

May 2, 2025

Dear Honorable Members of the Oregon House Judiciary Committee:

I strongly urge you to support SB 180. I introduced this bill to the Oregon legislature last fall after successfully authoring the proposal that became California's AB 933—signed into law on October 10, 2023, as CA 47.1. Commonly known as the Speak Your Truth Act, this landmark legislation is now gaining national momentum. I've worked tirelessly to expand its protections across the country, and as of the 2025 legislative session, 16 states—including Connecticut, Georgia, Hawaii, Iowa, Illinois, Kansas, Massachusetts, Maryland, Maine, New Hampshire, New Jersey, New York, Oregon, Pennsylvania, Rhode Island, and Vermont—have introduced similar bills, with more expected to follow. Most recently, the law drew national attention when it was cited in the high-profile defamation case involving Blake Lively and Justin Baldoni.

Shortly after my initial outreach, Representative Kevin Mannix expressed interest in bringing the bill—and its protections—to Oregon. Given his long-standing commitment to supporting survivors of sexual abuse, I trusted him to lead the effort. Oregon's SB 180 is modeled on the language of AB 933 but has been thoughtfully reshaped with input from the Senate Judiciary Committee to ensure it fits within Oregon's legal framework. And I wholeheartedly support the revised language.

Why Oregon's Current Anti-SLAPP law is insufficient:

- Oregon's Anti-SLAPP statute protects statements made in legal proceedings (legislative, executive or judicial proceeding or other proceeding authorized by law). Most statements made by sexual assault victims are to other people or on social media, as most memorably demonstrated by the those using the hashtag during the #MeToo Movement.
- Anti-SLAPP laws do not explicitly protect victims of sexual assault. Anti-SLAPP only protects issues of *public interest*, and sexual assault is often legally seen as a *private issue* and not a public interest in the eyes of the law. How broadly a court allows this interpretation leads to inconsistent justice and results.

Why SB 180 is necessary:

- Explicitly states protection is for those speaking out about sexual abuse (instead of hoping the courts will construe “public interest” broadly enough to encompass sexual abuse, this bill states it in plain language).
- Sexual assault survivors need a bill that explicitly protects their First Amendment right to speak out with clear and concise language.
- This bill still allows access to courts for those falsely accused who can show the statements were made with malice.
- This bill disincentivizes meritless, retaliatory defamation claims that unnecessarily burden the judicial system.

Last fall, Oregon attorney Amber Kinney reached out to me to bring my bill to your state. I was happy to tell her that I had already found the support of Rep. Mannix and that we were working

on doing just that, and said she should join forces with us. Ms. Kinney, an attorney in the frontlines of these battles, told me a compelling story of her client who was sued after discussing her assault on social media. This survivor was under the age of 18 and eventually prevailed in court. But the ensuing battle was emotionally crushing and financially devastating.

Ms. Kinney was not able to use Oregon's current Anti-SLAPP law to protect her client, a minor who was a sexual assault victim who told what happened to her on social media. That already is one example where the existing law failed to provide adequate protection.

Moreover, it is far too burdensome to put upon the shoulders of a sexual assault victim the duty to have to safeguard and protect their abuser's reputation while also trying to heal from the trauma experienced. And SB 180 places **no fiscal burden** on the State of Oregon. It provides urgently needed, life-changing protections for survivors—at no cost to the state.

Why I Made This Bill:

In December 2019, I went to dinner with a male friend whom I believe drugged my drink. One minute I am in the restaurant and the next minute I am waking up to bright light in the emergency room, coming out of a severe coma. I had been found by paramedics unresponsive in a parking lot, lying in a pool of my own vomit, with my top undone. I went to the police shortly after I was released from the hospital, expecting an arrest to be made. Unfortunately, the police lost both my blood evidence and the video evidence, meaning that an arrest is all but impossible. The only thing I had left that resembled justice was to be able to tell people what had happened to me. Or so I thought.

When I told a friend what had happened to me, she warned me not to name my abuser or include any identifying details—that I could be sued for defamation. This warning shocked me, especially since she was a defamation attorney. I had always believed the law protected you so long as your statements were true or clearly opinion. I felt safe speaking out because either he had drugged my drink, or it was my opinion that he had. The blood evidence was lost, meaning he could not be ruled out as having drugged me. But my friend explained that, in the wake of #MeToo, a wave of retaliatory lawsuits had emerged to silence victims.

These weaponized lawsuits are having a chilling effect on survivors coming forward. These lawsuits brought against survivors are usually meritless and quite impossible for the plaintiff to win (because two people go into a room, and two people exit a room...there is usually little physical evidence to prove what actually happened, especially if the incident occurred years ago). Previously, both sides could simply give their version of events. But now, a wave of frivolous lawsuits clogging an already burdened judiciary system are being put forth. These lawsuits are not filed with the possibility of prevailing, but instead for the purpose of silencing those speaking out about what happened. A common theme is an imbalance of power and money between those who file these lawsuits and the survivor defendant. (For example, Bill Cosby had filed defamation lawsuits against several of his victims.)

Survivors often choose silence to avoid years of costly litigation. But society benefits when predators are exposed. The man whom I believe drugged me later sexually harassed two students

and was ultimately banned from a shared space after their complaints. Predators rarely stop at one victim—silence lets them keep hunting. Using my expertise as an attorney and adjunct law professor, I drafted this bill to address the problem of weaponized defamation lawsuits (which curb survivors' First Amendment Right to Free Speech), while still protecting access to the courts for those falsely accused. You will find SB 180 balances both vital interests, because this bill was based upon what ultimately became California bill AB 933, the latter of which was vetted by the ACLU to protect all parties involved. Additionally, the bill allows for those survivors who prevail as defendants to recover reasonable attorney fees, which incentivizes attorneys to take on these cases of clients with little financial means.

Please act now to favorably support SB 180.

Respectfully yours,

Victoria Burke

(Attorney, Adjunct Law Professor, Survivor)