



CALIFORNIA NEWSPAPER PUBLISHERS ASSOCIATION  
CNPA Services, Inc.

708 10th Street, Sacramento, CA 95814 ♦ Ph: 916.288.6000 ♦ Fax: 916.288.6002 ♦ www.cnpa.com

April 29, 2009

Honorable Mike Duvall  
California State Assembly  
State Capitol, Room 4139  
Sacramento, CA 95814

**RE: Oppose AB 585 (Duvall)**

Dear Assemblyman Duvall,

I regret to inform you the board of directors of the California Newspaper Publishers Association met last week and decided to oppose your AB 585, which would amend the law protecting the commercial value of the name and likeness of deceased personalities. AB 585 would amend this law to, in addition to protecting the intellectual property rights of those whose "name, voice, signature, photo, or likeness has commercial value at the time of death," to also include those, whose name, etc., has commercial value "because of his or her death."

In discussions with your staff, CNPA has learned this bill is intended to create civil liability for those who have printed the names of deceased soldiers on T-shirts for sale to the public. Without judging a particular factual situation, there is a strong argument that the creation and distribution of T-shirts with the names of deceased soldiers is political speech that is protected by the First Amendment and the California Constitution, even if the shirts are sold for a profit. Because it appears the bill is intended to chill this speech, rather than protect the legitimate intellectual property interests of the heirs of deceased personalities, CNPA must respectfully oppose your bill.

Sincerely,

Thomas W. Newton  
CNPA General Counsel

cc: Anthony Allegretti, CNPA President, President/CEO, MainStreet Media Group, Gilroy  
Harold W. Fuson, Jr., CNPA Governmental Affairs Committee Chairman, Executive V.P., Copley Press, Inc.  
Karlene Goller, Vice President and Deputy General Counsel, Los Angeles Times  
Jack Bates, CNPA Executive Director  
James W. Ewert, CNPA Legal Counsel  
Peter Scheer, Executive Director, California First Amendment Coalition  
Terry Francke, General Counsel, Californians Aware  
Francisco Lobaco, Legislative Director, California , ACLU  
Gloria Megino-Ochoa, Counsel, Senate Judiciary Committee  
Mike Petersen, Republican Policy Consultant