

Sign-On Letter Addressed to New York Attorney General Letitia James, March 5, 2021

Dear Attorney General James,

We represent a coalition of gender and survivor justice organizations from New York and throughout the country.

We are deeply disturbed by the allegations of sexual harassment and sexist bullying by New York Governor Andrew Cuomo. All people who report experiences of sexual harassment and assault at the hands of elected leaders should receive the benefit of careful and meaningful consideration.

Allegations of sexual misconduct against politicians and other men in power are so ubiquitous that our organizations regularly release statements in support of survivors; the veracity of the stories of these survivors led to 25 candidates dropping out of campaigns in 2018. Yet, despite that progress, another 17 were still elected in 2020 in spite of credible allegations against them. Right now, there is no standardized, fair, and transparent process to root out sexual harassment in political workplaces, or prevent it in the first place, which is why we are writing to you today.

We can and we must end sexual harassment and violence in political workplaces and work spaces.

We know you have already been thinking about how to conduct this investigation in a fair and principled manner, and our letter is not meant to suggest otherwise. But we want to share with you, based on our work with survivors, a comprehensive list of characteristics we hope to see in all investigations of this nature in the political realm.

We can and must do better by all survivors, especially those who have been historically marginalized including trans survivors and survivors of color. That is why we are calling on the New York Attorney General's office to adopt the following measures and remedies in the investigation into the allegations made against Governor Cuomo, as well as in investigations of political candidates or political personnel in the State of New York going forward:

--When individuals come forward to report sexual harassment or assault against a political figure, it is essential that these allegations be investigated through a nonpartisan, fair, and independent process. Although media reports may be valuable in bringing critical evidence to light, journalistic efforts are not a substitute for a full and fair investigative process. Frequently, the media gives equal weight to the survivor and perpetrator without taking into account the difference in positions of power. Negative press coverage has very different ramifications for a governor who comes from a politically connected family, rather than a young woman with little or no political influence.

--Individuals who report sexual harassment and assault as well as elected officials who are the subject of such reports deserve a fair, independent, and transparent process. A fair process ensures that the reporting party, witnesses, and the responding party are treated with dignity and respect. Reporting parties and witnesses must also be free to decline to participate in an investigation or process, without fear of repercussions or retribution.

--A fair process is one that is conducted by an independent, unbiased, trained investigator or entity that does not have ties to and is not influenced by party or political affiliation, political operatives, candidates, or elected officials.

--A fair process requires that investigations be conducted according to the trauma-informed, best practices developed within the education and employment spheres, and informed by the work of anti-sexual violence advocates and organizations. Model practices allow for the full collection of relevant evidence, which may include interviews of any contemporaneous, outcry, or delayed report witnesses; afford participants robust equal procedural rights; ensure transparency; and include safeguards to protect participants from further harm.

--A fair process assesses credibility by using a preponderance of the evidence standard used in civil cases. The criminal law standard of "beyond a reasonable doubt" should not apply, so in communicating about the process or describing its outcome, the parties should not use "guilty," "innocent," "not guilty" or similar terms, nor state or imply the reporting party was lying or submitted a false report unless that specific finding was made by the investigator at the conclusion of the investigation.

--A fair process is one that recognizes only relevant denials and defenses in its pursuit of truth. An individual's report should not be discounted or attacked because of delayed reporting, the reporting party's mental health, or sexual history. Similarly, a history of championing "women's causes" and/or gender-based violence issues, being a person of faith, and/or not having previous public reports of harassing or assaulting behavior other than indicated by a reporting party does not inoculate the accused party from having caused harm.

--A fair process will not entertain attacks (by accused parties themselves or through proxies) against the reporting party or other efforts to cause further harm to survivors. While the investigation is taking place, the accused party, or in this particular case, Governor Cuomo, should be instructed not to engage in this conduct, publicly or privately, nor enlist proxies to engage in this conduct on the accused party's behalf.

--A fair process is one in which, if there is an ultimate finding of responsibility (using the preponderance of the evidence standard), this finding is made public. Transparency is critical with respect to the survivor's right to seek justice. If there is a credible finding that sexual harassment or assault occurred, there must be consequences; in this case, Governor Cuomo's resignation.

--A fair process does not mandate a one-size-fits-all remedy. There is a spectrum of abuse and there should be a spectrum of responses. However, if Governor Cuomo is willing to take responsibility, the needs of the individual or individuals who have experienced harassment or misconduct must be paramount in crafting a response. We endorse a process that fosters collaborative and transformational accountability, and promotes healing for those harmed.

In closing, we are committed to working with you and your leadership to develop and implement fair and transparent processes for addressing the sexual harassment claims against Governor Cuomo. To that end, we request that you identify a point of contact within your office for initiating this process and send this information to Elisa Batista, Campaign Director with UltraViolet.

Thank you for addressing our concerns and we hope you will adopt the practices and process outlined herein.

With respect,

Girls for Gender Justice
Justice for Migrant Women
'me too' Movement
National Alliance to End Sexual Violence
National Crittenton
National Women's Law Center
PB Work Solutions
Survivors Know
Tewa Women United
Time's Up
UltraViolet
United State of Women
Vote Run Lead
Women's March