



RE: Testimony in support of H7206, Cause of Action—Defamation Lawsuits

Dear Chair McEntee and Members of the Committee:

Thank you for the opportunity to provide testimony in **strong support of House Bill 7206** which seeks to strengthen protections for survivors of sexual assault ensuring they are **not subject to defamation lawsuits simply for telling the truth about their experiences**.

For 50 years, Sojourner House, a non-profit based in Providence but now providing services across the state, has served thousands of victims and survivors of domestic abuse, sexual violence, and human trafficking. We offer wraparound services such as support groups, emergency shelter, transitional and permanent supportive housing, sexual health advocacy, and emotional support. We believe that everyone deserves a safe, healthy home, and proudly house all genders.

Current Rhode Island anti-SLAPP protections, under R.I. Gen. Laws §9-33-1, protect statements made in government proceedings or on matters of “public concern,” but they do not clearly cover individual disclosures about sexual assault or harassment made outside of government proceedings.ⁱ This gap leaves survivors vulnerable to costly and retaliatory defamation claims, often at a time when they have limited legal or financial resources.

A recent study found that approximately 72% of defendants in Title IX sexual misconduct cases filed defamation claims against both the university and the survivor, illustrating how this is increasingly used as a tactic to silence survivors rather than address wrongdoing.ⁱⁱ The effects of this create a “profound chilling effect” that can deter people from reporting misconduct, seeking support, or participating in investigations and accountability processes.ⁱⁱⁱ Further, given that sexual assault is disproportionately experienced by low-income women and Women of Color, it is clear that tactics such as defamation lawsuits can create additional barriers for the most vulnerable survivors in pursuing legal recourse with limited resources to do so.^{iv,v,vi} This is especially true when “industry experts have estimated that news publishers typically spend \$500,000 on average to get defamation suits dismissed, meaning that the sheer financial burden on a defendant can be steep.”^{vii}

H7206 addresses this imbalance by protecting survivors from retaliatory defamation lawsuits, ensuring that people can come forward without fear of legal reprisal. Such protections are critical to amplifying survivors’ voices, holding perpetrators accountable, and preventing the weaponization of defamation law to suppress reports of sexual misconduct. Protecting people’s ability to speak safely about their experiences is essential for justice and public safety.^{viii}

Thank you for the opportunity to provide testimony in **strong support of House Bill 7206**. We hope the committee will support the proposed legislation in support of victim protections in our state.

ⁱ Rhode Island General Law. Title 9: Courts and civil procedure—Procedure generally. Chapter 33: Limits on strategic litigation against public participation. <https://webserver.rilegislature.gov/Statutes/TITLE9/9-33/9-33-1.htm>

ⁱⁱ <https://static1.squarespace.com/static/5b2192e1fcf7fd542880539a/t/5e83b0c47a45082de41c0b97/1585688777828/94Whynot1.pdf>

ⁱⁱⁱ Whynot, C. N. (2020). Retaliatory defamation suits: The legal silencing of the #MeToo movement. *Tulane Law Review Online*, 94.

<https://journals.law.harvard.edu/crcl/how-defamation-is-used-to-silence-survivors/>

^{iv} Fessler, L. (2018, January 8). The poorest Americans are 12 times as likely to be sexually assaulted as the wealthiest. Quartz. <https://qz.com/1170426/the-poorest-americans-are-12-times-as-likely-to-be-sexually-assaulted/>

^v Kane, O. (2020). The denial of Black victimhood: Examining attitudes of sexual assault and victim-blaming on college campuses, a continued analysis. (Unpublished master's thesis), University of Connecticut, Connecticut.

^{vi} Maryland Coalition Against Sexual Assault (MCASA). (n.d.). African-American women and sexual assault. <https://mcasa.org/assets/files/African-American-Women-and-SexualAssault1.pdf>

^{vii} 2022: https://scholarship.law.duke.edu/cgi/viewcontent.cgi?article=6806&context=faculty_scholarship

^{viii} 2022: https://scholarship.law.duke.edu/cgi/viewcontent.cgi?article=6806&context=faculty_scholarship