



P.O. Box 803
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February 22, 2010

Dear Senator Leahy,

The Vermont Library Association (VLA) recognizes your long standing commitment to protecting our First Amendment rights. Therefore, we are writing to express support for *the Free Speech Protection Act*, S449 to counter the serious threats posed by the growing practice of libel tourism.

Libel tourism directly impacts Vermont's libraries. The Intellectual Freedom Committee of VLA has received many calls from distraught librarians after receiving threatening letters from foreign plaintiffs in libel suits filed in foreign courts demanding materials be removed from library shelves. Unfortunately, some Vermont libraries have bowed to pressure, unaware that once purchased the library holds title to the materials. As a result, library users statewide are denied access to the materials since limited resources demand we rely on interlibrary loan for access to information. *Funding Evil: How Terrorism Is Financed -- And How to Stop It* by Rachel Ehrenfeld, provides an alarming example; it is not available in **any** Vermont library.

On February 23, 2010, the Senate Judiciary Committee will hold hearing on a modified version of the *Free Speech Protection Act*, s449. This bill offers meaningful necessary protections not in H.R.2765 passed last year such as:

- A U.S. author be allowed to seek declaratory relief in federal court upon the rendering of a foreign libel judgment concerning speech published and primarily disseminated in the United States;
- Direct federal courts to find a foreign libel judgment to be non-recognizable and non-enforceable if it is inconsistent with the First Amendment or if the exercise of jurisdiction by the foreign court did not comport with U.S. constitutional standards of due process;
- Allow federal courts to exercise personal jurisdiction over a prevailing foreign libel plaintiff to the fullest extent consistent with constitutional due process;
- Allow for an award of compensatory damages if it can be shown that the foreign litigation was undertaken as part of a pattern to deprive the U.S. speaker of his First Amendment rights.
- Provide for the recovery of all attorney's fees and costs incurred by the U.S. author or publisher as a result of the foreign libel judgment;

We urge you to support this legislation for the protection of the not only the rights of authors, journalist and publishers endangered by the growing practice of libel tourism, but library users and all US persons seeking to exercise their First Amendment rights to access that speech. The First Amendment protections are essential to an informed electorate and a robust democracy, we urge you to continue your fight to ensure Vermonters remain informed.

Respectfully submitted,

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