

Ever since their inception, the visual and performing arts have been plagued with abuse, coercion, and sexual misconduct. Nowhere is this behavior more prevalent and notorious than in Hollywood, the epicenter of the American film industry. While these crimes are nominally illegal, in practice, weak legislation and enforcement coupled with targeted manipulation of victims to intimidate and silence them keeps the vast majority of victims from seeking justice. The [New York Extortion Laws](#), for instance, are far more protective against coercion and extortion than any laws in California, the state where Hollywood is headquartered.

As for cover-ups, California's [Sexual Abuse and Cover-Up Accountability Act](#) contains an overly narrow definition of a cover-up, limiting it to "a concerted effort to hide evidence relating to a sexual assault that incentivizes individuals to remain silent or prevents information relating to a sexual assault from becoming public or being disclosed to the plaintiff, including but not limited to, the use of nondisclosure agreements or confidentiality agreements." But what is a "concerted" effort? What becomes of cover-ups of acts that don't fall under the legal definition of sexual assault in the state of California but remain sexually exploitative nonetheless? And how does one demonstrate an incentive to remain silent? In the California Coercion and Cover-Up Act, we propose solutions to these and other legal oversights in California law to address the injustices Hollywood victims and witnesses have faced for decades in relative obscurity until the rise of the #MeToo movement in 2017.

Consider the case of Fred Otash, a Hollywood fixer who [tricked](#) Marilyn Monroe into letting him wiretap her under the guise of helping her record her own phone calls. This made him privy to everything from Monroe having sex with President Kennedy to her dying of a drug overdose in 1962. Although it is illegal to record someone in California without their consent — and it is an especially gross violation of privacy to eavesdrop on such intimate matters — Otash was never charged for this crime. Instead, three years earlier in 1959, Otash was [charged](#) with conspiracy to drug a horse at a Santa Anita racetrack. In other words, California effectively showed less respect for a woman's dignity than that of a farm animal.

Unfortunately, these crimes are by no means limited to the distant past. In 2018, investigative journalist Dan Moldea wrote an exposé on the crimes of Hollywood entitled *Hollywood Confidential: A True Story of Wiretapping, Friendship, and Betrayal*. [In its first chapter](#), he recounted his perspective on the fight between Hollywood fixer Michael Ovitz and journalist Anita Busch. Between March and May 2002, Anita Busch and Paul Lieberman wrote a seven-part series in the New York Times about Michael Ovitz and his Creative Artists Agency (CAA) engaging in financial mismanagement. Note that [a New York Times report later found](#) that the CAA was complicit in Harvey Weinstein's decades

of sexual abuse. At the time, Busch and Lieberman were also investigating and reporting on the conspiracy case against producer Julius Nasso, a business partner and personal friend of Steven Seagal.

On June 20, just 44 days after the final installment of the Ovitz series was published and amidst the ongoing Seagal-Nasso investigation, Busch met with Moldea to let him know that on that morning, someone had put a baking tray on her windshield containing a dead fish and a rose and taped a handwritten sign reading “STOP!” to her windshield. There also appeared to be a bullet hole on Busch’s windshield. This compelled Busch to quit the Seagal-Nasso investigation several weeks later on July 11. While Moldea initially saw this as an overreaction, he later learned that a federally indicted fraudster, Dan Patterson, had contacted Busch a day after the attack to warn her that someone was going to place a bomb in her car. In 2004, [Busch filed a suit](#) alleging that it was Hollywood fixer Anthony Pellicano who had vandalized her car and done so on behalf of Ovitz. Interestingly, Ovitz admitted that he hired Pellicano, who was found guilty of wiretapping and racketeering, but he argued that it was Seagal who orchestrated the vandalism, not him.

This case underscores the old truism that there is no honor among thieves, as fixers and the Hollywood abusers they defend will seamlessly betray one another to protect themselves without a second thought. It also showcases the shameful avarice of fixers like Ovitz. Not only did he settle the Busch case just days before trial in January 2018, but [he went on to sue](#) the insurance company just two months later in March for not shouldering enough of the settlement burden. In other words, not only did Ovitz exacerbate the lack of justice and transparency in Hollywood, but he wasn’t even willing to pay the price on his own.

Needless to say, there are countless more stories like this, and far more fixers who never gain the same notoriety as Michael Ovitz or Anthony Pellicano. They carry out the intimidation campaigns and cover-ups that keep the stories of women like Anita Busch buried and forgotten in the court of law and even the court of public opinion. By passing the California Coercion and Cover-Up Act, we will be one step closer to ensuring that the silenced victims who underpin the Hollywood empire can get the justice they deserve and that future victims can be more vocal and victorious in holding their perpetrators accountable in the film industry and beyond it.