

Senate Bill 237 – Proponent Testimony
Ohio House Civil Justice Committee
Cathy Cowan Becker

Chairman Hillyer, Vice Chair Mathews, Ranking Member Isaacsohn, and members of the House Civil Justice Committee,

Thank you for this opportunity to provide testimony on Senate Bill 237, the Uniform Public Expression Protection Act, which creates a judicial process to prevent meritless lawsuits that attempt to intimidate individuals for exercising their Constitutional rights.

My name is Cathy Cowan Becker, and I am a member of the steering committee for an all-volunteer citizens group called Save Ohio Parks. We formed after the state opened up Ohio state parks, wildlife areas, and other public lands for fracking.

The everyday Ohio citizens who make up the members and supporters of Save Ohio Parks are concerned about the effects of fracking on human health and the environment. We believe our parks and wildlife areas, which are owned by the people of Ohio, are meant to be protected and should not be subjected to industrial activity like fracking.

In our materials, Save Ohio Parks has done everything we can to check our facts, source our statements, and convey accurate information. However, we remain concerned about SLAPP suits, or Strategic Lawsuits Against Public Participation.

In the end, we are just a group of Ohio citizens who want to protect our state parks and public lands. Some of the companies that want to frack our parks have deep pockets – and the experience of other environmental groups much larger than ours shows that deep-pocketed companies don't need a good reason to file a SLAPP suit.

For example, take the experience of Greenpeace, which is facing a \$300 million lawsuit by Energy Transfer, the company behind the Dakota Access Pipeline. Energy Transfer accuses Greenpeace of orchestrating the large 2016 protest against their pipeline in North Dakota.

The accusation is meritless on several counts. While a few Greenpeace organizers participated in the protest, the overall movement was led by the Standing Rock Sioux Tribe, because the pipeline had been rerouted through their land and water without their consent. Thousands of citizens and hundreds of other organizations joined in support.

The Energy Transfer lawsuit is designed to bankrupt Greenpeace and intimidate all the organizations and citizens who spoke out in support of the Standing Rock Sioux. It is a textbook example of a meritless SLAPP suit designed to shut down public discussion.

We at Save Ohio Parks hope we will not see any similar lawsuit here in Ohio – but without anti-SLAPP legislation in place, we remain nervous about the prospect. SB 237 is a needed piece of legislation in Ohio, so that small citizens groups like ours can exercise our First Amendment rights to speak about important public issues.

SB 237 is a well drafted bill that follows the model from the Uniform Law Commission. This model allows someone facing a SLAPP suit to file a motion to dismiss early in the process. It requires an expedited hearing on the motion, and puts a stay on the discovery process until the motion is heard. It requires the plaintiff to demonstrate the case has merit, and awards attorney's fees to the defendant if the plaintiff cannot carry that burden.

33 states and the District of Columbia have anti-SLAPP laws. Six of these state laws follow the same model as SB 237, and nine other states have similar pending legislation.

It's time for Ohio to join the majority of states with legislation that protects the First Amendment rights of its citizens by passing SB 237.