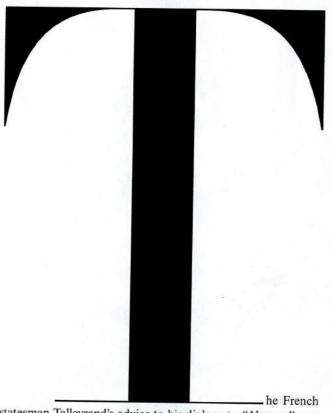


The NEW HUNGER GAMES-EXCLUSIVE PHOTOS! | A FRESH ROYAL SCANDAL NEW YORK'S REAL UNDERWORLD | GRILLING DONALD RUMSFELD





statesman Talleyrand's advice to his diplomats, "Above all, not too much zeal," would have been well observed in the Federal Office of Justice in Berne, Switzerland, one day in late September 2009. That day, an official received a call from a police station in Zurich. As the Swiss journalist Daniel Binswanger reconstructed it, a duty officer had read in a newspaper that the Polish film director Roman Polanski was about to receive a lifetimeachievement award at the Zurich Film Festival. The newspaper also mentioned Polanski's outstanding charge in the United States of unlawful sex with a minor 32 years earlier. "He put Polanski into the Interpol system, and bingo, there's an international arrest warrant. So he does the right thing. He knows it's not for them to decide; it has international implications, so he calls Berne. Now, in Berne they do an incredible thing. They ask Washington if they really want Polanski. And that's where they created the disaster." (The Swiss authorities maintain that Polanski's arrest followed an extradition request from the U.S. Department of Justice.)

Polanski, now 80, pleaded guilty in California in 1977, and was sent to the California Institution for Men, in Chino, for a 90-day evaluation, which he was told by Judge Laurence J. Rittenband would constitute his full punishment. When Polanski was released after 42 days, however, the judge said he intended to impose an additional, "indeterminate" sentence on the director, under a penal code that technically allowed anything up to 50 years. Before

he could do so, Polanski, who had his passport and was not on bail, flew to his home in Paris. A bench warrant has been out for his arrest ever since. Because the judge had acted on a judicial promise when he sent him to Chino, Polanski was never officially sentenced, and that is the crux of the case. Threatened with disqualification for serial misconduct, Rittenband resigned from the case before he could sentence Polanski in absentia. Polanski lives in France, as a French-born citizen, and by French law is exempt from extradition. This is not only one of the longest-running cases in California but also possibly a unique one in legal history, in which the prosecution, the defense, and the victim were all on the same side: against the judge.

There could have been no other country in Europe more vulnerable to political problems and sheer embarrassment if it arrested Polanski than Switzerland. But it had no choice. Nor did the Los Angeles County District Attorney's office have a choice. which it might well have wanted, since it had made no effort to initiate Polanski's arrest for the 30 years during which he was in plain view. When Polanski was arrested getting off a plane at the Zurich Airport on September 26, the Swiss were suddenly faced with explaining to France and Poland-of which Polanski is also a citizen-how their Ministry of Culture, which backed the film festival, had had no idea that their Ministry of Justice was plotting Polanski's arrest, or why their Foreign Office knew nothing about it. Almost worse, in terms of Switzerland's famed efficiency, was the fact that Polanski owned a house in Gstaad, the purchase of which had required clearance by the same justice department that was now handling his extradition. He also had an account at the Swiss bank UBS and a Swiss-registered car, and he had been coming to Gstaad for 40 years. Because such a blunder couldn't be imagined, some plausible conspiracies were put forward. Was America putting pressure on Switzerland because of tax-avoiding accounts at UBS? The Los Angeles Times went with the story that Polanski's lawyers had recently tried to get his case dismissed, having acquired new evidence of alleged prosecutorial misconduct in 1977, and had gotten their client arrested for their efforts. Los Angeles County district attorney Steve Cooley was in the middle of an election campaign to become attorney general of California, and many people assumed that it was he who had chosen this moment to go after the fugitive director. (Cooley vehemently denied this. "This is not the way we make decisions," he told me.)

On September 22, Nicholas Marsh, a U.S. Justice Department lawyer, e-mailed Diana Carbajal, a deputy district attorney in L.A., "This morning we received an urgent fax from the Swiss Federal Office of Justice notifying us that Polanski is expected to be in Zurich sometime in the next few days. Because there is still an outstanding Red Notice on Polanski, the Swiss are urgently inquiring as to whether the U.S. will be submitting a PA [provisional arrest] request for Polanski." Marsh added that, in view

HAUNTED GENIUS (1) Producer Robert Evans with Polanski in 1974. while making Chinatown. (2) Polanski with Sharon Tate at the Cannes Film Festival in 1966. three years before she was murdered by the Manson family. (3) Judge Laurence Rittenband, who was accused of misconduct in his handling of Polanski's case. (4) Polanski directing his wife. Emmanuelle Seigner, on the set of Venus in Fur, 2012. (5) Polanski besieged by reporters in Paris in 1977. (6) Samantha Geimer in Hawaii, 1997. OCTOBER

"AND THEN THE JUDGE CHANGED HIS MIND.
AND I HAVE TO GO
BACK TO PRISON."

of "recent activity in the U.S. court case," he wanted to know whether the D.A.'s office intended to proceed with the extradition or decline it and remove the Red Notice. The D.A. decided to proceed.

The previous year, 2008, an award-winning documentary called Roman Polanski: Wanted and Desired, co-written and directed by Marina Zenovich, had contained admissions of backroom communications between the judge and the prosecutors in the Polanski case. The apparent misconduct was considered serious enough to send Polanski's lawyers back to court, for the first time since 1978, to file for a dismissal of the entire case. Zenovich's film was thought to be partly responsible for instigating Polanski's arrest. And the "recent activity" referred to in Marsh's e-mail had occurred eight weeks before the arrest, on July 30, when the Second District Court of Appeal ordered the lower court's presiding judge to explain why he couldn't have a hearing without Polanski "to determine whether the case should be dismissed in furtherance of justice." It was the first victory for Polanski in the courts in 32 years, but the D.A. wasn't having any of it. Polanski's lawyers had already offered a possible explanation for the contradictory behavior of the D.A.'s office and its inactivity over the years: "Despite feigning offense at Mr. Polanski's absence from California, the district attorney has never sought extradition or other relief, knowing, of course, that such relief would require litigation of the misconduct."

he D.A.'s office scrambled to prove that it had been on his trail. "It took this long because he was a fugitive," Steve Cooley told reporters. Sandi Gibbons, spokesperson for the D.A.'s office, told ABC News that Polanski had been in this situation before, adding, "He hears that he might be arrested if he goes to another country, so he doesn't go." I read this quote to Polanski over the phone to ask if that was true. "Absolutely not," he replied. "I was moving freely for 32 years." In February 2009, Polanski's lawyers had announced in open court, in front of his pursuer, L.A. deputy district attorney David Walgren, that Polanski would be filming in Germany (from where he was extraditable) for two and a half months. Polanski had shot The Pianist there over a period of seven weeks in 2001. He had also owned a house in Spain for 20 years, served as a judge at the Venice Film Festival, and spent most of 1985 in Tunisia filming Pirates. He was therefore hardly a fugitive. Even in a memo purporting to outline their efforts over the years, the D.A.'s office revealed just how little they had done to pursue Polanski, who went more or less unwatched and was not actively sought from 1978 until 2005, when the D.A.'s office put out the Red Notice-the first international arrest warrant in the entire 30-year case. Cooley had barely lifted a finger to trigger Polanski's arrest. As one lawyer told me, "It fell off a Christmas tree. What are they going to say? 'Don't arrest him'?"

Under Arrest in Switzerland

olanski was finally alone at four A.M., in a police cell in Zurich, shocked and exhausted from having worked all the previous day in Paris cutting his latest film, *The Ghost Writer*. In the following days he was moved twice, eventually into a large, monastery-like building with a view of a lake, where he could walk circles in a courtyard. He received visits from his wife, Emmanuelle Seigner, the Polish ambassador and the French consul, and his Swiss lawyer, Lorenz Erni. Finally he was sent to Winterthur Prison, where he stayed for some seven weeks.

What Polanski saw on TV in his cell made him think, he said, Now I'm really in trouble. Many of his supporters seemed to be communicating that he was a special case, that it was an outrage to arrest this great director. That provoked a predictable fury that swamped any discussion of the legalities of the case. Where, his detractors demanded, was there any mention of Polanski pleading guilty to having had sex with a 13-year-old girl? And hadn't he fled from justice?

At a dinner I had in New York with two distinguished writers, there was a palpable irritation with Polanski the fugitive, giving the finger to America, "sitting over there in France eating foie gras," as one of them said. "Why write about Polanski?" an acquaintance of mine said. "He's a rapist." Marina Zenovich, in a follow-up documentary, Roman Polanski: Odd Man Out, to be aired this month on Showtime, filmed a young man in a café as protesters gathered outside the festival cinema in Zurich. "I think it's a little strange, all the people walking around with signs like FREE POLANSKI," he says. "He's a child molester. Put him in jail. Maybe he'll find his old buddy Charles Manson again."

Nasty, but revealing of the demonization of Polanski that started long before this case, at the time of the murder of his wife Sharon Tate and her friends by the Manson gang in Los Angeles in 1969, while Polanski was in London. Polanski was quickly—and falsely—suspected of some culpability for the horrific murders on Cielo Drive. Fantasy was reported as fact: Polanski and his friends indulged in orgies and black-magic rites. As Newsweek wrote, "Some such parlor rites might account for the hood found over [the hair-stylist Jay] Sebring's head and the rope binding him to Miss Tate. Indeed, one group of friends speculates that the murders resulted from a ritual mock execution that got out of hand in the glare of hallucinogens." There was no hood, and, contrary to abiding myth, Tate's breast wasn't cut off. Time wrote, as if it were a clue, that Polanski "is noted for his macabre movies."

"Drug dealers, sex maniacs—I don't remember all the names that they gave to those poor victims," Polanski told me. "Now I understand that it was the appetite for anything prurient that must have been at the source of it." Jeff Berg, Polanski's agent for almost 30 years, said, "It seeps its way into the media main-

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stream in quiet yet pernicious ways. Like Larry King saying to Sharon's sister, How do you feel about Roman having murdered your sister? [Debra Tate replied, "Roman didn't murder my sister."] How do you, on national television, say that? I mean, there are people who believed, mistakenly, that Roman was part of the Manson family!"

This time, Polanski said, the wave of anger and hatred was much worse than the original reaction, in 1977. "I didn't have that at all then. This was more like the assassination of Sharon and what happened afterwards."

Barricaded inside his Swiss chalet from paparazzi, Polanski could watch and read how far the popular narrative of his case had strayed from the facts over the years. The prevailing version now was: Polanski was convicted of rape, jumped bail to flee the country, and escaped with no punishment.

In fact, Polanski submitted willingly to the court and returned to California twice from French territory, where he could have safely stayed. After he had pleaded guilty to unlawful sex with a minor, the judge allowed him to travel for several months in order to make a film called *Hurricane* with the producer Dino De Laurentiis. He returned from Bora Bora, in the South Pacific, the second time to report to prison. At that time, according to Polanski's lawyer Douglas Dalton, no prison sentence had been handed out in Los Angeles County in the previous year for the charge Polanski admitted to. But the difference in ages—Polanski was 43 and Samantha Geimer 13—could have changed that. Dalton told him he might face up to two years in prison, and Polanski nevertheless returned to California, prepared to take the risk.

Polanski was not convicted of rape. Samantha Geimer, whose family didn't want to pursue a jail term and sought to protect her from a trial, agreed to a plea bargain whereby Polanski admitted only to unlawful sexual intercourse with a minor. Several charges against him were to be dismissed, including furnishing a controlled substance to a minor, lewd or lascivious acts upon a

child under 14, rape by use of drugs, perversion, and sodomy. These charges, however, became the essence of the story. "The presumption of innocence is basic to our law," wrote Dalton, "but not in the minds of the average citizen outside the proceedings."

Samantha Geimer declined to talk to me. She was preparing a book to be published this month by Atria, *The Girl: A Life in the Shadow of Roman Polanski*. But

she did respond to my questions. She wrote, "What I will say is: it was rape. Not only because I was underage, but also because I did not consent. My hesitance to throw the word rape around is because in my own mind that word implies a level of violence that did not occur in my case. Prosecutors and others throw a lot of words around very freely. I prefer to be more thoughtful when choosing my words."

The Original Case

n February 1977, Polanski was introduced to 13-year-old Samantha Gailey, as she was then called. He told her and her mother he was taking photographs of young girls for the French men's magazine *Vogue Hommes*. On March 10, he took her to his friend Jack Nicholson's house, on Mulholland Drive, and gave her champagne and part of a quaalude. They got into the Jacuzzi, and later he had sex with her. Polanski then drove her home to her mother's house. Their different accounts of that drive would contribute to the strange, existential details of this saga: she said they drove in CONTINUED ON PAGE 370



"YOU SHOULDN'T BE DAMAGED

MORE BY THE COURT

THAN BY THE CRIME," SAID GEIMER.

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Julian Assange

houseguest, especially one as polarizing as Assange. But Patiño recently reiterated his support for Assange. "I was able to say face-to-face to him, for the first time, that the government of Ecuador remains firmly committed to protecting his human rights," Patiño said, "and that we continue to seek cast-iron assurances to avoid any onward extradition to a third state." Britain has backed away from initial threats to enter the embassy and remove Assange by force. Tracy, Marchioness of Worcester, an activist who has hitherto been known mainly for her efforts against commercial pig farming. is planning a gala dinner this fall to raise money for WikiLeaks. "I think he is as important as Gandhi in bringing the truth and being willing to sacrifice his freedom for the truth," Worcester told me.

ssange will be able to leave the Ecua-A ssange will be able to leave the Ecuadoral Embassy (most likely for Ecuador itself) only if Britain grants him safe passage, which his lawyers have been pushing for, to no avail. They are also trying to persuade Swedish authorities to conduct their interviews with Assange at the embassy, rather than continuing to demand that he come to Sweden. One of Assange's lawyers, Michael Ratner, of the nonprofit Center for Constitutional Rights, pointed out to me that, if one counts his time under house arrest at Ellingham Hall, Assange has been in confinement for almost three years. Even if he had been found guilty of what is alleged in Sweden,

Ratner said, he could have served a shorter sentence than this. But it is not the allegations in Sweden that Assange fears. It is the grand jury in the Eastern District of Virginia, which, Ratner said, has been investigating him for possible violations of the Espionage Act and the Computer Fraud and Abuse Act. The Justice Department has acknowledged an investigation into WikiLeaks, and by all accounts it is extensive and aggressive. "I have almost no doubt that there is a sealed indictment against Julian Assange," Ratner told me. If Assange is extradited back to the U.S., Ratner said, he will likely receive no better treatment than that accorded to Bradley Manning, who was held in solitary confinement for months and forced to sleep naked and with the lights on while awaiting trial. He would also be denied a computer and an Internet connection, and would likely be subject to special administrative measures that would prevent his lawyers from communicating anything Assange said to the outside world. The assistance that WikiLeaks has given to Snowden has not helped its legal situation; no traditional news outlet has offered Snowden anything near the support that WikiLeaks has, for fear of being prosecuted for "aiding the enemy." During a conference call, I asked Assange about WikiLeaks' decision to assist Snowden, and he said, "We're proud that we have the most aggressive policy on source protection and fighting for the defense of journalistic sources and whistleblowers. All media organizations should take our lead. Sources see which organizations are willing to defend them and which organizations are not."

On the one-year anniversary of his arrival at the embassy, Assange told Reuters he wasn't sure how much longer he would stay, but "we don't intend to leave the situation to fate." The message is that, despite Ecuadoran assurance of unending hospitality, Assange does not plan to follow the example of Cardinal József Mindszenty, who took refuge on the upper floors of the American Embassy in Budapest for 15 years. That said, he has no obvious exit strategy, and the advantages of his predicament are considerable. For one thing, he is insulated from some of his own most damaging tendencies. "Julian is his own worst enemy," a supporter told me. "He is a truly extraordinary individual who has a lot of problems due to his social skills. If you are prepared to suffer him, he does do good." But no one really has to suffer him now, except a handful of Ecuadorans. He is no longer a public spectacle. He and his work are safe from prosecution. He can serve as a clearinghouse for the whistle-blowers who coalesce around him. He can pick his battles. He has a megaphone whenever he needs one.

You can think of this as a stalemate, but it's a stalemate with a winner.

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Roman Polanski



CONTINUED FROM PAGE 331 near silence; he says she recited Shakespeare, not very well. At home, Samantha confided what had happened to her former boyfriend; her sister overheard her and told their mother, who, on the advice of her accountant, called the police. The following day Polanski was arrested in the Beverly Wilshire hotel.

Most details of what happened on March 10 come from Samantha Geimer's testimony before a grand jury, which would normally have been kept sealed to protect her. Such documents, which contain raw information unexamined in a trial court, have the legal status of a witch hunt when they get out and are taken as fact, yet Judge Rittenband publicly leaked details from it in a way that seemed to intentionally cast doubt on the character of Samantha and her mother, and that scarred them for life. Such damaging insinuations still reverberate as part of the myth. Geimer is sometimes still portrayed, she told Marina Zenovich, as "a slutty little girl with the stage mother from hell."

In his autobiography, Roman, by Polanski, published in 1984, Polanski was unwisely unapologetic. It showed him unrepentant, or at least defiant. He insisted that the sex was consensual. "She wasn't unresponsive," he wrote. Geimer, incensed, responded by suing him in 1988, for sexual assault, false imprisonment. intentional infliction of emotional distress, and seduction of a minor. In 1993, Polanski agreed to pay Geimer \$500,000 with interest.

Geimer told Zenovich for Odd Man Out, "[Polanski] is kind of at the bottom of my

list of, you know, people I feel harmed by at this moment.... He's a man who made a really bad mistake. And used really poor judgment. And he is not the only man who has ever done something like that, by a long shot. But I also have a reaction to everybody just [using] 'molester,' 'pedophile,' 'child rapist.' That's not what he is. He has a wife and kids, and what is wrong with people that they have to go after all of us?" On Good Morning America, on March 10, 2011, Geimer said she wanted it known how poorly the courts had handled her case; how "the whole situation has been used for the benefit of judges or district attorneys for their own personal, political gain, which has caused way more damage to me and my family than anything Roman Polanski has ever done. You shouldn't be damaged more by the court than by the crime."

Cormer D.A. Robert Philibosian express-L' es the often repeated opinion that Polanski's being a famous director "shouldn't exempt him from the same justice that everybody else would be subjected to." But that is never possible with any celebrity.

"You are in the heart, the birthplace, of the obsession with celebrity," said Mike Roos, a former member of the California legislature and currently a political consultant. "It does crazy things to seemingly sane people. You can go back to Judge Rittenband himself as your first exhibit." Laurence J. Rittenband, a legal prodigy who was educated at Harvard, had by the age of 71 become obsessed with Hollywood and the press. He kept a scrapbook of his famous cases-Elvis Presley's divorce, Marlon Brando's custody battle. He requested the Polanski case and parceled out seats in the courtroom, which was packed.

"They were being very easy with Roman here, if you can call it that," Jack Nicholson told me, "in the sense that he had a waiver that he could go to Polynesia. He was working on a picture with Dino, and they said that was fine. But then he had his picture taken in Germany, and that caused the law enforcement embarrassment, from the newspapers. It's a terrible shame, as far as I'm concerned. I feel his loss here." (Polanski had gone to Munich to raise money for Hurricane, and he was photographed at the Oktoberfest, surrounded by women-who were, in fact, all wives and girlfriends of Polanski's German friends.)

Zenovich's directorial scoop, which reignited the case, was to get former deputy D.A. David Wells on-camera. He had been sidelined from the case, but badly wanted to be part of it, he told Zenovich. He claimed it was he who had shown Rittenband the Oktoberfest photograph and told him he was being made a fool of. Because Wells felt that Polanski should go to prison, he said, he advised Rittenband to send him to Chino for a "diagnostic evaluation" that could keep him behind bars for up to 90 days. In other words, instant prison, which would look good. Otherwise, Polanski could go on appealing up to the Supreme Court. This amounted to serious prosecutorial misconduct.

When Polanski was arrested in Zurich, Wells abruptly changed his tune. In a performance of abject self-abasement on CNN, he said that his highly detailed description to Zenovich on-camera had all been a lie. The Court of Appeal did not think that Wells's retraction settled the matter. The court suggested that the district attorney's office ought to investigate whether Wells had engaged in "profoundly unethical conduct," including pursuing "a personal agenda against a defendant." But Wells was left alone.

Douglas Dalton is retired but remains active as an adviser on the case. Back in 1977, Dalton was one of the most distinguished lawyers in California, with clients ranging from Watergate co-conspirator John Ehrlichman to John Lennon. He has since been a member of the Board of Governors of the California State Bar. The prosecutor

was Roger Gunson, a Mormon, who was greatly respected in the D.A.'s office.

When Rittenband told Dalton and Gunson that the 90-day evaluation would be Polanski's full punishment, Gunson objected, saying that would be illegal. The judge said he was going to do it anyway. Then, playing to the press gallery, he made Gunson and Dalton go through a sham performance of arguing their sides in court, even though they all knew what his ruling was going to be. When Polanski came out after 42 days, the psychiatric report recommended that he be released without further prison time.

Rittenband was upset. He had been getting criticism, he said. In order to deflect it, he had decided to send Polanski back to prison. According to Dalton and Gunson, another secret deal was proposed. Rittenband would announce a prison term and then quietly release Polanski after 48 days-the remainder of the original 90. The press must not know, and the lawyers must go through another charade of arguing their cases in advance. But Polanski would have to agree to deport himself from the U.S.A. on his release-another illegal move. "I said, 'You can't order someone deported. That's the federal court," said Dalton. "I said, 'If you do this, I want a full sentencing hearing.' And he knew that I would get out there at a hearing, and the press would be there, and I would say, 'Well, you agreed on all this.' And he would be exposed."

Rittenband countered by threatening to withdraw his offer to let Polanski out after 48 days, and to give him instead an indeterminate sentence, which could be anything from 1 to 50 years. "We weren't getting anywhere," said Dalton. "We walked out of there, and I said, 'I'm not going to do this again. We've done this once-we went along with this act the other time, when he wanted us to argue as though it was genuine.' And Gunson said, 'I'm not going to do it again either.'" The day before the scheduled hearing Dalton met with Polanski. "Roman said to me, 'Can we trust him?' I said, 'No, we can't. We have no idea what he may do.' Roman got up, looked at me, and I believe he said, 'I'll see you guys later.' And he left the room."

The Soul of a Fugitive?

Dolanski took stock and fled. As the Court of Appeal later pointed out, he had had other remedies, such as appeal, but only from inside jail after a second sentence-after, Dalton estimated, a considerable period of incarceration. I asked him if his past had gone through his mind when he made the decision-his proven instinct for survival in Nazi-occupied Poland as a child, and postwar Communism, with its own indeterminate sentences. I explained that it was his flight that upset Americans.

"The soul of a fugitive?" he said, with a trace of sarcasm. "I escaped from the [Kraków]

Ghetto, I escaped from Communist Poland, I had to run from persecution. Maybe I shouldn't have run from the ghetto either. There were those who didn't. It ended up in the Warsaw Ghetto uprising as a suicidal rebellion, and they're heroes. Practically all of them died. Some of them ran through the sewers and survived; one of the heads of the rebellion did. But he should have stayed, no? . . . I thought even if I have to go back to Poland and work all my life there, it's better than going through all this. It's easy to say that I was working and traveling during that year [while waiting for the sentencel, but it was a nightmare-hell-with this sword hanging over my neck. And it was such a shock to learn that it's not finished, after they let you out of prison. Free! With your bundle under your arm, with the lawyer waiting for you outside, standing there, in your mind it's all over, it's finished. And then the judge changed his mind. And I have to go back to prison, and nobody knows how long. I just could not go through that. And that's when I decided."

Gunson, the prosecutor, who hadn't been disposed to go easy on Polanski, told Zenovich, "I'm not surprised that he left under those circumstances." Dalton drew up disqualification papers to prevent Rittenband from sentencing Polanski in his absence. Gunson read them and agreed. Crucially, according to Dalton, Rittenband perjured himself in his response by lying about the nature of his secret sentencing arrangements. His lie would reverberate 32 years later and end up stopping Polanski's extradition to America.

n December 2011, I met Polanski in Paris, I five months after his release from house arrest in Switzerland. I had met him in the late 60s, in London, and remembered him being arrogant, very strong meat, but also hilariously comical. Now, in Paris, I found him quite different-thoughtful, modest, and equally good company. There were obstacles to overcome, notably the libel case he had won against Vanity Fair six years previously, which had left a bitter taste. He was mollified to be told by me that the extraordinary move back then of taking the appeal to the European Court of Human Rights was not a vendetta against him, but was driven by the magazine's libel-insurance company.

He had, over time, made apologies for what he had done in 1977, none of them sufficiently contrite for his detractors. He had apologized in private to Samantha Geimer, but as he said in an interview with his colleague Andrew Braunsberg for Laurent Bouzereau's 2011 documentary, Roman Polanski: A Film Memoir: "Thirty-three years, and I really feel sorry for what this event has caused to her life and problems that she may have with her family, with her surroundings, with the constant aggression of the paparazzi or other media. When I think about it now,

Roman Polanski

you know, I'm at a total loss of what one false step can cause as misery to yourself, but more than that to people around you."

To me he said, "I won't say more beyond what I said before, what I said in my book, what I said in the interview you have seen. I don't want to make any confessions now, vent my intimate feelings. What I did was wrong, otherwise I wouldn't have pled guilty. I should have had my day in court, and the thing would probably be forgotten."

In 2009, Geimer said in a TV interview, "He sent me a small note that was like an apology for all the trouble he's put me through, so that was nice." She added, "But I was at peace before that, because I know he didn't really mean to hurt me, and I knew we were both going through a really hard time with the publicity and the courts.... I appreciated the apology."

 \mathbf{F} ew Europeans had ever had such a quick success in Hollywood as Polanski in the late 1960s. He was already a master craftsman of film, a product of the famous Lodz film school, in Poland, still in his 30s. He had met his first wife, the actress Barbara Lass, when he was a student. They married in 1959, settled in Paris, and divorced in 1961. He moved to London at the height of its hedonistic boom, in which he partook avidly. There he made Repulsion, starring Catherine Deneuve, and Cul-de-Sac. He came to Hollywood with his girlfriend, the beautiful actress Sharon Tate-who would soon become his second wife-and made Rosemary's Baby, an instant hit. "I worked with a lot of European directors in that period, and Roman took to working here more than any of them, like a duck to water," said Jack Nicholson, who in 1974 starred in Chinatown. "He knew how to work here and not have it cause a lot of difference in the way he did it—he's just so good at what he does. As for the many, many friends he made while he was here, I never heard any one of them say that they had any desire to turn their back on Roman, or anything like it."

I asked Nicholson if Roman's exile from America had affected his career. "I knew this man was not going to say, 'Oh, God, this has ruined me. I can't work," he replied. "That is not in his vocabulary. He's not going to give in. It doesn't mean he's not aware of the loss. But Roman has never been one to let anything limit what he does.... He is a genius-I mean, come on!"

6 made a movie right away," said Polanski Lof his return to Europe in 1978. "I did Tess, which got six nominations and wonwhat?-three Oscars." Before he left America, Polanski had started a relationship with the 15-year-old Nastassja Kinski, in 1976. He made no secret of his attraction to underage women, defying on a talk show what he called the prudishness of his American critics. His relationship with Kinski lasted through the making of Tess, in which she starred.

Did he have regrets, I asked him, about leaving America so peremptorily? "Of course, but, you know, I never was completely anchored in America. London was really my place. I loved Paris, and I had my apartment in Paris, but the place that I really appreciated most was London." But wasn't his pre-eminence in the global world of movies Hollywood-based? "Then it was different, because I had total freedom," he replied. "Hollywood traditionally doesn't give too much freedom to filmmakers. That was a loss, of course, because I got in the position where I could do virtually what I wanted, where everyone would tell me, 'What do you want to do next?' That's not the usual language of the business, which is 'Here, we have a project for you. We're going to develop it, etc.' You get the 'creative group' sending you notes, but in those days it wasn't like that. It was the dawn of the golden boys invading Hollywood. If you're asking me whether I lost a lot by leaving Hollywood, of course I did. I lost the contact with the studios, the studio executives, with people, all sorts of projects. And not only that—I had friends! I left a lot. I had a life there. So there's no question, but sometimes you have to make a choice in life. To go to prison and to risk your life again— I mean, these are dangerous places."

His friends are divided over whether his flight was a disaster or a stroke of good timing. Speaking on the set of The Ghost Writer in 2009, Ewan McGregor said, "He represents everything that Hollywood isn't. There's nobody in control of what he puts into his films except himself." Jeff Berg says of his client, "I think Roman's ultimate genius was being able to adapt to the business, the industry, and find a way where he could turn the center of gravity to his advantage, win an Academy Award on his own terms. And not have to be a supplicant. When he went back to Paris, he had to reconstruct his career and his life, and he made 13 other movies." These include Frantic, Bitter Moon, and recently Venus in Fur—all with Emmanuelle Seigner—as well as The Pianist, The Ghost Writer, and Carnage.

Polanski and Seigner were married in 1989 and have two children, Morgane, an actress studying in London, and Elvis, who is still in school. In the interview he did with Andrew Braunsberg, he talks of his happy life with Seigner. In France he is a cherished figure; in 1998 he was elected to the Académie des Beaux-Arts. In addition, he is a kind of unelected leader of European directors; in Cannes in 2006, he dragged 34 of the world's greatest filmmakers out of a press conference to go to lunch, because he said the questions being asked were all boring and unworthy of them.

Revelations from California

Three months after his arrest, in Decem-■ ber 2009. Polanski received unexpected good news. The Court of Appeal in California had decided that, even though Polanski had "means at his disposal other than flight," he was entitled to a hearing in which Rittenband's apparent misconduct could be litigated without Polanski returning to the United States or dropping his battle against extradition. If "the trial court finds that Polanski's allegations are true ...," it wrote, "we are confident that the trial court could fashion a legal sentence that results in no further incarceration for Polanski." As for Judge Rittenband, the evidence suggested, said the court, that he may have "imposed an improper punishment." If Wells's account was true, Rittenband was "ushered along a path of iniquity by an officer of the court with a personal axe to grind and no hesitation to ... devise illegal, nonappealable sentences to circumvent the defendant's due process and sentencing rights." +

The Court of Appeal added: "Polanski's allegations urgently require full exploration and then, if indicated, curative action for the abuses alleged here." It should happen immediately, "regardless of Polanski's custody status.... Fundamental fairness and justice in our criminal justice system are far more important than the conviction and sentence of any one individual."

It seemed to Polanski and his friends that finally the trouble was over. But late in January the trial court said Polanski had to appear in person, because "the dignity of the court requires it." Why did they want him there? As Polanski's attorney said in exasperation, "What your honor is saying ... is you're not doing anything unless Mr. Polanski first shows up. And for what? A show." However, their reasons went deeper.

6 T think that [this case] is celebrity-driven," ■ said Mike Roos. "It's way out of context from the time that the crime was judged to be the crime, and a penalty that fit that crime back in the late 60s was in accordance with what anyone probably would have received. You look at all the penalties for drunk driving before Mothers Against Drunk Driving changed the world, and you see two completely different worlds. And that's the problem that Polanski has. Everybody is 'Oh, my God, he molested a 13-year-old.' That's the outrage that you express if you've just learned about it, and you've just had this plethora of laws protecting children. So it's looking through the last 10- or 15-years lens at a crime that was adjudicated 40 years ago now. In terms of the trust, the handshake, the absolute balance on which the criminal-justice system relies, it is so much more a crime what Rittenband did versus what Polanski finally pleaded to. There's no question in my mind that if you

could have an in camera hearing, the gavel would bang and Polanski would be judged free to go about his business in this country."

The D.A. had rested for years behind the standard explanation that, as Philibosian put it, "under California law, without the personal appearance of the defendant in a tions urgently require "curative action for felony case, no action can be taken." The Court of Appeal had said that that was not so. It soon became clear, however, that neither this judge nor this D.A. had any intention of following a single item of the Court of Appeal's recommendations. Both were certainly vulnerable to election. Because Polanski had fled the country, they couldn't just let him go. It was politically impossible.

According to Dalton and Gunson, the best offer Polanski had was from Larry Paul Fidler, the California judge who oversaw the Phil Spector murder trial in 2007. Dalton and Gunson say they approached the judge in 1997, and after several meetings Fidler decided that Rittenband's original promise should stand-that Polanski had served his time. If he came back, he would be booked and released on bail. With a short sentencing hearing, the case would be concluded.

Dolanski, according to Dalton, was al-I most preparing to return to America when Dalton warned him that Fidler intended to show the proceedings on live TV. When Dalton repeated this in Zenovich's documentary, Fidler's office called the story a "complete fabrication"; no meetings, it said, had ever taken place. Dalton and Gunson responded publicly with equal fury to this "false and reprehensible statement." The Los Angeles Times and other publications dug out evidence that the meetings had indeed occurred, and news of a putative agreement had leaked immediately. Philip Vanatter, the detective who had originally arrested Polanski, was already volunteering for the job of welcoming him. Dalton received some 75 calls on his voice mail in a single day. At that point, Dalton said, Polanski turned the offer down-he felt he couldn't put his family through the media frenzy of live TV. When Fidler had allowed TV into the courtroom in the Spector trial, he said, "Public scrutiny is a good thing." And indeed if Polanski had been let off in a day without TV coverage. there would have been an outcry of celebrity privilege. But Dalton thought differently, refusing on the grounds that once TV enters a courtroom "it distorts justice completely," he told me. "It changes the entire process and can change the outcome. It becomes more TV, less law."

Sandi Gibbons conceded that, while televising a trial may not have any consequences for people in the courtroom, as far as presenting evidence is concerned, it creates a massive public sideshow. "But Polanski wasn't going to trial," she said. "He was going to

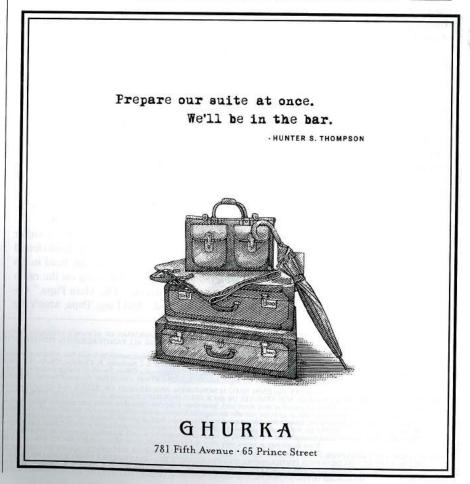
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have a sentencing hearing, which is very different." Gibbons, until her recent retirement, was a spokesperson for the D.A.'s office for 24 years. She had perfected the art of deflection. I asked her about the Court of Appeal's suggestion that, if proven, Polanski's allegathe abuses alleged." "Abuses of what?" she asked. She said it was primarily Polanski's continuing absence that had turned public opinion against him. But why, I asked, did he flee in the first place? Wasn't he getting rough justice? She replied, "The guy's a selfconfessed child molester. Let's talk about rough justice." That was not the answer to my question, but it was revealing of the prevailing mood in law-enforcement circles.

Douglas Dalton had one last card up his sleeve, on which the fate of his client would turn. He had been insisting in court that the extradition request Deputy D.A. David Walgren had sent to the Swiss government was misleading. Walgren had told the Swiss that Judge Rittenband had ordered Polanski to undergo the 90-day diagnostic evaluation instead of imposing a sentence. That was literally true, but everyone involved in the case knew that it was a half-truth, for Rittenband had promised that it would be Polanski's final sentence. Walgren had trans-

mitted to the Swiss Ministry of Justice Rittenband's false account of what happened.

Whenever Dalton had brought this up in the past, Walgren maintained that the witness statements of Dalton, Gunson, and the probation officer in Rittenband's sentencing were inadmissible; since the men hadn't been cross-examined, they were only hearsay. Dalton therefore arranged for Gunson, who was ailing with cancer, to undergo "a conditional examination" under oath and crossexamination. This time Gunson went even further than in the past. At the examination, attended by Walgren, he revealed that, back in 1977, he had prepared his own motion for disqualification of Rittenband. He had to show it to his superiors in the D.A's office. Stephen Trott and Michael Montagna, who asked him how they could tell if it was true. Gunson told them to go and ask the judge. According to Gunson, the pair returned and said that Judge Rittenband had admitted his misconduct but had ordered Gunson not to file his motion against him. (Such an ex parte communication may have been illegal.) This was likely the "criticism" that Rittenband mentioned when he handed out more prison time to Polanski. Trott and Montagna did not respond to my inquiries, but Trott, who is now a federal senior circuit appeals judge, told a New York Times journalist, "I'm staving



Roman Polanski

out of that completely." But Gunson had one more bombshell to deliver, in front of Walgren. Asked whether the extradition request Walgren had sent to the Swiss was a true account or a false account of Polanski's sentencing, Gunson replied, "False." The D.A.'s office had the court seal the documents.

Time to Remember

The great luck of having a house in Switzerland meant that after nine weeks Polanski could be moved to his chalet in Gstaad, under house arrest, with a leg tag that allowed him to move only 15 feet outside the doors. With an army of reporters staking the house out, it was exactly like a scene from *The Ghost Writer*, where a fugitive fearing extradition for a crime is pinned inside his house by paparazzi. "The circling helicopter included." said Polanski.

It was the effect on his children that weighed heaviest on his mind during the house arrest, he said. He began to think for the first time of the events of his own child-hood through his parents' eyes; what it felt like to try—and fail—to protect children in the Kraków Ghetto. His father escaped to the East when the war started, and Polanski, who lived temporarily in Warsaw with his mother and sister, didn't know where he was. With Andrew Braunsberg, he now made 14 hours of taped interviews, covering every aspect of his life. These were edited into the film *Roman Polanski: A Film Memoir*, which will premiere in the U.S. in fall of 2013.

It was the first time he had talked to anybody about those events, though he had written about some of them in his autobiography. Recalling them verbally reduced him to tears on several occasions, something rarely seen with Polanski. "When you think about things, you don't cry to yourself," he said. "But when you suddenly put it into words, it feels different. Suddenly I could see how my parents felt about me. It's no more self-pity. It's their perspective. And that's very painful."

Polanski will soon be one of the last witnesses to what happened in the Kraków Ghetto, where the Nazis isolated the city's Jews from 1939 to 1943, when they sent the

remaining survivors to concentration camps. To be born Jewish in Poland in 1933 was an almost certain death sentence. Polanski's accounts, in Braunsberg's film and to me, provide intensely subjective eyewitness details and day-to-day memories of the liquidation of an entire population. These accounts. some details of which he put into The Pianist, are about his childhood friends and their disappearance. When he talks of Pawel, he has to stop the tape. "He lived in the next building. We became friends. He must have been 11, maybe 12. It was the first friendship in my life. His mother died, and he was living with his foster father, who beat him. One night on one of the first times they were taking people, we heard screams, and the Germans came, and they were in the building. And the next day I realized they took Pawel and his family. It was the first time I had a broken heart.'

He remembers his father in the street. bursting into tears and telling Roman, who was eight, "They took Mother." Polanski recalled, "But I wasn't crying. I said to my father, 'Stop crying, because they will pick us up." His mother, who was pregnant, died at Auschwitz. Roman and his father remained in the ghetto for a year after she was taken. Then the day came when he saw his father being marched off to a concentration camp. He tried to get close to the column of men, but his father hissed, "Get lost." Polanski told me, "When you're eight, you use all kinds of stratagems to get what you really wish deeply. And I wanted to be with my father. But I thought better of it and ran back."

Polanski hid out till the end of the war, mostly with a peasant family in the country, consistently with not enough to eat, which probably explains his diminutive size. They were good people, but affection, or the ability to show it, was beyond them, thus putting the finishing touches to Polansk's brutalized childhood. He got used to living without it. Then his father returned from the labor camp at the end of the war. "The most beautiful day of my young life," he told me.

Years later in Gstaad, when his father and stepmother were visiting, Polanski found him with the radio playing, his head in his hands and in tears. The song on the radio was the well-known "Oh, Mein Papa," Polanski recalled. "And I say, 'Papa, what's the

matter?" Polanski senior described a scene after the ghetto was liquidated and he was put in Plaszow, the camp near Kraków that is in the film Schindler's List, from which prisoners were distributed to the death camps. One day they separated the children from their parents and put them on the trucks. Their parents, crying and screaming, were lying on the ground, "like a terrible apocalyptic moment." And on the loudspeaker the Germans were playing "Oh, Mein Papa." I asked Polanski what he made of this singular act of cruelty. "They like music, the Germans," he replied. "It's the land of Beethoven."

Swiss Action

The person in Switzerland who would de-L cide Polanski's fate was Eveline Widmer-Schlumpf, the minister of justice. She was one of the most hated politicians in Switzerland. even in her own party, and they were gunning for her. The Swiss People's Party, a right-wing, populist, xenophobic organization, has tripled its share of the vote on anti-immigration and anti-European politics over the last 20 years, to the point where it now controls some 26 percent of the government. The most powerful figure behind its rise to power was the billionaire industrialist Christoph Blocher. In 2004 he entered the government as the minister of justice. In 2007, to express their dislike of him, the left and moderate parties quietly put up Widmer-Schlumpf to run against him and elected her. A willing traitor to her own party, though she belonged to a moderate wing of it, she thus inherited the portfolio of minister of justice. "It was just a total revolution in Switzerland," said Daniel Binswanger, editor of Das Magazin. "So she's really the most courageous or the most treacherous woman in the history of Swiss politics. Whatever she does, they try to attack her." (Disowned by her party, Widmer-Schlumpf subsequently started her own, the Conservative Democratic Party of Switzerland.)

From the very beginning, there was a determined effort to find all possible means not to extradite Polanski to America. The aim was partly to protect Switzerland's reputation abroad for security. They had missed the first opportunity—to refuse simply on the grounds that it would show bad faith, to arrest and extradite Polanski after allowing him to buy a house in the country and inviting him as an official guest. Widmer-Schlumpf would have been attacked from the right for letting a pedophile go. That perhaps explains her extreme caution and the length of time that elapsed before any decision was taken. "There was political pressure from Poland and France from the first day to the last," one source told me. "[Then French president Nicolas] Sarkozy played a clear role, no question. But such pressure is supportive, not decisive."

A ccording to Binswanger, "Switzerland is engaged in so many conflicts with the European community. We are so massively on the defensive on all fronts—banking secrecy, tax regimes, energy deals, education cooperation. Of course, there are serious problems with the U.S. as well, particularly with banking, but compared with the long-term tension with Europe it's not nearly as big. So this is a situation where any occasion for Switzerland to do a favor is attractive." On the other hand, there was Switzerland's professed devotion to legal correctness. Widmer-Schlumpf knew that if she couldn't find a proper legal base for releasing Polanski she would have to extradite him.

For the legal experts, there seemed to be nothing standing in the way of extradition. America has a correct legal system, the argument went; if there had been irregularities, it wasn't for the Swiss to clean them up. The crucial moment came when Widmer-Schlumpf realized that there was some flexibility from the strictly legal point of view. There were many meetings with the French and American ambassadors, as well as with the Polish ambassador, Jaroslaw Starzyk. She saw her chance, I was told, two months before Polanski's release. That was when the Swiss started asking for more documents.

Bernard-Henri Lévy, the French philosopher, who barely knew Polanski, went into action, because, he told me, "it was a matter of principle. To trap him; invite him on the red carpet and then take him to jail." Lévy said he believed that Swiss public opinion was crucial. He therefore persuaded Polanski to write a letter to go in the newspapers and on radio and TV, which pointed the finger at the political ambitions of Steve Cooley and his bid to be elected attorney general. Lévy told me, "When the letter was published, it was clear from the returns, and also from my contacts, that Swiss public opinion was 80 percent for Polanski."

Under Swiss law, Polanski couldn't be extradited if the sentence for his crime would be less than six months. Polanski's lawyers' main defense against extradition was that his sentence had already been served.

On May 5, 2010, the Swiss, possibly knowing that the U.S. authorities would find a reason not to give it to them, asked to see the Gunson testimony. This document would

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confirm, said the Swiss, that Polanski had, in fact, served his sentence. On May 6, the D.A. filed papers opposing its unsealing. On May 10, David Walgren told a judge that the Swiss had not asked for the document. On May 13, the U.S. Justice Department told the Swiss that the document could not be given out. Sandi Gibbons said the D.A.'s office in Los Angeles was never even notified of the request. Widmer-Schlumpf called a press conference to declare that Polanski was being released. Because the Americans couldn't send Gunson's statement, she said, "it cannot be excluded with certainty that Roman Polanski, who was imprisoned in Chino State Prison for 42 days, has not already served the sentence imposed on him."

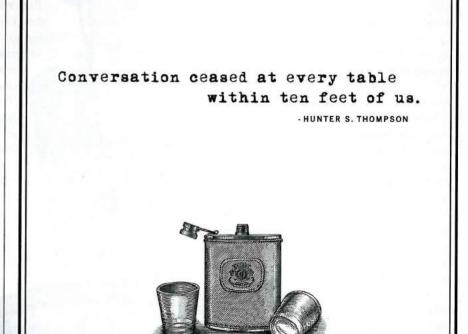
For autonomy-loving Switzerland, not wanting to be leaned on by the United States, it was a popular decision with the left and right. They blamed her only for not having acted sooner.

There was a predictable fury from the Los Angeles D.A.'s office. "The Swiss could not have found a smaller hook on which to hang their hat," said Steve Cooley. In fact, on that hook hung the central issue of the whole case. Because the D.A.'s office hadn't dealt with it back in 1977, it had become a lethal snag. Cooley lost the election, and Dalton prepared a package to hand out to

any government approached in the future with an extradition request for Polanski. As if handing over a family business, Mr. Cooley told me, "I hope my successor continues the fine tradition of trying to get Mr. Polanski back behind the bars of justice."

One hero in the saga is Roger Gunson, the whistle-blower. The prosecutor's duty is to protect the rights of the defendant, and this Gunson did, whatever he thought of Polanski. "A lot of prosecutors would have said, 'This is your problem, not mine. You go ahead and fight Rittenband. I'm not getting involved,'" said Dalton. "But he didn't." Another hero is Dalton, who has labored on for 35 years, unpaid, not primarily for Polanski but because "it was so unjust and unfair," he said. "Something had to be done for the integrity of the justice system."

In Cannes earlier this year, Polanski showed his latest film, *Venus in Fur*, to a standing ovation. His next project is *D*, his take on the Dreyfus affair. It will be written from the point of view of Colonel Georges Picquart, the rabidly anti-Semitic investigator who, realizing that Dreyfus was innocent of treason, spoke up and suffered for it. What was it in the Dreyfus story that interested him?, I asked. "The man who was trying to defend someone he dislikes, but for justice. I mean, that's a great subject," he said. □



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781 Fifth Avenue · 65 Prince Street

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