

My name is Anne Marie Hauben and I grew up in Melrose, just 12 short miles north of Beacon Hill. I am submitting this testimony because I want to help ensure that every survivor has their voice and right to speak about the harms perpetrated against them protected when they are ready to share their traumatic experience. There are so many reasons why a person may not be able to speak out or report their sexual assault immediately and every reason is personal and valid. Not being able to report right after something of this nature happens does not make a later allegation of sexual assault false. Some people are able to speak up immediately and others are not able to vocalize what happened to them for years or even decades. This is so common. There is so much shame and self blame involved when you are the victim of a sexual crime, not to mention the terrible way victims/survivors are treated by people when they do speak out and/or report. This all contributes to people suffering in silence.

My story is a long one, but I will try to make it as brief as possible for this written testimony. I was sexually assaulted in 1990 when I was 18 years old on a high school senior spring break trip to Bermuda. I did not have the kind of parents a kid could go to with something like this so I did not tell them or report it to the police. As a kid in high school who was still very dependent on my parents for most of my needs, I did not know what to do so I didn't do anything. I just tried to bury this. I tried to put it away in the back of my brain so that it couldn't hurt me anymore than it already had. As most people know, this self protective measure is only temporary as trauma does not stay locked up forever. Being subjected to sexual violence causes post traumatic stress in many people and it affects one's entire life even when you are not aware that it is affecting you. It can be triggered at any time causing depression, major anxiety, flashbacks, insomnia, hypervigilance, self harm, substance abuse, suicidal ideations, and other post traumatic stress symptoms and behaviors.

In 2023, the man who sexually assaulted me on that trip, Ward Hamilton, decided to run for city council in Melrose where he also grew up and still lives. As I am sure people reading this can imagine, this was extremely triggering for me. I had private messaged Ward through Facebook about what he did 7 and 5 years prior to this run for public office. I wanted to tell him about the pain and suffering he caused me and see if he had any remorse, sense of personal responsibility, or a changed perspective since becoming the father of five (three of whom are daughters). The first message I sent, I could see that he read it, but he ignored the message and did not respond. Two years later when I got up the courage to message him again, he then blocked me. Him running for city council like what he did doesn't matter, like I don't matter, and after trying to hide from this felt like a secondary attack.

In April of that year, 2023, my high school friend (one of my roommates from the trip) had texted the press release to me that Ward was running for city council. When I opened her message and saw this, I was disgusted, my heart immediately started racing, and I felt physically sick. I sat with this information for a couple of months not knowing what to do, but I was becoming

increasingly more and more anxious. The post traumatic stress that I carry from this traumatic event that happened to me as a teenager and him running for public office triggered overwhelming anxiety like I have never experienced before. The closer it got to the election, the more anxious I got. I did not know what to do, but I knew that I couldn't sit silent and do nothing. I had told so few people over the previous 33 years that it was still so difficult to even get the words to come out of my mouth. I have known my husband since 1998 and in June of 2023 I finally told him what had happened to me. I had to because I was struggling so much with this internally. By September my anxiety was so bad that I couldn't sleep, I couldn't eat, and I could not parent at 100%. I lost almost 20 lbs in two months.

In July of 2023 I got some distressingly bad advice from an organization that offers free legal advice to survivors of sexual violence. The attorney at this organization basically told me that I needed to keep my mouth shut or this person could sue me for defamation. She said that even telling my friends and family could potentially get me sued for defamation if he found out. She also said that if I got sued, even if I won, I would get buried in legal fees because the plaintiffs are not ordered by the court to cover the costs incurred by defendants in defamation lawsuits. I got off of this phone call very upset. Why should I have to walk on eggshells worrying about not upsetting *him*? I didn't do this. He did this. He is the one who ran for public office like what he did doesn't matter.

In the beginning of September, 2023, when I still didn't know if I would be able to speak out because I was still worried about a possible defamation lawsuit if I did and when my anxiety was at its height, I had reached out to a close friend of Ward's because I had this idea that I would have some sort of meeting with him and tell him of the pain & suffering he caused, see if he had any remorse or empathy, and tell him that it wasn't appropriate for him to be running for city council having done this. Going to this friend of his wasn't ideal, but the worry about a defamation lawsuit was weighing on me but I also couldn't stay silent. It felt like a huge boulder was sitting on my shoulders and I had to unburden myself. I had to be vulnerable with this friend of Ward's which was very scary for me and caused me so much unnecessary anxiety because I did not know whether or not he was a safe person to go to with the most painful thing that ever happened to me. Turns out he was not. I was naive in thinking that people are inherently good. In the communication exchanges with this friend of Ward's, in trying to explain how what happened to me negatively affected my whole adult life and was currently causing me so much more additional pain and suffering, I told the friend that I have PTSD because of what Ward did to me. I eventually abandoned this idea of meeting with Ward as my husband and friends were worried that I would come out of a meeting like this either feeling the same or being even more traumatized.

I ended up hiring an attorney up in Boston. Not for litigation purposes, because this happened so long ago, but for advice because I had to worry about defamation which seemed so unfair to me.

I wanted to try to protect myself the best way that I could and I wanted to already be prepared with someone in my corner just in case, so I retained the attorney. I had several meetings with my attorney and towards the end of October she gave me the green light to put out a statement if that is what I wanted to do. Ward did put himself in a bit of a different category with regard to defamation when he made himself a public person, but anyone can sue anyone for anything so being sued was still a real concern. Despite the anxiety, I knew in my heart that speaking out was the right thing. I knew that I couldn't someday tell my kids about all of this and have them ask me what I ended up doing and only be able to tell them that I went to therapy. I had to be able to tell them that I stood up for myself, that I stood up for all survivors, and that I provided this important information to the voters in Melrose. I knew that he was misrepresenting himself to the voters and this also was weighing heavily on my shoulders. In a public forum a few weeks before the election he said that "integrity, character, and facing difficult truths" were the most important things to him. I knew that Ward was not someone of integrity, good character and certainly not someone who faces difficult truths. I put out my statement at the end of October of 2023. For lack of a better vehicle to get this information to voters and at the advice of my attorney, I posted my statement in a Facebook group I belong to that consists mostly of people who currently live in Melrose.

Having to worry about being sued caused me so much unnecessary anxiety on top of the overwhelming anxiety I was already suffering from having my PTSD triggered by all of this and trying to figure out what to do. With two teenagers we are sending to college in the very near future, litigation was really not something we could afford and the \$6,000+ I ultimately ended up spending on my attorney because of all of this (at \$500 an hour!) was also not money that we had to spare, but I had no choice. Having to spend thousands of dollars when I had already suffered so much, was money that I would not have had to spend if my speech as a survivor was protected. This was yet another unnecessary hardship that I had to endure through no fault of my own. Even though I felt like I would absolutely win if I ever got sued, paying a lawyer to defend me over the course of 3-4 years of litigation and a civil trial could get up into the \$300,000+ range and would be a financial hardship for us and for most people. There are so many people that would not even have the few thousands of dollars to get the legal assistance I was able to obtain and would be too afraid to speak out. Silence perpetuates violence. Those who are able to speak out and want to should be able to talk freely about their experiences and without fear.

After I posted my statement Ward and his Melrose enablers further exacerbated the harm caused to me as people like them, unfortunately, often do. Ward Hamilton wrote in a written communication to someone who asked him about my statement that I have a "long, sad, history of mental health issues and institutionalizations." That is a complete fabrication. Yes, the post traumatic stress from this affects me (of course it does) and him running for public office put me, figuratively, right back in 1990 as it brought all of this to the surface, but this was an unfair and

malicious attack aimed at trying to discredit me -- insinuating that I am unstable and should not be believed. If I didn't have to worry about being sued for defamation, I never would have gone to the untrustworthy friend of his. Divulging these personal details of my suffering and PTSD, set me up for these unconscionable attacks by these people. These terrible people used the post traumatic stress that I had been living with for 33 years from this sexual assault to try to discredit me, invalidate my experience, assert that I am mentally ill, crazy, and hence should not be believed.

Ward's friends in Melrose have also been publicly using the word defamation with regard to me speaking out about what happened to me. People love to throw around this word to intimidate victims/survivors even when they have no knowledge or understanding of what exactly defamation entails and no evidence in which to call something defamation. Threats of defamation are just a tool that perpetrators and their enablers use to try to scare and silence survivors and protect perpetrators. Ward and his townie friends in Melrose have tried to scare and silence me multiple times, and also tried to scare and silence others who believe me, with threats of defamation. Examples are as follows:

1. Another Melrose city council member and long time townie friend of the perpetrator, Cal Finocchiaro, a couple of months ago wrote in a Melrose Facebook group with 10,000+ members about this extremely traumatic experience that happened to me as a teenager: "It's defamation if nothing has been done about it via law enforcement or legally." This is false. Reporting to the police or filing a lawsuit is not the sole determinant of truth. This was irresponsible and unprofessional for a community leader to write in a Facebook group and such a large Facebook group, no less. Other survivors, people currently being abused, and future victims may have (probably did) read that and thought that she knew what she was talking about because of her role as a city councilor and may now fear coming forward. Her misinformation about defamation was so damaging in the fight to end sexual violence and hold perpetrators accountable. I asked Cal to apologize publicly for writing this inaccurate information about defamation, but she has refused to do so.

2. Another of Ward's friends in Melrose who we also went to high school with, who happens to be a real estate/wills & trusts/personal injury attorney in Melrose, wrote a threatening letter to two people in Melrose who did nothing wrong. I do not even know these people personally, but I do know that they are good people who believe survivors. They were supportive of me, asked Ward questions about my statement, and shared my truth with other voters. In this letter, this attorney called what happened to me "false and seriously defamatory." He claimed that me talking about my own lived experience is a "serious violation of Ward Hamilton's rights" with zero consideration whatsoever that my right to bodily autonomy was significantly violated when Ward sexually assaulted me. This attorney threatened the 1st Amendment rights of these two individuals for relaying information that

they would have no reason to believe was false and which is not false. This frivolous letter was sent with the intention of intimidating and silencing these people as well. My mental health, of which these men know nothing about, was also attacked in this abhorrent letter. In the letter the attorney said that I have "self reported mental illness." This is because I told their other friend that I have PTSD which I never should have had to do. He also insinuated in this letter that I am some feeble minded woman who is susceptible to being "exploited." To attack and try to invalidate someone's lived experience because of a completely normal response to trauma is vile behavior.

3. Other friends of Ward's and community members have also publicly written in this same Melrose Facebook group that I am defaming Ward, who is a public person and now running for reelection, by being vocal about his behavior. It is reasonable to assume that he knows that his friends are using threats of defamation to try to silence and intimidate me. One woman, who publicly endorsed him for city council 2023, in her attempt to silence and intimidate me wrote: "Nobody is taught to retaliate and set out to ruin, defame and destroy people." If Ward's life is in any way in ruins or destroyed, he has his own life choices to thank for that. The consequences of his actions are no fault of mine.

4. There have been people who are even afraid to have a conversation with me about my experience and situation because they are worried about litigation. No one should be afraid to listen to or support a survivor of sexual assault, harassment, or discrimination because they are worried about getting dragged into a litigation proceeding.

No one should be punished, ostracized, attacked, blamed, or shamed for sharing their truth. Survivors are not ruining the lives of perpetrators by reporting and/or speaking out about the harm done to them. The ones who ruin lives, both the lives of their victims and their own, are the perpetrators and only the perpetrators.

I took a big risk by going public with one of the most painful things to have ever happened to me, but I knew and still know that it was the right thing to do. Silence allows sexual violence to thrive and perpetrators depend on the silence of their victims. Survivors do not owe perpetrators their silence or owe them anything at all. Survivors who bravely come forward must have their right to speak about their traumatic experiences protected. Defamation laws *must* be reformed to stop those who harm in this way and their enablers from using defamation lawsuits or even threats of defamation lawsuits as a weapon of retaliation and to silence survivors.

My daughter is headed to Boston University this fall. She has worked so hard for this and I am beyond excited for her, but sending her off to college also makes me feel very nervous because of my experience. I know the reality of all of this and that 1 in 4 women, 1 in 5 nonbinary people, and 1 in 16 men will be sexually assaulted at some point during the four years of college. I know

first hand what this does to people and how poorly victims are treated. We need to build a better society to send our kids out into – a society in which survivors are protected not perpetrators. Perpetrators need to know that their selfish acts will follow them through life even if their victim(s) is not able to report or speak out immediately after the attack like I wasn't able to. If perpetrators and would-be perpetrators know that their crimes will not live behind a veil of silence, secrecy, and fear, maybe they will think twice before hurting others and the cycle of sexual violence can be stopped or at least significantly reduced.

Thank you for your attention to this extremely important matter and I hope that House Bill 4018 is passed.

*(*I did use the names of the two people who are local government elected officials in Melrose as they are public people. I do not know what their political ambitions are and I feel that the people in the Massachusetts state government should be aware of these two individuals. Their unprofessional and immoral behavior towards me, citizens of Melrose, and this entire situation should be documented.)*