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**Testimony of Elizabeth Tang  
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**In Support of SB 180  
Before the House Committee on Judiciary  
May 5, 2025**

I write on behalf of the National Women's Law Center (NWLC) in support of Senate Bill 180. Since 1972, NWLC has fought for gender justice in the courts, in public policy, and in our society. Relevant to this bill, NWLC has participated as counsel or amicus curiae in a range of federal and state cases, including defamation cases filed by abusers against sexual assault survivors.

SB 180 is urgently needed because sexual assault is widely prevalent yet vastly underreported—often due to fear of retaliation. Increasingly, rapists and abusers are weaponizing retaliatory defamation lawsuits against their victims, and unfortunately, even the prospect of an expensive and traumatizing defamation lawsuit can extort survivors into silence. SB 180 is critical to closing this gap in Oregon.

**Sexual assault is widely prevalent, but fear of retaliation causes severe under-reporting.** In Oregon alone, more than 850,000 women and 485,000 men will become victims of sexual violence in their lifetime.<sup>1</sup> More than 20% of girls ages 14-18 are kissed or touched without their consent.<sup>2</sup> In college, one in four women, one in five transgender and nonbinary students, and one in fifteen men have been sexually assaulted since enrolling.<sup>3</sup> Anywhere from 25% to 85% of women have experienced sex harassment in the workplace.<sup>4</sup> However, most survivors never come forward—often due to fear of retaliation. Reporting rates for sexual assault are only 2% in high school,<sup>5</sup> 10-12% in college,<sup>6</sup> and about 6-13% in the workplace.<sup>7</sup> One of the biggest reasons survivors stay silent is fear of retaliation.<sup>8</sup>

**Rapists and abusers are weaponizing retaliatory defamation lawsuits against their victims.** As more survivors have been empowered to speak out, more abusers have been punishing them for daring to speak out. In 2020, an NWLC report found that being sued for defamation is the third most common form of workplace retaliation reported by survivors.<sup>9</sup> A 2021 study found that 23% of student survivors were threatened with a defamation suit by their assailant, and 19% were warned by their school of the possibility of a defamation suit.<sup>10</sup> In fact, because NWLC has heard from so many survivors being sued for defamation, we created a toolkit

<sup>1</sup> Ctrs. for Disease Control & Prevention, *National Intimate Partner and Sexual Violence Survey: 2016/2017 State Report* 25, 37 (Dec. 2023), <https://bit.ly/3CDYv7a>.

<sup>2</sup> Kayla Patrick & Neena Chaudhry, NWLC, *Let Her Learn: Stopping School Pushout for Girls Who Have Suffered Harassment and Sexual Violence* 1 (2017), <https://bit.ly/3wD6Vs4> (hereinafter *Stopping School Pushout*).

<sup>3</sup> David Cantor et al., *Report on the AAU Campus Climate Survey on Sexual Assault and Misconduct*, Westat, ix, A7-5, A7-7, A7-9 (revised Jan. 17, 2020), <https://bit.ly/3TBtQwE> (hereinafter *AAU Survey*).

<sup>4</sup> Amanda Rossie et al., NWLC, *Out of the Shadows: An Analysis of Sexual Harassment Charges Filed by Working Women* 5, 12 (Aug. 2018), <https://bit.ly/4g9mgT2>.

<sup>5</sup> *Stopping School Pushout*, supra note 2, at 2.

<sup>6</sup> *AAU Survey*, supra note 3, at A7-27, A7-30.

<sup>7</sup> *Select Task Force on the Study of Harassment in the Workplace*, EEOC, II.C (June 2016), <https://bit.ly/4cgDc8l>.

<sup>8</sup> *Female Victims of Sexual Violence, 1994–2010*, Dep't of Justice - Bureau of Justice Stats., 7 (revised May 31, 2016), <https://bit.ly/3lRTyXV>.

<sup>9</sup> Jasmine Tucker & Jennifer Mondino, NWLC, *Coming Forward: Key Trends and Data from the TIME'S UP Legal Defense Fund* 13 (2020), <https://bit.ly/4abJog7>.

<sup>10</sup> See, e.g., Sarah Nesbitt & Sage Carson, Know Your IX, *The Cost of Reporting: Perpetrator Retaliation, Institutional Betrayal, and Student Survivor Pushout* 21 (2021), <https://bit.ly/4ga86AS>.

advising survivors on how to defend against defamation lawsuits and other retaliation.<sup>11</sup> We have also submitted numerous amicus briefs in states like Connecticut, the District of Columbia, Illinois, Massachusetts, and New York in support of survivors who were sued for defamation after reporting sexual assault.<sup>12</sup>

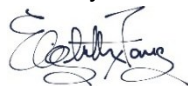
**Even the prospect of a defamation lawsuit can extort survivors into silence.** While rapists and abusers do not typically expect to win, their baseless lawsuits operate to ensure their victims remain silent or coerce their victims into withdrawing their reports of sexual assault. After all, even if an abuser's lawsuit will eventually fail, a typical meritless defamation lawsuit still costs **\$21,000 to \$55,000** to defeat and can easily soar into six or seven figures.<sup>13</sup> Moreover, these lawsuits force survivors to disclose intensely private details and to repeatedly relive their trauma through invasive discovery and other litigation demands. These tremendously expensive and traumatizing lawsuits often coerce victims into silence.

**Oregon should pass SB 180!** SB 180 is critical because it would ensure that abusers can no longer weaponize the Oregon courts against their victims. Oregon residents who make **good-faith reports** of sexual assault, harassment, or other discrimination—*i.e.*, with **“reasonable belief”** and **“without malice”**—would be protected from retaliatory defamation lawsuits. In addition, they would receive attorney fees, which ensures they can freely speak out in the first place without fear of retaliation.

**SB 180 is not new.** Across the country, states like **Connecticut, Illinois, Maryland, Massachusetts**, and many others are considering bills like SB 180.<sup>14</sup> Moreover, **California, Maine, New York, Rhode Island, Tennessee, Vermont, Virginia, Washington State** have all successfully passed similar laws in recent years to explicitly protect survivors from being targeted by defamation and other abusive lawsuits.<sup>15</sup> It's high time for Oregon to join them.

For all of these reasons, I ask the Committee to issue a favorable report on Senate Bill 180. I am happy to answer any questions at [etang@nwlc.org](mailto:etang@nwlc.org) or (202) 956-3061.

Thank you,



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<sup>11</sup> Elizabeth Tang *et al.*, NWLC, *Survivors Speaking Out: A Toolkit About Defamation Lawsuits and Other Retaliation By and For People Speaking Out About Sex-Based Harassment* (Aug. 9, 2023), <https://bit.ly/49AypO9>.

<sup>12</sup> NWLC, *Ventura v. Todaro* (Mar. 31, 2025), <https://bit.ly/4lctGaY>; NWLC, *Banks v. Hoffman* (Apr. 18, 2024), <https://bit.ly/3R0KGTz>; NWLC, *Sabatini v. Knouse* (Mar. 22, 2024) <https://bit.ly/3FbwVz5>; Legal Momentum, *Khan v. Yale Univ.* (Aug. 5, 2022), <https://bit.ly/3Fg3l65>; NWLC, *Gottwald v. Sebert* (Apr. 22, 2022), <https://bit.ly/3Dslnpi>; NWLC, *Constellation v. Dent* (May 26, 2021), <https://bit.ly/4icDOOZ>; NWLC, *Sagaille v. Carrega* (Aug. 11, 2020), <https://bit.ly/3Ffun2Q>.

<sup>13</sup> See, e.g., David Keating, *Estimating the Cost of Fighting a SLAPP in a State with No Anti-SLAPP Law*, Inst. For Free Speech (June 16, 2022), <https://bit.ly/3lDCPqU>.

<sup>14</sup> See, e.g., H.B. 7134, 2025 Gen. Assemb., Reg. Sess. (Conn. 2025) (amending anti-SLAPP law to protect statements made without malice about sexual assault, sexual harassment, or discrimination from civil liability); H.B. 3311, 104th Gen. Assemb. (Ill. 2025) (amending anti-SLAPP law to protect statements about gender-based violence made without malice from defamation liability); SB 549 & HB 629, 447th Gen. Assemb. (Md. 2025) (protecting allegations of “sexually assaultive behavior” made without malice, intent, or reckless disregard from civil liability); H.1974, 194th Gen. Ct. (Mass. 2025) (creating privilege for statements made without malice about “sexual assault, harassment, or discrimination”).

<sup>15</sup> See, e.g., at Va. Code § 8.01–223.2(A)(iii) (2025) (extending anti-SLAPP law to include statements made in a Title IX hearing at an institution of higher education); Me. Rev. Stat. Ann. tit. 14, § 733(2)(D) (2024) (extending anti-SLAPP law to include statements made in a discrimination complaint filed under the human rights act, campus sexual misconduct code, or Title IX); N.Y. Civ. Rights Law §§ 70-a, 76-a (2020) (extending anti-SLAPP law to protect survivors); Cal. Civ. Code § 47.1 (2023) (creating a privilege for statements about “sexual assault, harassment, or discrimination”). See also R.I. Gen. Laws Ann. § 8-8.4-1 et seq. (2023) (allowing survivors to request a court order restricting abusive litigation); Vt. Stat. Ann. § 1181 et seq. (2023) (same); Wash. Rev. Code Ann. § 26.51.010 et seq. (2020) (same); Tenn. Code Ann. § 29-41-101 et seq. (2018) (same).