

## Attachment A

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### Examples of SLAPPs in Oregon (from Larry DeBates)

In **Banks** a citizen who had testified at a city council meeting (along with others and some city officials) was sued by a developer. The suit was eventually dismissed but attorney fees for the one involved citizen was near \$10,000. Costs to others is unknown. Development eventually went through as critics were silenced and defendants were advised by counsel to not testify again in later hearings.

In **Yachats** four members of a group (Friends of 804) and the editor of the local paper were each sued for \$230,000 by a title company owned by a local attorney for defamation. The local attorney had also functioned as the city attorney when a variance was given for a home to be built on an undersized lot that was supposedly not buildable when created by partition in 1979. Blocking some accesses to the 804 beach walking trail was also an issue that had not been noted by the title company when issuing a warranty deed on the undersized lot. Approximately 2 1/2 years later, after LUBA appearances and Court of Appeals Review on the land use issues, a five-day trial eventually was held in the Circuit Court in Eugene for defamation. After an hour deliberation the jury ruled unanimously in favor of the defendants. However, the judge dismissed a counter claim for attorney fees by the defendants who had incurred substantial legal fees throughout this process.

In **Yachats** two city council members were sued by a logger/developer when they attempted to call a city council meeting to address the use of a city road to haul logs where an ordinance existed prohibiting trucks in excess of 10 tons. Three of the five Yachats city council members later decided the two council members acted outside their scope of authority by sending out a notice of a special meeting and were denied insurance protection as city officials. Four years later, the defendants have spent approximately \$20,000 in legal fees and suffered indescribable mental anguish.

In **Florence** a practicing attorney has written in to LCDC supporting the legislation as he stated "In the last two years, I am aware of at least five instances where citizens opposing developers have been threatened with lawsuits." There are other cases in Florence with potential suits regarding an outlet mall, Fred Meyer Store, and other developments.

In **Lincoln County** a developer sued a number of people and public boards -- including the Netarts Steering Committee. The county planning director has stated: "His strategy appears to be winning through intimidation." Legal costs have been incurred by these participating people defending themselves and numerous people have dropped out.

In **Columbia County** a commissioner threatened to sue three citizens and anyone who helped them with a recall petition.

In **Salem** a member of a citizens group was threatened with a lawsuit for information he put in the voters pamphlet regarding a development.

In **St. Paul** a person has been sued by \$450,000 by a developer for a letter to the editor she wrote published in the Newberg Graphic.

## Attachment B Minnesota's Anti-SLAPP law

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### MINNESOTA

#### Declaratory, Corrective and Administrative Remedies

#### CHAPTER 554 FREE SPEECH; PARTICIPATION IN GOVERNMENT

Minn. Stat. § 554.01-.05 (1998)

##### 554.01 Definitions

Subdivision 1. Scope. The definitions in this section apply to this chapter.

Subd. 2. Government. "Government" includes a branch, department, agency, official, employee, agent, or other person with authority to act on behalf of the federal government, this state, or any political subdivision of this state, including municipalities and their boards, commissions, and departments, or other public authority.

Subd. 3. Judicial claim; claim. "Judicial claim" or "claim" includes any civil lawsuit, cause of action, claim, cross-claim, counterclaim, or other judicial pleading or filing seeking damages for an alleged injury. "Judicial claim" does not include a claim solely for injunctive relief.

Subd. 4. Motion. "Motion" includes any motion to dismiss, motion for summary judgment, or any other judicial pleading filed to dispose of a judicial claim.

Subd. 5. Moving party. "Moving party" means any person on whose behalf the motion described in section 554.02, subdivision 1, is filed seeking dismissal of an action under this chapter.

Subd. 6. Public participation. "Public participation" means speech or lawful conduct that is genuinely aimed in whole or in part at procuring favorable government action.

Subd. 7. Responding party. "Responding party" means any person against whom a motion described in section 554.02, subdivision 1, is filed.

##### 554.02 Protection of citizens to participate in government

Subdivision 1. Applicability. This section applies to any motion in a judicial proceeding to dispose of a judicial claim on the grounds that the claim materially relates to an act of the moving party that involves public participation.

Subd. 2. Procedure. On the filing of any motion described in subdivision 1:

- (1) discovery must be suspended pending the final disposition of the motion, including any appeal; provided that the court may, on motion and after a hearing and for good cause shown, order that specified and limited discovery be conducted;
- (2) the responding party has the burden of proof, of going forward with the evidence, and of persuasion on the motion;
- (3) the court shall grant the motion and dismiss the judicial claim unless the court finds that the responding party has produced clear and convincing evidence that the acts of the moving party are not immunized from liability under section 554.03; and
- (4) any governmental body to which the moving party's acts were directed or the attorney general's office may intervene in, defend, or otherwise support the moving party.

##### 554.03 Immunity

Lawful conduct or speech that is genuinely aimed in whole or in part at procuring favorable government action is immune from liability, unless the conduct or speech constitutes a tort or a violation of a person's constitutional rights.

##### 554.04 Fees and damages

Subdivision 1. Attorney fees and costs. The court shall award a moving party who prevails in a motion under this chapter reasonable attorney fees and costs associated with the bringing of the motion.

Subd. 2. Damages. (a) A moving party may petition the court for damages under this section in conjunction with a motion

(b) If a motion under this chapter is granted and the moving party demonstrates that the respondent brought the cause of action in the underlying lawsuit for the purpose of harassment, to inhibit the moving party's public participation, to interfere with the moving party's exercise of protected constitutional rights, or otherwise wrongfully injure the moving party, the court shall

award the moving party actual damages. The court may award the moving party punitive damages under section 549.20. A motion to amend the pleadings under section 549.191 is not required under this section, but the claim for punitive damages must meet all other requirements of section 549.191.

#### 554.05 Relationships to other law

Nothing in this chapter limits or precludes any rights the moving party or responding party may have under any other constitutional, statutory, case, or common law, or rule.

**Attachment C  
Draft Changes**

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**A BILL FOR AN ACT**

1  
2 Relating to liability.

3 Be It Enacted by the People of the State of Oregon:

4 **SECTION 1.** (1) Except as provided in this section, a person is not civilly liable for **their**  
5 **speech, influencing action, or otherwise participating in the processes of government,**  
6 **regardless of intent or purpose, except where not aimed at procuring any governmental or**  
7 **electoral action, result, or outcome. ~~any statement made by the person in the course of~~**  
8 **~~participating in an administrative, quasi-judicial or legislative proceeding conducted by a public~~**  
9 **~~body, as defined in ORS 30.260.~~ Statements protected under this section include, but are not**  
10 **limited to, statements made for the purpose of influencing governmental decisions or informing**  
11 **government officials or employees on issues being considered by a public body, as defined in**  
12 **ORS 30.260. This immunity acts as a furtherance of the Constitutional right to petition**  
13 **government.**

14 (2) The immunity conveyed by this section:

15 (a) Does not apply in any action brought by a public body for the purpose of enforcing the  
16 laws of this state; and

17 (b) Does not apply to statements that are subject to ORS 171.530.

18 (3) This section does not limit any other immunity or defense under common or statutory law  
19 that may be available to a defendant in a civil action based on statements made by the defendant.

20 (4) The court shall award reasonable attorney fees, costs and all other reasonable expenses,  
21 including expert witness expenses, incurred by a defendant who prevails in a civil action by  
22 reason of the immunity conveyed by this section. The court may also award punitive damages.

23 **SECTION 2:** (1) **This section applies to any motion in a judicial proceeding to dispose**  
24 **of a judicial claim on the grounds that the claim materially relates to an act of the moving**  
25 **party that involves public participation.**

26 (2) **On filing any motion described above:**

27 (a) **discovery must be suspended pending the final disposition of the motion, including**  
28 **any appeal; provided that the court may, on motion and after a hearing and for good cause**  
29 **shown, order that specified and limited discovery be conducted;**

**Attachment C  
Draft Changes**

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30       **(b) the responding party has the burden of proof, of going forward with the evidence,**  
31 **and of persuasion on the motion;**

32       **(c) the court shall grant the motion and dismiss the judicial claim unless the court finds**  
33 **that the responding party has produced clear and convincing evidence that the acts of the**  
34 **moving party are not immunized from liability under Section 1 of this Act;**

35       **(d) any governmental body to which the moving party's actions were directed or the**  
36 **attorney general's office may intervene in, defend, or otherwise support the moving party;**

37       **(e) the court shall award reasonable attorney fees, costs, and all other reasonable**  
38 **expenses, in a case where the attorney general's office or other governmental body**  
39 **intervenes, to the attorney general's office or intervening governmental body.**

40       **SECTION 3: (1) The definitions in this section apply only to this chapter.**

41       **(2) "Government" includes a branch, agency, official employee, agent, or other person**  
42 **with authority to act on behalf of the state or any political subdivision of this state,**  
43 **including, not limited to, administrative, quasi-judicial, or legislative proceedings**  
44 **conducted by a public body;**

45       **(3) "Person" includes any individual, corporation, association, organization,**  
46 **partnership, two or more persons having a joint or common interest, or other legal entity;**

47       **(4) "Motion" includes any motion to dismiss, motion for summary judgment, or any**  
48 **other judicial pleading filed to dispose of a judicial claim;**

49       **(5) "Public participation" includes seeking relief, influencing action, informing, or**  
50 **communicating aimed at procuring any governmental or electoral action, result, or**  
51 **outcome;**

52       **(6) "Judicial claim" includes any lawsuit, cause of action, claim, cross-claim,**  
53 **counterclaim, or other judicial pleading or filing requesting relief.**

54       **SECTION 2- 4. The immunity conveyed by section 1 of this 1999 Act applies only to**  
55 **statements made on or after the effective date of this 1999 Act.**

3/24/99

To: House Judiciary-Civil Law Committee  
Chairman Shetterly

From: Jefferson County Farm Bureau  
President Killingsworth

Subject: HB 2805 SUPPORT

Dear Chairman Shetterly and committee members

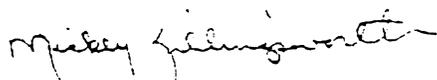
This bill is very important since it provides protection for anyone participating in administrative, quasi-judicial or legislative proceedings held by a public body.

Unless you have insurance to cover statements lawsuits always are out there. Just a mere implication of a lawsuit can act as a "gag" barrier to citizens.

We have seen this type of implication "gag" used and it does intimidate everyday citizens.

Please vote to provide everyday citizens freedom of speech without fear of retaliation from threats of lawsuits.

Sincerely,



Mickey Killingsworth  
President  
Jefferson County Farm Bureau  
789 SE Dover Ln.  
Madras, Or 97741

1070 SE Denman Avenue  
 Corvallis, OR 97333  
 May 29, 1998

Mitch Rohse, Policy Development Specialist  
 Department of Land Conservation and Development  
 1175 Court Street, NE  
 Salem, OR 97310-0590

DEPT OF  
 JUN 01 1998  
 LAND CONSERVATION  
 AND DEVELOPMENT

Dear Mr. Rohse;

Allow me to simply voice support for the "Citizen Participation in Government Act of 1999" as a most necessary remedy for the unwarranted filing of SLAPPs. That judges have thrown out most of these suits is testimony to their obstructive and frivolous nature. Citizens who care to participate in public debate need to be spared the stress; it is difficult enough gathering data, preparing information and being subjected to the rigor of public hearings.

Beyond the specifics of your draft legislation, I would ask you to consider a larger context within which SLAPPs [and many other development issues] must be viewed. Whatever else is responsible for growth pressures in Oregon, we must be aware that national population pressure contributes its fair share to the conditions we are trying to manage. If this nation had stabilized its population when the 1972 Rockefeller Commission concluded: "there would be no benefits to a growing population, that the health of our economy does not depend upon it, that the life of the average citizen is not enhanced by it, that democratic representation is diluted by it, and that most of our major problems would be easier to solve if we stopped growing," then Oregon's development these past 26 years might be markedly different from what we now observe. Sixty million more people have been added since then and only a fool would conclude this has had no impact on development pressures and overall quality of life.

Enclosed is a copy of SR2 from the 1997 legislative session. This bill has still not passed, even though the wording has served as a model document for jurisdictional resolutions that have won support from local citizens. Would you consider sending this to the DAS, with your endorsement as proposed legislation for the 1999 session? If so, please contact me for more information and for a packet of documents that lends more background and substance to the proposal behind SR2. Thanks for your consideration of these issues and for your support of citizen participation in public debate.

Sincerely,

M. Boyd Wilcox  
 <wilcoxmb@peak.org>

copy to: Jeff Lamb @ OCVA



# *Neighbors United Against Annexation*

1865 Yolanda St., Lane Co., OR 97477

747-3144

*Representing The Interests of Property Owners in the Springfield Urban Growth Boundary*  
**Member Organization, Oregon Communities For A Voice In Annexations**

May 17, 1998

Land Conservation & Development Commission  
1175 Court St. N.E.  
Salem, OR 97310

Ladies & Gentlemen:

We are most pleased to learn of your efforts to protect Oregonians against 'SLAPP' suits. We encourage you in the strongest possible way to promote and support your "Citizen Participation in Government Act of 1999" draft legislation.

This draft legislation is a needed and welcomed step toward ensuring that citizen participation remains the cornerstone of democracy and Oregon land use law. In drafting this legislation, the Commission has exemplified responsible government at its best. Thank you!

Sincerely & Respectfully,



Jerry J. Ritter, Chairman  
Neighbors United.



534 SW Third Avenue, Suite 300, Portland, Oregon 97204-2597, Phone: (503) 497-1000 • FAX: (503) 223-0073

## Vote YES on SB 330

### The Citizen Participation In Government Act of 1999

#### SB 330 would:

Protect citizens from frivolous lawsuits brought to discourage public participation in local government decisions (so-called "Strategic Lawsuits Against Public Participation," or SLAPPs). Specifically, the bill would provide civil immunity for statements made by people in the course of participating in administrative, quasi-judicial, or legislative proceedings conducted by a public body. It would allow citizens to recover legal fees and other reasonable expenses incurred in their self-defense.

#### 1000 Friends of Oregon supports SB 330 because:

#### 1. SLAPPs have a chilling effect on public debate and discussion, a cornerstone of democracy

On both a national and statewide level, communities have felt the chilling effect of lawsuits brought against active citizens. SLAPPs are not filed to be won, but to intimidate citizens -- and, as any resident of a community where SLAPPs have been filed can tell you, SLAPPs effectively intimidate people and decrease involvement in the public process. SB 330 protects innocent citizens from bearing high legal defense costs.

#### 2. SLAPPs threaten the effectiveness of Statewide Planning Goal 1, Citizen Involvement

Developers in Banks, Newberg, St. Paul, Benton County, and Tillamook County have filed suits against citizens and public boards who opposed their proposals. Our statewide planning program *depends* on local citizens participating in a public dialogue about the planning process and permitting decisions. SB 330 protects citizens engaged in such dialogue.

#### 3. Other state legislatures have protected their citizens from SLAPPs

Twelve states currently have anti-SLAPP laws, including Georgia, Nebraska, Nevada, and Washington. Ten other states are considering such legislation.

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"No obstacle is more chilling than the fear of personal liability ... The ripple effect of just one suit on the willingness of people to serve as volunteers is great."

-- *Former President George Bush*

"Oregon should limit lawsuits that undermine free speech ... The latest threats to [free speech and the freedom to petition] come not from the government, but from people intent on protecting their interests by sacrificing our freedoms ... Oregonians must keep their right to speak their minds."

-- *Statesman Journal Editorial*

If you have questions about our position on SB 330, contact Evan Manvel at (503) 497-1000.  
Position statement based on SB 330 as of February 4, 1999



534 SW Third Avenue, Suite 300, Portland, Oregon 97204.

COMMENTS OF 1000 FRIENDS OF OREGON  
TO THE  
CITIZEN INVOLVEMENT ADVISORY COMMITTEE

February 20, 1998

1000 Friends of Oregon supports the efforts of the Citizen Involvement Advisory Committee to address problems relating to SLAPP suits. SLAPP litigation is designed to intimidate, harass, frighten and punish those who would exercise their rights to participate in the public processes that shape their own communities. It should have no place in Oregon.

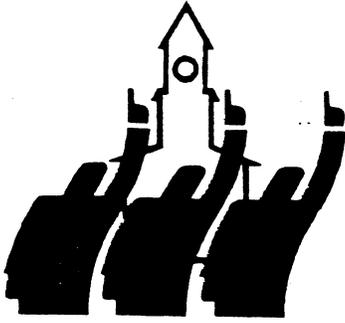
Here are some of the instances of SLAPP activities that 1000 Friends has become aware of:

- Citizens who had successfully appealed the illegal operation of a gravel pit near their house were sued. They had to pay an attorney to get the lawsuit dismissed.
- A group who had successfully appealed a permit to develop a factory outlet mall in their city were threatened with litigation if they continued to oppose the mall in the city's remand proceedings. They did not participate further in the matter.
- Activists have been sued for defamation because they wrote letters to local newspapers about very public land use disputes. They have had to hire attorneys to defend themselves. Some of these suits are still pending.

SLAPP suits are part of an larger pattern of harassment against citizens who dare to speak up. 1000 Friends knows of citizens who have been groundlessly threatened with claims for attorney fees, who have had computer equipment stolen, who have been shouted down - by their county commissioners - as they testified at public hearings, and who have even received death threats. (More common than these occurrences, but related to them, is the attitude, often expressed in public forums, that opponents to development are anti-growth NIMBY'S who have no legitimate basis for delaying developments.) The effect is understandably chilling to citizen participation in land use decision making.

1000 Friends of Oregon suggests that the CIAC consider these problems further at a later meeting. At that time, 1000 Friends would be pleased to offer more information about SLAPP suit harassment against land use activists. The CIAC's actions and advice on SLAPP suits should then be considered as an agenda item by the Land Conservation and Development Commission.

Thank you for the opportunity to comment.



# Oregon Communities

## For A Voice In Annexations

Promoting & Protecting Citizen Involvement in Land Use Issues  
 P.O. Box 248, Philomath, OR 97370 541-929-5166  
 Email: [ocva@juno.com](mailto:ocva@juno.com) Fax 541-929-6243

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February 8, 1999

Ms. Jill Day, Claims Supt.  
 State Farm Insurance  
 1111 B NW 9<sup>th</sup> St.  
 Corvallis, OR 97330

Dear Ms. Day:

The insurance industry loses **millions of dollars** every year in the United States to SLAPPs: Strategic Lawsuits Against Public Participation. These are frivolous lawsuits filed against citizens who speak out on public policy. Their sole purpose is to silence the public through intimidation and the threat of losing one's home, business and assets.

Even though SLAPPs are almost always groundless, they can drag on for years and cost a fortune to defend against. **That money is often provided by a defendant's homeowner's or personal umbrella insurance policy.** Robert Richards, founder of the Pennsylvania Center For The First Amendment says, "the number of SLAPP suits nationwide is staggering...thousands have been identified, but for every thousand that have been identified there are probably thousands and thousands that have not been."

Vanderbilt University's Freedom Forum, a national leader in protecting first amendment rights, has also identified SLAPPs as a major issue. Please see the enclosed copy of their story dated 1/29/99, "Anti-SLAPP Bill Introduced In Oregon Senate."

12 states have already passed anti-SLAPP legislation with another 10, including Oregon, considering such action. OCVA has been working with Oregon's Dept. of Land Conservation And Development (DLCD) and state legislators on the Oregon legislation. As a result of these efforts, DLCD has introduced Oregon Senate Bill 330, "The Citizen Participation In Government Act of 1999," in the Oregon state senate.

**We believe that it is in the insurance industry's and your company's best interest to vigorously and actively support SB-330, and we urge you to initiate efforts to do so as soon as possible. Feel free to contact us with any questions.**

Sincerely,

Jeffrey R. Lamb  
 Chairman, OCVA

CC: Mitch Rohse – DLCD      Sen. Cliff Trow      Reps. Shetterly, Schrader & Ross

June 6, 1998

Department of Land Conservation & Development  
1175 Court Street NE  
Salem, OR. 97310-0590

DEPT OF  
JUN 11 1998  
LAND CONSERVATION  
AND DEVELOPMENT

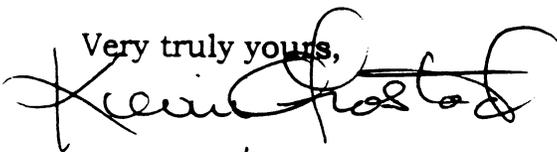
Gentlemen:

As citizens who take an active interest in land use issues in our community and region, we welcome DLCD's proposed draft legislation known as "The Citizen Participation In Government Act of 1999."

For far too long powerful interest groups and individuals have been able to bully, threaten, and intimidate concerned citizens who participate in public forums. This litigious autocracy seeks to suppress citizen participation in government by methods that are nothing short of legal and economic terrorism. Such "SLAPP" actions have a chilling effect on the cornerstone of Oregon's land use law, i.e. active citizen involvement. It is highly doubtful that these actions are filed in good faith. They are not so much designed to prevail in law, but rather to serve as a blunt instrument with which to beat down those whose only powers are derived from open democratic processes. The real danger of these legal assaults is that they strike at the heart of participatory democracy, thus attempting to destroy that which is fundamental to our system of government.

We applaud DLCD's proposed legislation designed to protect citizen involvement in government. We shall support such efforts in every way possible in the upcoming session of the Oregon Legislature. It is our earnest hope that such support will contribute to the successful passage of The Citizen Participation In Government Act of 1999. Thank you for moving forward on this important issue.

Very truly yours,



*Tina Frostad*  
Kevin & Tina Frostad  
37270 Dubarko Drive  
Sandy, OR. 97055

PETER SORENSON  
DISTRICT 20

100 of 179

REPLY TO ADDRESS INDICATED

Senate Chamber  
Salem, OR 97310-1347

P. O. Box 10836  
Eugene, OR 97440



OREGON STATE SENATE  
SALEM, OREGON  
97310-1347

June 14, 1996

Terry Fleming  
14051 NW Grandview Pl  
Banks, OR 97106

Dear Mr. Fleming,

I was recently reviewing correspondence I received in April and May and came across a letter from Governor Kitzhaber concerning the problem you are having in Banks. I hope we are making some progress in this matter, that being legislation to address "SLAPP" suits.

Please keep me updated on your progress.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Peter Sorenson'.

Peter Sorenson  
Oregon State Senator

PS/ck

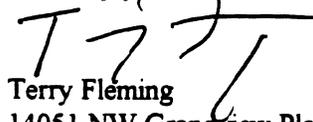
April 8, 1996

Governor John Kitzhaber  
160 State Capitol  
Salem OR 97310

Dear John;

I appreciated talking with you Friday about the Banks fiasco. Though many newspaper articles have been written about aspects of the situation I thought the attached might give you a snapshot. I have no idea if anybody at the state level is responsible for insuring free speech or assisting citizens who are trying to participate in the public process. If so we could use the help. I would be happy to brief any appropriate parties.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'Terry Fleming', with a stylized flourish extending to the right.

Terry Fleming  
14051 NW Grandview Place  
Banks OR 97106  
503-324-8491 Home  
503-626-7841x106 Work

Oregon needs laws that follow the California model of outlawing this type of suit.

The ramifications of suing individuals based on their public testimony is enormous. As an example a developer could claim that individuals who want students to wear shoes to school are discriminating against low income parents who don't buy houses in his development because they can't afford shoes. He can then sue the individuals and the school board claiming loss of revenue. If this sounds far fetched consider the fact that one of the individuals in the Banks suit is apparently named solely because of anti development remarks he made in a restaurant or the case of 81 Year Old Richard Tramp whose story is attached.. None of the individual defendants in this case could possibly discriminate in that none of them control who the eventual houses are sold or rented to. A SLAPP suit needs no basis to be effective.

Equally important is the ability for City council members to be free to vote for what is best for their City instead of voting because of intimidation.

An abuse of the justice system is occurring right her in Oregon.

**Summary of Testimony Before the  
State Citizen Involvement Advisory Committee (CIAC)  
on the Subject of Proposed Legislation to Limit "Strategic  
Lawsuits Against Public Participation" (SLAPP's)  
May 15, 1998**

Six people testified before CIAC. The notes below summarize their comments. CIAC also received some written testimony on the topic of SLAPP's. That testimony is attached. All of the oral and written testimony expressed concern about SLAPP's in Oregon; all encouraged the CIAC and the Department of Land Conservation and Development to pursue legislation to restrict SLAPP's.

**1. Jim Ludwick, President, Friends of Yamhill County** -- He fully supports the proposal. He believes that it would further citizen involvement by helping citizens feel as if they have a right to be heard. He has not personally been subject to a SLAPP but knows of one person who has been sued. Mr. Ludwick notes that the proposal would benefit developers as well as citizen activists by protecting the rights of all to express their opinion for or against a development proposal. He urges passage of the proposal because it would open the process to more effective citizen involvement.

**2. Jeffrey Lamb, Chairman, Oregon Communities for a Voice in Annexations** -- The OCVA supports the proposal. Mr. Lamb notes the irony of celebrating 25 years of strong statewide planning at the very time when many citizens feel threatened about participating in the planning process. He says that several OCVA members have been threatened with SLAPP's or actually sued. He notes that SLAPP's are insidious because they cannot be tracked, and because a few SLAPP's can intimidate a large number of people. He will provide CIAC with information about specific incidents and details about SLAPP's in Oregon. He suggests that we borrow from other states that have dealt with the SLAPP problem. He says that OCVA believes that SLAPP's are being used more and more to silence public participation in land use proceedings.

**3. Richard Reid, President of Salem City Watch** -- He reports that a member of City Watch was sued during a recent local election, and it was quite intimidating to that member. He says that at least one attorney in Salem will testify that SLAPP's are a problem. He says that the problem with SLAPP's is that they pit the scant resources of the individual against the deep pockets of corporations. Mr. Reid noted that Section 4 of the proposal is ambiguous: some of the words are subject to different interpretations.

*More . . .* 

**4. Jerry Scott** -- Mr. Scott reported that he had been involved in a SLAPP: he was threatened with a suit to withdraw his statement from a voters pamphlet. He contacted an attorney and decided to go forward with the statement. He commended the committee for developing the proposal.

**5. Jake Stockfleth, Chair of the Marion County Planning Commission** -- He says that his planning commission members all were threatened with lawsuits regarding a proposed subdivision. He's mainly concerned about lay persons who serve on planning commissions being vulnerable to legal and financial risks. He says that fear of being sued may well be a force that's keeping some people from participating in land use matters.

**6. Bob Kiselosky, Yachats** -- Mr. Kiselosky read his testimony into the record. He supports the proposal. His written testimony is attached.

Debby A. Todd and D. Ronald Gerber submitted written testimony. Both support the proposal. Their letters are attached.

### ***Attachments***

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