



**Electronic Frontier Foundation**  
Protecting Rights and Promoting Freedom on the Electronic Frontier

September 18, 2003

The Honorable Sam Brownback  
303 Hart Senate Office Building  
Washington, D.C. 20510

Dear Senator Brownback:

We write to express our strong support for your recently introduced Consumers, Schools, and Libraries Digital Rights Management Awareness Act of 2003. The bill takes important steps toward righting copyright's balance.

Digital commerce can flourish only when members of the public are fully informed of the capabilities of the digital media products they purchase, and can rest assured that their privacy is safeguarded online. Moreover, innovators must not be saddled with unnecessary and anticompetitive federal technology mandates. When the entertainment industries have resorted to ever more draconian enforcement efforts to protect their businesses in the digital age, it has become imperative that the federal government act to protect these public interests.

The DRM Awareness Act would help protect the public's customary and fair use rights with respect to digital media. Its labeling requirements ensure that customers know what they are purchasing, enabling informed decisions about technologically crippled media products. Its digital first sale provisions preserve the ability of libraries, schools, and charitable organizations to accept transfers and donations of digital media. Further, by imposing strict limits on the Federal Communication Commission's ability to impose federal regulations (i.e., "tech mandates") on digital television innovators, the bill leaves the field open to new developments and possibilities we cannot even imagine today.

Second, and equally important, the bill safeguards the privacy of Internet users by requiring that a civil lawsuit be filed before an Internet service provider can be compelled to disclose the names or identifying information of its subscribers. At a time when the Recording Industry Association of America has used clerk-stamped subpoenas to obtain the identities of more than 1,600 Internet users, this bill ensures that Internet users can get judicial scrutiny of such demands in the future. Critically, the bill reaffirms that the digital age does not change Americans' basic rights to privacy and anonymity.

We commend you for your efforts to preserve Americans' digital rights, and will encourage our members and newsletter subscribers to write to their members of Congress asking them to co-sponsor the measure.

Thank you again for your efforts and do not hesitate to contact us if we can be of assistance to you.

Sincerely,

A handwritten signature in black ink, appearing to read "W. Seltzer", with a long horizontal line extending to the right.

Wendy Seltzer  
Staff Attorney

Att'n: Kevin Krufky, Legislative Assistant