



In 2021, Weinstein was extradited to Los Angeles, where he awaits another trial later this year. Illustration by Joan Wong; Source photographs from AP; Getty

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HARVEY WEINSTEIN'S LAST CAMPAIGN

How the Hollywood producer lost control of the story during his criminal trial in New York.

By Ken Auletta

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Harvey Weinstein and his younger brother, Bob, grew up in Queens as friendly but intense competitors. Their father, Max, was a quiet, heavysset man who worked as a diamond cutter in Manhattan; their mother, Miriam, ran the house. Weinstein's childhood friend Alan Brewer told me that Miriam "put constant pressure on the boys—I heard that Harvey called her Mama Portnoy." The brothers shared a bedroom, listening to Yankees and Mets games on the radio after lights-out. They both dropped out of college and started working in Buffalo as music and movie promoters, before becoming producers of independent films. They named their first company Miramax, for their parents. Together, the brothers built a business—maverick, talent-driven, and international in focus—that helped define an era in American film production. First at Miramax and then at the Weinstein Company, they hired promising executives, but, as Jason Blum, a former co-head of acquisitions at Miramax, said, "There was no hierarchy other than Harvey and Bob."

For decades, there were rumors in Hollywood that Harvey Weinstein sexually abused women. To suppress such stories, he often used the same tools he employed in marketing his films, which earned eighty-one Academy Awards (and three hundred and forty-one nominations): a large Rolodex and a bullying persuasiveness. And for years his strategies worked. His accusers were silenced. Actors and directors vied to work on his movies, agents buckled to his demands, and the press applauded most films he produced. Bill and Hillary Clinton attended his premières.

But on October 5, 2017, the front-page headline of the New York *Times* read “SEXUAL MISCONDUCT CLAIMS TRAIL A HOLLYWOOD MOGUL.” The *Times* investigation, by Jodi Kantor and Megan Twohey, highlighted thirty years’ worth of “previously undisclosed allegations” against Weinstein. For the first time, women had gone on the record to share their experiences of Weinstein’s sexual abuse—the actress Ashley Judd, an assistant named Emily Nestor, a literary scout named Lauren O’Connor. Kantor and Twohey reported that Weinstein “enforced a code of silence” by insuring that accusers signed nondisclosure agreements, and that employees signed contracts prohibiting them from criticizing the company or its leaders. Five days later, Ronan Farrow published the first in a series of reported pieces about Weinstein in this magazine. Thirteen women, including the actresses Asia Argento, Mira Sorvino, and Rosanna Arquette, asserted that Weinstein had sexually assaulted or harassed them. Three of the women told Farrow that he’d raped them. Four actresses said that they suspected Weinstein of working to ruin their careers after they rejected his advances.

The allegations set off a movement whose impact few could have imagined. On October 15th, the actress Alyssa Milano tweeted, “If you’ve been sexually harassed or assaulted write ‘me too’ as a reply to this tweet.” Seventeen thousand women would ultimately respond—effectively joining a “me too” movement that had been founded a decade earlier, by the activist Tarana Burke. By the end of October, more than eighty women had claimed that Weinstein had sexually assaulted them, a figure that would eventually rise to more than a hundred.

In the months after the allegations against Weinstein became public, dozens of men in prominent positions were accused of sexual misconduct and fired or forced to resign. Among them were the “Today” host Matt Lauer, who denied allegations of sexual harassment and was never charged, and the chef Mario Batali, who admitted, “My behavior was wrong,” but was recently acquitted of charges of indecent assault and battery. In November, Larry Nassar, the team doctor for U.S.A. Gymnastics, who had been fired earlier, pleaded guilty to first-degree criminal sexual misconduct.

In Weinstein’s case, the consequences were immediate. On October 8th, he was fired by the board of the Weinstein Company, with a decisive vote from his brother, Bob. Weinstein insisted to the board that the stories in the press were untrue, that the sex had been consensual. To the public, he issued a statement acknowledging only that he had anger-management issues. Despite these denials, Weinstein was soon expelled from the Academy of Motion Picture Arts and Sciences; his honorary doctorate from his alma mater, the University of

Buffalo, and his French Legion of Honor award were revoked.

Weinstein was determined to fight back—he had been doing so for years. Farrow revealed that in 2015, after the Italian model Ambra Battilana Gutierrez reported Weinstein to the police for assaulting her—and got him on tape saying, “I will never do another thing to you”—he had hired investigators to cast doubt on her character. She was persuaded to renounce her claim and to sign an N.D.A., in exchange for a million dollars. Cyrus R. Vance, Jr., the Manhattan District Attorney, dropped the prosecution of Weinstein, in part because his office privately professed concerns about Gutierrez’s credibility.

What Weinstein didn’t realize, two years later, was that the balance of power had shifted. This time, women would be believed.

Soon after Bob Weinstein voted to fire his brother, he publicly denounced him as a “predator” and wrote to him in an e-mail, “U have hurt so many innocent women, your family, mine, me, your former employees, disgraced the Weinstein name.” Harvey Weinstein, meanwhile, believed that Bob was a primary source for Kantor and Twohey. Bob, in a series of interviews with me, acknowledged speaking to them, but said he did so only later, for a book they wrote about their reporting, “She Said.” Bob insisted that he was unaware of the abuse at the time, though he did write checks on behalf of his brother to secure N.D.A.s from two of Weinstein’s former assistants, Zelda Perkins and Rowena Chiu, with payments totalling two hundred and fifty thousand pounds, or nearly five hundred thousand dollars today. He did this, he said, because Weinstein told him the women were threatening to tell his first wife, Eve Chilton, that he had been unfaithful to her; Bob later told me that he’d thought Weinstein was a philanderer with anger issues, not a rapist. In the last five years of their business partnership, he said, they had grown apart—even sometimes coming to blows.

Bob, who had entered rehab for alcohol addiction in 2004, now urged his brother to enroll in a forty-five-day treatment program for sex addiction at the Meadows of Wickenburg, a rehabilitation center outside Phoenix. The program, called Gentle Path, is for men and was founded by Patrick Carnes, who first suggested that sex addiction is akin to dependence on drugs or alcohol, and that “healing” requires acknowledging guilt. Weinstein agreed to go to Arizona but showed little inclination to participate. He stayed in a hotel and was spotted strolling around town, having meals at a diner, and talking on his cell phone. As was later revealed in court, he did compose a statement in which he admitted to being a “sex addict” and an “anger addict”:

I have only despair. I have lost my family. I have daughters that will not talk to me. I have lost my wife. I have lost the respect of my exwife and generally almost all of my friends. I have no company. I’m alone.

And I will be honest with you: I’m suicidal.

Weinstein sent drafts of his statement to a sobriety coach, as if he were contemplating releasing it publicly, but he never did. He did not complete the program.

Weinstein was now living alone in his vast house in Westport, Connecticut. His second wife, Georgina Chapman, had moved to northern Westchester County with their two young children. There were no longer cars waiting to whisk him to premières; no one to carry the small locked Zero Halliburton case that, according to his former assistants, was filled with prescription pills and supplements—Weinstein took twenty medications

daily, for ailments including diabetes, high blood pressure, high cholesterol, glaucoma, and spinal stenosis from a recent car accident. “I don’t know of anyone who is still in touch with him,” a former close friend of his told me. One exception was the producer Paul Feldsher, who dismissed critics as conformists sitting “atop Mt. Moral High Ground.” Another was Weinstein’s old college roommate, William Currao, a retired pediatrician. (Although Weinstein, whom I profiled for *The New Yorker* in 2002, would later respond to some of my e-mailed questions, he directed Currao at one point not to speak to me.)

In early 2018, as an indictment loomed, Weinstein arranged to have lunch with the New York attorney Benjamin Brafman, at the Lambs Club, in Manhattan. Born in Brooklyn to Holocaust survivors, Brafman, like Weinstein, had gone to a state school, and he thought of himself as a “tough Jew.” He had represented another alleged sex offender, the French economist and politician Dominique Strauss-Kahn—whose charges had also been dropped by Vance’s office for credibility reasons concerning the alleged victim—and such mobsters as Vincent (the Chin) Gigante and John Gotti.

Brafman, who arrived first, saw Weinstein walk in—a slow-moving man in a crisp white linen shirt, with shadows under his eyes. He recalled that Weinstein ordered a hamburger, fries, and a Diet Coke. As Weinstein spoke about the allegations, ketchup dripped from his fingers, and Brafman warned, “Harvey, you’re ruining your shirt.”

Weinstein was notoriously impatient. When he wanted a cigarette, he ripped the top off the pack. Assistants often lined up three Diet Cokes for him in a row, to avoid keeping him waiting. He objected to Brafman’s hourly rate of fifteen hundred dollars, but he was impressed that *New York* magazine had called him the city’s “Best Criminal Defense Lawyer,” and hired him as his defense attorney.

That spring, Weinstein tried to persuade Brafman to arrange a meeting with Vance and Governor Andrew Cuomo. He hoped that Vance could be talked into making the possible indictment disappear. Brafman thought that this plan would never succeed, and assured Weinstein that he could win the case if it went to trial. Yet, according to several sources, Weinstein continued to press for the meeting.

On the morning of May 25, 2018, Weinstein was ordered to surrender at the New York Police Department’s First Precinct station house, in lower Manhattan. Weinstein arrived with Brafman, limping slightly from his back injury and holding a biography of Elia Kazan. Reporters and photographers, who were standing behind metal barricades, shouted questions at him as he walked past. He was arrested and charged with first- and third-degree rape and a criminal sexual act in the first degree. The charges involved two women, later identified as Jessica Mann, an aspiring actress, and Lucia Evans, a college student who also aspired to be an actress. Weinstein left the station with his hands cuffed behind his back, and was escorted to the Criminal Courthouse on Centre Street, where he was ordered to pay a million dollars in bail. A metal tracking device was fastened to his right ankle, and he forfeited his passport, agreeing to restrict his travel to New York and Connecticut.

The prosecution asserted that Weinstein had abused his power as the head of Miramax, and later of the Weinstein Company, to entrap actresses, models, and other women in the entertainment industry. After he coerced women, sometimes brutally, to have sex with him, he kept them silent by compelling them to sign N.D.A.s or threatening to sabotage their careers.

Brafman, for his part, intended to prove that the accusers had consented to sex with Weinstein—and that this could be demonstrated by the fact that they continued to have relationships with him. He sought to portray Weinstein as a man manipulated by women who were eager to leverage his power to promote their careers, and argued, using language from another era, “Mr. Weinstein did not invent the casting couch.” The alleged crimes were never reported to the police, Brafman noted; there were no corroborating witnesses, and there was no forensic or DNA evidence to demonstrate Weinstein’s guilt.

But even if Brafman persuaded a New York jury to exonerate his client, Weinstein still faced potential criminal charges in Los Angeles, London, and Dublin. Multiple civil lawsuits had been filed against him by women who claimed that he had sexually abused them. And unlike a criminal case, in which jurors must be convinced that the defendant is guilty “beyond a reasonable doubt,” a civil case typically requires only a “preponderance of evidence” to prove the defendant’s liability.

When Weinstein arrived for one of his first public court appearances, on October 11, 2018, he was using a walker. Joan Illuzzi, an Assistant District Attorney who was leading the prosecution, said in court that she thought Weinstein was faking a more noticeable limp, presumably to win the sympathy of a jury. Vance had chosen Illuzzi from six hundred lawyers in his office. She had successfully prosecuted the former bodega clerk Pedro Hernandez for the kidnapping and murder, nearly forty years earlier, of six-year-old Etan Patz. And she was known for her skill in drawing out witnesses’ testimony.

Justice James Burke, who had served for a dozen years as an Assistant District Attorney in Manhattan, was selected by lottery to preside over the case, which was being tried in the State Supreme Court. A reserved man with a steady gaze, he was described by a former senior colleague as a “journeyman”—neither a star nor a stumbler.

In the indictment, the prosecution had charged that Weinstein forced Lucia Evans to perform oral sex on him. The prosecution then discovered that a detective had withheld evidence relating to Evans's account, and both sides petitioned to remove her from the indictment. Justice Burke agreed to dismiss Evans from the case. At the defense table, Weinstein nodded to Brafman. He later learned that the Justice's decision would cost him. Because the alleged incident relating to Evans happened in 2004, when the Walt Disney Company owned Miramax, Disney's insurance had been paying Weinstein's legal bills. But the incidents with Mann occurred after the Weinstein brothers left Miramax, in 2005, and formed the Weinstein Company. Weinstein now had to pay all his legal costs himself.

Brafman filed numerous motions to dismiss the case, but on December 20, 2018, Justice Burke affirmed the indictment. On the steps of the courthouse, Brafman said, "We remain confident in the outcome of the trial."

Though Weinstein and Brafman presented a united front in public, behind the scenes they had been sparring for months over the details of the defense. Against his lawyer's advice, Weinstein insisted that his defense team needed to work the press and hire a "skirt"—a female attorney who would soften his image before jurors. He called Brafman at all hours, treating him like an assistant or a therapist. As a producer, Weinstein had routinely renegotiated the terms of a movie deal after they had been set, and sometimes had stiffed vendors. Now he wanted to switch from an hourly rate to a flat fee; he withheld payment and even suggested, Brafman told friends, that the lawyer should represent Weinstein for free, because the publicity would attract more clients. (Through a spokesman, Weinstein denies suggesting this.)

By the end of the year, Brafman was exhausted. He told an associate, "Harvey is a difficult guy"—more difficult, it would seem, than some of the mobsters he'd represented. A few weeks later, Brafman notified Justice Burke that he wished to step aside as Weinstein's attorney. Both he and Weinstein issued public statements claiming that the split was "amicable."

In January, 2019, Weinstein hired two new lead attorneys: Jose Baez, a Florida-based lawyer known for taking on high-profile cases, and Ronald S. Sullivan, Jr., a professor at Harvard Law School. Baez and Sullivan had won an acquittal for Aaron Hernandez, a former tight end for the New England Patriots, on double murder charges—even as Hernandez was serving a prison term for another murder. (He died by suicide in 2017.) Other members of the team included Duncan Levin, a former federal and New York state prosecutor, and Arthur Aidala, a Brooklyn native who had counselled both Anthony Weiner, the former New York congressman, and Roger Ailes, the ex-C.E.O. of Fox News, against claims of sexual misconduct. Weinstein thought he had put together a "dream team" that would appeal to city jurors. It didn't last six months.

The first to go was Sullivan, who left on May 10th, citing heavy teaching responsibilities. In 2009, Sullivan had become the first Black person to be appointed a faculty dean at Harvard College, and he presided over Winthrop House, an undergraduate residence. Dozens of students protested his defense of Weinstein and called for his resignation as dean. Although a majority of the law-school faculty signed a petition defending Sullivan, Harvard College conducted what it referred to as a "climate review" of Winthrop House, and on May 13th announced that Sullivan's position as dean would not be renewed, adding that his dismissal was not directly caused by his representation of Weinstein.

Baez exited in June, after writing a scathing letter to Justice Burke explaining that Weinstein had threatened to sue his law firm.

And so Weinstein made another casting decision: he chose the Chicago-based attorney Donna Rotunno to lead his defense. A former prosecutor, Rotunno boasted that she'd defended forty sex-crime cases and lost only one. She told reporters that her gender gave her an advantage in cross-examining women. If a male attorney "goes at that woman with the same venom that I do, he looks like a bully," she said. "If I do it, nobody even bats an eyelash." Rotunno was joined by Damon Cheronis, a law-school classmate and an accomplished criminal lawyer. Only Aidala remained from Weinstein's previous team.

In August, 2019, Justice Burke granted the prosecution permission to call on three Molineux witnesses—people whose testimony about incidents outside the indictment might help establish patterns of behavior by the defendant or support the claims of the accusers. Weinstein's lawyers strenuously opposed the inclusion of such witnesses, knowing that a jury could find them especially prejudicial. (Bill Cosby's first trial, in June, 2017, ended in a mistrial, but he was convicted in a subsequent trial after the judge allowed the equivalent of five Molineux witnesses. Cosby's conviction for sexual assault was overturned last year owing to prosecutorial misconduct.) The Molineux witnesses in the Weinstein trial would be three aspiring actresses: Lauren Young, Dawn Dunning, and Tarale Wulff, all of whom alleged that Weinstein had assaulted them.

Justice Burke, in a further blow to the defense, allowed testimony by a production assistant named Miriam Haley (formerly Mimi Haley) and the actress Annabella Sciorra, both of whom had testified in July before a grand jury. Haley alleged, among other things, that Weinstein sexually assaulted her at his SoHo apartment in 2006. Sciorra testified that Weinstein raped her at her Gramercy Park apartment in the early nineties. The grand jury issued a new indictment with five charges, ranging from predatory sexual assault to rape in the first degree, concerning three women: Jessica Mann, Miriam Haley, and Annabella Sciorra.

In September, Governor Cuomo was photographed with activists from Time's Up—an anti-harassment coalition of more than three hundred prominent women in Hollywood—as he signed a bill extending the statute of limitations for rape in New York from five to ten or twenty years, depending on the degree, making the state's rape laws among the strictest in the country. The alleged attack on Sciorra remained too far in the past to be prosecuted on its own, but, by adding her to the new indictment against Weinstein, prosecutors could call her to the stand to provide evidence for the charges of predatory sexual assault.

"I'm an intensely private person," Sciorra told Farrow about coming forward. "And this is the most unprivate thing you can do." Sciorra hired the attorney Gloria Allred—who had represented women who alleged that they had been sexually abused by Cosby, Weiner, and Jeffrey Epstein—to represent her in a civil case. The prosecution said that Sciorra had a horrifying story to tell. The defense argued that the prosecution was merely trying to titillate jurors with a celebrity. Both sides requested more time to prepare, and Justice Burke announced that the trial would start early in the new year.

The charges against Weinstein came at a moment of decline in his career. It had been a long time since Miramax's heyday, in the nineteen-eighties and nineties, when films such as "My Left Foot," "Pulp Fiction," "Good Will Hunting," and "Shakespeare in Love" earned international acclaim. Disney bought

Miramax in 1993, but Michael Eisner, Disney's C.E.O., had wearied of Weinstein's overextended budgets and profligate investments, which included *Talk* magazine, a book imprint, and television shows. Although corporate documents confirm that Eisner and Disney decided to separate from the Weinsteins in 2005, Weinstein publicly denied this, announcing that, in fact, it was the other way around.

Weinstein and his brother formed the Weinstein Company, and for the next twelve years Weinstein burned through almost a billion dollars of investors' money. Between 2005 and 2008, the company produced or distributed sixty-five films, with too few successes. Even their hits—films such as “Django Unchained,” “The Silver Linings Playbook,” and “The King’s Speech”—were threatened by upheavals in the movie business. In the following years, studios and networks, eager for quick revenue, sold their movies and shows to Netflix and Amazon, creating powerful digital competitors. Movie theatres were imperilled, including small theatres that once welcomed the sort of independent films Weinstein had built his career on. In 2017, Rupert Murdoch announced that he was selling 21st Century Fox’s film and TV studios, along with the majority of its cable channels, to Disney. If Murdoch could no longer afford to compete against the digital giants, how could the Weinsteins?

Weinstein had always been adept at using the press to his advantage. As his friend Cindy Adams, a gossip columnist for the *New York Post*, liked to say, “He’s always available for a quote, whether you want one or not.” Now Weinstein thought to employ the *Post*, which had typically seemed friendly toward him, in his public fight to discredit his accusers. (Years earlier, after Weinstein dragged Andrew Goldman, then a writer for the *New York Observer*, out of a party in a headlock, the *Post* blamed the scuffle on “a couple of pushy reporters.”) In September, 2019, Weinstein helped seed one of Adams’s columns, which suggested a comeback in the making:

The question is, how is Harvey Weinstein.

The answer is: He’s coping.

The man’s watching his weight. Working out. Taking care of himself physically, feeling healthier, lessening the intake of medication. Staying in, out of any spotlight, not risking paparazzi. . . . Playing the role of available dad, he’s seeing the children regularly. . . . He’s getting signals from Europe. The realization is he’d be OK working abroad. Think fugitive Roman Polanski. Bum here/star there.

The ploy didn’t work. When Weinstein asked Justice Burke to allow him to go to Italy to make a play based on “Cinema Paradiso,” which had won him an Oscar for Best Foreign Language Film in 1990, Burke forbade him to travel.

In December, Weinstein underwent back surgery and again turned to the *Post*. Without informing his lawyers, he invited Rebecca Rosenberg, then the paper’s Manhattan Supreme Court reporter, to his private hospital room at the NewYork-Presbyterian/Weill Cornell Medical Center a day after the operation. “I feel like the forgotten man,” he told Rosenberg. “I made more movies directed by women and about women than any filmmaker, and I’m talking about 30 years ago. I’m not talking about now, when it’s vogue. I did it first! I pioneered it!” The ensuing front-page headline read “WHINE STEIN: HARVEY TELLS POST: I HAVE BEEN GREAT FOR WOMEN.” The paper devoted two pages to an “exclusive,” noting the marble bathroom, Italian bed linens, and cucumber-infused water in the hospital’s V.I.P. wing. The photographs showed Weinstein wearing a T-shirt and looking dazed, tubes dangling by his side.

In response, twenty-three women who claimed to have been sexually abused by Weinstein released a blistering statement. “He will be remembered as an unrepentant abuser who took everything and deserves nothing,” they wrote. The actress Rose McGowan tweeted, “I didn’t forget you, Harvey. My body didn’t forget you. I wish it could.”

Weinstein didn’t seem to understand that he could no longer control the story. Two members of his team told me that, just before the start of the trial, Weinstein once again pressed for a meeting with Vance and Governor Cuomo to try to get the case dismissed. Weinstein figured that he was owed a favor since he had raised more than a hundred thousand dollars for Cuomo’s campaigns. But, weeks after Weinstein was accused of sexual assault in 2017, Cuomo had announced that he was donating all of Weinstein’s campaign contributions. (In 2021, Cuomo resigned from office after he was accused of sexual harassment, allegations that he denies.)

Weinstein’s trial began on January 6, 2020, at 100 Centre Street, in lower Manhattan. For the next eight weeks, Weinstein appeared in court dressed like a mid-level businessman in drab, boxy suits, white shirts with crumpled collars, and bland neckties. His health had deteriorated. He had lost seventy-five pounds since the allegations broke, and uneven stubble showed on his face.

Weinstein was usually flanked by Rotunno and his four other lawyers, at a table facing Justice Burke. The prosecutors—Illuzzi, the Assistant District Attorney, and her deputy, Meghan Hast—were seated at a table to Burke’s right, close to the jury box.

The contrast between the competing lead attorneys was stark. Illuzzi wore dark jackets, her hair in a blunt, shoulder-length cut. Courtroom sketches often showed her standing with her finger pointed at the defendant. Rotunno, who owns a gold chain that reads “Not Guilty,” strode past the paparazzi every day in Jimmy Choo heels and skirt suits from Dolce & Gabbana or Ferragamo. She told me that her presentation was tactical. “I saw what the media did to Marcia Clark in the O. J. Simpson trial,” she said. “Every day, there was commentary on her appearance.”

Day one was dominated by procedural questions. On day two, Justice Burke arrived angry. A security officer had spotted Weinstein texting, a violation of the rules of the court. Burke asked the defendant, “Is this really the way that you want to end up in jail for the rest of your life?”

One of the considerations for the defense in selecting a jury was to seek out older men and women, who might be more likely to empathize with someone of Weinstein’s generation. It was vital, Rotunno often said, to locate jurors with the “courage” to resist what she portrayed as a rush to preemptively convict Weinstein. The prosecution sought, among others, educated jurors who, they believed, might be less likely to blame women for claiming to be victims of sexual assaults.

In the end, the twelve jurors consisted of six white men, two white women, three Black women, and one Black man, who served as the jury foreman. Neither side seemed to have a clear advantage.

Illuzzi turned the opening arguments over to Hast, who pointed to Weinstein. “The man seated on that side of the courtroom, despite what your eyes are looking at, is not a harmless old man,” she said. She pressed a remote control, and a picture appeared on two large screens of a beaming Weinstein with Bill Clinton. She described the

defendant as “a powerful Hollywood producer living a lavish life style” who had carried on a parallel career as a predator, “sexually assaulting these women when they refused to comply with his desires and his orders.”

Weinstein looked down at the defense table, scribbling on a yellow legal pad as Hast went on to describe in detail the alleged assaults of the six women who would testify in court. Standing at the lectern, Hast showed photographs of each woman and recounted the toll that Weinstein’s acts of violence had taken on them. To head off a potential vulnerability in the prosecution’s case, she said that she would offer testimony from a forensic psychiatrist to dispel rape myths, including the belief that victims don’t keep in touch with their rapists. Hast also suggested that some of Weinstein’s employees helped enable his assaults. Female staffers ferried women to Weinstein’s hotel suites, she asserted, and Weinstein used these employees to lull victims into a false sense of security before they were left alone with him.

After Hast’s presentation, Cheronis, Weinstein’s attorney, strolled in front of the jury box, casually invoking the names of Weinstein’s accusers. He made the same case that Weinstein’s other lawyers had made: that these had been consensual relationships. He reminded jurors that they should not convict Weinstein based on press reports or on the premise that all women must be believed. “Use your common sense,” he told them. “Be strong, be analytical.” And he said that when they looked at the evidence—he clicked on his laptop to show an e-mail from Jessica Mann to Weinstein reading, “Miss you big guy”—they should ask themselves if a woman could really write such a tender e-mail to her rapist. Jurors, he said, had to hold women accountable for their behavior.

Since the spring of 2017, Weinstein had been worried that Annabella Sciorra and other women were sharing negative stories about him with the press. He had hired an undercover security firm, Black Cube, to spy on them. Now Sciorra was the prosecution’s first witness.

Under direct examination by Illuzzi, Sciorra said that in late 1993 or early 1994 she attended a Miramax dinner in New York. She was thirty-three years old and had recently starred in one of Weinstein’s movies, “The Night We Never Met,” a romantic comedy about three people living in the same Greenwich Village apartment on different days. When she got up to leave the dinner, Weinstein offered to drop her off at her apartment, at Gramercy Park. She rode home with him, and said goodbye. But later that night she was startled by a knock on her door.

What happened when you opened the door? Illuzzi asked.

After a long pause, Sciorra said that “the defendant” had pushed the door open and brushed past her, inspecting each room, she thought, to be sure that no one else was there. He started to remove his shirt and ignored her demands that he leave. He then shoved her on the bed. “I was punching him, I was kicking him,” she remembered, but he outweighed her by more than a hundred and fifty pounds. According to Sciorra, Weinstein climbed on top of her, held her hands down, and raped her. He then said, “This is for you,” and began performing oral sex.

“It was just so disgusting that my body started to shake. . . . It was like a seizure or something,” Sciorra said. Weinstein silently got up from the bed and left the apartment.

Illuzzi asked what she did next.

“I wanted to pretend it never happened,” Sciorra said. She stopped working and began to drink heavily. When a friend invited her to another Miramax dinner, some weeks later, she went, hoping to confront Weinstein. She testified that, at the event, he warned her, “This remains between you and me.” She continued, “It was very menacing. His eyes went black.”

The defense knew that cross-examination would be difficult. Sciorra’s testimony had engaged the jury, and her answers had been concise, offering limited targets for rebuttal. Rotunno walked to the lectern and asked why Sciorra hadn’t called the police.

“At the time, I didn’t understand that that was rape,” Sciorra answered. She had earlier explained that she thought rape was something that happened in a back alley, and was committed by a stranger—another rape myth.

Rotunno continued to press Sciorra, looking for inconsistencies in her testimony. How did Weinstein know her apartment number? Why couldn’t she remember the exact month and year the rape had occurred? Didn’t she later tell her friend Paul Feldsher, the producer, that she had had consensual sex with Weinstein? Sciorra said no to the last question, answering calmly.

Two friends of Sciorra’s were cross-examined next. The actress Rosie Perez testified that Sciorra had told her, in a telephone call, “I think something bad happened to me. I think it was rape.” But she had refused to identify the culprit. When Perez later guessed that it was Weinstein, she encouraged Sciorra to report the crime. She said that Sciorra replied, “I can’t . . . he’s going to destroy my career.”

Another friend, a model named Kara Young, was grilled by Aidala about Sciorra’s alcohol intake and self-harm; she became increasingly upset. Aidala went on so long that Justice Burke ordered him to sit down and excused Young, who left the courtroom crying.

Weinstein seemed pleased. As Aidala recalled, “He told me at the end of the day, ‘I really liked the way you fought for me in front of the judge. That’s real New York. You got to teach Chicago that’ ”—presumably referring to Rotunno and Cheronis.

Miriam Haley was summoned to the stand on January 27th. She described meeting Weinstein in 2004, at a film premiere in London, and running into him again, two years later, at Cannes. There, Weinstein invited her to his hotel suite. She hoped for a job; he asked for a massage. Haley refused, but at some point they exchanged contact information, and they kept in touch. She was eventually brought on to help out on the set of one of his TV shows, “Project Runway.”

Months later, she testified, he invited her to his loft in SoHo. After she arrived, she said, he tried to grab her, pushed her into the bedroom, and pulled off her clothes. She told the courtroom that she screamed she was menstruating. He held her down, she said, yanked out her tampon, and forced his tongue in her vagina. Her memory of the assault was so acute that she recalled the children’s drawings on the wall of the room.

The day of the assault, Haley went on, she told a roommate what had occurred, but did not call the police. Weeks later, Weinstein invited her for drinks at the Tribeca Grand Hotel, and she accepted. She was directed to go up to Weinstein’s suite. Once she was in the room, she said, Weinstein pulled her onto the bed, and she went numb as he forced himself on her.

Anticipating the defense’s line of questioning, Hast asked why Haley had stayed in contact with Weinstein. The first incident was “deeply embarrassing,” Haley recalled. After the second, “I blamed myself.” She said later, “I just put it away in a box, as if it didn’t happen.” Hast had observed in her opening remarks that it was as if Haley were trying to “almost normalize the situation.”

In cross-examination, Cheronis treated these remarks as a confession that the relationship was consensual. He produced an e-mail in which Haley asked Weinstein to fly her to Los Angeles; she signed another message “Lots of love.” If he came on to you, Cheronis asked, referring to the first request for a massage, why did you keep in touch with him?

“I needed a job,” she said.

Illuzzi at one point called to the stand Barbara Ziv, a forensic psychiatrist and Temple University professor who had served as an expert witness in the Cosby trial. Ziv told the jury that only twenty to forty per cent of victims of assault verbally resist their assailants, and that scholarly research confirmed that for “complex” reasons—which might include shame, fear, denial, or financial pressure—most women keep in touch with their assailants. “Contact can range from having text messages or e-mail exchanges with them to continuing in a relationship with them,” she said.

In cross-examining Ziv, Cheronis suggested that she had neglected to mention another important reason: these women had wanted Weinstein to advance their careers. And now, he implied, they wanted to enrich themselves by filing civil lawsuits. He had noted during Sciorra’s testimony that Gloria Allred represented her in the civil case. Allred also represented Miriam Haley and Lauren Young; if civil charges were brought against Weinstein and he lost, she would receive a substantial portion of the settlement.

The prosecution called a total of twenty-eight witnesses. In any trial, lawyers attempt to craft a persuasive narrative using telling details, provocative questions, and memorable opening and closing arguments.

Weinstein had proved his skill at storytelling in the movie business. But trials are not movies, shot under controlled conditions and revised in the editing room. They are live productions, dependent on the chemistry of their participants, and on luck. The witnesses do most of the talking, supplying the facts, the emotions, the drama. And sometimes just one witness, or even just one moment, can define a trial.

That witness was Jessica Mann, whose claims were crucial to three of the five charges in the indictment. The prosecution called her to the stand on January 31, 2020.

Illuzzi invited Mann to tell the jury about her early years. She described living in a trailer park near a dairy farm in Washington State. Her parents, Pentecostals, divorced when Mann was four, and she moved in with her grandparents. She left for Los Angeles when she was twenty-five, hoping to become an actress. In late 2012 or early 2013, she said, she and her friend Talita Maia went to a Hollywood party where she met an “old man” in a tuxedo who “looked really jolly.” Weinstein was in his early sixties at the time.

“Do you know who I am?” she recalled him asking.

She had no idea.

“I’m Harvey Weinstein,” he said, and mentioned some of his movies.

At the end of the party, he grabbed her arm. “I want to talk to you,” he said. “I like how you look, I’m very interested in you as an actress.” He took her number and soon invited her to dinner at the restaurant in the Peninsula Hotel. “He asked a lot of just personal questions,” Mann testified. “I was excited to tell him about who I was.”

They were interrupted at dinner by a fan of Weinstein’s, who approached the table and lingered. Weinstein became irritated, telling a waiter, “We’re going upstairs.” As soon as they entered his suite, he began insisting on giving her a massage. She refused. “He was making me feel stupid, like I was making a big deal over nothing,” she said. He asked her to give him one instead. She agreed. “He has a lot of blackheads,” she said. “And the texture of that was uncomfortable.” After several minutes, she left.

When Weinstein was back in Los Angeles, he invited Mann and Maia to late-night drinks at the Montage Hotel bar. Weinstein told them that they would be good fits for a vampire film, and that he could share the script in his suite. Mann said that she was wary, but that Maia was enthusiastic.

Upstairs, the women sat on a couch until Weinstein called Mann into the bedroom, slammed the door behind her, and began forcibly trying to kiss her. The more she resisted, the more irate he became.

Mann recalled that she tried to calm him down. But Weinstein persisted, saying, “I am not letting you leave until I do something for you.” Her voice trembling, Mann described a sequence of events that was by now familiar. “He went down on me,” she said. “I started to fake an orgasm to get out of it.” Illuzzi asked if she stayed in contact with Weinstein after this incident.

“I made the decision to be in a relationship with him,” Mann answered. “I entered into what I thought was going to be a real relationship with him, and it was extremely degrading.”

Illuzzi asked if she had feelings for Weinstein.

“I saw him the way that I saw my father. . . . My dad had similar anger.”

Later, Illuzzi asked, “Did you begin a relationship with someone else?”

Yes, with an actor, Mann said. She worried about Weinstein’s reaction. He had set rules for her, and one was, as she recalled, “You cannot date anyone in the industry. I won’t have it.” A short time later, she worked up the nerve to tell him, and they met in his suite at the Peninsula. Recalling the conversation, Mann began to cry uncontrollably, and Illuzzi asked Justice Burke if they could break for lunch.

At the start of the afternoon session, Illuzzi asked what Weinstein’s reaction had been. Mann said that he started screaming, “You owe me, you owe me one more time.” She said that he dragged her into the bedroom, threw her on the bed, and yanked off her pants, leaving three prominent scratches on her legs. “He put his mouth on my vagina. . . . And then he came at me to get on top of me, and then he penetrated me.” He forced her to give him oral sex. Afterward, she retreated to the bathroom.

He thanked her, Mann said, and then he added, “Now you can go have your relationship, and what you can do is you can bring me other girls.”

Rotunno began her cross-examination by asking if Mann had been manipulating Weinstein to get invited to parties.

“I was not manipulating him, but I was invited,” Mann responded.

Rotunno asked her why she didn’t walk away.

“That could have been death to any attempt of a career,” she said. Soon afterward, the trial recessed for the weekend.

On Monday morning, as Rotunno resumed her cross-examination of Mann, it became clear that Weinstein was struggling to stay awake. Just after noon, his head dropped to the table, then jerked back up.

Rotunno asked Mann to read a letter she'd written to her boyfriend on May 22, 2014, in which she tried to explain her relationship with Weinstein. "I feel met with hate," she wrote. Rotunno later argued that the letter demonstrated how confused and unstable Mann had been.

Mann read slowly, tears sliding down her cheeks. As she continued, Weinstein sat with his eyes closed, his head resting on his chest. Aidala gently poked him awake, but his head soon dropped again.

When Mann reached a part of the letter where she confessed that she had been sexually assaulted as a child, she started to hyperventilate. Justice Burke ordered a short break. Sequestered in an adjoining witness room, Mann sobbed, and her cries rang through the quiet courtroom. This, a member of the prosecution team said later, was maybe the most nerve-racking moment of the trial, because they feared that Mann "was so distraught she could not continue."

When Mann returned to the witness stand, Illuzzi walked over to her. "Sit back," she said. "Take a deep breath."

Justice Burke called recess before 4 P.M. With a tissue pressed to her mouth, Mann walked past the defense table, Weinstein's eyes following her all the way.

When he pushed his walker to the corridor, which was crowded with reporters, Weinstein offered a half smile and said, "Hi, guys." He clearly thought that this had been a good day for the defense. A reporter shouted, "Why did you fall asleep in court?"

"Oh, please," Weinstein said, moving toward the elevators. Aidala, who was several steps behind, said that Weinstein's drowsiness had been caused by his back medication. "I wasn't nodding off," Weinstein later insisted to me in an e-mail. "I took tramadol and Lyrica in the morning. . . . I was in severe pain, severe back pain." (A couple of days later, the *Post's* Page Six reported that he had hosted a Super Bowl party the previous night.)

The next morning, Mann carried a small orange ball that she squeezed throughout the day. She was subdued, her voice hushed.

Rotunno had Mann finish reading the letter, and then reviewed a large collection of e-mails between her and Weinstein spanning five years. An e-mail that Mann wrote on April 27, 2016, four hours after being alone with Weinstein in his hotel suite, read, "I feel so fabulous and beautiful. Thank you for everything."

By the afternoon, Mann had spent the better part of three days on the witness stand, and Justice Burke was eager to move on. He began to interrupt Rotunno, urging her to reframe her questions. After Rotunno noted that Mann had sex with Weinstein a final time in November, 2016, she stepped back from the lectern, as if she had concluded her cross-examination. Then she stepped forward and said, "There was a plethora of e-mails and conversations between you and Mr. Weinstein that lasted the entirety of your relationship with him, correct?"

The jurors looked at Mann. She began by acknowledging that she was not a perfect victim, having made questionable, even humiliating decisions. Then, her eyes again filling with tears, she said slowly, "I know the history of my relationship with him. I know it is complicated and different. But"—her voice rose—"it does not change the fact that he raped me."

Rotunno had made a classic cross-examination mistake—asking one question too many. As a prosecutor later recalled, speaking of Mann, “Her raw frankness was a beautiful moment for any prosecution.”

After the day’s proceedings were over, a gloomy member of Weinstein’s legal team told me, “My best hope is a hung jury.”

Those who knew Weinstein well were shocked by how frail he appeared in the courtroom. An even bigger shock was how passive he seemed, detached and only half listening to his own trial, as his accusers described his body odor, his pimpled physique, his deformed genitals. To demonstrate that his accusers’ descriptions of his body were accurate, the prosecution had obtained a warrant requiring him to pose naked for photographs, five of which were shared with the jury; in court, the jurors quickly passed the prints along.

The defense called only seven witnesses. “There was a problem getting people to come forward,” Cheronis admitted. Paul Feldsher was subpoenaed by the defense; he denied that Sciorra, from whom he was now estranged, had been traumatized, but then he called Weinstein a “sex addict.” Another witness was Talita Maia, who contradicted Mann’s account before revealing that they had had a falling out.

The defense’s most effective witness was Elizabeth Loftus, a professor of cognitive psychology at the University of California, Irvine, who testified about the unreliability of memory. Another member of the defense team, Diana Fabi Samson, alluding to Sciorra’s testimony, asked about what happens to memory after twenty-seven years have passed. Loftus said, “That’s an extraordinarily long period of time where there can be substantial fading of memory.”

The defense rested, and the jury began deliberating on February 18th. It would take just one dissenting juror to declare Weinstein not guilty.

Five days later, the jury announced that it had reached a verdict. Within minutes, Vance, the District Attorney, had arrived from his nearby office, at 1 Hogan Place. Four Supreme Court officers in bulletproof vests stood behind the defendant, who had arrived with his friend William Currao. The jury entered the courtroom just before noon. Over the weekend, Weinstein had confided on the phone to a longtime associate that he believed the jury would convict him.

The jury foreman, Bernard Cody, rose to announce the verdict. Weinstein had been found guilty on count two, a criminal sexual act (pertaining to Haley), and count five, rape in the third degree (pertaining to Mann). The court clerk polled the jurors by number. Each juror, without displaying emotion, confirmed the guilty verdict. All that the rest of the court could see of Weinstein was his motionless back.

In the press box, reporters turned to one another, surprised that the jurors had seemed to discount the testimony of Sciorra. They had acquitted Weinstein on two counts of predatory sexual assault, which in New York requires at least two victims and an established pattern of sexual assault. Three jurors later told the *Times* that, however credible Sciorra’s testimony was, it did not establish Weinstein’s guilt “beyond a reasonable doubt.”

Justice Burke ordered that Weinstein be remanded to Rikers Island, recommending that he be admitted to the medical facility at the jail because he was still recovering from his back operation.

Weinstein, lifted from his seat by the armed court officers, said to his lawyers in a low voice, “But I’m innocent. I’m innocent. I’m innocent. How could this happen in America?”

Vance and Illuzzi left the courtroom. At the end of the corridor, Vance conducted a brief press conference, his first of the trial, thanking Illuzzi and Hast and the witnesses who had “changed the course of history in the fight against sexual violence.”

Outside the courthouse, Debra Katz, an attorney who has represented many women in sexual-assault cases, was standing on the steps, elated. (One of her clients, Christine Blasey Ford, testified in the 2018 Supreme Court nomination hearing for Brett Kavanaugh that he had assaulted her decades earlier; he denied the charges.) “This was a watershed verdict,” Katz told me. “The jury repudiated the argument Weinstein’s lawyers made that this was transactional. . . . Because of this verdict, prosecutors will be less reluctant to take on a hard case.”

Mira Sorvino tweeted, “I literally cried tears of amazement, gratitude that the justice system has worked on behalf of all of his victims today.” Ashley Judd tweeted, “For the women who testified in this case, and walked through traumatic hell, you did a public service to girls and women everywhere.” Tarana Burke, a leader of #MeToo, praised “the silence breakers in and outside of the courtroom.” But she added a cautionary note: “Though today a man has been found guilty, we have to wonder whether anyone will care about the rest of us tomorrow. This is why we say MeToo.”

After being placed in a car to Rikers Island, Weinstein was seized by chest pains; his blood pressure shot up. He was diverted to the prisoner section at Bellevue Hospital, where a stent was inserted into a coronary artery to avert blockages. A week later, he was transferred to Rikers.

Weinstein returned to the courtroom, in a wheelchair, for sentencing on March 11, 2020, just before COVID-19 shut down New York. There was an audible gasp in the courtroom when Rotunno announced that her client wished to speak.

Weinstein began in a conciliatory tone. “I’m not going to say these aren’t great people,” he said, turning to the six

women in the first row who testified against him. “I had wonderful times with these people, you know.”

Then he veered in another direction: “I’m totally confused, and I think men are confused about all these issues.” He cited “men and women who are losing due process.” A #MeToo lynch mob was responsible for this, he suggested. He worried about “a repeat of the blacklist there was in the nineteen-fifties,” and compared himself to men from that era.

He challenged the prosecution’s assertion about his immense influence: “I had no great power in this industry. Miramax at the height of its fame was a smaller company by far than any Walt Disney, any Sony, Paramount. I could not blackball anybody.” He went on to describe himself as a man whose “empathy has grown over the last two and a half years.” He continued, “I understand things, I empathize, I feel things, and I was not that person until this crisis started.” (His stilted words reminded me of a vow that Weinstein made when I profiled him in 2002, to live a kinder, calmer life that was more centered on family and “human things.”)

As a producer, Weinstein had excelled at anticipating what would move an audience. But now he was clearly blind to the feelings of the women before him, and to the way that the public would react to another self-involved statement.

Looking up at Justice Burke, Weinstein described his years of philanthropy, saying that he had raised millions for the families of 9/11 victims and first responders, for victims of Hurricane Sandy, and for amfAR’s AIDS work. He concluded, “I feel emotional . . . really caring and really trying to be a better person. Thank you, Your Honor, for the time.”

Justice Burke briskly thanked Weinstein and the attorneys, then looked down at the defendant and declared, “Although this is a first conviction, it is not a first offense.” As it happened, on March 6th, Vance had submitted to the court a report detailing dozens of additional instances in which Weinstein had allegedly sexually assaulted women. Now Burke said that he had looked at the “evidence before me of other incidents . . . all of which are legitimate considerations for sentence.” He sentenced Weinstein to twenty years for criminal sexual assault and three years for third-degree rape.

Outside the courtroom, Rotunno told the press, “This severe sentence was obscene.”

Rosanna Arquette, one of the first women to confirm that they had been sexually harassed by Weinstein, tweeted, “Please shut up Donna Rotunno. The only obscene person here is you. He got what he deserved.”

A week later, Weinstein was taken to the Wende Correctional Facility, a fifteen-acre maximum-security state prison twenty miles east of Buffalo. He was sent to the hospital ward, where he occupied his own cell but ate in a mess hall with other hospital inmates. He was allowed out of his cell three hours a day. He was denied Internet access and was permitted calls with only a few preapproved individuals, including his two youngest children and his lawyers.

That spring, the district attorney of Los Angeles County, Jackie Lacey, announced the beginning of “the process of extraditing defendant Weinstein to California,” to face felony charges for sexually assaulting five women there between 2004 and 2013. In October, 2020, the D.A. added six new charges. In the summer of 2021, a New York

judge approved Weinstein's extradition to L.A., where he is now imprisoned at the Twin Towers Correctional Facility, awaiting trial later this year. He has pleaded not guilty. If he is convicted on all eleven charges, he could be sentenced to a hundred and forty years in prison, to be served after completing his twenty-three-year sentence in New York. In January, 2021, he settled a civil case in New York with more than forty women for seventeen million dollars.

Weinstein continued to hope that he could overturn his criminal conviction in New York. On April 5, 2021, his lawyers filed an appeal, which was argued before the Appellate Division of the State Supreme Court in December. It hinges on assertions that Justice Burke made biased decisions, by, among other things, allowing Molineux witnesses to testify, a move that may have "violated his Sixth Amendment right to be tried only upon charges brought by a Grand Jury," and not dismissing Juror No. 11, who had written a novel about young women navigating their sexual relationships with older men, and whose presence denied Weinstein's "right to be tried by an impartial jury." Neither side knows when the appeals court will rule.

Mark Gill, a former president of Miramax in Hollywood, said in a BBC documentary that Weinstein's success in the film industry had been driven by an incessant need for more: "You'd see it in everything he did. He was always wanting more. More press. More sales. More good reviews. More movies. More movie stars. More parties. Just more, more, more."

Zelda Perkins, Weinstein's assistant in London in the nineteen-nineties and the first woman to break one of his N.D.A.s, said in an interview, "He's a power addict. . . . He put an enormous amount of energy into humiliating men and an enormous amount of energy into getting women to submit."

Bob Weinstein, who stopped speaking to his brother in early 2018, told me that in recent years he had been struggling to understand what made Weinstein behave as he did. He even spoke to medical professionals who study sexual abuse. Bob said of his brother, "He's doing this thing that you and I can't imagine, and you're applying logic to something that is illogical." In the end, he decided that the reasons behind Weinstein's behavior didn't matter: "He should just be judged on his actions. Which is what the jury did."

Still, upon learning from news outlets in March, 2020, that Weinstein had the coronavirus, Bob tried to reach out to him through various channels. "I worried that my brother could die without my having had a conversation with him. I wanted a conversation, to be able to say goodbye," he said.

Weinstein, in an e-mail dictated to me from prison, denied that his brother had tried to contact him: "Bob has been antagonistic since this all happened. Nothing but antagonistic. I tried to reach out to him, and he's not receptive. I just got cursed at and dismissed."

Bob insisted that this wasn't true. He described a March 27, 2020, phone call from William Currao, Weinstein's friend: "He called me and said, 'Bob, you probably wonder why I'm calling you.' My first thought was: Perhaps he's calling to tell me my brother died? Instead, what he said was 'Harvey heard that you reached out and wanted to speak to him. He asked me to find out: What is it Bob wants?'"

Bob continued, "Even though I should not have been surprised, it still shocked me. Harvey was treating his brother, me, as if I was bothering him, as if he were in a meeting in his office—what was it I wanted to disturb

him about?

“It was a reminder for me: There is no Harvey, no real human being there.” ♦

This is drawn from “Hollywood Ending: Harvey Weinstein and the Culture of Silence.”

An earlier version of this article misstated when Ambra Battilana Gutierrez signed an N.D.A. The article has also been updated to clarify the aftermath of Governor Cuomo’s resignation.

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*Ken Auletta began contributing to *The New Yorker* in 1977. His thirteenth book, “Hollywood Ending: Harvey Weinstein and the Culture of Silence,” will be published in July.*
