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February 17, 2005

BY OVERNIGHT

Mr. John R. Bair
Vice President
Tulsa World
315 South Boulder
P.O. Box 74103-3423
Tulsa, OK 74102-1770

RE: Batesline.com

Dear Mr. Bair:

I am general counsel of the Media Bloggers Association (www.mediabloggers.org) and write on behalf of Mr. Michael Bates, in connection with your letter of February 11, 2005.

The *World's* complaint appears to be twofold. Let us dispose of the first issue quickly – the claim that Mr. Bates's website “has inappropriately linked . . . to Tulsa World content.” Why a newspaper with a website would want to prevent Internet users from gaining access to that website, regardless of the referral source, is a question best left to the World Publishing Company's board of directors. But while Mr. Bates's links may be “inappropriate” in the view of your newspaper, Mr. Bair, there is no legal basis whatsoever on which the *World* may prevent it.

Regarding the *World's* claim that Mr. Bates is reproducing copyrighted material in whole or in part in violation of the Copyright Act, this accusation must be rejected as well. Not only does the First Amendment protect Mr. Bates's activities, but the Copyright Act itself includes a "fair use" exception, granting parties the ability

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to use copyrighted material without permission from the owner for purposes of commenting or criticism. Mr. Bates's use of excerpted material from the *World* is obviously fair use and constitutionally protected speech.

Your organization's attempt to intimidate a small media competitor and a critic with the threat of legal action over his free speech is ironic, but it is unfortunately not unique. The Media Bloggers Association Legal Defense Project was formed expressly for the purpose of providing legal advice and counsel, and if necessary to assist in securing local counsel, for webloggers and others whose freedom of expression is threatened by established institutions who act as if the purpose of the First Amendment were to protect a sort of media monopoly. It is not.

We write therefore to advise the *World* that Mr. Bates is represented by counsel and by the Association, and that any further attempts to silence him, including the filing of meritless litigation as threatened by your letter, will be vigorously defended, including to the extent appropriate by the seeking of sanctions under Federal Rule of Civil Procedure 11 in connection with the filing of meritless litigation claims.

Very truly yours,



Ronald D. Coleman