

October 6, 2004

The Honorable Orrin G. Hatch
Chairman
Senate Committee on the Judiciary
224 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Patrick J. Leahy
Ranking Member
Senate Committee on the Judiciary
224 Dirksen Senate Office Building
Washington, DC 20510

RE: S. 2560, Inducing Infringement of Copyrights Act of 2004

Dear Chairman Hatch and Senator Leahy:

The undersigned write today to ask you not to bring up S. 2560 at your scheduled Executive Business Meeting scheduled for tomorrow, October 7.

We recognize that, at your direction, various parties from the technology, public interest and copyright-holder sectors have devoted many long hours in an effort to find consensus on very complex copyright issues. Despite these efforts, however, there are many unresolved, very divisive issues that remain.

Moreover, every one of the half-dozen drafts proposed would make fundamental changes to copyright law, with potentially enormous impact on the innovation, creativity, and competition. At this point, we are very concerned that staff may present at tomorrow's executive business meeting complex legislation: 1) on which there is no consensus; 2) that would do great harm to future technological innovation; and 3) that would not meet the goals that you and Senator Leahy have set out.

Every major change to the Copyright Act in the last century has taken several years to draft and fine tune before it was passed. Even the controversial Digital Millennium Copyright Act (DMCA) resulted from numerous hearings and conference reports over a three-year period. Given the short period over which S. 2560 has been discussed, the absence of hearings on the new language, and the overall lack of opportunity for the public to comment, we believe it would be in the best interests of all parties to allow a more orderly process to go forward, and to have a hearing with expert testimony on whatever draft results from this process. We can see no other way to achieve true consensus and ensure that the public interest and future technological innovations are protected. We hope you will agree.

Sincerely,

American Association of Law Libraries
American Library Association
Association of Research Libraries
Consumer Federation of America
Consumers Union
Electronic Frontier Foundation
Public Knowledge

cc: Members of the Senate Committee on
the Judiciary
The Honorable Bill Frist
The Honorable Tom Daschle