

November 3rd, 2021

The Honorable Dick Durbin
Chairman
Senate Committee on the Judiciary
711 Hart Senate Office Building
Washington DC 20515

The Honorable Chuck Grassley
Ranking Member
Senate Committee on the Judiciary
135 Hart Senate Office Building
Washington, DC 20515

The Honorable Jerrold Nadler
Chairman
House Committee on the Judiciary
2141 Rayburn House Office Building
Washington, DC 20515

The Honorable Jim Jordan
Ranking Member
House Committee on the Judiciary
2056 Rayburn House Office Building
Washington, DC 20515

Chairman Durbin, Chairman Nadler, Ranking Member Grassley and Ranking Member Jordan:

We are survivors of sexual harassment or assault and their allies. We write to ask you to end forced arbitration and the silence and abuse it enables. Some of our stories have been shared by others in the media, but our stories will never be heard in a courtroom. Case after case filed by survivors over the last 20 years prove that forced arbitration shields abusers and the institutions that employ them. With this letter, we hope to encourage Congress to put a stop to forced arbitration once and for all by passing the Ending Forced Arbitration of Sexual Assault and Sexual Harassment Act of 2021.

S2342: <https://www.congress.gov/bill/117th-congress/senate-bill/2342/text?r=3&s=3>
HR4445: <https://www.congress.gov/bill/117th-congress/house-bill/4445/text?r=1&s=2>

Many of the signatories on this letter come from places of privilege and access; we are news anchors, investment bankers, journalists, attorneys, law students and activists, and yet we have no power in the face of forced arbitration. With this letter, we hope to shine a light on this issue, and to remind policy makers that for every one of us, there are millions more survivors in the shadows whose voices have been forever silenced by forced arbitration. Unlike millions of Americans, we can use our platforms to advocate for the passage of this bipartisan, bicameral legislation, which would simply return to survivors the choice of how to pursue accountability against abusers. We believe that survivors deserve the right to tell their own stories and to choose to tell them publicly in a court of law.

Forced arbitration is a secret process in which private companies hand selected by defendants are able to design a system that keeps survivors silent and allows sexual misconduct to go unchecked. What most people don't know when they start a job is that buried in the small print of their employee handbook or in the reams of forms, they are hurriedly asked to sign on their first day of work are words that will forever deprive them of the chance to seek justice if sexually

harassed or assaulted. If a survivor wants to bring a case in a public courtroom, why should an arcane federal law, passed in 1925 (before anyone ever used the phrase “sexual harassment” and intended to apply to business-to-business transactions only), preclude the survivor from bringing the case? The horror of forced arbitration is that when one survivor is silenced, countless others will unknowingly follow down the path of harassment and abuse by accepting employment with companies that protect and often promote sexual predators.

To their credit, a few major U.S. corporations have voluntarily agreed to stop invoking forced arbitration clauses, but those companies are few and far between. Please do not forgo your responsibility as legislators and leave survivors at the mercy of corporations to decide when and if to use forced arbitration when it suits them. Simply put, the practice must stop for ALL survivors. Please stand with survivors and pass The Ending Force Arbitration of Sexual Assault & Sexual Harassment Act.

Respectfully,

Gretchen Carlson, Co-Chair Lift Our Voices, Female Empowerment Advocate, Journalist, Author

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