

TESTIMONY BEFORE THE MARYLAND HOUSE JUDICIARY COMMITTEE  
WEDNESDAY, January 19, 2022 AT 1 PM  
SENATE BILL 162 – Strategic Lawsuits Against Public Participation

Presented by Claudia Barber, 2016 and 2018 candidate for judge on Circuit Court for Anne Arundel County

Good afternoon Mr. Chairman and Vice Chair.

The Strategic Lawsuits Against Public Participation bill looks very meaningful on its face. However, it may have grave consequences against politicians by arming citizens with the right to report anything and everything to public officials and arming those citizens who do the reporting with immunity.

Just last year, we saw on January 6, 2021, how people engaged in conspiracy theories, wrongly claimed First Amendment protection for their insurrectionist acts of terror. The First Amendment should never again be used as a reason to harm individuals or destroy human beings.

One of the pitfalls of this legislation is that it does not protect innocent victims such as politicians who may have rivals instigating stories by using public records to create news stories to smear an opponent based on misinformation or something that is not true. It particularly impacts people of color and their communities when misinformation is spread to newspapers and destroys individuals' livelihood and reputation.

In 2016, someone filed an ethics complaint against me asking my employer to remove me from office because I ran in a partisan primary. What the complainant did not do is tell my employer that the office of judge for the Circuit Court for Anne Arundel County is not a partisan office. It was important to not tell this truth because that would have destroyed his plan to have me fired for an ethics violation, which was later used on campaign literature by four sitting judges. The purpose of filing the ethics complaint was to harm my livelihood because the complainant

demanding my employer terminate me. All this was done so four sitting judges could advance in their contested judicial election for a 15-year term.

After making Freedom of Information Act requests, I learned that the complainant's pursuit of my termination was deeper than just filing an ethics complaint. He provided my employer with multiple photos and documents that were intended to cast me in a negative light to my employer. For example, my presence at a festival where I was meeting and greeting voters at a democratic booth was intentionally misrepresented as engaging in partisan affairs, in hopes that would be sufficient evidence to include in a removal hearing.

When the complainant was sued for making many misrepresentations to my employer, he attempted to use the SLAPP act in another jurisdiction as a shield of immunity to protect him from liability.

Before voting yes on this legislation, please reconsider the impact this legislation has on the community and on individuals. This legislation impacts people of color who are often powerless to challenge vengeful acts of this type bent on advancing other people's candidacy. It has been six years since this ethics complaint was weaponized to use it against me, and I have spent an enormous amount of legal expenses trying to defend my reputation. My cases remain pending at this time.

Thank you Committee members, and Mr. Chairman for your time.