this would be the extent of his incarceration. The diagnostic study recommended probation.

Gunson's testimony provides further details about Rittenband's misconduct. According to *Deadline*, Gunson's 20-page affidavit seeking recusal of the judge followed concerns that Rittenband was seeking information and opinions from "all over the place"—including people not directly involved, such as friends, media and prosecutor David Wells, who had no official role in the proceedings. Gunson's request that Rittenband be disqualified from the case was denied by his superiors in the Los Angeles County District Attorney's office.

Gunson testified, *Variety* reports, "that Rittenband said he would 'recall' Polanski after he had completed the full 90 days [in Chino], but it was not clear if Polanski could rely on that promise. 'If he were sent to state prison and not recalled by the judge, then he could be there for 20 or 50 years,'" said Gunson. He further explained that Rittenband "had promised him [Polanski] on two occasions ... something that he reneged on. So it wasn't surprising to me that, when he [Polanski] was told he was going to be sent off to state prison ... that he could not or would not trust the judge."

Because of the film director's history and lack of criminal background, as well as medical evaluations his attorney had

previously submitted, a probation recommendation was considered highly likely.

It had been further agreed that if the diagnostic evaluation recommended probation, such a recommendation would be accepted by the judge, prosecutor and Polanski. The victim, Samantha (née Gailey) Geimer, and her family also agreed to this disposition.

It took 42 days for prison evaluators in Chino to determine Polanski was amenable for probation and he was released. As the filmmaker's sentencing date approached, the state prison evaluators and the Los Angeles County Probation Department both submitted reports recommending probation.

The day before Polanski was to appear for his sentencing, his lawyers were informed that Rittenband had reneged on the agreement for probation and instead would be sentencing Polanski to prison.

Upon being informed of this, Polanski immediately boarded a flight to Europe. After the filmmaker failed to appear at his scheduled sentencing, Rittenband issued a warrant for Polanski.

At the time of his arrest in March 1977, Polanski was a renowned filmmaker who had directed many acclaimed works, including *Knife in the Water* (1962), *Repulsion* (1965), *Cul-de-sac* (1966), *Rosemary's Baby* (1968), *Macbeth* (1971), *Chinatown* (1974) and *The Tenant* (1976).

Polanski was also well known as a survivor of the Nazi Holocaust. As a child in Poland in 1942-43, he witnessed the deportation of Krakow's Jewish population to concentration camps and barely escaped that fate himself. His father survived a camp, but his mother died in Auschwitz.

In 1969, Polanski's wife, actress Sharon Tate, eight months pregnant, was murdered along with four other people at the couple's home in Los Angeles by members of the Charles Manson "family" (Polanski was in Europe at the time).

Since his flight from the US in 1977, Polanski has lived and worked in Europe, primarily France. His film *The Pianist*, about a Jewish musician surviving in Nazi-occupied Poland won three Academy Awards in 2003 (best actor, director and adapted screenplay) and was nominated for four others. Polanski was unable to attend the Academy Awards ceremony

because of the still outstanding 25-year-old warrant for his arrest.

The new interest in Polanski's legal ordeal motivated the making of an in-depth documentary on his case in 2008, *Roman Polanski: Wanted and Desired* (Marina Zenovich). This film for the first time revealed what caused Rittenband, who died in 1993, to renege on the previously agreed to disposition of the case.

One of the interviewees in the film was David Wells, who had been a Los Angeles Deputy District Attorney and who in 1977-78 had been assigned to Rittenband's court. Although Wells was not directly involved with the Polanski prosecution, he had access to Rittenband, and took credit for privately encouraging Rittenband to repudiate Polanski's plea agreement. Wells explained that he repeatedly told Rittenband that Polanski needed to be sent to prison.

In the just released 2010 transcript, Gunson named Wells as one of the individuals who had been engaged in unethical conduct along with Rittenband.

What Wells described was egregious judicial and prosecutorial misconduct. A judge cannot discuss a case without both parties being present and cannot consider evidence outside of what has been presented in court.

In 2009, in response in part to the documentary, Polanski's lawyers moved to have the matter dismissed on the grounds of judicial and prosecutorial misconduct. Their requests at both the trial level and appellate level were denied. On each occasion, however, the courts conceded there was strong evidence of misconduct, but could not rule without Polanski being present.

The Los Angeles District Attorney's office then for the first time initiated extradition proceedings against Polanski, which culminated in his arrest in September 2009 in Switzerland.

The filmmaker was jailed for two months and then put under house arrest at his home in Switzerland while awaiting a decision on appeals fighting his extradition. In July 2010, a Swiss court, the first court to actually rule on the merits of Polanski's claims, rejected the US request, relying on evidence of judicial and prosecutorial misconduct and declared Polanski a "free man" and released him from custody. In 2015, the US issued an extradition request to Poland, which was also ultimately rejected.

The vindictive campaign against the 88-year-old filmmaker has always been politically motivated, aimed at whipping up the most backward elements of the population. The victim in the case, Samantha Geimer, long ago repudiated the campaign against Polanski. Her conduct stands in contrast to the hypocritical and reactionary claims of the media and US government authorities, who have no difficulty with war criminals walking the streets of Washington and elsewhere with impunity. In recent years, the anti-Polanski hysteria has been nourished by the #MeToo sexual witch-hunt and the Democratic Party's need to satisfy its upper-middle-class base.

One of the most pernicious consequences of the vendetta has been the blacklisting in the US of Polanski's critically acclaimed film *J'accuse (An Officer and a Spy)*, 2019) about the infamous Dreyfus affair. The film depicts the 12-year struggle to clear Captain Alfred Dreyfus, a French Jewish officer falsely convicted of spying for Germany in 1894. France came to the brink of civil war between defenders of Dreyfus, led by Jean Jaurès and the socialist workers movement, and the *antidreyfusards*—the Army general staff, the Church and the anti-Semitic *Action française* led by Charles Maurras. Dreyfus was ultimately cleared and the conspiracy to frame him definitively repudiated in 1906.

A WSWS review argued that the film "genuinely and artistically illuminates one of the great events of European history" and was "an immense achievement." *J'accuse* has the most burning relevance in the light of one of the great frame-ups of our time, the persecution of Julian Assange, and the growth of fascistic and anti-Semitic tendencies, in Europe and the US.

But, thanks to the #MeToo witch-hunters, backed by the extreme right, American audiences have been denied the right to see and be educated by Polanski's film. In France, where *J'accuse* was one of the most widely seen films of the year, it was nominated for 12 César awards in 2020, the country's highest film honors. It won three awards, including best director and best adapted screenplay for Polanski.

When the César nominations were announced, the Macron government, seizing upon the scandal to promote censorship and build an affluent middle-class base for its repressive policies, joined with the #MeToo campaign in condemning the nominations.

César President Alain Terzian dismissed the objections by stating, "The César awards are not an institution that must have moral positions. Unless I am wrong, 1.5 million French people went to see this film. Ask them." Polanski was unable to attend the awards ceremony because of numerous threats.

As to Polanski's lingering 1978 "fugitive" status, defense lawyer Harland Braun explained in expectation of the sealed transcript's formal release that he would renew his effort to have Polanski sentenced in absentia, which would end his status as a fugitive from justice in the US.



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