

The Los Angeles trial of former Hollywood producer Harvey Weinstein and the effort to revive the #MeToo witch hunt

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The trial of former Hollywood producer Harvey Weinstein is now underway in Los Angeles, more than two years after he was convicted on two of five criminal charges in New York involving rape in the first degree and rape in the third degree.

Prosecutors have extradited Weinstein to Los Angeles to face a second trial, at the end of which Weinstein, 70, could face an additional sentence of 100 years if found guilty of all charges. A 23-year prison sentence was already handed down against Weinstein in 2020 in New York, but that outcome is currently being appealed by Weinstein's attorneys on grounds of prosecutorial overreach during the trial.

The Democratic Party-aligned proponents of the #MeToo campaign doubtless saw another trial as a chance to push Weinstein and the #MeToo hashtag back into the headlines on the eve of the midterm elections, during which the Democratic candidates sought as usual to drum up votes by pretending to be concerned with the issues facing women. The trial has been prominently featured in national news coverage.

One does not have to believe that Weinstein is innocent to be disgusted by the sordid spectacle once again playing out: the moralizing sermons from people who have no business lecturing anyone about morals, the tendentious demonization of Weinstein out of all proportion to reality, and the breathless reporting of the most graphic and, if we can be blunt, often implausible allegations.

In the city where the prosecution is taking place, Los Angeles, tens of thousands of people sleep on the streets, dying every day from exposure to the elements while the authorities look on with complete indifference. The infamous Los Angeles Police Department regularly perpetrates acts of wanton violence against the poor and working-class population with impunity, while prosecutors routinely shield the police from accountability by refusing to bring criminal charges against killer cops.

The Los Angeles City Council, as exposed by audio tapes that recently came to light, is a hotbed of racial prejudice and dirty factional maneuvering. California's prison population hovers around 100,000. Around the same number of Californians have died from COVID, if official statistics are to be believed, including 34,000 in Los Angeles County alone.

Charges against Weinstein in the Los Angeles trial include 11 counts of rape and sexual assault involving five separate women. At least one of the charges relates to an event that allegedly occurred 18 years ago. In addition, two counts of indecent assault against a woman in London were brought against Weinstein last June by the

Metropolitan Police, which could lead to a further trial and possible sentencing.

Weinstein pled not guilty to the charges brought against him in the Los Angeles case. His attorneys claim that he had "transactional" sexual encounters with the accusers, all aspiring Hollywood actresses and other prominent entertainment industry figures. In other words, he alleges that they consented to sex with him in return for his efforts to further their careers. This conduct would still constitute an abuse of his position and a form of employment discrimination, but it would constitute an objectively lesser crime than forcible rape, which Weinstein denies.

Another sordid feature of the Los Angeles case is the scheduled testimony of Jennifer Siebel Newsom, the wife of current California governor Gavin Newsom and also a documentary filmmaker and actress, who alleges that Weinstein raped her in 2004 and 2005.

Weinstein's attorneys intend to impeach Siebel Newsom with evidence that she had emailed Weinstein two years after the alleged assault asking for his help in navigating a sex scandal involving Gavin Newsom, whom Siebel Newsom was dating at the time, and his campaign manager's wife. California's first lady also brought her future husband to a party hosted by Weinstein subsequent to the alleged assault, casting further doubt on the credibility of her accusations.

In an opinion editorial for the *Huffington Post*, written 12 years after the alleged assault by Weinstein, Siebel Newsom described being victimized by Weinstein, but stopped short of claiming forcible rape, describing him instead as making "aggressive advances." "I was naïve, new to the industry, and didn't know how to deal with his aggressive advances," she wrote, describing a meeting at "the Peninsula Hotel, where staff were present and then all of a sudden disappeared like clockwork, leaving me alone with this extremely powerful and intimidating Hollywood legend."

With no DNA evidence available and no police reports filed by the five accusers immediately after the alleged incidents, the case comes down to "he said, she said," many years after the fact. Much as in the New York trial, the prosecution is endeavoring to overcome the weakness of its case by flooding the courtroom with accusations of other uncharged, prior "bad acts" by Weinstein that allegedly demonstrate his propensity to engage in sexual misconduct.

It is a general legal principle that evidence that someone engaged in certain conduct on one occasion is not evidence that the person engaged in that conduct on another specific occasion. Otherwise, proof that Weinstein assaulted one woman would be sufficient proof

by itself that he assaulted a thousand or a million women. Moreover, when “prior bad acts” are themselves disputed, the inference that the “prior bad acts” prove the newer “bad acts” becomes circular.

It is noteworthy that in California, the specific legal provision being invoked by the prosecutors, California Evidence Code Section 1108, was a measure authored by right-wing Republicans in the mid-1990s. That section creates an exception to the general prohibition on the use of such evidence, permitting it to be used in a sex offense prosecution even if the alleged prior “bad acts” were never actually proven.

These same heavy-handed prosecutorial tactics were also employed during the New York trial, which resulted in his conviction, but which Weinstein’s attorneys are now appealing as a violation of his fundamental right to a fair trial.

Weinstein’s attorneys tried to delay the Los Angeles trial until after the marketing campaign surrounding the movie *She Said*. Set to release on November 18, the movie claims to chronicle the events surrounding the initial *New York Times* investigation into Weinstein’s behavior. Along with a similar investigation published in the *New Yorker* and authored by discredited journalist Ronan Farrow, the *Times* piece is considered to be the start of the so-called #MeToo campaign in September 2017.

Judge Lisa Lench denied Weinstein’s request to delay the trial but admonished the jury to not watch the movie’s trailer and avoid all marketing for the upcoming film. However, since the jury will not be sequestered during the proceedings, this “admonition” only has the effect of calling the jurors’ attention to the film.

The Los Angeles case itself has already been delayed for two years, in part due to health issues surrounding Weinstein, who was infected with COVID-19 while imprisoned in 2020. If his attorneys are to be believed, he suffers from diabetes complications and is now nearly blind.

Five years after the launch of the #MeToo sexual witch hunt with the accusations against Weinstein, it is possible to draw an objective balance sheet. Hundreds of lives and careers were wrecked on the basis of unsubstantiated allegations, repeated *ad nauseam* by a filthy and vicious media. The slogan of “believe the accuser” was invoked to flatten the presumption of innocence and silence skeptics.

Besides the accusations against Bill Cosby (whose prosecution was already underway before the #MeToo campaign was launched), hardly any of the accusations were ever proven in court. Instead, when many of the accusations did arrive in court, as in the cases of Kevin Spacey, Johnny Depp, and Geoffrey Rush, among others, they turned out not to be true—or at a minimum, the case turned out to not be black and white.

This was true even of the case against Weinstein, which was far weaker in the courtroom than it was in the newspapers. While Weinstein was held up for years as devil incarnate whose conduct justified the launch of the entire #MeToo sexual witch hunt, when the case did finally arrive in court in New York, one journalist described not just a “reasonable doubt,” but a “mountain of doubt” that had emerged by the end of the proceedings as to whether the real Weinstein was actually in fact guilty of many of the specific things he was alleged to have done.

Meanwhile, figures like Donald Trump, Bill Clinton and Joe Biden remained generally unscathed by the media-controlled campaign, brushing off and ignoring the accusations that were leveled against them. Nor has the #MeToo campaign registered any discernible change in the conditions facing working class women.

Instead, the #MeToo stampede was generally confined to more

privileged layers in academia, among corporate professionals, government officials, and Hollywood and the news media, where genuine accusations competed with accusations leveraged to elevate the accusers to positions of greater power, money and influence. A new word entered the lexicon: when someone was destroyed by a vindictive and unsubstantiated sexual allegation, that person was said to have been “metooed.”

In some cases, the victims of #MeToo were driven to take their own lives, as in the tragic case of Benny Fredriksson, the husband of the famed Swedish mezzo-soprano Anne Sofie von Otter. In the Weinstein case, film producer Jill Messick committed suicide in 2018 after a barrage of online attacks were launched against her once emails came to light wherein she contradicted the accounts actress Rose McGowan made of the latter’s alleged rape by Weinstein.

It also must be said that in the Weinstein cases, media coverage has not been without moments of anti-Semitic overtones.

In the wake of the trials involving Johnny Depp and Kevin Spacey in particular, there is a sense that the campaign has lost momentum and people are coming to their senses. A recent column in the *New York Times* bitterly lamented the lack of “across-the-board banishment for men who have been accused of misconduct.”

As reprehensible as Weinstein’s behavior may have been, there is no progressive reason whatsoever to support efforts to revive the #MeToo sexual witch hunt and its discredited methods: destroying people with unsubstantiated accusations, whipping up a lynch mob atmosphere, replacing the presumption of innocence with a presumption of guilt, and one-sided trials in which government prosecutors are free to trample on all the rights of the accused.

As for Weinstein himself, the whole affair demonstrates, if nothing else, the depraved state of affairs in the entertainment industry controlled by powerful capitalist interests, under which the most intimate forms of physical relations between people can be extorted as “transactions.” Weinstein is far from unique in that respect. The same “casting couch” phenomenon is a fact of life, in one form or another, wherever there is capitalism and the social inequality inevitably and necessarily created by that system.

Weinstein’s reputation was an open secret in Hollywood and Democratic Party circles for years before the launch of the #MeToo campaign. Weinstein personally donated tens of thousands of dollars to Democratic party candidates before his fall from grace and held a birthday party for Hillary Clinton in 2000. Clinton’s aides were reportedly warned of Weinstein’s behavior prior to the launch of the #MeToo campaign, but the Clinton campaign still accepted his donations and reached an agreement with him to promote her 2016 presidential campaign anyway.



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