

Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM

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MEMORANDUM

September 9, 2022

To: Members of the Subcommittee on Civil Rights and Civil Liberties

Fr: Committee Staff

Re: Hearing on “Free Speech Under Attack (Part III): The Legal Assault on Environmental Activists and the First Amendment”

On **Wednesday, September 14, 2022, at 10:00 a.m. ET in room 2154 of the Rayburn House Office Building and remotely on the Zoom video platform**, the Subcommittee on Civil Rights and Civil Liberties will host a hybrid hearing on “Free Speech Under Attack (Part III): The Legal Assault on Environmental Activists and the First Amendment.”

I. BACKGROUND

This is the third in a series of Subcommittee hearings focused on attacks against free speech. This hearing will address the fossil fuel industry’s long history of spreading disinformation about climate change and the industry’s contribution to climate change.¹ This hearing follows an October 2019 Subcommittee hearing on the oil industry’s climate change denial campaign that dated back to the 1970s.²

While fossil fuel companies have now largely acknowledged the existence of climate change, their tactics have evolved to include false or misleading claims of environmental

¹ See Committee on Oversight and Reform, Subcommittee on Civil Rights and Civil Liberties, *Hearing on Free Speech Under Attack: Book Bans and Academic Censorship*. (Apr. 7, 2022) (online at <https://oversight.house.gov/legislation/hearings/free-speech-under-attack-book-bans-and-academic-censorship>); Committee on Oversight and Reform, Subcommittee on Civil Rights and Civil Liberties, *Hearing on Free Speech Under Attack (Part II): Curriculum Sabotage and Classroom Censorship* (May 19, 2022) (online at <https://oversight.house.gov/legislation/hearings/free-speech-under-attack-part-ii-curriculum-sabotage-and-classroom-censorship>).

² Committee on Oversight and Reform, Subcommittee on Civil Rights and Civil Liberties, *Hearing on Examining the Oil Industry’s Efforts to Suppress the Truth about Climate Change*, 116th Cong. (Oct. 23, 2019) (online at <https://oversight.house.gov/legislation/hearings/examining-the-oil-industry-s-efforts-to-suppress-the-truth-about-climate-change>).

responsibility—often called greenwashing—and efforts to silence dissenters.³ Strategic lawsuits against public participation (SLAPPs) and anti-protest laws are some of the tools fossil fuel companies use and promote against individuals and groups who protest oil and gas projects and challenge dis- and misinformation from the fossil fuel industry. SLAPPs are lawsuits brought with the goal of engaging activists and organizations in “costly and lengthy” litigation based on protected First Amendment activity.⁴

II. HEARING PURPOSE

The hearing will examine how anti-protest laws and SLAPPs are being used by the fossil fuel industry to undermine and criminalize First Amendment-protected speech and silence activists by targeting them with baseless and costly litigation.

III. WITNESSES

Prof. Anita Ramasastry

Henry M. Jackson Professor of Law
University of Washington School of Law

Elly Page

Senior Legal Advisor
International Center for Not-for-Profit Law

Deepa Padmanabha

Deputy General Counsel
Greenpeace USA

Anne White Hat

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L'eau Est La Vie Camp

Staff Contacts: Devon Ombres, Courtney Koelbel, and Maureen Edobor at (202) 225-5051.

³ *Oil Firms' Climate Claims Are Greenwashing, Study Concludes*, The Guardian (Feb. 16, 2022) (online at www.theguardian.com/environment/2022/feb/16/oil-firms-climate-claims-are-greenwashing-study-concludes); National Lawyers Guild, *The Attack on Climate Justice Movements* (Mar. 14, 2019) (online at www.nlg.org/the-attack-on-climate-justice-movements/).

⁴ *The Attack on Climate Justice Movements*, National Lawyers Guild (Mar. 14, 2019) (online at www.nlg.org/the-attack-on-climate-justice-movements/).