

SLAPP Suits and First Amendment Rights

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Introduction

In October 2004, a small group of environmental activists with Katuah Earth First! demonstrated outside the offices of National Coal Corporation, the new coal company in town, for their destructive surface mining techniques.¹ It was Sunday, the traffic was low and the activists were hungry. After about an hour of standing on the lawn holding signs, the activists decided to leave. The following Friday, three activists were served with temporary restraining orders (TROs) from the coal company. Confused, they contacted their lawyer and appeared in court. What they found out in court was a surprise. National Coal was suing them for protesting claiming libel, interference with business and the threat activists posed to the company. Each activist at the protest was named in the suit, but that was not all. The entire group, Katuah Earth First!, was named, John and Jane Doe were named, along with several other activists previously arrested for nonviolent civil disobedience. Lawyers for the activists worked hard to get most names dropped, and at the end of the day, four activists remained named in the suit. In the ensuing months, the activists were forced to stop speaking out about National Coal and had to watch their steps when protesting, for fear of further legal actions. The lawsuit dragged on for two years, in which time the activists got distracted by other projects, school and life, but always knew the threat of trial stood waiting for them. However, the trial never came. National Coal dropped the lawsuit and all charges against the activists. To celebrate, the activists went straight to the offices of National Coal and protested, keeping intact their First Amendment rights to petition the government for redress of grievances.

This account is not unlike many others across the country. Citizen groups and individuals are being sued left and right for speaking out about development, unfair labor practices, industrial waste dumps in their neighborhoods destruction of forests, mountains and ecosystems and more. Because of the frequency of these lawsuits, the term “SLAPP” has been coined to describe them: Strategic Lawsuits Against Public Participation. SLAPPS are brought in the form of slander, libel, interference with contract or other legal claims and are filed to punish citizens who speak out on public controversies.²

In this paper, I will look at SLAPP suits, with particular focus on ecological SLAPPs, or eco-SLAPPs, in which the defendants petition the government for change in environmental policy. Because of their assault on the First Amendment right to petition the government, I will look at the chilling effect SLAPPs can possibly have and legislation enacted by states to curtail the prevalence of SLAPPs.

¹ The particular form of surface mining is known as mountaintop removal or cross-ridge mining. Coal companies use dynamite to blast off the tops of mountains in order to mine thin seams of coal. Using large draglines, companies can pull thousands of tons of coal out per day. Citizens across Appalachia protest this technique, but the coal companies continue to obtain permits and mine the mountains.

² “Getting Sued for Speaking Out,” *Multinational Monitor*, 37(1). [database online]; available from InfoTrac OneFile.

History and Definition of SLAPPs

The first accounts of SLAPP suits in the United States appeared shortly after the American Revolution when a scattering of cases erupted as citizens were sued for criticizing corrupt public officials. Courts at the time made short work of the cases and generally dismissed them as attempts to squelch public debate and reform. SLAPPs were reborn in the political activism of the 1960s and 1970s, multiplied in the 1980s until by the 1990s, SLAPPs were said to be a major threat to involved citizens.³ Certainly not limited to radicals, professional activists or extremists, SLAPP suits have struck thousands of middle-class Americans. SLAPP suits erupt at every level of government, every type of political action and on every public issue with dire consequences. Although most SLAPP suits fail in court, researchers estimate that thousands of defendants have been sued into silence, and even more who have heard about SLAPPs decided not to participate freely and confidently in public issues.⁴ This is where the problem lies: the prevalence of SLAPP suits in the political arena has forced citizens into silence, losing a critical part of democracy – public participation. Most people assume the system that encourages them to speak out will support them when they do; but instead, they find themselves being sued for thousands and thousands of dollars by huge multi-national corporations, and are scared into silence.

In order to qualify for a SLAPP suit, leading researchers George Pring⁵ and Penelope Cannon⁶ came up with the following criteria: “Primarily, it had to involve communications made to influence a governmental action or outcome, which, secondarily resulted in a (a) civil complaint or counterclaim (b) filed against nongovernmental individuals or organizations on (c) a substantive issue of some public interest or social significance.”⁷ Along with these criteria, Pring and Cannon included rationales in order to keep their research focused. Numerous tactics exist for suppressing political opposition – employment sanctions, boycotts, societal shunning, physical violence and other pressure tactics. Pring and Cannon decided to look at the use of litigation to achieve political intimidation, focusing only on lawsuits. But, because lawsuits are used to attack many other forms of constitutionally protected actions or beliefs, such as freedom of speech, press, association, religion and others, Pring and Cannon focused on the Petition Clause of the First Amendment.⁸ They also focused solely on civil cases, but criminal SLAPPs do exist.

³ George Pring and Penelope Cannon, *SLAPPs: Getting Sued for Speaking Out* (Philadelphia: Temple University Press, 1996), 3.

⁴ Ibid.

⁵ Pring is a Professor of Law at the University of Denver and Co-Director of the Political Litigation Project at the University of Denver.

⁶ Cannon is Associate Professor of Sociology at the University of Denver and Co-Director of the Political Litigation Project at the University of Denver.

⁷ Pring and Cannon, 8-9

⁸ The Petition Clause of the First Amendment states “Congress shall make no law...prohibiting...the right of the people...to petition the Government for a redress of grievances.”

Pring and Cannon decided to focus on substantive issues, or issue politics, and excluded election campaigns in order to keep their study manageable. Finally, because their sympathies are “with the effect of litigation on issues of societal and political significance,”⁹ Pring and Cannon looked at public issues, not issues of self-interest or greed.¹⁰

Although filers of SLAPPs claim libel and interference with business, the underlying issue of SLAPP suits is the right of a citizen to petition the government for a redress of grievances, better known as the Petition Clause of the First Amendment.

The Petition Clause

At the heart of SLAPPs sits the Petition Clause of the First Amendment, one of the oldest rights in English laws of 1,000 years ago. In 1215, in a field called Runnymede, the Petition Clause gave birth to the Magna Carta and was a firm fixture in English law by the seventeenth century. American colonists vigorously asserted it into daily life a decade before the Revolution, and it appeared in eight state constitutions before the Bill of Rights added it to the U.S. Constitution in 1791. Today the right to petition covers any peaceful, legal attempt to promote or discourage government action at the federal, state or local levels and at any branch and is considered by some as the original political right.¹¹

The right to petition can be a valuable defense for SLAPP targets, as first articulated by the Supreme Court in the context of antitrust laws. Based on First Amendment principles, the Supreme Court formulated the *Noerr-Pennington* doctrine, which “protects a competitor from antitrust liability when the alleged anticompetitive activity involves petitioning the government.”¹² The *Noerr-Pennington* doctrine emerged from two antitrust cases: *Eastern Railroad Presidents’ Conference v. Noerr Motor Freight, INC*¹³ and *United Mine Workers of America v. Pennington*.¹⁴ Under this doctrine, the Supreme Court held the constitutional guarantee of right to petition is protected regardless of the evil purpose or intent behind the petitioning, known as the “sham” exception.

In *Noerr*, the railroads conducted a vicious and deceptive publicity campaign to block deregulation of the trucking industry, their chief competitors. Alleging the campaign was an attempt to restrict competition, the truckers sued the railroads, claiming violation of the Sherman Antitrust Act. In the opinion of the Court, delivered by Justice Black, the railroads were not in violation of the Sherman Act because “no violation of the Act can be predicated upon mere attempts to influence the passage or

⁹ Pring and Cannon, 9

¹⁰ *Ibid.*

¹¹ *Ibid.*, 16

¹² Marnie Stetson, “Reforming SLAPP Reform: New York’s anti-SLAPP statute,” *New York University Law Review* [database on-line]; available from HeinOnline, 70 N.Y.U.L. Rev. 1324 1995, 1338.

¹³ 365 U.S. 127 (1961)

¹⁴ 381 U.S. 657 (1965)

enforcement of laws...the Act does not prohibit two or more persons from associating together in an attempt to persuade the legislature or the executive to take particular action with respect to a law that would produce a restraint or a monopoly.”¹⁵ The Court recognized situations exist in which a publicity campaign to influence governmental action is a “mere sham” to cover what is nothing more than an attempt to interfere with business relationships of a competitor, and in this case, the Sherman Antitrust Act would be applied. But, wrote Justice Black, “this is certainly not the case here.”¹⁶

In *Pennington*, the United Mine Workers of America and large coal companies were accused of conspiring to drive small mines out of business by petitioning federal agencies to boost minimum wages and limit government coal purchases to companies who could afford higher wages. In the opinion of the Supreme Court, delivered by Justice White, “the union was not exempt from the antitrust laws for entering into an agreement with the large coal operators to secure uniform labor standards throughout the industry, but the trial court erred in its jury instructions regarding joint efforts by the union and the large operators to influence the Secretary of Labor with respect to coal purchased by the Tennessee Valley Authority.”¹⁷ Reversing the judgment of lower courts, the Supreme Court remanded the case for further proceedings.

In both cases, the intent of the petitioner was not scrutinized. However, in their decisions, the Supreme Court did not allow absolute privilege for the right to petition. The “sham exception” was born, drawing a line between the right to petition and situations in which the publicity campaign, directed towards influencing government, is actually a sham to cover an attempt to interfere with the business relationships of the competitor.

The Supreme Court has not applied the *Noerr-Pennington* doctrine outside of antitrust or copyright-infringement cases, but lower courts have applied the First Amendment theory articulated in the doctrine to dismiss SLAPP suits.¹⁸ In general, the right to petition “sham” exception provides strong protection for SLAPP targets, but is insufficient to deter SLAPP suits because in its application, *Noerr-Pennington* requires examination of the target’s intent and leaves the possibility for further litigation rather than a quick summary of judgment and dismissal.

Another defense to a SLAPP stems from the Supreme Court’s First Amendment standard for defamation in *New York Times v. Sullivan*. In this case, a civil rights group took out an ad in the New York Times discussing events in Montgomery, Ala., that led to the eventual arrest of civil rights leader, Dr. Martin Luther King, Jr. Police Chief Sullivan sued the New York Times for liability damages, saying the ad shed him and his police force in false light. In their decision, the Court ruled that public figures

¹⁵ 365 U.S. 127 (1961)

¹⁶ *Ibid.*

¹⁷ 381 U.S.657 (1965)

¹⁸ *Stetson*, 1338

must prove actual malice in a liability suit. Since Sullivan could not prove the civil rights group and New York Times acted in “malice,” the Court ruled in favor of the New York Times. This standard has helped SLAPP victims in Court because filers must prove actual malice in the petitioning of targets. However, the *New York Times* standard is not absolute. It may protect targets from paying huge monetary damages, but still requires targets to spend time and money for litigation and deposition, causing a possible chilling effect in the target’s civic participation.

Perhaps the best case to illustrate the dismissal of SLAPPs is *City of Columbia v. Omni Outdoor Advertising, Inc.*¹⁹ a case argued in the United States Supreme Court in 1990 that set precedence for SLAPP dismissal. In 1981, a Georgia corporation, Omni Outdoor Advertising, began putting up billboards in and around Columbia, South Carolina. A South Carolina corporation that had been in the billboard business in Columbia since the 1940s and controlled more than 95 percent of the market, met with city officials in order to enact zoning ordinances restricting billboard construction. The ordinance passed in 1982 and Omni Outdoor filed suit alleging the ordinances violate the Sherman Act and were the result of anticompetitive conspiracy between the city and the South Carolina billboard company. The Court returned the case back to the lower courts, but did state that the right of petition should be upheld regardless of intent or purposes. With this statement, the Supreme Court of the United States showed its support for the First Amendment right to petition, opening the doors for future legislation protecting citizens who participate in government.

Eco-SLAPPs

The environmental movement began in the 1960s, a time when cultural and political change gripped the country. By the 1970s, with federal legislation for environmental protection in the works, the environmental movement flowered. Public participation in governmental reform was possible with the first environmental protection law, the National Environmental Policy Act (NEPA), passed by Congress in 1969. Environmental laws and programs opened legislative doors for environmental activists and encouraged participation in implementing policy, reporting violations, testifying at public hearings, filing enforcement actions and lobbying. Activists across the spectrum, from radicals to elders, professionals to students, responded to NEPA and accepted the challenges presented by the government. However, backlash was swift and by the 1970s, SLAPP suits had emerged to counteract the new environmental movement.²⁰

Eco-SLAPPs are variations of the numerous SLAPPs to sweep the country. Environmentalists petition the government over a problem caused by the plans, policies, or projects of a governmental

¹⁹ 499 U.S. 365

²⁰ Pring and Cannon, 83

agency or private party. Because the developers or government do not see alleged environmental injuries as sufficient to their purposes, they sue for money on the grounds of injuries allegedly caused by environmentalists' petitioning.²¹ SLAPPs were found in every environmental issue, but in their research, Pring and Cannon found three issues that best illustrate eco-SLAPPs: wilderness protection, pollution and animal rights. In this paper, two cases will be discussed for their impact on future SLAPPs and legislation: *Sierra Club v. Butz* and *Webb v. Fury*.

Sierra Club v. Butz²²

The Sierra Club is one of the largest environmental groups in the county. It is also the nation's leading SLAPP target, with at least 10 suits against them, and credited with what is known to be the first eco-SLAPP – *Sierra Club v. Butz*.²³

In 1965, the Forest Service opened a virgin, 3,500-acre track of wilderness for logging in California near what was soon to be the Salmon-Trinity Alps Wilderness. By 1970, the Sierra Club caught wind of the Forest Service's plans and objected to the "illegal" sale, requesting the area remain a wilderness. They filed suit seeking injunctive and declaratory relief against Humboldt Fir, Inc., the logging company holding the contract for the wilderness area. Three days after they filed the case, Humboldt Fir filed a cross-complaint seeking injunctive and monetary relief against the Sierra Club. Their counterclaim contained two parts based on state tort liability laws for interference with advantageous relationships. The first alleged "plaintiffs have intentionally, willfully and wrongfully, by oral and written representations, by asserting administrative appeals, by filing the complaint herein and other complaints, and by other acts, sought to induce the United States to breach a contract that allows Humboldt Fir to harvest timber."²⁴

In their decision, the Court cited *Noerr-Pennington* to declare Humboldt Fir's litigation a SLAPP. While discussing First Amendment right to petition the government, the Court stated that "the Constitution forbids that courts impose sanctions – even civil liability – upon those exercising First Amendment rights."²⁵ The Court argued against liability claim by Humboldt Fir based on the *Noerr-Pennington* decision, writing that liability can only be imposed when the matters under discussion are considered a "sham," rather than an honest attempt to change policy.

²¹ *Ibid.*, 84

²² 349 F.Supp. 934

²³ Pring and Cannon, 85

²⁴ 349 F.Supp. 934

²⁵ *Ibid.*

Webb v. Fury²⁶

In 1980, DLM Coal Corporation, a West Virginia corporation engaged in mining coal, filed action against Rick Webb, principal managing agent of Braxton Environmental Action Programs, a West Virginia nonprofit organization whose stated purpose is “ensuring that coal development is conducted with full regard for creation and the rights of future generations”²⁷ and director of Mountain Stream Monitors, an association concerned with the affects of coal mining on water quality. DLM charged Webb, Mountain Stream Monitors and Braxton Environmental Action Programs with libeling DLM and “damaging its commercial interests through a series of communications petitioners made to the Environmental Protection Agency (EPA) and the Office of Surface Mining (OSM) and through a newsletter published by Mountain Stream Monitors.”²⁸ Alleged damages consisted of an administrative complaint with the OSM and the United States Department of the Interior. Webb also requested a hearing before the EPA regarding DLM’s coal mining practices and filed a citizen’s complaint under provisions of the Surface Mining Control and Reclamation Act (SMCRA), requiring OSM to conduct an inspection of the mine site under question.

Webb requested a writ of prohibition and argued the constitutional right to petition the government protects an individual from legal actions resulting from the communications. When considering the case, the Supreme Court of Appeals in West Virginia stated: “Prohibition will lie to prohibit a case from proceeding to trial when the remedy of appeal is manifestly inadequate to protect against the chilling effect of allowing a suit to proceed because the complaint, as a matter of constitutional law, contains insufficient allegations to warrant an interference with a citizen’s right to petition his government.”²⁹ The court cited the *Noerr-Pennington* doctrine in their decision, understanding its application mostly applies to antitrust suits, but the foundations of the doctrine and its sham exception are based on First Amendment grounds. *Sierra Club v. Butz* is also cited by the court for its application of the *Noerr-Pennington* doctrine, leading the court to state: “clearly, the *Noerr-Pennington* doctrine is a principle of constitutional law which bars litigation arising from injuries received as a consequence of First Amendment petitioning activity, regardless of the underlying cause of action asserted by the plaintiff.”³⁰ With its application of the doctrine and mentioning of *Sierra Club v. Butz*, the court recognizes the importance of the right to petition and takes great strides to protect this First Amendment right.

²⁶ 167 W. Va. 434

²⁷ *Ibid.*

²⁸ *Ibid.*

²⁹ *Ibid.*

³⁰ *Ibid.*

In their conclusion, the court mentions the chilling effect SLAPP suits could have on public participation and grants Webb writ of prohibition:

As a final note, we shudder to think of the chill our ruling would have on the exercise of the freedom of speech and the right to petition were we to allow this lawsuit to proceed. The cost to society in terms of the threat to our liberty and freedom is beyond calculation...our democratic system is designed to do the will of the people, and when the people cannot express their will, the system fails...we see this dispute between the parties as vigorous exchange of ideas which is more properly within the political arena than in the courthouse...to hold otherwise would be to isolate ourselves in ignorance and to deprive society of the collective genius upon which our civilization depend. This we must never allow.³¹

Numerous other cases exist in which citizens participate in government by gathering petitions to stop development in their neighborhood, or construction of a nuclear plant in their community and get SLAPPED. The two examples above have set precedents for these other cases for early dismissal, rights of citizens to petition and helped to raise the awareness of the frequency of SLAPPs. With this increase awareness, many state legislatures have started to take notice and act in order to help protect targets and defend democracy.

Anti-SLAPP Legislation

Since the 1980s, SLAPP suits have become increasingly common in the courts. Some are easily identified as SLAPPs and immediately dismissed by most judges who refuse to clog up the legal system. Others are harder to identify because they are disguised as liable or numerous other tort laws. However, dozens of states have taken proactive steps in curtailing the number of SLAPP suits that see their day in court. Currently, over 20 states have anti-SLAPP legislation on the books, with more states working towards that goal.

In 1984, the Colorado Supreme Court heard arguments in *Protect Our Mountain Environment, Inc. v. District Court*³² and devised a three-part test to identify and dispose of SLAPPs by shifting the burden to plaintiffs, or filers, in order to justify maintaining the suit. The court required plaintiffs to prove that the defendant's activity be devoid of reasonable factual support or lacks any basis in law; the

³¹ Ibid.

³² 677 P.2d 1361

defendant's primary purpose was to harass; the defendant's activity could actually adversely affect legal interests of the plaintiff.³³

New York legislature passed an anti-SLAPP bill in 1992 that is considered the most comprehensive attempt by any state to limit the onslaught of SLAPPs.³⁴ The legislation allows for targets to recover all attorney's fees and costs from a SLAPP suit if they can show that the suit was brought without any substantial basis in fact or law. In addition, victims of SLAPPs can recovery compensatory damages if they can also prove the suit was brought as an attempt to harass or intimidate or inhibit the exercise of free speech or petition. With this legislation in place, SLAPP victims in New York can look forward to expedited dismissal of their suits, which helps to lose the effectiveness of SLAPPs.³⁵

Washington anti-SLAPP legislation is sometimes known as the "good faith" legislation because it protects any citizen who communicates a complaint or information to government officials regarding matters of concern to that agency. Other provisions of the Washington law resemble the New York law in that SLAPP victims are legally entitled to recover all costs relating to the suit. Governmental agencies are also given the opportunity to intervene and defend SLAPPs based on an individual's communication to that agency.³⁶

California became the third state to enact anti-SLAPP legislation in 1992, providing substantial protection for targets of SLAPPs. In the legislation, limited immunity is granted to individuals serving as officers or directors of nonprofit organizations. Lawmakers worded the legislation in order to show the importance of citizen volunteers willing to petition the government and protect them from the financial burden of SLAPPs. The second part of the legislation allows any suit recognized as a SLAPP to be subject to special motion to strike. This provision guarantees citizens can participate in public affairs without any worry of being a target of a SLAPP suit. Finally, the California anti-SLAPP legislation allows for targets to recover attorney fees in the event of a SLAPP suit.³⁷

Legislation in at least 24 other states³⁸ has been enacted to various degrees to protect citizens' right to petition the government for a redress of grievances. Another type of retaliation to SLAPP suits is known as SLAPPING back. Some targets of SLAPPs have been successful in bringing counterclaims or countersuits for damages incurred during the original SLAPP. Some believe this response is the most

³³ Geoffrey Paul Huling, "Tired of Being SLAPPed Around: States take action against lawsuits designed to intimidate and harass," *Rutgers Law Journal*, [database online]; Available from HeinOnline, 25 Rutgers L.J. 401 1993-1994, 408

³⁴ *Ibid.*, 423

³⁵ *Ibid.*

³⁶ *Ibid.*, 425

³⁷ *Ibid.*, 427

³⁸ These include Arkansas, Delaware, Florida, Georgia, Hawaii, Indiana, Louisiana, Maine, Maryland, Massachusetts, Minnesota, Missouri, Nebraska, New Mexico, New York, Oklahoma, Oregon, Pennsylvania, Rhode Island, Tennessee, Utah, Washington and West Virginia (Source: California Anti-SLAPP Project – <http://www.casp.net>).

effective long-term tool citizens have for discouraging SLAPPs.³⁹ In some cases, targets of SLAPPs who SLAPPback have been awarded up to five million dollars.⁴⁰ Although SLAPPbacks can be effective in recovering damages from SLAPP suits, they do nothing to deter SLAPPs filers and still involve targets in long, drawn-out legal proceedings, deterring petitioning activities and citizen activism.

Conclusion

The First Amendment right to petition the government is a fundamental principle for a working democracy. In this country, thousands of citizens have felt the chilling effects of SLAPP suits and chosen not to continue their participation in citizen groups or nongovernmental organizations working towards change. It is this effect – the chilling effect – that is most dangerous when discussing SLAPP suits. In order for democracy to work, citizens must participate in the discussion of legislation, policy and other matters that directly impact their lives. According to studies on American’s involvement in politics, most wait to get involved until there are directly affected or threatened. Other studies show that America has the lowest levels of voting participation in any industrialized democracy where voting is voluntary and that political involvement (other than voting) is limited to approximately 10 percent of the adult population.⁴¹ These statistics do not bode well for a working democracy when SLAPP suits are thrown into the mix. If the already low percentage of Americans participate in democracy and exercise their First Amendment rights, then the threat of SLAPP suits can be even more damaging to an already fractured political system.

Research on SLAPPs has just begun to catch on. Through Pring and Cannon’s work in defining SLAPPs, researchers have opportunities to continue exploring the many forms of SLAPP suits and their effects on democracy. With First Amendment rights under attack by big business and government and states passing legislation to curtail the problem, researchers have some questions to consider when looking at SLAPPs. For example, to what extent does the chilling effect have on individuals? Does every target stop participating after the lawsuit?

The Petition Clause is an effective tool for citizen activism, and most governmental processes, such as the National Environmental Policy Act mentioned at the beginning of this paper, solicit public input when implementing policies. However, SLAPP suits have become a trend used by big business to intimidate citizens into silence for economic gain. SLAPP suits are an affront to democracy and must be curtailed. The First Amendment issues involved in these suits are too dangerous to be ignored.

³⁹ Edward McBride, Jr., “The Empire State SLAPPS Back: New York’s legislative response to SLAPP suits,” *Vermont Law Review* [Database on-line]; available from HeinOnline, 17 Vt. L. Rev. 925, 943.

⁴⁰ *Leonardini v. Shell Oil Co.* 216 Cal. App. 3d 547 (1989)

⁴¹ Penelope Cannon and George Pring, “Strategic Lawsuits against Public Participation,” *Social Problems*, 35(5) (Dec. 1988) [database on-line]; available from JSTOR, 515.

Reference List

- Cannon, Penelope and George W. Pring. 1988. Strategic Lawsuits against Public Participation. *Social Problems*, 35(5). Database online. Available from JSTOR, University of Tennessee at Knoxville.
- City of Columbia et al. v. Omni Outdoor Advertising, INC., 499 U.S. 365. Database online. Available from LexisNexis, University of Tennessee, Knoxville.
- Eastern Railroad Presidents' Conference et al. v. Noerr Motor Freight, INC., et al. 365 U.S. 127. Database online. Available from LexisNexis, University of Tennessee, Knoxville.
- Grant, Tarah. 1999. Slapping Back at SLAPPs. *The Quill*. 87(6). Database on-line. Available from InfoTrac Onefile, Thompson Gale, University of Tennessee, Knoxville.
- Huling, Geoffrey Paul. 1993. Tired of Being SLAPPED Around: States take action against lawsuits designed to intimidate and harass. *Rutgers Law Journal*. Database on-line. Available from HeinOnline, 25 Rutgers L.J. 401, University of Tennessee, Knoxville.
- McBride, Edward W. 1992. The Empire State SLAPPs Back: New York's legislative response to SLAPP suits. *Vermont Law Review*. Database online. Available from HeinOnline, 17 Vt. L. Rev. 925.
- Pring, George W. and Penelope Cannan. 1996. *SLAPPs: Getting Sued for Speaking Out*. Philadelphia: Temple University Press.
- Rowe, Frederick and Leo Romero. 2002. Resolving Land-Use Disputes by Intimidation: SLAPP suits in New Mexico. *New Mexico Law Review*. Database on-line. Available from HeinOnline, 32 N.M. L. Rev. 217.
- Sierra Club v. Butz, 349 F. Supp. 934. Database online. Available from LexisNexis, University of Tennessee, Knoxville.
- "SLAPPs: Getting Sued for Speaking Out." *Multinational Monitor*: 37(1). Database on-line. Available from InfoTrac Onefile, Thompson Gale, University of Tennessee, Knoxville.
- Stetson, Marnie. 1995. Reforming SLAPP Reform: New York's anti-SLAPP statute. *New York Law Review*. Database on-line. Available form HeinOnline, 70 N.Y.U.L. Rev., 1324, University of Tennessee, Knoxville.
- United Mine Workers of America v. Pennington et al. 381 U.S. 657. Database online. Available from LexisNexis, University of Tennessee, Knoxville.
- Webb v. Fury, 167 W.Va. 434. Database online. Available from LexisNexis, University of Tennessee, Knoxville.