



April 17, 2007

**VIA EMAIL**

Ms. Michelena Hallie  
Senior Vice President  
Deputy General Counsel, Intellectual Property  
MTV Networks  
1515 Broadway  
New York, NY. 10036

Re: Allen Asch

Dear Ms. Hallie:

We understand that Allen Asch has written to you asking that Viacom withdraw DMCA takedown notices for thirteen videos that he posted on YouTube as part of his *Liberal Viewer* series. We are writing to express our support for his request.

As you may know, Ann Brick, of the ACLU Foundation of Northern California, wrote to Michael Fricklas on February 6, 2007, inquiring generally about the process through which Viacom determined that any particular video should be included in the February 2, 2007 takedown notices sent to YouTube. The ACLU was particularly concerned that an appropriate fair use analysis be part of that process. Mr. Fricklas responded that Viacom was quite sensitive to the fair use issue and that the focus of the takedown notices was on videos that did not add new creative material. He also invited the ACLU to contact either you or him with any additional concerns.

Similarly, Anthony Falzone, the Executive Director of the Fair Use Project at Stanford Law School, has been discussing fair use issues and takedown procedures with Mr. Fricklas in connection with the litigation Brave New Films and MoveOn.org filed against Viacom recently. Mr. Fricklas' willingness to turn his personal attention to fair use issues, and his willingness to consider how Viacom might better accommodate it, has been quite encouraging.

It is in this context that we write to urge you to reconsider your takedown notices as to all thirteen of the Asch videos. Each presents important issues of fair use and free expression, issues about which our organizations care deeply. While fair use issues can often be more grey than black or white, it is essential to err on the side of caution where political speech is concerned.

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If you would like to discuss any of these issues, please do not hesitate to contact Anthony at (650) 736-9050 or Ann at (415) 621-2493. We hope that these videos, as well as the issues raised in the Brave New Films and MoveOn.org litigation, will provide a platform for further discussions with us concerning the broader issues raised here. Because of our earlier communications with Mr. Fricklas, we are copying him on this letter.

Thank you in advance for your attention to these important issues.

Very truly yours,



Anthony T. Falzone  
Executive Director  
Fair Use Project at Stanford Law School



Ann Brick  
Staff Attorney  
ACLU Foundation of  
Northern California

cc: Michael Fricklas

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