



December 14, 2011

The Honorable Lamar Smith
Chairman
Committee on the Judiciary
2138 Rayburn House Office Building
Washington, DC 20515

The Honorable John Conyers, Jr.
Ranking Member
Committee on the Judiciary
2138 Rayburn House Office Building
Washington, DC 20515

Re: H.R. 3261, the Stop Online Piracy Act

Dear Chairman Smith and Ranking Member Conyers,

The American Society of News Editors (ASNE) writes to express its concerns with H.R. 3261, the Stop Online Piracy Act (SOPA). We understand that the Committee on the Judiciary is scheduled to vote on this bill tomorrow. While ASNE and its members are committed to working with Congress to stop online piracy, we ask that you not approve the bill in its present form.

Since its inception in 1922 as the American Society of Newspaper Editors, ASNE has been the premier organization representing the top editors of daily newspapers throughout the U.S. ASNE changed its name in April 2009, to the American Society of News Editors, and now also represents editors of online news providers and leaders in the field of journalism education. ASNE is active in a number of areas of interest to newsroom leaders, including professional development, freedom of information, newsroom diversity, and support for the tenets of ethical journalism.

ASNE condemns content piracy, regardless of medium. Our members consider their content to be their most valuable asset. Unauthorized use of this content has always been a problem; its impact has increased with the advent of the Internet and has certainly undercut the financial well-being of America's news media.

However, our members use the Internet in ways that could be construed to violate SOPA, and that's not acceptable. Whether utilizing content contributed by third parties, stepping outside the direct reporter-source interaction to acquire and use information from websites around the world, or augmenting our stories through the use of multimedia previously unavailable to print-only publications, ASNE members continue to change the way news is presented. We fear that SOPA will restrict our ability to engage in these activities and stifle our capacity to innovate when we most sorely need the freedom to do so.

asne.org

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Ultimately, however, it is our longstanding dedication to First Amendment rights that drives our opposition to SOPA. Navigating the balance between copyright and free speech demands precision, and in seeking to protect the interests of copyright holders, the First Amendment requires Congress to adopt the least restrictive intrusion on speech available.

SOPA fails this test. It allows individual copyright owners to effect the most onerous restriction on speech — the prior restraint — with little evidence and virtually no due process, utilizing vague and overbroad definitions in the process. While it is directed at “rogue” websites engaged in widespread piracy, the law carries the real potential to go well beyond that narrow target. Without endorsing them, we note that more narrowly tailored alternatives have already been proposed. Their existence calls into question the constitutionality of SOPA and suggests that this Committee must reject H.R. 3261 and continue to examine other, less restrictive alternatives that strike the right balance between preventing piracy and protecting free expression.

We hope you agree. Again, we support your ultimate goal of eradicating online content piracy. We simply feel that this particular formulation is not precise enough to protect legitimate free speech rights. But we believe the right balance can be struck and are committed to working with your Committee and all Members of Congress to accomplish it.

Sincerely,

A handwritten signature in cursive script that reads "Ken Paulson".

Ken Paulson

President, American Society of News Editors

cc: Members of the House of Representatives Committee on the Judiciary