

Will Junk Science Convict Harvey Weinstein?

The first trial of disgraced former media mogul Harvey Weinstein is now well underway. The number of accusers is certainly impressive, and as people often believe there can be no smoke without fire, that quantity of smoke appears daunting for the defence. That though is an extremely superficial argument which amounts to claiming every allegation must contain at least a grain of truth. Coupled with that is the mantra “believe all women”, so if a woman tells you she is really a thousand years old, a werewolf, or was born on the planet Jupiter, the grain of truth is what?



When there is this much smoke, the first sensible question one should ask is “Who is creating all this smoke?” The answer is often surprising.

Although there were a number of payouts made by his company to women dating back several years relating to allegations of sexual harassment, sexual harassment is a far cry from rape, indeed oftentimes it is subjective, or as someone once said, sexual harassment is a come-on from a man a woman does not find attractive.

Weinstein was not formally accused of rape until October 2017 when the *Los Angeles Times* reported that an unnamed Italian model and actress claimed to have raped by him in 2013. All the allegations of rape against him are similarly post-dated, and this presents a problem for the prosecution, so the prosecutors have decided to bolster their case with so-called expert evidence in the form of Barbara Ziv.

Barbara Ziv is not an expert witness, rather she is a professional propagandist for the sexual grievance industry. She was used in the Bill Cosby retrial to “educate” the jurors in her own words, about “rape myths”. Before discussing Weinstein any further, let us look at the Cosby

case. There is ample documentation on this; Cosby was accused by Andrea Constand in 2005 of digitally penetrating her the previous year. When the district attorney declined to prosecute, she brought a civil action, details of which were leaked to the media, and this resulted in a number of other accusers crawling out of the woodwork to accuse him. This prompted Cosby to settle, but a decade later the scandal was reignited after the comedian Hannibal Buress joked about Cosby raping women.

There then followed a veritable explosion, women literally crawled out of the woodwork, out of the gutter, and in a few cases out of the sewer, to accuse Cosby of everything from groping to serial aggravated rape. As with Weinstein and a number of similar cases in other jurisdictions, there was no contemporaneous evidence, no documentary or physical evidence, only words. Some of his accusers who were so foolish as to be too specific were exposed as liars, for example the late Louisa Moritz claimed to have been orally raped by Cosby in the green room of a studio when he was clearly not present.

Most of the Cosby accusers were presented to the world by Gloria Allred in media briefings at which the assembled reporters showed a total lack of critical faculty. If you think this is an exaggeration, check out the briefing [with Linda Ridgeway Whitedeer](#), whose testimony beggars belief.

That being said, by the time of his first trial, Cosby had already been convicted in the court of public opinion by sheer weight of numbers. An amusing aside to this case was the competing narratives. Cosby is black, and most of his accusers were white. This left the talking heads in a dilemma: did they side with the women and face accusations of racism, or with Cosby and be accused of sexism, misogyny, even rape-enabling?

Eventually the feminist narrative prevailed, so from then on, any accusation by any woman trumps the denials of any man of any race be he ever so high or ever so humble. Cosby was defended by Tom Mesereau, who had successfully defended the late Michael Jackson against what with the wisdom of hindsight [were clearly false allegations](#).

At the first trial, attempts to introduce thirteen other accusers were denied by the judge, only one was allowed, and one so-called expert witness: Veronique Valliere. Her purpose was to explain or rather to explain away Constand's delayed reporting of her alleged digital rape by Cosby. In spite of the deck being stacked against him, Mesereau managed to secure a hung jury.

The retrial saw a new so-called expert witness, Ziv, and a number of other accusers. The prosecution asked for nineteen; the judge permitted five. Mesereau made the fatal mistake of failing to put Cosby on the stand; he could also have done more to counter Ziv's flim-flam. The result was Cosby's conviction. She trotted out the same rubbish in the Weinstein trial, which is?

There is a lot to unpack here but we are talking about rape trauma syndrome - which [does not exist](#); denial; and the latest weapon of the sexual grievance industry, [tonic immobility](#).

What does a woman do when she is raped or is the victim of an attempted rape? A reasonably intelligent, educated woman will fight back. If she is unable to fight back, she will generally report the rape or rape attempt fairly promptly. Because of this, most genuine rapists are brought to book, and indeed many actually plead guilty. A couple of examples will suffice.

Samantha Geimer was only thirteen years old when she was sexually violated by Roman Polanski. She reported him immediately, and he was convicted. In 2017, Juliana Ossa was just ten years old when she was attacked by a far more dangerous predator than Harvey Weinstein could ever be. She was swimming in a shallow Florida lake when an alligator snapped its jaws around her leg. Showing incredible presence of mind, she pulled off a trick she had been taught on a visit to Gatorland. She shoved two fingers into its nostrils, and the reptile [opened its mouth](#) to breath. Juliana escaped with stitches in her leg. Did she freeze? Maybe for an instant, but so-called experts would have the world believe many, many women freeze when attacked by men like Harvey Weinstein.

Regarding denial, the opposite of this is affirmation, which can involve women rewriting their sordid sexual experiences as rape. This is also known as relabelling.

These three cop outs - trauma, freezing, and denial - can be used to affirm any allegation of rape by any woman regardless of the evidence or lack thereof, and however absurd. If a fifteen stone weightlifter claims to have been overpowered by a six stone anorexic, cystic fibrosis sufferer, why wouldn't she have frozen?

If she takes a month, a year, a decade, to report her rape, that is very typical. Indeed, many victims never report being raped. By the same token, so do many women who have not been raped, hence this so-called expert evidence is totally worthless and should not be permitted in any courtroom. It fails both the [Frye test and the Daubert test](#).

Of course, there are women who choose not to report being raped, for whatever reason. A woman who is genuinely vulnerable may elect not to do so, and such women are often sought out by sexual predators. One such sexual predator was rogue Oklahoma City police officer Daniel Holtzclaw. He preyed on young black women on the fringe of society, but when he targeted an older woman who was driving her own car, [she reported him immediately](#), and his goose was cooked.



Alcohol is often a big influence in sordid encounters. In the Cosby case, Andrea Constand had consumed alcohol on an empty stomach and waited months before reporting; that had reasonable doubt written all over it, but Mesereau failed to capitalise on it.

Granted that Weinstein is a far more odious individual than Cosby, but the credible evidence indicates he has boundaries. In 2017, he tried it on in New York with Ambra Gutierrez, a foreign model, a somewhat nervous individual who reported him to the police. They wired her up and sent her back to him. Weinstein appeared to admit touching her breast, and apologised for it, but when she refused persistently to accompany him to his room, instead of grabbing her and attempting to drag her physically, he showed only verbal nastiness.

Weinstein's accusers include Asia Argento and Rose McGowan (pictured above). The idea that either of these women would not fight back against a rape attempt beggars belief, especially McGowan; any man who attempted to rape her would be taking his life in his hands. As for Argento, she found herself on the receiving end of a similar if somewhat amusing accusation. In 2013, then 37, she took a 17 year old to bed in California where the age of consent is 18. She ended up paying him \$380,000. Most people would consider that a shakedown.

It should be pointed out that many women put Weinstein in his place. These include veteran actress Daryl Hannah, who told him where to go in no uncertain terms. In 1996, Weinstein tried it on with Gwyneth Paltrow, who is another class act; she told Brad Pitt, who confronted him.

Before concluding, let us examine just one recent article that peddles many of the media myths about rape. Writing for *The Atlantic*, January 28, Barbara Bradley Hagerty makes one absurd assertion after another:

“Rape is rarely investigated or prosecuted...” in which Universe?

She cites the famous English jurist Sir Matthew Hale’s [oft’ quoted maxim](#) that an allegation of rape is easy to make, difficult to prove, and even more difficult to defend. Hale might have added if that if the charge is in any sense historical it will probably be impossible to refute. Quoting him further, she says a woman’s testimony should be examined with caution. At the time Hale was writing, rape was capital. Is a man to be hanged without the evidence against him being assessed extremely carefully?

Also at that time, a woman was required to resist to the utmost and to report the outrage at once. Today in many jurisdictions a man can be convicted on the bare word of a woman with absolutely no corroboration, physical or otherwise, and the allegation can be backdated months, years, even decades. The suggestion that a rape should be reported as promptly as possible within reason is by no means unreasonable.

“Rape laws in most states were written in such a way as to make rape virtually impossible to prosecute,” says Jane Manning. So we have two women making false claims, but again one should bear in mind that in the United States rape could be capital until fairly recently. It was only in *Coker v Georgia*, (1977) that the death penalty for the rape of an adult woman was ruled unconstitutional.

Hagerty quotes one so-called expert who says only about 5% of rape allegations are false. Again, in what Universe? This is especially true when rape counsellors openly encourage women to make false allegations, and in an age when parading oneself in front of the media is rewarded with a certain victim status, and at times with hard cash.

“Police tend to pursue only cases involving a ‘righteous victim’—for example, a woman raped by a stranger with a gun, in an alley, who fought back, who had a clean record, and who had no alcohol in her system”.

Clearly such cases are easier to prove.

“When a woman alleges rape, the defense (and the jury) dissects not only her character and history, but also her behavior during and after the alleged assault.”

And? This is par for the course in many criminal investigations. How many people - women as well as men - have been falsely accused of murder because they did not react “properly” in its aftermath? There is however one and only one way to react to a rape: dial 911 at once.

She whines that it is a “high bar” for a crime with “no witnesses, reported long after any possible bruises had faded and DNA had disappeared”.

If a rape is reported at once, there will be DNA, and most likely bruises because most genuine victims fight back. If there is no DNA and no bruising, the obvious explanation is that there was no rape.

One more quote will suffice: “Friendly emails do not mean it’s consensual,” Tetlow notes. “But they are very tricky to explain to a jury.”

Damn right they are, and rightly so, this is what is known as exculpatory evidence.

As with all the other airheads who peddle this trauma rubbish, Hagerty is telling her readers believe women because vagina.

Returning finally to Weinstein, he has a mountain to climb if only because like Bill Cosby he has already been tried and convicted in the media. Having said that, how much sympathy does he deserve, and of more concern to most jurists, at what point will this #MeToo hysteria backfire? If it goes much further, men will start taking measures to protect themselves, indeed they are already doing so. Vice President Mike Pence has been ridiculed for operating the so-called Mike Pence rule, never being alone with a woman other than his wife. This might be better titled the Prophet Muhammad rule because Islam and Judaism before it recognised not only the fragility of human testimony but a particular female vice. As a leading American medical journal noted in 1919:

“Sex is woman’s strongest weapon. She uses it as a weapon of defence and offence. She uses it to attract and to repel, to reward, and to punish. When intent upon punishment, she is utterly without scruples, and there is no vileness, no falsehood, at which she will draw the line.”

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and

<https://theduran.com/will-junk-science-convict-harvey-weinstein-part-2/>