



April 21, 2009

Honorable Ellen Corbett
California State Senate
State Capitol, Room 5108
Sacramento, CA 95814

Re: Support: SB 320 Anti-Libel Tourism Act

Dear Sen. Corbett,

The California First Amendment Coalition is pleased to support your SB 320, which would prohibit state courts from recognizing a defamation judgment obtained in a foreign jurisdiction, unless the court determines the defamation law applied in the case provides at least as much protection for freedom of expression as offered by the First Amendment and the California Constitution.

SB 320 addresses the problem of “libel tourism” -- the increasingly popular practice of suing U.S. journalists and news organizations in countries whose laws and procedures range from extremely hostile to free speech principles to merely hostile. Plaintiffs, having prevailed in these jurisdictions, then seek to execute on their judgments against media defendants, or their assets, in the United States.

We believe that California’s state courts should not be put in the position of having to enforce the draconian laws of foreign jurisdictions. Under SB 320, California courts will not rubber stamp judgments that would have been constitutionally invalid if obtained here in the first place.

SB 320 will limit the exposure of California writers, diminish the chilling impact of libel tourism on aggressive reporting about important international issues, and ultimately pressure foreign jurisdictions—including Great Britain, whose defamation law is notoriously hostile to the press--to reform their laws to provide greater protections on free speech.

The California First Amendment Coalition applauds you for your sponsorship of this crucial legislation. We look forward to working with you to enact it into law.



Sincerely,

Peter Scheer
CFAC Executive Director

- cc: James Chadwick, Board President, CFAC
 Tom Newton, General Counsel, California Newspapers Publishers' Ass'n
 Peter Scheer, Executive Director, California First Amendment Coalition
 Francisco Lobaco, Legislative Director, California , ACLU
 Gloria Megino-Ochoa, Counsel, Senate Judiciary Committee

