

The Committee on the Present Danger

fighting terrorism and the ideologies that drive it

The Honorable R. James Woolsey
The Honorable George P. Shultz
Co-Chairman

Senator Jon Kyl
Senator Joseph Lieberman
Honorary Co-Chairman

February 6, 2008

Assemblyman Rory Lancman
New York State Assembly, 25th District
77-40 170th St.
Fresh Meadows, NY 11366

Dear Assemblyman Lancman,

On behalf of the Committee on the Present Danger (CPD), we are writing to support your efforts to ensure that, as a matter of state law, writers continue to enjoy First Amendment protections and that these protections are not undermined by libel judgments from abroad.

In particular, we support your efforts and those of Senator Dean Skelos to make the necessary changes in state law through your introduction of the "Libel Terrorism Protection Act" (A-9652 and S-6677). That bill would make libel judgments unenforceable within the state if they come from foreign courts with less-stringent protections than the First Amendment affords.

The matter could not be timelier. Rachel Ehrenfeld, author of *Funding Evil* (and a CPD board member), was sued in London by Khalid bin Mahfouz, a Saudi billionaire whom she accused of supporting organizations with alleged ties to terrorism. The court ruled for bin Mahfouz by default. British libel law puts the onus on a writer to prove the truth of his or her statements, not on the subject to prove those statements are untrue. When she sought to block enforcement of the judgment in New York, where she lives and works, the state's Court of Appeals ruled that it lacked jurisdiction. A federal appellate court is now considering the case.

This matter has huge implications for the ability of writers to investigate issues of great public importance, not the least of which is the financing of terrorist networks that could threaten the American people. By quickly enacting this legislation, New York State can make clear that the First Amendment, and not foreign judgments, take precedence within state borders.

We will be eagerly watching as the state legislature considers the landmark legislation that you have introduced.

Sincerely,

George Shultz
Co-Chair



R. James Woolsey
Co-Chair

