



Written by [Raven Clabough](#) on November 2, 2011

## Cain's Accuser Hampered by Non-disclosure Pact

When news broke of two women making sexual harassment allegations against GOP presidential hopeful Herman Cain, the women's identities were kept confidential to protect their privacy. Days after the story broke, however, one of Cain's accusers — frustrated because of Cain's constant denials of such inappropriate conduct — indicated that she wanted to come forward and tell her side of the story. Yesterday evening, however, the Washington Post reported, "Joel P. Bennett, a lawyer representing one of two women who made the claims against Cain, said Tuesday that his client is barred from publicly relating her side because of a non-disclosure agreement she signed upon leaving the National Restaurant Association, where Cain served as president from 1996 through 1999."



On Sunday, Politico reported that during Cain's tenure as president and CEO of the restaurant association, two women complained of sexually suggestive behavior by Cain that made them angry and uncomfortable. Reports indicate that the women ultimately left the restaurant association after they signed non-disclosure agreements and were given financial payouts to settle the matter.

The story almost immediately went viral, prompting often-inconsistent answers from the Cain campaign. Cain attempted to explain his inconsistencies by asserting that because a significant amount of time had passed, he could not remember the details of the charges lodged against him. When I was initially hit with this I didn't recall it right away, he told conservative radio host Laura Ingraham this morning, adding that he was not changing the story but trying to fill as many details as I could possibly recall.

Observers noted that Cain seemed somewhat Clintonesque when attempting to explain his ever-changing story by indicating that he was confused by two terms being used: The word settlement versus the word agreement, you know, I'm not sure what they called it. I know that there was some sort of agreement, but because it ended up being minimal, they didn't have to bring it to me, Cain told Judy Woodruff of PBS. When I first heard the term 'settlement' I thought [about] the legal term, Cain said on Fox News today. My recollection was it was an agreement I didn't think there was a legal settlement but an agreement.

Cain's inconsistencies and back-peddling prompted CNN's Sally Kohn to write:

Disregard for a second what Cain did or did not do. There's certainly enough evidence from Cain's own admissions to justify taking the allegations seriously. During the course of a Fox television interview on the topic, [Cain contradicted himself repeatedly](#), veering between saying he did and did not remember the alleged victim or the alleged accusations of harassment. And while Cain has



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denied any inappropriate conduct, he admits money was paid to one of the women. Politico reports both were paid. That raises the question whether something unseemly might have happened. Voters are at least justified in investigating whether the potential leader of our nation has an inappropriate relationship with the truth.

Joel Bennett, the lawyer representing the woman who wishes to tell her story, called upon the restaurant association to waive her non-disclosure agreement and allow his client an opportunity to rebut Cains claims. He told the *Washington Post*:

It is just frustrating that Herman Cain is going around bad-mouthing the two complainants, and my client is blocked by a confidentiality agreement. The National Restaurant Association ought to release them and allow them to respond. Because there were two women that filed complaints at this time and its unclear which one he is speaking about all the time but to the extent hes made statements that he never sexually harassed anyone, and there was no validity to these complaints, thats certainly not true with respect to my clients complaints.

“She’s been very upset about this since the story broke ... because Mr. Cain has been giving the impression she came out and made false allegations,” Bennett said on CNN. “That’s certainly not true, and shes still deciding once we hear from the Restaurant Association what shell do, if theyll waive the confidentiality. Until they do that, shes not going to speak out.”

According to Bennett, his client is eager to share her story, but is somewhat uncomfortable with the notion of her name becoming public. One source close to the woman indicates that she did not create this story but has become completely swept up in this hurricane. She reportedly feels compelled to provide her own side of the case, and is currently engaged in discussions with her family over whether she should go public.

The most significant point she intends to make is that Cain’s sexual harassment at the NRA was not an isolated incident, but occurred over a period of months.

Later, during an appearance on Fox News, Cain declined to comment on whether he thought the non-disclosure agreement should be lifted, but acknowledged that he would ask his lawyer the legal implications of such a maneuver. Likewise, National Restaurant Association officials stated that they had not been approached by Bennett, but added that they would respond as appropriate.

Commenting on what this could mean for Cains campaign, the *Washington Post* noted:

Only Cains version of events has been aired publicly, and he has said that his recollections are hazy. Support for Cain has remained strong despite the controversy, his staff said, and the campaign claimed a banner fundraising day Monday. But that could change if one or both of the women speak publicly and appear credible, and Tuesdays events made clear that pressure will remain on Cain to fully detail the incidents.

Just hours after Bennetts statements regarding his clients desire to speak publicly, however, Bennett [told](#) *USA Today* that his client has asked him to stop talking to the news media. He also commented that his client was [unlikely](#) to be giving interviews anytime soon. His client gave Bennett these instructions after he made several appearances at news outlets, where he accused Cain of bad-mouthing the two women who had made sexual harassment charges against Cain.

Still, Bennett told *USA Today*, I stand by everything I said.

Meanwhile, Cains support has not wavered since the story broke last weekend. According to his



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campaign, Cain raised \$400,000 on Monday following the news story. “Americans are tired of dirty politics and are willing to commit their time, talent and treasure to help Mr. Cain turn this country around,” the campaign said in a statement Tuesday.

Cain and his camp contend that he is simply the subject of a witch-hunt created by his competition. According to Cain spokesman J.D. Gordon, These are old and tired allegations that never stood up to the facts. Dredging this up now is merely part of a smear campaign meant to discredit a true patriot who is shaking up the political status quo.



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