

November 3, 2015

Dear Chairman Thune and Ranking Member Nelson:

Every day, countless Americans use consumer review sites to share their experiences and opinions on the businesses and services they rely upon. These reviews have become instrumental in educating customers and informing their choices on everything from what doctor or mechanic to visit to where to shop, eat, and stay. In fact, today, nearly 70% of customers rely on online reviews before making a purchase.¹

However, companies are now increasingly using unfair non-defamation clauses to silence consumers and limit their right to free speech. Businesses are employing these clauses, which are often hidden in non-negotiable form contracts for goods and services, in order to penalize or monetarily fine customers who decide to share their negative experiences with others in the form of online reviews.

Non-defamation clauses stifle free speech and harm citizens' ability to make informed purchasing decisions, while rewarding bad businesses that are willing to bully their clientele into silence. In response, we are joining together to express our support for the Consumer Review Freedom Act (S. 2044), which we believe will go a long way to protect consumers' right to share legitimate speech on and offline.

This bipartisan legislation, introduced by Sen. John Thune (R-SD), Sen. Brian Schatz (D-HI) and Sen. Jerry Moran (R-KS), strengthens First Amendment protections by prohibiting businesses from using non-defamation clauses to intimidate and muzzle honest reviewers. The Consumer Review Freedom Act will outlaw non-disparagement clauses in consumer contracts nationwide, while protecting the rights of consumers to freely share their experiences and opinions on the Internet without fear of intimidation.

Currently, Americans rely on a patchwork of state laws that do not equally protect the free speech rights of all Americans. Having federal legislation in place to help preserve the free speech rights of American consumers will go a long way to ensuring deep-pocketed bullies are unable to quiet their critics.

By sharing honest reviews about the places we eat, shop, visit and stay, consumers are using their personal experiences to help their friends and neighbors make informed purchasing decisions while ensuring American businesses are held accountable to their customers. We look forward to working with the Commerce Committee to quickly address any necessary technical amendments that might be needed as the bill moves

¹ The Consumerist (Jun. 3, 2015), <http://consumerist.com/2015/06/03/nearly-70-of-consumers-rely-on-online-reviews-before-making-a-purchase/>; Ashlee Kieler, *Nearly 70% Of Consumers Rely On Online Reviews Before Making A Purchase*.

forward, but wholeheartedly support the Senate's efforts to pass this important legislation that protects the Internet as an open speech platform.

Respectfully,

