

August 2, 2021

Dear Interim Joint Judiciary Committee Members,

In an unpublished preface to his book *Animal Farm*, George Orwell wrote, “[i]f liberty means anything at all, it means the right to tell people what they do not want to hear.”

This principle is at the heart of BR13, a bill that would establish “anti-SLAPP” protections in Kentucky. Strategic lawsuits against public participation (SLAPP) are tools often used to intimidate or silence critics with expensive legal proceedings. These lawsuits can have a chilling effect on constitutionally protected speech. Governments, companies, and individuals may use lawsuits, or even the threat of lawsuits, to punish those who have exercised their First Amendment rights. Plaintiffs do not file SLAPP suits with any intention to win them. Anti-SLAPP laws aim to prevent these unnecessary and often costly lawsuits that are filed with no objective other than to waste opponents’ money and to intimidate them. Take for example Reuben Shemwell, a Kentucky coal miner who publicly claimed that he was fired for sounding the alarm on unsafe working conditions. Shemwell was then sued by the coal company, a clear attempt to silence him and any future whistleblowers wishing to exercise their First Amendment rights. It is the workers like Shemwell who wish to exercise their rights against an employer, an abuser, or government that we must protect.

The Public Participation Project, a group that assigns states a letter grade based on their anti-SLAPP protections, currently gives Kentucky an F because of its complete lack of protections. This grade makes us an outlier in the region: Tennessee, Indiana, and Illinois have Bs, Missouri and Virginia have Cs, West Virginia has a D, and only Ohio shares an F with us.

As Kentuckians, we value our rights—and the right to freedom of speech is perhaps chief among them. Putting an anti-SLAPP law on the books in Kentucky would affirm and protect those values. We urge you to support BR13 as it makes it way through the legislative process.

Sincerely,



Josh Crawford
Executive Director
Pegasus Institute