



To: Honorable Members of the House Criminal Justice Committee

Re: Sierra Club Support for HB 5788

Honorable Members of the House Criminal Justice Committee,

It's a privilege to be with you today to share Sierra Club Michigan's enthusiastic support for HB 5788.

The fossil fuel industry uses our legal system to deploy costly, protracted, and merciless SLAPP suits that target activists, non-profits, and other organizations exercising their first amendment rights. The rights to free speech, peaceful assembly, and a free press are fundamental to our ability to fully participate in our democracy, but for decades SLAPP suits have allowed polluting corporations to chill speech and dissent. The fossil fuel industry in particular targets non-profits and individuals by claiming defamation, trespass, and even racketeering to deter them from speaking out against projects that contribute to climate change. HB 5788 will help stop wealthy polluters weaponizing the law to protect shareholder profits.

The consequences of SLAPP suits can be dire. For the past six years Greenpeace has been fighting SLAPP suits that seek more than 400 million dollars in damages, and even the filing of a SLAPP suit can be enough to silence individuals and smaller organizations—which is precisely the intent of those that wield these legal weapons. There is a rising volume of legal actions brought by the energy sector against civil society groups. The Business and Human Rights Resource Center, which tracks SLAPP actions, found that 12 carbon majors brought at least 24 lawsuits against 71 environmental & human rights defenders between 2015 and 2018, seeking a total \$904 million in damages.¹ EarthRights International released a report in which it identified 152 cases over the past ten years where the fossil fuel industry has used SLAPP suits and what it describes as other judicial harassment tactics in attempts to silence or punish its critics in the United States.

The fossil fuel industry's use of SLAPP suits not only stifles free speech, but also serves as another form of disinformation about climate change. After years of **spreading denial and disinformation**,² fossil fuel companies now acknowledge the existence of climate change but are attempting to ensure their greenwashing narrative

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<https://oversightdemocrats.house.gov/legislation/hearings/free-speech-under-attack-part-iii-the-legal-assault-on-environmental-activists>

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<https://oversightdemocrats.house.gov/sites/evo-subsites/democrats-oversight.house.gov/files/Ramasastry%20Testimony.pdf>



dominates by silencing opposing views. In order for this greenwashing to work, they have to attack individuals and public interest groups from speaking out against their disinformation.

To bring it closer home, On May 3rd of this year, Sierra Magazine reported on the uptick of SLAPP suits against environmental journalists writing stories critical of the fossil fuel industry,³ and the Sierra Club Loxahatchee Group's 2019 Environmentalist of the Year, Maggy Hurchalla, spent seven years fighting a SLAPP suit brought against her by a rock mining company that she criticized during a Martin County Commission meeting.⁴

By introducing HB 5788, Representative Hope and the co-sponsors are ensuring that Michiganders can speak up about problems and injustices in their own communities. SLAPP lawsuits aren't regular court cases. They're baseless legal actions filed by powerful individuals and business interests, targeting the free speech of protestors, journalists, and activists that speak out. The aim of these cases is to tie up their targets in court until they sign away their First Amendment rights. Dozens of states have also passed similar anti-SLAPP laws protecting people from this abusive tactic. HB 5788 will do the same for Michigan, and it will help curb the use of this harmful tactic. We urge your support for this important legislation.

Thank you for your time and attention.

Sincerely,

Christy McGillivray

Political and Legislative Director

Sierra Club Michigan

³ Ghantous, Nour.2024, Sierra Magazine, retrieved from:
<https://www.sierraclub.org/sierra/environmental-crisis-worsens-so-too-does-safety-journalists-covering-it>

⁴ Calderon and Gates, 2021. Retrieved from:
<https://www.sierraclub.org/florida/loxahatchee/blog/2021/05/environmental-heroin>



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