

# NEWS MEDIA ALLIANCE

To Whom It May Concern:

News Media Alliance and the undersigned associations respectfully write to urge you to oppose both B24-0492 and B24-093, the “Anti-SLAPP Temporary Amendment Act of 2021” and the “Anti-SLAPP Amendment Act of 2021.” A “SLAPP” is a Strategic Lawsuit Against Public Participation, and anti-SLAPP statutes serve as vital protections for news publishers. These laws give news publishers an early motion to dismiss in cases designed to punish a publisher for quality reporting. These retaliatory cases can cause major harm to news publishers, as they are forced to incur costly litigation expenses. As such, anti-SLAPP laws also serve an important accountability function. Plaintiffs who attempt to stifle First Amendment speech are held accountable by anti-SLAPP laws, ensuring that no defendant will be punished for exercising their First Amendment rights.

The proposed Amendment to the anti-SLAPP law would remove that accountability for the government by preventing a defendant from filing an anti-SLAPP motion against the government. The Amendment hinges on the assumption that the government will always act in the public interest. Moreover, it eliminates any possible recourse if the government should ever bring a retaliatory action. The proposed Amendment removes government accountability from SLAPP suits, forcing blind trust in the government to never abuse its power. This trust is ill-founded. While one administration may in fact act in the public interest, the next administration may not, and news publishers’ First Amendment rights should not fluctuate with administration.

The Attorney General claims that some defendants have misused the statute. But cases of misuse do not call for sweeping government immunity. The Supreme Court has acknowledged this in other cases, saying, “The First Amendment does not permit the State to sacrifice speech for efficiency.” *Riley v. Nat’l Fed’n of the Blind of N. Carolina, Inc.*, 487 U.S. 781, 795 (1988); *Ariz. Free Enter. Club’s Freedom Club PAC v. Bennett*, 564 U.S. 721, 747 (2011). While “silencing the speech is sometimes the path of least resistance,” news publishers’ and private citizens’ First Amendment rights will suffer. *McCullen v. Coakley*, 573 U.S. 464, 486 (2014).

We respectfully request that you support and preserve robust First Amendment protections by opposing both B24-0492 and B24-0493. The News Media Alliance thanks you for your attention to this matter. Please do not hesitate to contact Natalie Seales at the News Media Alliance with any questions at [nseales@newsmediaalliance.org](mailto:nseales@newsmediaalliance.org).

Respectfully Submitted,

News Media Alliance

MDDC Press Association  
National Association of Broadcasters  
National Press Photographers Association  
News Leaders Association

Radio Television Digital News Association  
Reporters Committee for Freedom of the Press  
Society of Profession Journalists