



NEW YORK STATE SENATOR

Brad Hoylman-Sigal

## Senator Brad Hoylman: "Don't Let Jared and Ivanka Threaten Free Speech"

BRAD HOYLMAN-SIGAL October 29, 2020

| ISSUE: **STRATEGIC LAWSUITS AGAINST PUBLIC PARTICIPATION, SD 27, SENATOR BRAD HOYLMAN, FREE SPEECH, SLAPP**

NEW YORK — State Senator Brad Hoylman (Manhattan-D/WFP), Chair of the Senate Judiciary Committee, held a press conference today highlighting legislation ([S.52A/A.5991A](#)) authored by Hoylman and Assembly Member Helene Weinstein that protects against free speech-chilling lawsuits by strengthening New York's anti-Strategic Lawsuits Against Public Participation (SLAPP) law. The press conference took place under the controversial Times Square billboard placed by the Lincoln Project featuring Ivanka Trump and Jared Kushner at 44th and Broadway. Trump and Kushner threatened to sue OutFront Media over the billboard, a textbook example of how the ultra wealthy can use lawsuits to stifle free speech.

**Senator Hoylman said:** "The Trump family has weaponized the threat of meritless lawsuits against those who would criticize them for decades. Strategic lawsuits against public participation -- or SLAPP suits -- are an abuse of our legal system that are intended to harass, intimidate, and bankrupt journalists, advocates, community organizers, and engaged citizens for exercising their constitutionally-protected right to free speech. Earlier this year, the New York State Legislature 'SLAPPED back' by passing legislation I sponsored to significantly strengthen and expand our state's anti-SLAPP protections. I'm grateful for the leadership of Senate Majority Leader Andrea Stewart-Cousins and my Assembly partner Helene

Weinstein."

**Daniel Novack, Esq., Co-Chair of the New York State Bar Association Committee on Media Law, said:** "Free speech isn't free when the wealthy and powerful weaponize the courts to punish truthful reporting and criticism. Expansion of Anti-SLAPP is urgently needed to safeguard our First Amendment rights."

**Michael McKee, Treasurer of TenantsPAC and a defendant in a SLAPP lawsuit brought by the real estate industry, said:** "The landlords sued me and my organization for \$40 million two years ago, hoping to silence my advocacy for tenants and limit my organization's ability to support the candidates we choose. That didn't work. They continued the lawsuit in 2019, hoping to use the courts and threats of financial ruin to block our efforts to win a historic strengthening and expansion of the tenant protection laws. That didn't work either. They are continuing the lawsuit even after the legislature passed the Hoylman-Weinstein anti-SLAPP bill. This is sheer harassment, which this bill will prevent from happening to other organizers and advocates in future."

**Daniel Brecker, Co-Lead of Empire State Indivisible, said:** "We need to stop strategic lawsuits against public participation now in New York State. Bill S.52A /A5991A, sponsored by Senator Hoylman and Assembly Member Weinstein and passed by the New York State Legislature needs to become law so we can end Trump's predatory misuse of our legal system as the American people end his presidency."

The New York State Senate passed [S.52A/A.5991A](#) in July, legislation authored by Assemblywoman Helene Weinstein and Senator Brad Hoylman that will protect New Yorkers from SLAPPs: Strategic Lawsuits Against Public Participation. This legislation would protect the First Amendment rights of New Yorkers and prevent the rich and powerful from abusing our legal system to silence their critics.

Currently, New York’s anti-SLAPP statute is only used rarely, due to its narrow scope; approximately 30 states, including California, Texas, Nevada and Oklahoma, have anti-SLAPP statutes that are stronger. Senator Hoylman and Assemblywoman Weinstein’s legislation expands on the existing statute by covering speech (or other lawful First Amendment conduct) related to an issue of public interest. If a defendant’s speech or activity falls under the protection of the newly-broadened statute, judges will have the ability to dismiss these cases and require the entity who brought the meritless lawsuit to cover the defendant’s legal fees.

The legislation was passed at a time when advocates and journalists are under attack—both in the United States and across the globe. President Trump’s campaign has [filed](#) a SLAPP suit against a Wisconsin television station that aired an advertisement critical of President Trump’s handling of the COVID-19 crisis; the campaign has taken similar action against New York based news outlets, such as the [New York Times](#), that publish criticism of the president.

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#### RELATED LEGISLATION

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### 2019-S52A

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- Introduced
- - In Committee Assembly
  - In Committee Senate

- ◦ On Floor Calendar Assembly
  - On Floor Calendar Senate

- ◦ Passed Assembly
  - Passed Senate

- Delivered to Governor

- Signed By Governor

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Requires awarding of costs and attorney fees in frivolous action involving public petition and participation

December 21, 2018

Senate Floor Calendar

Sponsored by Brad Hoylman-Sigal

Do you support this bill?