



Written Testimony
Thomas E. Kadri, Ph.D.
Assistant Professor, University of Georgia School of Law
Affiliated Researcher, Clinic to End Tech Abuse at Cornell University

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Chairman Doyle, Ranking Member Latta, and distinguished members of the Subcommittee – I greatly appreciate the opportunity to testify about the pressing concern of protecting people from digital abuse.

By way of background, I am a law professor at the University of Georgia, where I am also affiliated with the Institute for Women’s Studies, the Institute for Cybersecurity and Privacy, and the College of Journalism and Mass Communication. I obtained my Ph.D. in Law from Yale Law School, and my research focuses on the legal and technological regulation of privacy, speech, and abuse. As an affiliated researcher with the Clinic to End Tech Abuse (CETA) at Cornell University, I work directly with victims of digital abuse and advise lawmakers on how to address it.¹ I also serve on the board of directors for Project Safe, a nonprofit organization in Georgia that helps victims to escape and overcome domestic violence.

The Rise of Digital Abuse

In my work, I use the term “digital abuse” to refer broadly to people exploiting technology to harm others. More specifically, digital abuse involves using technology to control, harass, stalk, surveil, or threaten someone in a way that either invades their privacy or autonomy, or harms them emotionally, physically, reputationally, or financially. Though the means and methods vary, digital abuse – like other forms of interpersonal violence – often involves coercion, manipulation, gaslighting, and deception. And while some forms of digital abuse might initially seem trivial or rare, research and experience have repeatedly shown that this growing phenomenon is serious and pervasive.²

¹ CETA is a group of trained volunteers, clinic staff, and researchers who have expertise in fields such as computer security, human-computer interaction, and computing for underserved communities. CETA volunteers receive special training on detecting technology-related abuse and working with people who have survived trauma, providing clinic services through a collaboration with the New York City Mayor’s Office to End Domestic and Gender-Based Violence

² Parts of this Written Testimony draw from my article, *Networks of Empathy*, 2020 UTAH L. REV. 1075 (2020).

Digital abuse is on the rise. Sometimes the perpetrators are strangers, sometimes they are familiar, but always they are manipulating technology to harm their targets.³ Domestic-violence charity Refuge estimates that 95% of its cases involve technology,⁴ while the National Domestic Violence Hotline saw a 155% increase in reports of digital abuse between 2015 and 2018 even as other forms of abuse remained fairly constant.⁵ According to another poll, one in ten Americans admits to using “stalkerware” apps to siphon information and images from their partner’s or ex’s phone.⁶ And a 2017 study found that 18% of internet users report having experienced serious online threats, harassment, and stalking⁷ – a number that has surely grown during a pandemic that has filtered even more of our interactions through technology.

These statistics might initially seem shocking, but we should not be surprised. After all, one in three women and one in six men have experienced abusive relationships,⁸ and the Center for Disease Control reports that tens of millions of Americans have faced physical violence, contact sexual violence, or stalking by an intimate partner.⁹ Given how central digital technologies have become in our lives, their growing role in interpersonal abuse is predictable. These technologies are powerful, and their power will inevitably be wielded for negative as well as positive ends.

To compound the problem, people often underestimate the gravity of digital abuse, yet study after study confirms its cruelty.¹⁰ Victims’ lives are disrupted and damaged. Their domestic and professional stability

³ See Karen Levy & Bruce Schneier, *Privacy Threats in Intimate Relationships*, 6 J. CYBERSECURITY 1 (2020) (exploring the social complexity of “intimate threats: a class of privacy threats that can arise within our families, romantic partnerships, close friendships, and caregiving relationships”).

⁴ Charlotte Jee, *How “Stalkerware” Apps Are Letting Abusive Partners Spy on Their Victims*, MIT TECH. REV. (July 10, 2019), <https://www.technologyreview.com/s/613915/stalkerware-apps-are-letting-abusive-partners-spy-on-their-victims>.

⁵ Compare NAT’L DOMESTIC VIOLENCE HOTLINE, A YEAR OF IMPACT: NATIONAL DOMESTIC VIOLENCE HOTLINE & LOVEISRESPECT 3 (2015), <https://www.thehotline.org/wp-content/uploads/sites/3/2018/06/2015-Impact-Report-digital.pdf> (reporting that 5% of cases involved digital abuse, equating to 21,812 reports of digital abuse), with NAT’L DOMESTIC VIOLENCE HOTLINE & LOVEISRESPECT 2 (2018), <https://www.thehotline.org/wp-content/uploads/sites/3/2019/06/Impact-Report-2018.pdf> (reporting that 15% of cases involved digital abuse, equating to 55,710 reports of digital abuse).

⁶ Laura Hautala, *1 in 10 Americans Uses Stalkerware to Track Partners and Exes, Poll Finds*, CNET (Feb. 12, 2020), <https://www.cnet.com/news/1-in-10-people-uses-stalkerware-to-track-partners-and-exes-poll-says>.

⁷ MAEVE DUGGAN, PEW RESEARCH CTR., ONLINE HARASSMENT 2017 3 (July 11, 2017), <https://www.pewresearch.org/internet/2017/07/11/online-harassment-2017>; see also MAEVE DUGGAN, PEW RESEARCH CTR., ONLINE HARASSMENT 2–5 (Oct. 22, 2014), <https://www.pewresearch.org/internet/2014/10/22/online-harassment> (presenting similar findings).

⁸ *Id.*

⁹ CENTERS FOR DISEASE CONTROL AND PREVENTION, NATIONAL INTIMATE PARTNER AND SEXUAL VIOLENCE SURVEY 7–10 (2018), <https://www.cdc.gov/violenceprevention/pdf/2015data-brief508.pdf>.

¹⁰ Trivialization is a longstanding and stubborn societal problem, both for harassment generally and digital abuse specifically. This is especially true with respect to harms disproportionately suffered by women. As Danielle Citron laments, “[s]ociety ignored or downplayed domestic violence’s brutality for over 200 years,” and “[n]o term even existed to describe sexual harassment in the workplace until the 1970s, despite the pervasiveness of the practice.” Danielle Keats Citron, *Law’s Expressive Value in Combating Cyber Gender Harassment*, 108 MICH. L. REV. 373, 376 (2009); see also *id.* at 392–404 (tracing historical trivialization of women’s suffering, from sexual assault to domestic violence to workplace harassment and now to cyber-harassment).

crumbles.¹¹ Their work is jeopardized.¹² Their relationships deteriorate and their safety is threatened.¹³ Their health suffers.¹⁴ Their communities suffer the consequences.¹⁵ And to rub salt into the wound, their sanity and truthfulness are often doubted when they share their experiences.¹⁶

Why is digital abuse so harmful? This is a complex question, but one common theme is that abusers use technology to become ever-present in a victim's life – or at least to create that impression.¹⁷ This incessant attack is both perilous and debilitating. Not only do victims spend time defending their physical and emotional wellbeing, but documenting their abuse for potential legal proceedings can become a full-time job. Even if the abuse eventually subsides, the effects can long endure. Many victims suffer from post-traumatic stress disorder;¹⁸ others resort to self-protective isolation and silence because they fear their abuser will reemerge if they raise their head above the parapet.¹⁹

Family Phone Plans as a “Snake in the Grass”

Though it might be tempting to focus on more sensational topics like stalkerware apps and deepfake videos, the work of Dr. Karen Levy and others has shown that digital abuse is often “mundane” in that it requires “little to no sophistication” and relies on “everyday devices and services.”²⁰ A classic example is family phone plans, which create major vulnerabilities for victims. Information that an abuser can gather from these plans might trigger and exacerbate abuse and even thwart a victim's attempts to escape. These serious yet underappreciated risks make family plans “the snake in the grass” of domestic violence.²¹

¹¹ Ari Ezra Waldman, *Amplifying Abuse: The Fusion of Cyberharassment and Discrimination*, 95 B.U. L. REV. ANNEX 83, 83 (2015) (“Targets of online hate and abuse have gone into hiding, changed schools, and quit jobs to prevent further abuse.”); KATRINA BAUM ET AL., U.S. DEP'T OF JUSTICE: BUREAU OF JUSTICE STATISTICS, NATIONAL CRIME VICTIMIZATION SURVEY: STALKING VICTIMIZATION IN THE UNITED STATES 6 (2009), <https://www.justice.gov/sites/default/files/ovw/legacy/2012/08/15/bjsstalking-rpt.pdf> (reporting that 1 in 7 stalking victims moves out of their home).

¹² Mary Anne Franks, *Sexual Harassment 2.0*, 71 MD. L. REV. 655, 658 (2012).

¹³ Mary Anne Franks, “Not Where Bodies Live”: *The Abstraction of Internet Expression*, in FREE SPEECH IN THE DIGITAL AGE 137, 140 (Susan J. Brison & Katharine Gelber eds., 2019).

¹⁴ Eric Blaauw et al., *The Toll of Stalking: The Relationship Between Features of Stalking and Psychopathology of Victims*, 17 J. INTERPERSONAL VIOLENCE 50, 57–58 (2002) (finding that stalking victims suffer much higher rates of depression, anxiety, insomnia, and social dysfunction than the general population); Waldman, *supra* note 11, at 83 (“Cyberharassment devastates its victims. Anxiety, panic attacks, and fear are common effects; post-traumatic stress disorder, anorexia and bulimia, and clinical depression are common diagnoses.”).

¹⁵ See Waldman, *supra* note 11, at 83 (arguing that the “personal effects” of digital abuse “are part of a larger social cancer that breeds sexism, subjugation, and inequality”).

¹⁶ Deborah Epstein & Lisa A. Goodman, *Discounting Women: Doubting Domestic Violence Survivors' Credibility and Dismissing Their Experiences*, 167 U. PA. L. REV. 399, 447–51 (2019) (exploring how victims who are discredited and invalidated after disclosing their abuse commonly develop feelings of powerlessness, futility, personal worthlessness, and self-doubt).

¹⁷ Delanie Woodlock, *The Abuse of Technology in Domestic Violence and Stalking*, 23 VIOLENCE AGAINST WOMEN 584, 592 (2016).

¹⁸ See Michele Pathé & Paul E. Mullen, *The Impact of Stalkers on Their Victims*, 170 BRIT. J. PSYCHIATRY 12, 14 (1997) (finding that 37% of stalking victims fulfill the diagnostic criteria for post-traumatic stress disorder).

¹⁹ See Robin West, *Cyber-Sexual Harassment*, JOTWELL (Jan. 21, 2015), <https://juris.jotwell.com/cyber-sexual-harassment> (discussing how digital abuse can curtail a victim's “civic participation” and lead her to “close down her public and cyber persona”).

²⁰ Karen Levy, *No Safe Haven for Victims of Digital Abuse: Security Isn't Just a Technical Problem. It's a Social One.*, SLATE (Mar. 1, 2018), <https://slate.com/technology/2018/03/apps-cant-stop-exes-who-use-technology-for-stalking.html>.

²¹ Louise Matsakis, *A Hidden Risk for Domestic Violence Victims: Family Phone Plans*, WIRED (July 23, 2020), <https://www.wired.com/story/family-phone-plans-hidden-risk-domestic-violence-victims> (quoting former CETA director Sarah St. Vincent).

What risks, specifically, do family plans pose to victims?²² In short, these plans let an abuser monitor a victim's calls, texts, and even the precise location of their device. The abuser can then use this information to harass, stalk, intimidate, or carry out violence. An abuser might also gain insight into a victim's support networks, from friends to family to coworkers.

One source of this information are phone bills or other account records. These digital logs reveal details about a victim's communications that can also provide clues about their physical location, such as through area codes or call patterns. Though the contents of a victim's communications might be concealed, some family plans allow an abuser to access the victim's voicemails.²³ Family plans can also empower abusers through "parental" controls or apps that show the location of a victim's (or their child's) phone, a history of where the phone has been during the past week, and what numbers they have called or texted.²⁴

Through these various means, an abuser may, for example, discover where a victim is currently hiding or planning to go, as well as any contact a victim has had with family members, domestic-violence hotlines, crisis-response centers, or other parts of their support system. As Diana Freed, a lead researcher on a study drawing on CETA's clinical work, observes:

"People would come [to the clinic] and report, for example, the abuser knows where they are. They've left the abuser and moved onto a new relationship, new friends, and suddenly all of their contacts have been contacted by the abuser and there was no idea how this person got the numbers."²⁵

One CETA client shared details of their own experience with abuse through a family plan:

"[The abuser] was the one who got a phone from [phone company], it was his account.. he can see everybody I talk to. He probably had access to my voicemail. I just learned that somebody can access your voicemail. I don't know what he was doing."²⁶

²² The following discussion draws on work done by researchers associated with CETA who study how to improve technology safety and security for victims of intimate partner violence. See generally Diana Freed, Jackeline Palmer, Diana Minchala, Karen Levy, Thomas Ristenpart & Nicola Dell, "A Stalker's Paradise": *How Intimate Partner Abusers Exploit Technology*, ASS'N COMPUTING MACH. (2018); Diana Freed, Jackeline Palmer, Diana Minchala, Karen Levy, Thomas Ristenpart & Nicola Dell, *Digital Technologies and Intimate Partner Violence: A Qualitative Analysis with Multiple Stakeholders*, 46 PROC. ASS'N COMPUTING MACH. HUM.-COMPUT. INTERACTION 1 (2017) (same); Diana Freed, Sam Havron, Emily Tseng, Andrea Gallardo, Rahul Chatterjee, Thomas Ristenpart & Nicola Dell, "Is My Phone Hacked?" *Analyzing Clinical Computer Security Interventions with Survivors of Intimate Partner Violence*, 3 PROC. ASS'N COMPUTING MACH. HUM.-COMPUT. INTERACTION 1 (2019) (same); Emily Tseng, Rosanna Bellini, Nora McDonald, Matan Danos, Rachel Greenstadt, Damon McCoy, Nicola Dell & Thomas Ristenpart, *The Tools and Tactics Used in Intimate Partner Surveillance: An Analysis of Online Infidelity Forums*, USENIX Security Symposium no. 29 (2020), <https://arxiv.org/pdf/2005.14341.pdf>

²³ Freed et al., "A Stalker's Paradise," *supra* note 22, at 4 ("In these situations, the abuser often receives phone bills that provide them with detailed information about the survivor's call history, text messages, and voicemails.").

²⁴ See Kaofeng Lee & Erica Olsen, *Cell Phone Location, Privacy and Intimate Partner Violence*, 18 DOMESTIC VIOLENCE REPORT (2013) ("Applications that are provided through the wireless carrier can be added by an account holder. If the victim's phone is part of a family plan or the phone's account holder is the abuser, it is easy for the account holder to add this location feature onto the victim's phone."); Verizon SmartFamily FAQs, VERIZON, <https://www.verizon.com/support/verizon-smart-family-faqs>; Location Tracking with AT&T Secure Family, AT&T, <https://www.att.com/support/article/wireless/KM1299008>; T-Mobile FamilyWhere App, T-MOBILE, <https://www.t-mobile.com/support/plans-features/t-mobile-familywhereapp>.

²⁵ Matsakis, *supra* note 21.

²⁶ Freed et al., "A Stalker's Paradise," *supra* note 22, at 4.

In at least ten other cases, CETA clients reported that the abuser gave a phone to a child they shared with the victim, providing a dangerous window into the victim's life.²⁷ Because the abuser might have a legal right to remain in contact with their child, the victim might be forbidden from taking away the phone. This tactic can enable an abuser to control and surveil the victim even after the victim manages to leave the relationship. As one social worker reported:

“[E]specially if they're separated and having custody issues, the abuser will give a cellphone to one of the kids. And the kid is so excited, they get a cellphone, but [the abuser] uses it as a way of getting in and figuring out what's going on in the home.”²⁸

All of this information from family plans can enable further escalation by the abuser. Safety-planning is essential when a victim is trying to leave an abusive relationship, but that same planning can create immense danger if an abuser discovers an imminent departure. Similarly, hazardous situations might arise if an abuser is alerted that the victim knows that their phone is being tracked, as might occur if a victim disables certain surveillance features in a family plan.²⁹ These risks affect not only the victim themselves, but also people close to them, and can even discourage victims from reaching out to others for help. And, ultimately, if a victim remains stuck in a family plan, an abuser can exploit this connection to control and threaten them, perhaps even missing payments or canceling a line in order to abruptly isolate the victim from their support network without warning.

Obstacles to Mitigating Risks of Family Phone Plans

Various obstacles inhibit victims from mitigating the risks posed by family plans. For starters, the surveillance enabled through family plans can be difficult to detect and disable. Stalkerware and other apps that reveal communications or location data usually require abusers to gain physical access to a device for their installation or activation, and these apps can usually be deleted or deactivated by a victim if discovered. Not so with surveillance through family plans, which can be enabled remotely and can rarely be disabled through the device itself (and usually cannot be disabled by anyone besides the primary account holder, who is often the abuser). Though a victim could always abandon the device entirely, this might worsen matters if their phone and its number connect them to friends, family, work, and crucial services that can keep them safe.

If a victim does try to leave a family plan, phone companies often charge high fees of up to \$350 per line to end the contract, in addition to demanding upfront payment for any devices being financed in installments. For many victims, paying these sums all at once will exceed their financial means, especially when their abuser controls or drains their economic resources, as is common in cases of domestic violence.³⁰

Even if a victim has the funds to leave a family plan, they can still encounter resistance from a phone company that has no legal obligation to honor line-separation requests. The company might also demand information

²⁷ See *id.*; see also Niharika Vattikonda & Swathi Ramprasad, *The Safe Connections Act: Helping Survivors Break from Abusers' Phone Plans*, DUKE SANFORD SCHOOL OF PUBLIC POLICY: CYBER POLICY AND GENDER VIOLENCE INITIATIVE (Apr. 6, 2021), <https://sites.sanford.duke.edu/genderviolencepolicy/2021/04/06/the-safe-connections-act-helping-survivors-break-from-abusers-phone-plans>.

²⁸ Freed et al., “A Stalker's Paradise,” *supra* note 22, at 4.

²⁹ Lee & Olsen, *supra* note 24.

³⁰ Stephanie Kirchaessner & Amanda Holpuch, *A Bill Aims to Stop Abusers Stalking Ex-Partners. US Telecom Firms Are Lobbying Against It*, GUARDIAN (May 6, 2021), <https://www.theguardian.com/society/2021/may/06/us-wireless-industry-bill-domestic-violence-victims>; *About Financial Abuse*, NNEDV, <https://nnedv.org/content/about-financial-abuse>.

that the victim does not know about the account holder, such as a password or social security number. And while some companies might be more cooperative voluntarily, corporate programs meant to help abuse victims are often so poorly advertised that victims are highly unlikely to even know they exist.³¹

To cap it all off, the current process of leaving a family plan can be complex and risky. Fighting with a phone company might seem like one burden too many for a victim who is already feeling overwhelmed and insecure. If the severance process is arduous, victims might subconsciously discount the dangers of failing to pursue it, instead prioritizing steps like changing their locks or seeking counseling. And if the process is flawed, it might expose victims to further danger and anxiety, including the inevitable risk and paranoia that victims will experience if companies create ambiguity about whether and when an abuser will be notified about a line separation.

The Current Legal Landscape

No federal law allows victims to leave family plans, while existing state laws provide victims with inadequate protections.

Roughly a dozen states have passed laws or are considering legislation in this general area. Some states require victims to get a court order to leave a family plan. While this avenue might sound promising, many of these laws do not give victims a right to end their contracts completely. Instead, they may merely switch to a different plan with the same company, leaving them obliged to pay termination fees and costs they might be unable to afford.

Other states, like New York and Hawaii, allow victims to leave family plans without a court order, but they instead compel victims to supply phone companies with evidence of their abuse through documents like police reports or medical records.³² Although this represents a legislative step in the right direction, these laws often lack strong protections to protect a victim's privacy interests in these sensitive documents.

At least one state, Delaware, has even distributed free prepaid phones to victims as a way to reduce the risks posed by family plans. Delaware's Department of Justice explained that these phones would "offer a measure of privacy, protection, and independence to survivors who may feel economically trapped in an abusive situation because of reliance on an abuser's phone plan."³³ The state also proclaimed that it was ensuring "that survivors' activity – including calls for help – are not reflected in abuser's monthly cell phone plans and equip[ping] survivors with a vital tool as they rebuild their lives."³⁴ While these statements might be true, this initiative fails to mitigate the burden that victims face when they cannot use their own phones or numbers.

Meanwhile, people in states without any legal right to get out of a family plan – especially people with low incomes – could effectively be trapped in a contract that allows their abuser to control them. A strong federal law empowering victims to leave family plans would help vulnerable people in all states to cut this dangerous tie with their abusers.

³¹ Abusers, by contrast, might know how to use features of family plans to their advantage, especially since research has revealed that abusers learn strategies and swap tips in online forums. See Tseng et al., *supra* note 22.

³² N.Y. GEN. BUS. L. § 399-yyy; HI REV. STAT. § 269-16.93.

³³ *Domestic Violence Survivors Receive More Than 100 Prepaid Phones*, DELAWARE DEP'T JUSTICE (May 4, 2020), <https://news.delaware.gov/2020/05/04/domesticviolence-survivors-receive-more-than-100-prepaid-phones>.

³⁴ *Id.*

The Safe Connections Act

In August 2020, CETA joined with the National Network to End Domestic Violence, the Electronic Frontier Foundation, and other organizations in calling on Congress to pass laws achieving the following goals:

- 1) Give survivors and children in their care a right to get out of family plans immediately, remotely, and for free.
- 2) Require phone companies to apply strong privacy protections to any information about the abuse.
- 3) Not impose burdensome or traumatizing requirements for survivors to give evidence of the abuse to the phone company.
- 4) Let survivors keep their numbers to stay connected.
- 5) Require phone companies to train their employees about these rights and give information to their customers about getting out of family plans in abuse situations.³⁵

The legislation before your Subcommittee, the Safe Connections Act, makes significant progress on achieving many of these goals. My research and my work with victims reveal how this law could be crucial. Victims rely on communication technologies as a lifeline, but those same technologies can simultaneously expose them to abuse. The Safe Connections Act represents a careful effort to respond to how phones play this essential but complicated role in victims' lives.

By making it easier to leave family plans quickly, remotely, and for free, the Safe Connections Act would set a good foundation from which further regulatory efforts could build. The Federal Communications Commission (FCC) would be empowered to enforce the Act's protections and protect victims' interests. The exploration of rules requiring phone companies to omit any communications with domestic-violence hotlines from phone records is also a wise idea, as is the expansion of eligibility for the FCC's Lifeline program. And though I believe that victims should be able to leave family plans without providing third-party documentation, it is encouraging that the Act would require phone companies to treat all evidence of abuse as confidential and to dispose of it securely. The Act also contains an important and clear statement that it would not affect state laws providing enhanced protections, such as those aimed at ensuring the safety and privacy of victims by allowing them to submit alternative evidence of their abuse.³⁶

People who work directly with victims seem similarly supportive of the Safe Connections Act. According to Natalia Krapiva, Tech Policy Counsel at Access Now:

“Survivors are often entangled psychologically and financially with perpetrators, making leaving an abusive relationship extremely difficult and dangerous. This bill will help ensure that phone plan separation will not be an obstacle to freedom.”³⁷

³⁵ Letter to Chairman Wicker and Ranking Member Cantwell, U.S. Senate Committee on Commerce, Science, and Transportation (Aug. 20, 2020), https://82beb9a6-b7db-490a-88be-9f149baf221.filesusr.com/ugd/c4e6d5_8e1f1a0110e04e92912ee6fbef347423.pdf.

³⁶ In New York, for example, legislation has been passed in the state senate to allow people to leave a family plan based on their own self-attestation of abuse. Anna M. Kaplan, *Senator Anna Kaplan Helps Pass Stronger Protections for Survivors of Sexual Abuse and Domestic Violence*, N.Y. STATE SENATE (Apr. 26, 2022), <https://www.nysenate.gov/newsroom/press-releases/anna-m-kaplan/senator-anna-kaplan-helps-pass-stronger-protections-survivors>.

³⁷ *Phone Contracts Should Not Bind Survivors to Abusers – SAFE Connections Act Needed Now*, ACCESS NOW (Apr. 28, 2021), <https://www.accessnow.org/phone-contracts-should-not-bind-survivors-to-abusers-safe-connections-act>.

Nish Williams, legal director at the North Carolina Coalition Against Domestic Violence, sings a similar tune:

“I just think that it’s beyond time for the federal government to catch up with the way in which we are living, technologically.... We are living on our phones. Much of a person’s identity, relationships, support networks exist within that device. And if a survivor is seeking to leave an abusive relationship, they need to know that that device is a secure device.”³⁸

Laura Berry, the executive director of Indiana Coalition against Domestic Violence, has explained that the absence of this kind of law means that victims are often encouraged to ditch their phone and get a new one. When discussing a similar bill at the state level in Indiana, Berry was enthusiastic about the proposed reform:

“This time they’ll be able to successfully take that number and keep in contact.... I hold everything dear in my phone, my pictures, my contacts. I couldn’t make a connection with anybody without that phone, so this will allow victims to do that.”³⁹

In a similar vein, Sarah St. Vincent, CETA’s former Director, has observed:

“Abusers will often do anything they can to control their victims, and family phone plans can be a powerful tool for such abuse. People’s lives and safety are far more important than any contract they once signed, and Congress should recognize this by creating protections now.”⁴⁰

Given how people who work closely with victims have advocated for legal protections to leave family plans, it is encouraging to see the bipartisan consensus that has emerged as the Safe Connections Act has progressed through both chambers of Congress. Lawmakers from each major party appear to be taking this issue seriously and heeding victims’ experiences compassionately. Even the telecommunications industry, which once sought to undermine this bill,⁴¹ has now signaled its endorsement of the Act.

As members of this Subcommittee consider the Safe Connections Act, I urge you to focus on the law’s potential to help victims confront some of the major challenges they face while fighting to regain their independence and guard against future abuse. In order to achieve these goals, Congress should ensure that the law can be robustly enforced and that victims’ confidentiality is protected. The essential protections envisioned by this Act cannot rely on trust alone. Mere trust provides inadequate accountability for most legal regulation, but it is especially troubling to demand trust from abuse victims who might reasonably be distrustful of others given their experience.

Finally, any law seeking to help victims must be not only effective but also empathetic to their experiences. What might seem like an inconvenience for someone who has never suffered abuse can be felt very differently by someone who has. For those who lack that personal perspective, it is essential to engage your imagination and strive to place yourself in a victim’s shoes. What does this mean for the bill before this Subcommittee?

³⁸ Vattikonda & Ramprasad, *supra* note 27.

³⁹ Kaitlin L. Lange, *Bill Gives Domestic Violence Victims Ability to Switch Phone Plans*, INDY STAR (Mar. 13, 2017), <https://www.indystar.com/story/news/politics/2017/03/13/bill-gives-domestic-violence-victims-ability-switch-phone-plans/99127582>.

⁴⁰ *Tech Privacy and Anti-Abuse Groups Call on Congress to Help Abuse Survivors Leave Family Phone Plans*, CORNELL TECH (Aug. 20, 2020), <https://tech.cornell.edu/news/tech-privacy-and-anti-abuse-groups-call-on-congress-to-help-abuse-survivors-leave-family-phone-plans>.

⁴¹ Ashley Gold & Margaret Harding McGill, *Technology Wireless Lobby Tangles Future of Domestic Violence Bill*, AXIOS (Feb. 17, 2022), <https://www.axios.com/2022/02/17/wireless-lobby-violence-against-women-act-safe-connections>.

In my view, to be both effective and empathetic, the law should allow victims to make a clean break from their abusers with minimal barriers and risks. The Safe Connections Act would be a step in the right direction.