

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

IN RE:)	
)	Miscellaneous Action
VERIZON INTERNET SERVICES, INC.)	
Subpoena Enforcement Matter)	No. 1:03MS00040 (JDB)
)	
)	
RECORDING INDUSTRY ASSOCIATION OF AMERICA)	
1330 Connecticut Avenue, NW Suite 300)	
Washington, DC 20036)	
)	
v.)	
)	
VERIZON INTERNET SERVICES, INC.)	
1880 Campus Commons Drive)	
Reston, Virginia 20191)	
)	
)	

DECLARATION OF JULEY FULCHER

I, Juley Fulcher, pursuant to 28 U.S.C. § 1746(2), hereby declare under penalty of perjury as follows:

1. I make this declaration based upon personal knowledge. I am the Director of Public Policy for the National Coalition Against Domestic Violence (“NCADV”), the leading nonprofit association committed to the elimination of personal and societal violence in the lives of battered women and their children.

2. NCADV was formally organized in January 1978 when over 100 battered women’s advocates from all parts of the nation attended the U.S. Commission on Civil Rights

hearing on battered women in Washington, D.C. NCADV is the only national organization of grassroots shelter and service programs for battered women.

3. In 1970, there was no such thing as a shelter for battered women. Today, there are over 2,000 shelter and service programs, forming a national movement based on the belief that women and their children are entitled to a safe environment free from violence and the threat of violence.
4. Many of the shelters and residences that currently protect women and children from violence and the threat of violence have Internet access available for their employees and/or residents.
5. NCADV is deeply concerned that a spouse, ex-spouse or other person wishing to harm women and children will easily be able to misuse the Section 512(h) subpoena process under the Copyright Act as interpreted by the court in the above captioned matter, to discover the secret location of the women and children living under the protection of a shelter. This poses a severe risk to thousands of women and children and the countless employees who work in such shelters. This process could also be used to discover the location of thousands of additional women and children who are living in private locations unknown to their abusers for safety reasons. Such individual could obtain an IP address from an email or other posting by the protected victim and submit a form subpoena under Section 512(h) of the Copyright Act to the clerk of a court. The clerk, without discretion or any judicial supervision, would require the Internet service provider to reveal the location of the shelter or the battered woman's address after she has left the shelter.

6. NCADV actively advocated a similar safety issue in Pennsylvania after the Caller ID service was first made available to the public. NCADV worked successfully to ensure that women who placed telephone calls from a protected location (for example, a woman placing a call from a shelter to check on her children at home) would have the ability to block her telephone number from being revealed to a third party. No comparable protections exist under the Section 512(h) subpoena process.
7. NCADV, based on its extensive experience, knows that battering of women and children can quickly escalate after such victims leave the home and can often result in life-threatening physical harm. This is especially true after women and children leave a shelter, when there is a severe risk of stalkers, future assaults or murder. Allowing an abusive spouse, ex-spouse or other person, an unsupervised administrative shortcut to the shelter or address at which battered women and children are seeking protection would place them in severe and irreparable physical danger and should be avoided at all costs. No legislation should provide any person with additional avenues to stalk or harm victims.
8. We understand that the Recording Industry Association of America is concerned about the infringement of their members' copyrighted works. We believe, however, that if even one beating, rape or other harm occurs as a result of this subpoena process, the potential harm clearly outweighs whatever benefits are afforded under this process.

9. Pursuant to 28 U.S.C. § 1746(2), I, Juley Fulcher, hereby declare under penalty of perjury under the laws of the United States that the foregoing is true and correct to the best of my knowledge, information, and belief.

A handwritten signature in cursive script, appearing to read "Juley Fulcher", is written over a horizontal line.

Juley Fulcher

EXECUTED ON MARCH 13 2003