

Harvey Weinstein Case Shows How Hard It Is to Call Out Powerful Men in Business

 [thestreet.com /story/14334843/1/harvey-weinstein-sexual-harassment-power.html](http://thestreet.com/story/14334843/1/harvey-weinstein-sexual-harassment-power.html)

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10/9/2017

Everybody knew, but no one said anything. At least not in public.

Harvey Weinstein, one of the best-known producers in Hollywood, was fired on Sunday, Oct. 8, by the board of directors at Weinstein Co., the film studio he co-founded, after The New York Times detailed decades of sexual harassment and at least eight settlements paid to quiet allegations from becoming public.

Weinstein's exploits, it appears, was broadly known. The Times quotes an assistant to Harvey's brother, Bob, that Harvey's conduct -- "requiring [women] to be present while he bathed or repeatedly asking for a massage or initiating one himself -- was well known by those at the top of his prior company, Miramax Film Corp.

"It wasn't a secret to the inner circle," Kathy DeClesis, an assistant to Bob Weinstein in the early 1990s, [told the Times](#).

Similar [comments](#) were made in the wake of [Roger Ailes' ouster](#) at the Fox News Channel, the very profitable network he created with Rupert Murdoch, who controls Twenty-First Century Fox Inc. ([FOXA - Get Report](#)). The same goes for Bill O'Reilly, the bellicose Fox News host who was forced to leave the company after The Times uncovered a similar [series of settlements](#) to muzzle sexual or personal misconduct.

And though not directly related to a private or public corporation, Bill Cosby's behavior, which led to a series of charges of sexual assault, was rumored for [years](#) and [years](#). Uber Technologies Inc. founder Travis Kalanick [was forced to resign](#) from the company he created following several investigations that revealed how he permitted a culture of sexual harassment, discrimination and bullying to pervade its workplace.

Yet these cases spilled into the public only after someone with the stature of an Ashley Judd or Gretchen Carlson spoke publicly or filed a lawsuit. Or a newspaper with a high profile and history of substantiated investigations documented their authenticity.

"That's the definition of power," said Anne Vladeck, a labor and employee law attorney at Vladeck, Raskin & Clark PC who represented former New York Knicks executive Anucha Browne Sanders in her successful sexual harassment lawsuit against Isiah Thomas, the team's former coach. "People don't want to put themselves forward with the potential that they could have their head chopped off. It's a very rare person who is willing to start something without the protection of credibility or success."

For companies, confronting a sexual harassment allegation is made more difficult if it involves a top executive or an employee responsible for its success.

At Weinstein Co., the company revolved around Harvey Weinstein. Alone among Hollywood executives, Weinstein made his fame and fortune championing unknown filmmakers who often told odd and uncomfortable stories. "Sex, Lies and Videotape," "Pulp Fiction" and "Good Will Hunting" weren't just successful films, they helped break the stranglehold that Hollywood's largest studios had on the industry for decades.

The growth and evolution of independent film, productions not financed by one of the six major studios, owes its success in no small part to Harvey Weinstein. To make it in film, young actors, writers and those eager to get into production often tried to meet and appeal to Weinstein. And the combination was often toxic.

"Whether it's in media, the financial services industry or a professional industry like a law firm, companies unfortunately protect people who generate significant revenue even if that means letting that person do things that they shouldn't be doing," said Doug Wigdor of Wigdor LLP, a lawyer for 23 current and former Fox News employees who have made sexual and racial harassment complaints against the network. "Rather than taking swift, responsive action and sending a message to other people, they turn a blind eye."

Remember: The Weinstein Company didn't fire Harvey because they found out he was a sexual predator. They fired him because WE found out.

— Laurie Stark (@heylauriestark) [October 9, 2017](#)

Much attention will be placed in the coming days on what Weinstein Co.'s board of directors knew and when. Similarly, questions [are being asked](#) as to what Democrats who accepted campaign donations from Harvey Weinstein knew and whether they took the money anyway.

According to the Times, Weinstein's ability to continue to harass women was made possible by fears of retaliation. Similar comments were made about the workplace environment at Fox News as well as Uber and MSG Networks Inc. ([MSGN - Get Report](#)), owner of the Knicks. After allegations about senior executives engaging in sexual harassment became public, all three companies took immediate actions to convey to employees that such behavior wouldn't be tolerated.

At Weinstein Co., the Times detailed how "dozens" of former and current employees knew about Harvey Weinstein's behavior but chose not to confront him.

"If you have a person who can give someone a lead role, or the power to let someone into the room or go to the party, that's power," Vladeck added. "That's how people use their power. It's really much more about power than sex."