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October 4, 2019

(SENT VIA EMAIL)

To Whom It May Concern:

It has come to my attention that you received a threatening letter from counsel to the John Bel Edwards Campaign requesting that you discontinue airing an advertisement (the "Advertisement") produced by RGA Right Direction PAC. The letter you received is just one more step in a calculated attempt to shield these unsettling events from the public, especially if the events might affect John Bel Edwards' prospects for re-election. Every single statement made in the RGA Right Direction PAC advertisement is plainly and indisputably accurate and documented. I trust you will not accede to the Campaign's continued attempts to silence speech they simply would rather the public not hear.

Specifically, Governor Edwards' lawyers take issue with the Advertisement's truthful assertion that, with respect to sexual harassment allegations against former Edwards aide Johnny Anderson, Governor Edwards' administration "spen[t] \$100,000 in taxpayer dollars to keep it quiet." The Campaign baselessly contends that, because Ms. Washington's settlement agreement did not include a non-disclosure provision, that she is "free" to talk about her story and is in no way being "kept quiet." This is simply not the case.

The Campaign predictably glosses over the presence of the agreement's non-disparagement clause, and the critical, obvious impact that clause has in a sexual harassment settlement. To "disparage" means "[t]o bring discredit or reproach upon; to dishonor, discredit; to lower in credit or esteem."¹ In the legal context, a non-disparagement agreement is intended to prevent each party from making any statements that could possibly reflect poorly on the other. Courts across the country have upheld non-disparagement clauses as valid and legal restrictions on speech; meaning these provisions effectively operate to "keep parties quiet" relative to the disclosure of negative or unfavorable information. In the context of sexual harassment, however, virtually *any* statement about the offending party will have a negative impact or otherwise be construed to "discredit" or "lower [the offending party] in esteem." **In fact, Mr. Anderson's own attorney publicly stated that Ms. Washington should not be sharing the details of her interactions with Mr. Anderson "because their settlement agreement prevents [her] from**

¹ See *FreeLife Int'l, Inc. v. Am. Educ. Music Publications Inc.*, 2009 WL 3241795 (D.Ariz. 2009)(citing *Oxford English Dictionary* (2d ed. 1989)).

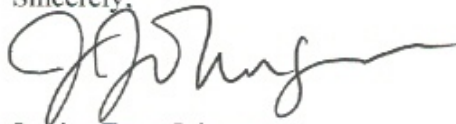
criticizing [him] publicly.”² Therefore, the agreement’s non-disparagement clause operates to render Ms. Washington incapable of disclosing the very real and disturbing details of her account. Indeed, Ms. Washington is unequivocally and without a doubt being “kept quiet.”

What may be even more unsettling than the baseless argument advanced by the Campaign, however, is that it amounts to yet another attempt to silence Ms. Washington and, moreover, others attempting to speak on her behalf. The Campaign’s claim that Ms. Washington “has been, and remains, free to talk about her story” is, frankly, ludicrous and insulting, as is evidenced by the very letter you have received today. Ms. Washington has been told in writing that she is prohibited from speaking to the extent it negatively depicts her alleged aggressor, and, although she has spoken publicly to a degree, it certainly hasn’t been without efforts – such as this one – to stop her.

Each claim in the Advertisement by RGA Right Direction PAC is accurate, truthful, and wholly substantiated. Not only is the statement the Campaign rebuts an accurate representation of the facts, but the very argument the Campaign offers to convince you otherwise only serves to perpetuate its propensity for silencing speech it would rather the public not hear. Victims like Ms. Washington, however, deserve to be heard. The settlement agreement might attempt to silence her, but it won’t silence the advertiser here. The rightful final arbiter on the merits of the RGA Right Direction PAC Advertisement is the viewing public of Louisiana. Accordingly, we strongly urge you not to accede to the Campaign’s threats and demands, and continue to run the Advertisement as scheduled.

Please do not hesitate to contact me should you have any additional questions. I can be reached at 202-290-0381, or by email at jjohnson@rga.org.

Sincerely,



Jessica Furst Johnson
General Counsel
Republican Governors Association

² “*Woman who accused Gov. Edwards’ aide Johnny Anderson of sexual harassment speaks out*,” Julia O’Donoghue, NOLA.com, August 24, 2018, available at https://www.nola.com/archive/article_7fef22c-d78d-5c27-af7f-121351d2fe48.html (accessed October 4, 2019).