

SBA List Tackles Defamation, Free Speech Issues

✖ The Susan B. Anthony List (SBA List) on Thursday filed a motion in Ohio district court demanding that Rep. Steve Driehaus' federal defamation lawsuit against it be immediately dismissed. In a separate brief also filed Thursday, the group challenged the constitutionality of Ohio's "false statement" law, which empowers a state agency to determine what constitutes true and false political speech.

"Our motions today are a significant step forward in our fight for free speech," says Marjorie Dannenfelser, president of the Susan B. Anthony List. "When Steve Driehaus was on the verge of losing his seat, he sent in his lawyers to try to shut us down. That effort collapsed. Now he's claiming 'loss of livelihood' after we pointed out what his healthcare vote really meant: a vote for taxpayer-funded abortion."

The "false statement" brief argues that the law on which Rep. Driehaus bases his case, Ohio Revised Code Sections (B)(9) and (10), violates the group's First Amendment free speech rights. The legal battle with the former congressman stems from a December 3 lawsuit alleging that the SBA List cost Rep. Driehaus his job by educating constituents about his vote in favor of taxpayer funding of abortion in the health care bill.

"A win here will overturn a bad law that is likely to spur legal challenges in other states with similar restrictions on free speech. No bureaucrat should have the power to referee or clamp down on citizens' ability to criticize their elected officials," says Dannenfelser.

The pro-life group's defense has drawn wide support from all sides and could blunt what the SBA List sees as a common political tactic: using the courts to chill free speech. The

ACLU of Ohio, in an amicus brief filed in October, came to the group's defense, declaring unequivocally, "The people have an absolute right to criticize their public officials, the government should not be the arbiter of true or false speech, and the best answer for bad speech is more speech."