



The Right to Write Fund

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RIGHT TO WRITE FUND TO DEFEND CREATIVE ARTISTS

The Right to Write Fund, that helped defend author Steve Vander Ark's 400 page Lexicon guide to the Harry Potter novels in New York Federal District Court, has announced it will support other creative artists faced with similar legal threats or lawsuits. The American Library Association, Stanford and Harvard Law School intellectual property attorneys as well as the Grand Valley State University library are all part of this new program supported by donors nationwide.

An activity of the Center for Ethics in Action, a public nonprofit 501(c)(3), The Right to Write Fund is based in western Michigan and Maine. This educational repository and clearinghouse focuses on the 21st century freedom of expression and "fair use" issues writers and publishers encounter when moving between the worlds of print, internet, film, the fine arts and new media. These extensive resources will be housed in the Special Collections and Archives of the Grand Valley State University Libraries in Allendale and Grand Rapids, Michigan. They will be available digitally at other libraries nationwide.

Arend D. Lubbers, the former president of Grand Valley State University and a founding board member of Right to Write said: "Our goal is to make sure that creative artists are free to publish their work without censorship. We do not believe that any author or publisher should be forced to give up on important projects because they lack the financial resources to defend their First Amendment rights."

Working with programs at major law schools such as Stanford University Law School's Fair Use Project and Harvard Law School's Citizen Media Law Project, Right to Write will give creative artists the

Although litigation prevention, mediation and arbitration are the primary goal of Right to Write, this nonprofit will also help arrange for *pro bono* legal defense of writers, filmmakers, professors, recording artists and others in prior restraint cases filed anywhere in the country. In addition, Right to Write will raise money for litigation support such as expert witnesses, travel, copying costs and other out of pocket costs necessary to defend these cases.

"We are seeing far too many important works being scuttled because of baseless legal threats directed at creative artists by copyright holders who object to the use or criticism of their work," said David Ardia, director of the Citizen Media Law Project at Harvard Law School's Berkman Center for the Internet & Society. "The Right to Write Fund in conjunction with the Citizen Media Law Project will give creative artists a place to go for legal guidance and support. It's important that they know they have a place to turn."

"No one should have to go through this intimidating, expensive and time consuming legal process," said RDR Books publisher and Right to Write Board member Roger Rapoport. "In our democracy every creative voice should be heard without fear of retaliation.

"Our Stanford Law School attorneys worked *pro bono* defending author Steve Vander Ark but we also needed to hire an experienced trial attorney in New York, David Hammer, and an intellectual property lawyer in San Francisco, Lizbeth Hasse. There were significant other costs including literary and publishing experts as well as major travel expenses. Without the support of Right to Write we would not have been able to defend our author, a public school librarian."

"Simply put," added Lubbers, "Right to Write will protect the First Amendment rights of authors anywhere. In the digital age wealthy plaintiffs are now pursuing everyone from teenagers operating legitimate fan websites to professors writing about Joyce's *Finnegan's Wake*. The common denominator is legal harassment and a new climate of censorship. Right to Write is an important step in reversing this disturbing trend."

Among the national organizations supporting the Right to Write clearinghouse and archive is the American Library Association. "On behalf of library patrons and authors of future creative works, the American Library Association strongly supports fair use as a right that should be protected vigorously," said Corey Williams, Associate Director, Office of Government Relations, "and we welcome additional resources directed at promoting a balanced approach to copyright and fair use."

Board member Dan Royer, chair of the Grand Valley State University Writing Department, added: "We want to support efforts that will help young writers like those we foster in our professional and creative writing programs. They need to realize that thanks to Fair Use being an artist and being creative doesn't mean one has to surrender intellectual property rights to those with more money but less imagination."

Anne Zill, treasurer of Right to Write and president of the Center for Ethics In Action said she was heartened by donations large and small coming in from creative artists, attorneys, authors, librarians, professors, philanthropists and concerned readers: "Clearly this cause touches every community in America and we are deeply grateful to those who have given generously to support free expression and the arts."

Adam Hochschild, the award winning author of *King Leopold's Ghost* and *Bury the Chains* and a founding donor to Right to Write added: "As a writer I'd find it chilling to think I'd have to be looking over my shoulder for lawyers every time I quoted an author or described his or her fictional character."

The new Right to Write archive and clearinghouse will collect and disseminate legal briefs, facts and analyses as well as literary and media accounts of copyright, trademark and other intellectual property statutes in order to define First Amendment rights in a technological age. The Fund will promulgate and protect the democratic values of our founding fathers – free speech, the freedom to write, fairness, openness and honesty – while ensuring that future artistic expression is protected.

For more information visit www.righttowrite.org or write to the Center for Ethics in Action

Right to Write Board of Advisors

David Ardia, director, Citizen Media Law Project, Harvard Law School, Berkman Center for the Internet and Society. He is formerly assistant counsel at the Washington Post.

Anthony Falzone is the Executive Director of the Fair Use Project at Stanford Law School. An intellectual property litigator, he has advised and defended writers, publishers, filmmakers, musicians and video game makers on copyright, trademark, rights of publicity and other intellectual property matters. Prior to his work at Stanford, he was a litigation partner in the San Francisco office of Bingham McCutchen. He is a graduate of Harvard Law School.

Secretary: Martha Ferriby, Director of the Hackley Public Library in Muskegon, Michigan, has served as President of the governing board of the Lakeland Library Cooperative, and is President of the Board of Directors of Jefferson Towers, low income housing for seniors.

Arend D. Lubbers, President of Grand Valley State University from 1969 to 2001 is a historian and author of *Old Hopes for a New Place*.

President: Roger D. Rapoport, is Publisher of RDR Books as well as the author and editor of 17 books including the biography Citizen Moore.

Dan Royer is chairman of the Department of Writing at Grand Valley State University.

Meredith Spear has consulted to health care enterprises nationwide while retaining a commitment to investigative reporting and journalistic excellence. She currently serves on the Boards of Mother Jones magazine and Social Venture Partners of Tucson which supports local literacy organizations. She also is a founding donor to Right to Write.

Treasurer: Anne B. Zill, President of the tax exempt, publicly supported Center for Ethics in Action, is also President, Fund for Constitutional Government, and Director of the University of New England Gallery of Art.