Introduction

1. I am making this submission to the Committee because I want to support your important work addressing the abuse of NDAs in sexual assault and harassment cases and to better support women and men in the UK to speak out about the abuse they suffer. I hope that my personal experience will provide the Committee an insight into the practices employed by the powerful to silence people from speaking out about criminal and immoral acts covered up by unfair negotiation processes with powerful lawyers, NDAs and financial payments. These tools place further pressure on us beyond the cultural and societal pressure that we, as women, already feel about the risk to our careers, to our reputation and to how society perceives us when we speak out about sexual abuse and harassment. We have to remove the systemic barriers that prevent women from speaking about the abuse, harassment and discrimination experienced every day in workplaces across the UK and elsewhere, including through the abuse of NDAs.

2. My experience is relevant to the UK because the person who assaulted me and tried to get me to sign an NDA and the company he worked for operates in the UK, their practices extended to the UK (as evidenced by Zelda Perkins’ evidence to this Committee and the many other women who have spoken out about what happened to them here), and because he then hired a UK-based counter-intelligence firm, Black Cube, to conduct an investigation and campaign of harassment against me to silence me. If this can happen to someone who has a public platform, imagine what happens to those who do not. If this can happen in Western liberal democracies like the US and UK at the behest of lawyers and companies operating here, imagine what happens to women in less privileged positions in the UK and around the world. The UK has a huge opportunity to be a global leader and set best practices about how women can be better supported to speak out about abuse, harassment, harmful employment practices and environments.

3. My background: I became known for my work as an actress, with lead roles in films such as The Doom Generation, Scream, Jawbreaker and Planet Terror. Global recognition came from my role on the hit TV series, Charmed, which was one of the longest running female-led shows in TV history, which was syndicated around the world.

4. Behind this perceived success was two decades of trauma that I had to manage after I was sexually assaulted by major Hollywood producer, Harvey Weinstein, who I was contracted to work for on two films he and his company produced. There were many years of silence, complicity and collusion in the film industry in the US and here in the UK, facilitated by power players in the Democratic party and in the mainstream media, to cover up his repeated transgressions and crimes against women over whom he wielded power, both as an employer and as a producer. Harvey Weinstein has been
thanked as many times as God at the Oscars. I had a long-term plan to hold Weinstein accountable for his actions against me and all too many others. Though I and numerous other women are still waiting for criminal justice, I am proud to have played an integral part in stopping him and his ability to do this to more women. In taking on Weinstein, a powerful industry figure mythologized by those in Hollywood and abroad, I wanted to show people everywhere, especially women, that you can depose those who abuse their power ultimately ushering in the #MeToo movement. Through my social justice platform #RoseArmy, I am encouraging people everywhere to know their value as human beings and to speak out. I am sharing my story with the Committee so you may better understand the abuse of NDAs and the abuse they facilitate when used to silence.

The assault

5. I was a young woman when it happened, an actress who had become respected and well-known very soon after being discovered. My career was on a high trajectory. I was completely innocent of the ways of power and how others abused it. I was at Sundance in 1997 for the premiere of the film, Going All The Way, and was taking a break from starring in Phantoms. Miramax was the all-powerful company that produced Scream and was also producing Phantoms. After the premiere my manager at the time, told me the head of Miramax, my boss, Harvey Weinstein — had asked for a business meeting to discuss my future with his company – or so I was told. I was also told he had an incredible amount of power in the industry and it was my opportunity to plot my future course with the company I was employed by. I was new to the industry and didn’t know anything about him other than that he was deified and certainly not about the disgusting open secret in Hollywood: he was a known predator. Yet all of the Hollywood talent agencies sent young women to him on a daily basis. I had no warning of what I was walking into, but I learned later that it seemed just about everyone else in Hollywood knew what would happen to you when you were summoned for a meeting with him. None of this I knew. I wish I had known.

6. When I got to the hotel restaurant at ten a.m., I was told he was “stuck on a call” working from the office in his presidential suite and that I should go up to meet him there. In a story which will now sound familiar after so many women have spoken of similar experiences of him, I went up to the presidential suite as directed and was greeted by his assistants who immediately left once I was in the room. It was a huge suite with a large living room where we sat and spoke about my career prospects with his company, since I was already in the middle of filming my second movie for Miramax, and the future projects I was interested in doing. On the way out, he stopped to point out the Jacuzzi room, which I thought was strange and caught me off-guard. Before I realised what was happening he pushed me inside the room, assaulted me – and changed my life forever.

7. I soon found out that when assaulted, the you that you were dies, and you’re left to pick up the pieces in a world determined to push you under the rug and keep your pain unacknowledged and hidden.
The aftermath: silence, complicity and collusion

8. I walked out and had to face an MTV film crew who were waiting for me outside to film my exit and was taken direct to a photo call with Ben Affleck, my co-star in Phantoms – the film owned by Weinstein. I was shaking and had tears in my eyes. When I told Mr Affleck where I had come from, he said “Goddamn it. I told him to stop doing that.” I remember this clearly because afterwards others said the same to me, almost verbatim.

9. Sadly, this was the first – and not the last time – I heard this from people in the industry. Everyone seemed to know, but no one warned me and no one did anything to stop him, and in fact, they did the opposite: they helped cover it up so he could continue. The use of NDAs enabled Weinstein to continue his abuse: NDAs contributed to the culture of silence in the US and the UK and prevented many women from speaking out about what they experienced with him. I wish someone had warned me.

10. I was traumatised. I bought a plane ticket and went home from Sundance that same day even though I had other films premiering. Weinstein heard I had left town and started calling me, leaving me messages. He said I was his “special friend” and named other big name actresses who had worked with him, who won Oscars, and that they too were his “special friends”. I vomited when I heard his voice, I felt so violated, and refused to return his calls. I couldn’t stop crying and kept having flashbacks and nightmares. What people don’t realise about assault is that it’s a form of murder: the me who I was got killed that day and now I was left to figure out who I was going to be and how I was going to deal with it. It is wildly unfair to hijack someone’s life and essence.

11. I didn’t want him to get away with it. I raised it with my representatives. My manager, a woman, told me that I should see it as something that would help my career in the long run. When I told my management agency representative what had happened, he said “Goddamn it, I just had an expose about him killed in the LA Times; he owes it to me not to do this”. I wanted to press charges, but my management company (the same company who had spiked a story to protect Weinstein), connected me to a brusque attorney who said, “You are an actress. You’ve done a sex scene. You’ll never win. You’re done.” Then, I lost hope – no one was going to listen to me or do anything about what had happened.

12. Women in many different industries have been given similar advice to this: speaking out about the sexual abuse and harassment we suffer at work will ruin our careers. This was probably true, at least until very recently. We work so hard to be where we are – why risk it by revealing something so personal and traumatic? No woman wants to be remembered publicly for revealing her rapist or harasser. We want to be known for our work, for what we do and not for what was done to us. We want to continue to work. But I knew back then if I spoke out, I would never work again. This is a culture we must break down. I believe it is changing and will change but only if we create an environment for more women to speak out too.

13. Like many women who suffer assault and harassment at work, I was a young powerless woman and I felt trapped. I was in my early 20s and in the middle of filming Phantoms,
under contract to finish a film for Weinstein, the man who had assaulted me. I was told that speaking out would end my career and that I couldn’t win in a criminal case against him. My options felt so limited. So, I did the best thing I could do to put him on notice that what he did was wrong: I had my lawyer request $100,000 because I wanted to buy a billboard saying “Harvey Weinstein is a rapist”. When the billboard company declined, I donated a portion to the local rape crisis centre and paid for my therapy. I never signed an NDA – the agreement did not include an NDA – and their campaign to get me to sign one came two decades later. I made clear then that if I heard of him doing this to another women, I would expose him.

14. I carried on as best I could, but the flashbacks and nightmares continued. And then I heard the rumours: word was circulating around Hollywood about what had happened. Some people just presumed that I had slept with him to further my career, which is absurd because I was already in the middle of my second film for his company. People even smirked and said to my face things like “hey, get any Weinstein scripts lately?”. People treated me like I had a rash they could catch. This victim blaming left me feeling violated all over again.

15. Even worse, Weinstein was blacklisting me, telling people in the industry not to hire me because I was “bad news”. Because I was not afraid to tell people what he had done to me, he used his power in the industry to destroy my film career. When this happened to me, I had four films at the Sundance Film Festival and I had been nominated for an Independent Spirit Award (the independent film Oscars), but the offers stopped coming in and it changed the trajectory of my life and career.

16. I later had to suffer the indignity of promoting the films I was in that were owned by Miramax, where I had to be photographed with Weinstein. Those photos are now rolled out by his PR people in their attempts to undermine the credibility of my account of the assault. What else was I supposed to do? I did what I had to do: smile pretty for the cameras, that was my job, after all. But I cannot adequately express how horrifying it was for me to have his arm around me in a photo; to have him touching me.

Speaking out

17. I had long term strategy to bring him down publicly. I never thought it would take so long. But I knew the public wasn’t ready yet to receive the information because the mainstream media, many of whom I knew, had spiked stories or been paid off by him with promises of turning their stories into films, promises of riches and rewards – things he could well provide. It was later verified that Weinstein gave these same journalists a list of his targets to defame: I was at the top of this list with a red line highlighting my name. Why? Because I never signed an NDA, his preferred method of enforcing his power over those he employed and violated.

18. NDAs were used by Harvey Weinstein and his company’s board members and his army of lawyers to intimidate, to coerce and to ultimately silence. From his employees to most of the women he hurt, NDAs covered his illegal operations. NDAs allowed him to
assault with impunity for all too many years. It is vitally important that this form of abuse ends.

19. With social media, I realised I didn’t have to go through the mainstream media, which had folded on the story so many times. I could have a direct conversation with the public. In 2015, I started going after Hollywood publicly, talking about their misogyny, their objectification of women, their glorification of violence towards women – and my agent fired me because of it.

20. Undeterred, I kept speaking out. In October 2016, I wrote:

21. Then, on 17 October 2016 I wrote an open letter to Hollywood where I said everything but Weinstein’s name. I did this so it would be equally applicable to those who assist
men in other industries to abuse and harass with the secrecy afforded them by NDAs. I also knew it was time to put media on notice that I was ready to talk.

To the women and men in the entertainment industry who know exactly whom and what I am talking about, I say be brave. Do not work with those you know to be offenders or you are no better than they. Take a stand. You are culpable for your actions. Stop rewarding sociopaths. Every time you sanction abhorrent behavior, you are aiding and abetting a crime, that makes you no better than the criminal. How many more stories do you have to hear before you do the right thing and stop rewarding men that are predators? Why are you so cowardly that you would take the softer, easier way out? I can tell you this, your soul is a blighted one if you do so. Your personal legacy, the very fabric of your being, is at stake, so fight for it. I know you have it in you to be better. I know you have it in you to break free from the bonds of secrecy. So do it.

Dear Hollywood,
10:44 PM - Oct 17, 2016

1,193 people are talking about this

The (ab)use of NDAs – and other tactics used to silence women

22. That last tweet was designed to get the media’s attention. It also started an incredible campaign of harassment conducted by Weinstein and his powerful team of lawyers to stop me from speaking out and to get me to sign an NDA. The pressure was massive and at times debilitating. My book, BRAVE, was what he was most scared of and most wanted to stop. I knew it was time to tell the story. I contacted a women’s rights organization I told them what was happening and that Weinstein was after me and that it was time to bring in the media. I was put in touch with Jodi Kantor of the New York Times, I told her the story was bigger than she could imagine. Around the same time, I was in contact with Ronan Farrow of NBC News. I decided to get NBC in competition with the New York Times for “THE STORY”. Both of them have this week won a Pulitzer Prize for their coverage of my story.

23. I also decided to enter into a false negotiation with Weinstein’s attorney to make him think I would sign an NDA if the price was right. I had to buy time for the journalists’ investigations to be completed, these stories to be written and to be released. The way to do that was to enter into false negotiations with Weinstein, to let him think he would win. During the ten months it took to get the stories written, there were many twists
and turns. The harassment level started ramping up. Nude photos of me were hacked from my computer and spread around the internet and world to shame me. I knew who was behind it.

24. In 2017 and right up until I went public with my story, I was pressured again and again by his lawyers, my lawyer, and even my book agent, to sign an NDA. It led me to find out some very unsavoury things about my representatives.

25. I was later to learn that he and his powerful lawyers had another strategy to silence me: they hired Black Cube, a London-based private security firm who sent out former Mossad agents using false identities to infiltrate my life, extract information from me about my book, BRAVE (which I was then writing and has now been published), and about the journalists I was speaking to, so they could stop the story coming out. Their aim was to silence me and the other brave women who wanted to speak out. They now have PR people, lawyers and pliant journalists who troll my every public statement and appearance to make sure I am always to be harassed and targeted. They first wanted to silence me and, and when they couldn’t silence me, they are now doing everything in their power to discredit me.

26. It was in early 2017 when I was contacted by one of the Black Cube private investigators: a woman who called herself Diana Filip. She said that she was the deputy head of sustainable and responsible investments at Reuben Capital Partners, a London-based wealth-management firm, and was launching an initiative to combat discrimination against women in the workplace and asked me to speak at a gala event in London later in the year. I looked up the company, saw its website, that it was based in London and that she had a UK cell number. My book agent (who I later discovered was also working for Weinstein behind the scenes) introduced me to Diana Filip, so she seemed legitimate. I agreed to meet her. What I didn’t know then is that she had been hired by Weinstein and his lawyers to secretly record our conversations to inform their efforts to silence me.

27. Diana Filip, the Black Cube operative, and I first met in May 2017. She seemed very kind. I met her four more times in the months that followed. We talked about women’s empowerment and she said she wanted to make a significant investment in my production company. Once she had my trust, she began pressing me for information about my upcoming book, BRAVE, and what my plans were about going to the media about the assault. At a meeting in July I told her that I was talking to a journalist—Ronan Farrow—and that he was writing about it.

28. It later turned out that “Diana Filip” was an alias for a former officer in the Israeli Defence Forces working for Black Cube. According to their $600,000 contract, their goal was to stop the publication of any stories about the man who assaulted me and “obtain additional content of a book which currently being written and includes harmful negative information on and about the Client”: that is, my book, BRAVE. The documents (obtained by The New Yorker) show that Black Cube delivered more than a hundred pages of transcripts and descriptions of my book, based on tens of hours of recorded conversations between me and “Diana Filip”. The contract had provided for them to get
a bonus $50,000 if Black Cube secured “the other half” of my book “in readable book and legally admissible format.” The New Yorker investigation, led by Ronan Farrow, also uncovered a million-dollar bounty on my book, BRAVE.

29. Apparently, it was not enough to have assaulted me and ruined my career in film – he then intruded into my life to silence me and steal my story. Ultimately, Weinstein succeeded in getting 125 pages of my book before its publication. I felt violated all over again. I was pursued in the manner authoritarian governments pursue journalists or human rights defenders; when all I am is a woman speaking out about sexual abuse to stop an international predator.

30. NDAs can serve important functions like protecting intellectual property, but they should absolutely not be used to keep sexual abuse, harassment and other criminal behaviours out of the light of day. There are important law reforms currently being proposed in the U.S. which will make clear that NDAs used to cover criminal acts and sexual harassment will be invalidated and unenforceable, and that lawyers will be in breach of their professional duties and can be sanctioned by the Bar for facilitating them. By barring NDAs from being used to cover abuse of power we can give all potential victims the freedom to use their voices, to rise up against injustices and to encourage protection of others who, like me, could have been warned and abusers like Harvey Weinstein could have been stopped.

31. I know my case sounds extreme, but it is all true. This is the extent to which powerful men will go to silence women – and this is happening in the UK. Not just by Weinstein: in London, stories are coming out about women in the legal and financial services sectors have been silenced. In the wake of my efforts to speak out, many more women started speaking out – and not just about Weinstein, but women in different industries in the UK. I hope my story – and the Committee’s work – will encourage more women to come forward.

Rose McGowan

19 April 2018