



*Congress of the United States  
House of Representatives  
Washington, D.C. 20515*

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The Honorable Trent Franks, Chairman  
Subcommittee on the Constitution and Civil Justice  
House Judiciary Committee  
2138 Rayburn House Office Building  
Washington, D.C. 20515

The Honorable Steve Cohen, Ranking Member  
Subcommittee on the Constitution and Civil Justice  
House Judiciary Committee  
2138 Rayburn House Office Building  
Washington, D.C. 20515

Dear Chairman Franks and Ranking Member Cohen,

I write in strong support of H.R. 2304, the *SPEAK FREE Act*, and I thank you for holding a legislative hearing to examine this important legislation. I joined with my colleague Congressman Blake Farenthold to introduce this bill because I believe it is critically necessary to protect free and open communication on the internet and other platforms. The internet provides countless new opportunities for public expression, but the open forum of the internet is threatened by lawsuits to silence speech.

Many people are not aware that they can be sued for leaving an unflattering review online, for publishing an unpopular Op-Ed, or for sharing their opinion at a public meeting. These lawsuits, known as Strategic Lawsuits Against Public Participation (SLAPPs), typically have no merit but can be very effective at silencing criticism. When given the option between retracting their comments or facing costly litigation to defend their First Amendment rights, most individuals choose to silence themselves.

It's difficult to quantify the full extent of the harm caused by SLAPPs because they can take many different forms and often go unreported. However, it is clear that as public engagement continues to expand and evolve online, the filing of these lawsuits will increase. According to TripAdvisor, in 2015 approximately 2,500 of their users reported that they had removed a review after being threatened by the business they had reviewed. Thousands more users likely removed reviews without reporting the businesses' threats to TripAdvisor.

In 28 states and the District of Columbia, individuals are protected from these frivolous lawsuits through a special motion in court that allows SLAPPs to be dismissed at an early stage in the proceedings. My home state of California's landmark anti-SLAPP statute was first passed in 1992 and has served as a model for other state laws as well as the *SPEAK FREE Act*. But in federal courts and the 22 states that do not have an anti-SLAPP law, the threat of costly litigation can still be used as a powerful check on free speech. Even when strong state laws are in place, creative lawyers can file suit in federal court or states where no such protection exists.

This is why federal anti-SLAPP legislation such as the *SPEAK FREE Act* is so important. A federal law will ensure that residents of all states can defend themselves from SLAPP suits by having their anti-SLAPP motion heard in federal court. This will prevent forum shopping and will ensure that all Americans' First Amendment rights are protected against frivolous lawsuits that are intended to silence them.

I'm pleased that the Subcommittee is considering this important legislation, and I hope it will move forward to markup and passage. Thank you again for your consideration of this bill.

Most gratefully,



Anna G. Eshoo  
Member of Congress