



National Task Force to End Sexual & Domestic Violence

September 21, 2018

Senate Majority Leader Mitch McConnell
Senate Majority Whip John Cornyn
Senate Judiciary Committee Chair Chuck Grassley

Dear Senators:

As you know, the member organizations of the National Task Force to End Sexual and Domestic Violence (NTF) represent millions of survivors of domestic violence, dating violence, sexual assault and stalking, the professionals who serve these survivors, the faith organizations that support them, the schools that educate them, and the businesses and communities that care about them throughout the United States and its Territories. The NTF has worked for twenty-four years to ensure that federal, tribal, state, territorial, and local governments and communities address the pervasive and insidious crimes of domestic violence, dating violence, sexual assault and stalking. **We are dedicated to keeping survivors safe and free from continuing trauma, while holding perpetrators accountable.** One of the primary tools we have to do our work is the Violence Against Women Act. We write now to apprise you of our intention to disengage from negotiations over VAWA reauthorization, and of the important reasons for this decision.

VAWA's enactment in 1994 was a watershed moment for our nation. Its passage meant that our federal government finally acknowledged that domestic and sexual violence cause tremendous harm to individuals and society, and allocated resources to helping victims, improving the response of courts, prosecutors and law enforcement, and holding perpetrators accountable. Millions of people are better off as a result.

It's time – way past time – to do much more to end this violence, and to protect our communities. That means investing more in prevention. That means increasing access to justice and safety for Native women. That means holding perpetrators accountable rather than punishing victims, and improving enforcement of protective orders. That means reducing homicides by ending abusers' easy access to firearms. That means ensuring victims have access to safe housing and economic stability. That means reauthorizing VAWA with modest but meaningful improvements that enhance our nation's response to these heinous crimes. That means moving forward - never backwards and never remaining static. This has been the trajectory of VAWA over the past twenty-four years: each time it has been reauthorized in a bipartisan manner with improvements to continue to enhance our nation's response and prevention efforts.

The Steering Committee of the NTF has been working with community stakeholders and Members of Congress from both sides of the aisle for more than two years to develop and promote the best possible VAWA reauthorization bill for 2018.

However, we have grave concerns about the way the Senate Judiciary committee, under current leadership, has failed to demonstrate the lessons learned through the implementation of VAWA over the past twenty-four years. If the committee is not willing to engage in a process that upholds the dignity and safety of a person who has come forward to report that she was a victim of sexual assault, then they cannot pretend to care about the reauthorization of VAWA. We will only engage in discussions with those members of Congress committed to doing this work with integrity; with those who not only talk the talk, but also walk the walk—regardless of party.

Dr. Christine Blasey Ford’s deeply troubling and highly credible allegations against Judge Brett Kavanaugh, unwillingly made public, have put the issues of victim autonomy and safety, trauma-informed response, and proper investigation and assessment at center stage for the nation.

This, of all times, is the moment for your offices to demonstrate the great progress we have made as a country in our response to victims of gender-based violence. This is the moment for you to show that you are serious about implementing best practices for addressing sexual assault, and that you are committed to the work that VAWA makes possible in communities across the country. You could have—you *should* have—set an example for our country in your treatment of Professor Ford and her allegations. As subject matter experts, we have been available to you for advice and consultation for months, and we would have gladly assisted.

Instead, your actions and comments in the past week have taken us back 25 years, as if VAWA never existed, as if all of the hard-won, evidence-based, best practices we have invested in as a nation were for naught. How can Congress legislate a coordinated community response for the nation, yet fail to live up to its own mandate?

This moment has become a crucible. It’s a test of our progress. Do we start by believing victims of sexual assault and treating them with dignity, or don’t we? So far, Senate leaders are failing that test. Prejudging the outcome of the hearing. Sympathizing with her perpetrator. Attacking her credibility. The public vitriol has been even louder and more toxic. She now must live in fear for her own safety and that of her children, and has had to flee her home and hire security.

These attacks need to stop now. They send a message to every victim of sexual violence that their pain doesn’t matter, that they do not deserve justice, that – for them – fair treatment is out of reach. This will only serve to drive victims into the shadows and further embolden abusers.

This is not a case of “he said, she said” – Professor Ford provided a detailed account, along with therapist notes from six years ago, and passed a lie detector test. More corroborating evidence may be available if an investigation is undertaken. Yet she has faced death threats and has had to endure suspicion, ridicule, defamation, and scorn. Her identity was revealed without her consent, her motives have been questioned and her credibility has been attacked. And now she’s being told effectively that she must be put on trial – immediately — before there is even a cursory independent investigation that could support her report.

No one is suggesting the committee ought to simply accept an allegation. In fact, as advocates, we are urging you to conduct a thorough investigation. But no fair investigation begins with attacking and trying to discredit the alleged victim. Congress must enlist the advice from experts to ensure they are educated in how to engage in trauma-informed questioning of Professor Ford. She is NOT on trial. She is not

alleged to have done anything wrong. She is a person with important information about a man to whom you are about to offer a lifetime appointment on our nation's highest court.

So, what should the process look like instead? As we explained in our September 18 letter to Senators Grassley and Feinstein, we propose three ground rules:

1. First, consult with experts on sexual violence and trauma now. What you learn will help you make this process fair. Any hearing must include expert witnesses.
2. Second, conduct a comprehensive, bipartisan investigation. The notion that she should be cross-examined by Judge Kavanaugh's attorney, interviewed by Senate staff with no training in sexual assault investigations, or called to testify with just a few days' notice and told to take it or leave it, is insulting. It's not a search for the truth; it's a strategy to win a political game. Recognize that she is being traumatized again by this entire process, and needs support.
3. Third, adhere to basic tenets of a trauma-informed approach:
 - Provide Professor Ford as much input as possible into the time, date and format of any questioning;
 - Ensure a safe and comfortable environment;
 - Allow her to have support people with her and to take breaks as needed;
 - Provide her with clear information about the process and allow her to ask questions and ask for clarification as needed;
 - Repudiate personal attacks on Professor Ford;
 - Refrain from inaccurate, stereotypical assumptions that have been refuted by research, such as suggestions that delayed reports of sexual assault are not credible or gaps in memory suggest dishonesty or emotions undermine credibility. None of that is true, as extensive research on the neurobiology of trauma has revealed.

Finally, we want Senators and the nation to understand that this is much bigger than a single Supreme Court nominee. This is about the 15-year-old girl who finds herself hiding in the bathroom, terrified. She is thinking "Is this how I will be treated if I come forward?" And the 17-year-old boy who finds himself emboldened to take without consent? He too is watching, and learning.

In this very public arena, with these incredibly high stakes, we need to get this right. What the Senate does next will send a message to victims and offenders everywhere, whether or not you intend to send a message. And what will that message be?

Justice demands a fair process that treats Professor Ford far better than with the derision, scorn, and humiliation to which Professor Hill was subjected 27 years ago.

Justice demands that we respect that Professor Ford is a survivor of trauma, and that the Senate Judiciary Committee hear from experts on the lasting impact of trauma on survivors.

Justice demands that the hearing process be paused while the FBI reopens its investigation and talks to any witnesses with knowledge that bears on the information that Professor Ford has provided.

And finally, justice demands that the American people have confidence not only in the integrity and honesty of those who sit on the highest court, but also those responsible for giving their “advice and consent” to the President, and the process by which they give it.

Senators, you can’t send that message with your words – you can only send it with your actions.

For more information, please contact Terri Poore at terri@endsexualviolence.org.

Sincerely,

The Steering Committee of National Task Force to End Sexual and Domestic Violence

cc:

Sen. Dianne Feinstein
Sen. Orrin Hatch
Sen. Patrick Leahy
Sen. Lindsey Graham
Sen. Dick Durbin
Sen. Sheldon Whitehouse
Sen. Michael Lee
Sen. Amy Klobuchar
Sen. Ted Cruz
Sen. Christopher Coons
Sen. Ben Sasse
Sen. Richard Blumenthal
Sen. Jeff Flake
Sen. Mazie Hirono
Sen. Mike Crapo
Sen. Cory Booker
Sen. Thom Tillis
Sen. Kamala Harris
Sen. John Kennedy