S.7280/A.856
Citizen Participation Protection Act of 2014

Memorandum in Support

The 135 members of the Association of American University Presses (AAUP) represent more than 90% of the nation’s university presses, along with a variety of aligned mission-based publishers such as museums, learned societies, historical associations, and research institutes. Collectively, we publish more than 10,000 scholarly books and 800 journals each year. As mission-based publishers, AAUP members’ books inform public debate, advance scholarship, and document the history of America’s people and places. Not infrequently, AAUP’s members release works on controversial topics of current import; occasionally, these efforts make them targets for SLAPP (“Strategic Lawsuit Against Public Participation”) litigation. As small, nonprofit organizations, university presses are particularly ill positioned to withstand the financial havoc such lawsuits can wreak. AAUP therefore strongly supports S.7280/A.856, which would broaden the scope of Civil Rights Law § 76-a (New York’s “anti-SLAPP” law) to protect a wider range of speech on matters of public concern against meritless lawsuits aimed at stifling such speech.

Currently, the anti-SLAPP provisions of the Civil Rights Law only apply to speech in connection with a public permitting or application process, a restriction so narrow as to render their protection meaningless. By expanding the law to include protection of speech in a public place on issues of public interest, S. 7280/A.856 restores basic fairness to victims of clearly harassing litigation. The legislation would bring New York State in line with recent changes in law throughout the country, including Texas, Washington, Nevada, Vermont, Oregon, California and many other states.

As an organization incorporated and headquartered in New York, representing over a dozen New York-based member presses, and scores of other presses who have published thousands of New York-based authors, we urge prompt passage of S.7280/A.856.