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FOR IMMEDIATE RELEASE

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Publishers Welcome NY Legislation to Fight ‘Libel Tourism’

Washington, DC, January 14, 2008: The Association of American Publishers (AAP) welcomed the introduction of legislation in the New York State legislature that will make it harder for “libel tourists” to threaten authors and publishers in New York by bringing meritless defamation actions in plaintiff-friendly foreign courts. The legislation was announced at a press conference on the steps of the New York Public Library on Sunday morning, January 13.

The legislation was introduced by New York State Senate Deputy Majority Leader Dean Skelos and Assemblyman Rory Lancman in response to a December 20 ruling that New York courts lacked jurisdiction to hear U.S. author Rachel Ehrenfeld’s lawsuit seeking to have a British default libel judgment against her declared unenforceable in the United States. Ehrenfeld, author of *Funding Evil: How Terrorism is Financed and How to Stop It*, was sued by Saudi billionaire Khalid bin Mahfouz in a London court under the U.K.’s notoriously plaintiff-friendly libel laws, despite the fact that the book was never published in Great Britain and neither Ehrenfeld nor bin Mahfouz resides there. Although she refused to take part in the suit, Ehrenfeld was hit with a default judgment involving substantial monetary damages, a “declaration of falsity” against the book, a demand for a public apology, and an injunction against U.K. publication.

The proposed legislation (A-9652 and S-6687) would amend New York’s code of civil practice to prohibit enforcement of a foreign libel judgment unless a New York court determines that it satisfies the free speech and press protections guaranteed by the U.S. and the New York State constitutions. The legislation would also amend ‘s New York “long-arm” statute to allow courts, under certain circumstances, to exercise personal

jurisdiction over non-residents who obtain foreign libel judgments against New York residents in order to grant the type of declaratory relief that Ehrenfeld sought but was unable to obtain.

Judith Platt, who directs AAP's Freedom to Read program, said: "AAP is pleased to see the introduction of legislation that will make it harder for libel tourists such as Khalid bin Mahfouz to prey on authors and publishers in New York. The New York Court of Appeals ruling disclosed the need for clearer statutory authority to safeguard free speech rights threatened by libel tourism. We're grateful to Senator Skelos and Assemblyman Lancman for moving so quickly to meet that need."

The Association of American Publishers is the national trade association of the U.S. book publishing industry. AAP's approximately 300 members include most of the major commercial book publishers in the United States, as well as smaller and non-profit publishers, university presses and scholarly societies. AAP members publish hardcover and paperback books in every field, educational materials for the elementary, secondary, post-secondary and professional markets, scholarly journals, computer software and electronic products and services. The Association represents an industry whose very existence depends upon the free exercise of rights guaranteed by the First Amendment.

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