

Wisconsin Democracy Campaign: Wisconsin is one of just 19 states that currently does not have an anti- SLAPP law on the books

Posted on Friday, Aug 25, 2023

>> **WisPolitics is now on the State Affairs network. Get custom keyword notifications, bill tracking and all WisPolitics content. [Get the app or access via desktop.](#)**

SLAPP stands for Strategic Lawsuit Against Public Participation. Powerful individuals and organizations have used meritless lawsuits as a tool to terrorize entities that they feel threatened by. SLAPP lawsuits target individuals or organizations that are expressing their 1st Amendment right to free speech to silence unwanted criticism. Nationally, we have seen SLAPP lawsuits take place against news organizations. Former President Donald Trump sued the New York Times over an article that revealed his tax information. Luckily, the state of New York had an anti-SLAPP law in place that protected the news organization from the frivolous suit. Here in Wisconsin, Cory Tomczyk, a local businessman and now state senator, sued the Wausau Pilot & Review (a local newspaper) over its reporting on his use of homophobic language during a county board meeting in Wausau.

Legal proceedings cost time, energy, and money. Working-class people and small businesses don't have the resources to fight big organizations or deep-pocketed individuals in expensive legal battles. Does it seem fair that someone could sue you for a million dollars simply because they do not like the truthful things you are saying about them? People or organizations with enormous financial resources shouldn't be able to use our courts as a weapon to silence us when we speak truth to power. Letting SLAPP lawsuits run amuck in our courtrooms sends a clear message that we cannot call out bad actors without retaliation in the form of litigation. Even if you prevail in a SLAPP case, the damage is done. That person or organization can't get back the time they spent defending themselves in court, nor can they recover all the money they spent to defend themselves.

We live in the United States of America, where our founding fathers created our 1st Amendment right to free speech along with our right to petition the government for redress of grievances. But when we petition the courts to address a legal issue, we must do so in good faith. SLAPP lawsuits are created in bad faith. Our 1st Amendment rights must be preserved, and the anti-SLAPP bill introduced by Sen. Melissa Agard and Rep. Jimmy Anderson gets the job done. Under their anti-SLAPP bill, individuals who believe they are being sued frivolously would be able to ask the judge to dismiss the case and recover attorney's fees.

During the [press conference](#) to introduce their anti-SLAPP legislation, Bill Lueders, President of the [Wisconsin Freedom of Information Council](#), was invited to give remarks. He pointed out a separate bipartisan bill that has passed the Senate that seeks to recover litigation costs from government officials who prevail in open records cases. He made it clear that it would be hypocritical to not support a similar effort to recoup media defendants' litigation costs in SLAPP suits. He stated the following: "Lawmakers of both parties should do everything they can to pass this bill as well as anti-SLAPP legislation. Let's protect the state's tradition of open government by protecting the press."

I completely agree with Lueders. This bill provides the type of constitutional protection that transcends party lines. If we truly value the 1st Amendment here in Wisconsin, we need to join the other states across the country that have enacted their anti-SLAPP laws. We must protect our local journalists, activists, and Wisconsinites from frivolous lawsuits.