

From: Iris Rotberg [irotberg@email.gwu.edu](mailto:irotberg@email.gwu.edu)  
Subject: Heather Swain  
Date: Sep 9, 2020 at 11:24:55 PM  
To: Elizabeth Grant [elizabethgrant@email.gwu.edu](mailto:elizabethgrant@email.gwu.edu), Jennifer Clayton [claytonj@email.gwu.edu](mailto:claytonj@email.gwu.edu)

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Hi Liz and Jennifer,

My iPad and Google Docs don't get along well so I am sending you a separate e-mail with thoughts about the Heather Swain issue and her role in the follow-up to the Larry Nassar sexual assault case. Like most, I don't know her personally or have first-hand information. I have read all the public information I could find, including an official investigative report about Michigan State.

Michigan State claimed attorney-client privilege for thousands of documents, to which Ms. Swain contributed one additional document by adding the name of an attorney. The thousands of documents were submitted to a judge, who decided that a small proportion did not support attorney-client privilege but that most did. I don't know the decision about the Swain document specifically, or whether adding the attorney's name was or was not appropriate given the information contained in the document, but I will assume for purposes of this discussion that it was not appropriate. I found nothing else about Ms. Swain in the public information.

I am writing to urge that unless we have additional information we proceed cautiously and not join the bandwagon in implicitly accusing Ms. Swain of an offense far worse than adding a document—the offense of covering up “sexual abuse of hundreds.” Larry Nassar has been in prison for more than three years and has hundreds more years to go. His crimes have been well-known for many years. The thousands of documents for which Michigan State claimed attorney-client privilege were in connection with a follow-up investigation to determine whether any employees of Michigan State had earlier information about Larry Nassar that should have been reported.

One additional consideration: Ms. Swain turned down the appointment at GWU and President Thomas Le Blanc apologized to the GWU community for making it.

I realize the position I am taking might not be popular. But I do feel strongly that the public condemnation—the punishment—Ms. Swain is receiving does not fit the "crime." Indeed, comparing her "crime"—apparently a spurious assertion of attorney-client privilege in one document—as virtually equivalent to covering up hundreds of incidents of sexual abuse will only serve to diminish the horror of sexual abuse.

My best,

Iris

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**From: Grant, Elizabeth**

**elizabethgrant@email.gwu.edu**

**Subject: Re: Heather Swain**

**Date: Sep 10, 2020 at 10:40:02 AM**

**To: Iris Rotberg [irotberg@email.gwu.edu](mailto:irotberg@email.gwu.edu)**

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**Dear Iris,**

**I write to say thank you for penning a thoughtful, and important, reply to this situation. I appreciate your effort to search out truth and courage to step against the tide. I learned something from you.**

**All the best,**

**Liz**

**Elizabeth Grant**  
*Associate Professor*

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& Human Development  
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**On Wed, Sep 9, 2020 at 11:24 PM Iris Rotberg**  
**<[irotberg@email.gwu.edu](mailto:irotberg@email.gwu.edu)> wrote:**  
**Hi Liz and Jennifer,**