

Senate

California Legislature

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SENATOR
THIRTY-EIGHTH SENATE DISTRICT



January 4, 2018

The Honorable Kevin de León
President Pro Tempore
State Capitol, Room 205
Sacramento, CA 95814

Dear Senator de León,

The California State Senate has a history of bipartisan support for victims on a range of issues that have come before us. Sadly, this institution is now facing and at risk of being swamped by a crisis related to the charge by credible victims of a culture of "sexual harassment, whistleblower retaliation and dehumanizing behavior by men with power."

As this scandal has unfolded, as President Pro Tem of the California State Senate you have consistently expressed a commitment to changing the culture that allows sexual harassment and abuse to continue in the Capitol. However, despite our stated official "zero tolerance" policy against sexual harassment, news reports suggest that some victims and observers simply do not believe that the process has been either fair or free of influence from the alleged perpetrators and the institution generally.

We all should be able to agree that victims should have the unfettered right to have their claims fully investigated. Only when this right is guaranteed can all the parties involved confidently accept the outcome of any given investigation. To fully address that fundamental issue, we need a formal process that includes victims and their advocates to give them a voice in how investigations are handled.

When serious accusations came to light about Senator Tony Mendoza, you asked him to take a leave of absence which he refused. On Wednesday, after a several-hours long Democrat caucus meeting, Senator Mendoza emerged to announce on the Senate floor that, in order to avoid any perception of his undue influence on the investigation of his behavior, he would step away

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from any role or responsibility of his office for a period of time to allow the Senate's investigation to conclude.

With Senator Mendoza's announcement, it seemed clear that a consensus response was beginning to emerge that an accused individual should accept a temporary yet complete leave from office pending the outcome of the investigation to guarantee a victim's unfettered right to a thorough and fair review of their claim.

Yet the Sacramento Bee and the Mercury News have reported in recent weeks that two alleged victims of another Senator "declined to give their names, fearing repercussions" and were afraid – because the Senator was too powerful.

Erasing that potential perception is fundamental to a solution that protects victims and ensures fairness for the accused, and that is what I am writing to ask about today.

Clearly all victims need to feel safe in sharing their stories. However, past victims and advocates have repeatedly voiced concern that to allow an accused member to continue their service on committees, voting on bills, and generally engaging in the process of lawmaking while being investigated could taint the outcome of any investigation of the claim or even prevent a victim from coming forward in the first place.

As a Senate we must have a clear standard and process in which victims can have faith that a claim will be fully and fairly reviewed free of any perceived or actual interference. Doing this will also ensure that the innocence of an accused member that is ultimately exonerated by a fair investigation can truly be believed by the public.

Accordingly, I have the following questions seeking clarity with respect to how you will establish a clear and fair standard going forward:


1. Is Senator Mendoza's example the new standard for all those facing credible allegations? If not, how are you planning to respond to the concerns of victims and their advocates that the result of an investigation is put in doubt absent a complete separation from duty for an accused member during an investigation?
2. For those of us that are not members of the Senate Rules Committee, without a clear standard that will be applied in all cases, how do we explain to our constituents that all claims will be handled neither in secret nor based on senatorial relationships?

With answers and assurances to these questions, we all can have the level of transparency and confidence in our new process necessary to justify our collective action in these matters to those who have entrusted us with that responsibility. Likewise, we can then be assured that we

have done everything in our power to protect anyone in our profession who has been a victim of sexual harassment or abuse at the hands of men in positions of power.

Time is of the essence and I respectfully request your response by Monday.

Sincerely,



Joel Anderson
Senator – 38th District