

February 11, 2019

The Honorable Lindsey Graham  
Chairman  
Committee on the Judiciary  
United States Senate  
290 Russell Senate Office Building  
Washington, D.C. 20510

The Honorable Dianne Feinstein  
Ranking Member  
Committee on the Judiciary  
United States Senate  
331 Hart Senate Office Building  
Washington, D.C. 20510

Dear Chairman Graham and Ranking Member Feinstein:

At my hearing on February 5, 2019, I received a number of questions from members regarding my college articles on the subject of rape and sexual assault. Upon reviewing a transcript of the hearing, and after conversations with members of the Committee, I concluded my testimony may not have adequately conveyed my current views on the subject. I am submitting this letter to further elaborate on my views.

Sexual assault in all forms, including date rape, is abhorrent. Responsibility for the rape is with the rapist. I believed that as a college student and continue to believe that today. No woman or man should be subject to sexual violence, regardless of the clothes they wear or how much alcohol they consumed. Non-consensual sexual activity is never appropriate or excusable. Victims should not be blamed for the terrible things that have happened to them. As a society we should create an environment where survivors feel empowered and comfortable coming forward. I am sorry for anything in my college writings to the contrary.

As part of preparing the Committee's questionnaire, I located my college writings from the early 1990s, which I had not read in many years, perhaps even since college. In reading through the articles, I particularly regret the insensitivity demonstrated in my remarks on rape and sexual assault. While responding to events and debates on campus, I failed to recognize the hurt that my words could cause a survivor of such crimes. I recognize now the arguments I made might discourage a victim from coming forward or from seeking help. With little knowledge or experience, I lacked the perspective of how this might be perceived by others, particularly victims of sexual assault.

As a college student, I was sheltered. Many years later, I have experienced more of the ups and downs of life. Becoming a mother, my perspective has shifted to focus on the safety of my daughter (15) and son (11). With greater maturity, I have more awareness of the silent victims of assault and rape. My late mother spent much time in her last few years working on the board of First Step, a women's center in Michigan focused on eliminating domestic and sexual violence. Her experience with that organization and the survivors who came to the center opened my eyes to suffering. My father continued this work on the board of Mai Family Services, an organization focused on domestic abuse in the South Asian community. In our broader society, the #MeToo movement has brought forth previously untold stories and shed light on the problems of sexual harassment and assault in many industries and across different walks of life.

I have not written or spoken about issues of rape or sexual assault since college. If I were to address these issues now, I would have more empathy and perspective. Since I started law school, my research and writing has focused on the law, particularly constitutional law, separation of powers, and administrative law. My non-academic writing usually examines legal issues related to my scholarship or government service, not topics outside my expertise.

As I stated at my hearing, I believe in the fundamental equality of men and women. Equal rights and opportunities for women have always been important to me. I have sought to promote these principles through mentoring students and colleagues in a variety of ways. If confirmed, I would faithfully follow the oath of office to treat parties before me equally and would continue teaching and promoting greater equality and opportunity in a manner consistent with ethical obligations.

As a judicial nominee, issues regarding the legal standards for sexual crimes are not appropriate for me to discuss or address. Yet I wanted to recognize some of the difficult problems and unique harms of sexual assault and the evolution in my thinking that has occurred over the past two decades.

Thank you for the opportunity to share these thoughts with the Committee and for your consideration of my nomination.

Sincerely,

A handwritten signature in black ink that reads "Neomi Rao". The signature is written in a cursive, flowing style.

Neomi Rao