



PEN

American Center

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PEN American Center is an association of writers and editors working to advance literature, to defend free expression, and to foster international literary fellowship.

March 10, 2008

Assemblyman Rory Lancman
LOB 549
Albany, New York 12248

Dear Assemblyman Lancman,

We are writing on behalf of the 3,300 members of PEN American Center, 1,718 of whom reside in New York, to lend our voices to the chorus of support for the Libel Terrorism Protection Act, A. 9652.

PEN American Center is the largest center of International PEN, the worldwide association of writers dedicated to the protection of writers and freedom of expression around the world. As American writers affiliated with an international organization with centers in 104 countries, we are often called upon to come to the defense of colleagues in countries where libel, defamation, and insult laws function less as protections against mendacious publishing than as tools to suppress information and freedom of expression. Grateful for the particular protections we enjoy under the First Amendment against just this kind of threat, we have watched with alarm the rise in so-called "libel tourism," in which powerful individuals seek to suppress the work of American writers by filing libel actions in foreign courts.

These lawsuits are far from mere nuisances. Their intent is to intimidate American authors and discourage U.S. and international publishers from issuing their work. Without the clear protections afforded by the Libel Terrorism Protection Act – and despite our own strong First Amendment guarantees – we believe that these actions, individually and cumulatively, will have a significant chilling effect on what gets written and published here.

The Libel Terrorism Protection Act will give New York-based writers and publishers a mechanism to ensure that libel and defamation judgments secured in foreign countries that lack our strong free speech protections are not enforceable in the United States. It will also, we hope, serve as a model for other states, encouraging them to enact similar measures that will extend these crucial protections to even more of our members.

Thank you for your leadership on this important issue.

Sincerely,

Francine Prose
President

Larry Siems
Director, Freedom to Write and
International Programs