



An Open Letter To Stephen Colbert

Dear Mr. Colbert:

As a proud member of the Colbert Nation, I was thrilled when you referred to an [amicus brief](#) I helped write for the Library Copyright Alliance on the [October 6, 2014 Colbert Report](#). We had filed the brief in [Kirtsaeng v. Wiley](#), a Supreme Court case concerning the first sale doctrine in copyright law. We argued that an incorrect ruling in the case would make it difficult for U.S. libraries to circulate more than 200 million books in their collections that had been printed overseas.

But then I realized that you, my hero, were actually *criticizing* the brief because it cited to a blog post as the source for the fact that U.S. libraries possess 200 million foreign-printed books, and the post was no longer available. Now that I have recovered from the shock and humiliation of this criticism, I offer the following response:

1. What difference does it make if the source can't be found? This is the perfect example of truthiness. The number we cited sounds right, and we're a bunch of librarians and librarians never lie.
2. The law professor who wrote the article that pointed out the missing blog post, Allison Orr Larsen, teaches at William & Mary Law School. That's a silly name for a law school; it's like Dick & Jane Law School.
3. It's not our fault that the blog post was moved.
4. The blog post is actually still available in the website's [archive](#).
5. The person who wrote the blog post, Ed O'Neil, is an expert on the subject, and has access to the catalogues of the collections of every library in the country.
6. Wiley's lawyers had ample opportunity to challenge the number, but didn't. In fact, no one has challenged the accuracy of the number.

So, Mr. Colbert, I give you a wag of my finger for criticizing my brief!

Sincerely,

A handwritten signature in black ink, appearing to read "J. Band".

Jonathan Band
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