

June 15, 2015

The Honorable Bob Goodlatte  
Chairman  
Committee on the Judiciary  
United States House of Representatives  
2309 Rayburn House Office Building  
Washington, D.C. 20515

The Honorable John Conyers  
Ranking Member  
Committee on the Judiciary  
United States House of Representatives  
2426 Rayburn House Office Building  
Washington, D.C. 20515

The Honorable Trent Franks  
Chairman  
Subcommittee on Constitution and Civil  
Justice  
United States House of Representatives  
2435 Rayburn House Office Building  
Washington, D.C. 20515

The Honorable Steve Cohen  
Ranking Member  
Subcommittee on Constitution and Civil  
Justice  
United States House of Representatives  
2404 Rayburn House Office Building  
Washington, D.C. 20515

Dear Chairman Goodlatte, Ranking Member Conyers, Chairman Franks, and Ranking Member Cohen:

Every year, many Americans are sued for speaking out on issues they feel are important to express. And these lawsuits don't discriminate - they include consumers expressing dissatisfaction through an online review site, individuals who are simply voicing their opinions about events taking place in their communities and even American journalists reporting on matters of public concern. These lawsuits are called Strategic Lawsuits Against Public Participation (SLAPPs) and they are used to censor and intimidate critics through legal action.

Different laws and rules separately govern the federal and state legal systems. Thus, a federal anti-SLAPP law would protect defendants sued in federal court. Importantly, it would also allow state court cases to be transferred to federal court so defendants can take advantage of the federal law's speech protections. This is critical for state court defendants in the 22 states that are currently unprotected by anti-SLAPP laws, and in states with weak anti-SLAPP laws that do not do enough to protect speech.

SLAPPs stifle public debate, threaten news reporting and diminish civic engagement – principles fundamental to our democracy. Every American is at risk for future litigation. That is why we are joining together to express our support for the SPEAK FREE Act of 2015 (H.R. 2304). This bipartisan legislation, introduced by Rep. Blake Farenthold and Rep. Anna Eshoo, strengthens First Amendment protections while bolstering the information economy that thrives on open public discourse and civic participation.

The SPEAK FREE Act will allow federal courts to determine whether a lawsuit targeting speech is a SLAPP and dismiss any bogus claims unless the plaintiff can show that the suit would

succeed on the merits. It also includes important fee-shifting provisions that protect defendants who prevail on an anti-SLAPP motion from having to pay the staggering legal fees, fees that have bankrupted countless defendants who were forced to defend themselves against meritless lawsuits. The legislation was carefully drafted to respect and maintain the difficult balance of protecting citizens' free speech while avoiding overly punitive measures so as not to deter the filing of valid lawsuits and ensure every deserving party gets their day in court.

The SPEAK FREE Act would be a nationwide backstop to stop SLAPPs from stifling free speech. We encourage you to advance this bipartisan legislation as swiftly as possible.

Respectfully,

