

United States Senate

WASHINGTON, DC 20510

VIA ELECTRONIC TRANSMISSION

February 19, 2026

Diane Wood
Director
The American Law Institute
4025 Chestnut Street
Philadelphia, PA 19104

Dear Director Wood:

As Chairman and Ranking Member of the U.S. Senate Judiciary Subcommittee on Intellectual Property, we write today regarding the American Law Institute's (ALI) conclusion of its Copyright Restatement project. It has come to our attention that in May 2025, just before the ALI approved the final sections of the Copyright Restatement, over one third of the participants resigned and asked that their names be removed from the final product.¹ The resignations were submitted by diverse groups comprised of copyright law professors, practitioners, and professional associations, including the American Bar Association and the Intellectual Property Owners Association.

In a 2019 letter to then ALI Director Richard Revesz, members of Congress raised concerns, that at the time were also raised by the U.S. Copyright Office, U.S. Patent and Trademark Office, and numerous academics and federal judges, about the rationale behind attempting to "restate" an area of law governed by a federal statute.² Some participants also raised concerns regarding the procedure of the project and questioned whether the Copyright Restatement was more likely to look like a restatement of the project leaders' views on copyright rather than a restatement of actual copyright law. The recent letters of resignation express the views of many that these concerns were not properly addressed and that problems identified early in the project's lifespan endured.

Addressing conflict amongst participants, both you and the leaders of the Copyright Restatement project have said that criticisms and strong disagreements are routine for any ALI project and that the process worked exactly as intended. Now that the Copyright Restatement has been fully approved by the ALI membership and may be cited by federal courts, we hope that you will address our concerns with the Copyright Restatement project and the resignations.

Given the significance of this issue and the importance of copyright law to this country's economy and culture, we respectfully request your response to the following questions by March 19, 2026:

1. Who were the project participants who resigned from the Copyright Restatement project? What percentage of participants resigned from the project?

¹ *Mass Resignations Call into Question Legitimacy of ALI Copyright Restatement*, Wolters Kluwer Copyright Blog (Oct. 9, 2025), <https://legalblogs.wolterskluwer.com/copyright-blog/mass-resignations-call-into-question-legitimacy-of-ali-copyright-restatement/>.

² Letter from Senator Thom Tillis, Representative Ben Cline, Representative Theodore Deutch, Representative Martha Roby, and Representative Harley Rouda to Richard Revesz, Director of the American Law Institute (Dec. 3, 2019), available at: <https://musictechpolicy.com/wp-content/uploads/2019/12/tillis-et-al-letter-to-ali-re-restatement-of-copyrights.pdf>. (stating that "...courts should rely upon statutory text and legislative history, not [on] Restatements that attempt to replace the statutory language and legislative history established by Congress with novel interpretation.").

2. With regard to your statements at ALI's May 2025 Annual Meeting that the Copyright Restatement process was routine, is it typical for a high number of participants to resign from a Restatement Project? If so, please provide examples of resignations from other projects, including the number and percentage of participants who resigned and the nature of those resignations. If resignations are typical, do you think it would be appropriate for the ALI to change its process for adopting Restatements? If resignations are not typical, why do you think there were so many resignations for the Copyright Restatement?
3. What other letters, emails, or other communications were received at the conclusion of the project from participants, ALI members, or others expressing concerns with the final Copyright Restatement? Please provide a summary of any communications received expressing concerns with the Copyright Restatement, including an explanation of the primary concerns of the resigning participants and others who sent letters or other communications at the end of the project.
4. How are the Reporters selected? Based on publicly available articles and other works, the Reporters of the Copyright Restatement all represent a particular view of copyright. Did the ALI seek a group of Reporters with a more diverse view? If so, please explain?
5. Can you explain how the resulting product can be considered a "Restatement" of the law rather than just another treatise expressing the "opinion" of the Reporters, and how the ALI will warn courts and practitioners that the Restatement does not necessarily reflect existing statutory provisions or prevailing judicial authority?
6. The ALI defines a Restatement as being "aim[ed] at clear formulations of common law and its statutory elements, and reflect[s] the law as it presently stands or might appropriately be stated by a court" while it says that Principles Projects "often take the form of best practices," which seems more in line with the end product of this Copyright Restatement. Did the ALI leadership consider changing the project from a Restatement to a Principles Project to reflect that? If so, why wasn't it changed? If not, why not?
7. Early in the project, concerns were raised by many different groups, including the U.S. Copyright Office, about whether the Copyright Restatement would confuse readers by presenting an alternative view (including alternative "black letter" versions) in conflict with established statutory federal copyright law. If the ALI took any steps to address those concerns, what were they and why didn't the ALI make additional changes when those steps failed to address the problem of the Restatement still not reflecting the copyright law?
8. The Reporters had virtually unlimited discretion to decide on the final language sent to the ALI Council for approval and were free to ignore Adviser comments, caselaw, and the U.S. Copyright Office in favor of normative opinions about how copyright law should operate. How is such a process consistent with the goal of providing a reliable resource to courts and practitioners who are looking to understand copyright law in its present form?
9. Many of the participants who resigned had initially asked for a disclaimer stating that the Restatement does not reflect the views of all project participants. Did the ALI consider

adding such a disclaimer? If so, why was the ALI unwilling to include a disclaimer?

10. Are you willing to make a statement associated with the Copyright Restatement so that those who read, cite to, or otherwise use the Restatement moving forward are made aware of the resignations and the nature of the concerns of those who resigned? If not, why?
11. Is it correct that in order to pass the Copyright Restatement, it must be approved by the ALI Council and ALI membership? What percentage of the ALI Council practice in or are otherwise knowledgeable about copyright law? What percentage of the ALI full membership practice in or are knowledgeable about copyright law? Do you believe the ALI Council and full membership that voted on the Copyright Restatement were able to understand and appreciate the complex copyright law concepts that were often the subject of dispute in the Copyright Restatement? If so, why?
12. It is our understanding that many of those who resigned from the Copyright Restatement project are not ALI members themselves and that only ALI members can speak or propose amendments at the annual meeting when the Restatements are voted on. Is that correct? If not, can you identify the people who resigned who are members of the ALI and who are not? If a participant in the Copyright Restatement project wanted to raise an objection to language in a section of the Restatement that is being voted on by the full ALI membership, and that participant did not or could not get an ALI member to speak up or propose an amendment on their behalf at the annual meeting, how would the participant make the full ALI membership aware of their concerns?
13. How frequently are ALI Restatements updated? How do you decide when to update a Restatement? How frequently do you anticipate that the Copyright Restatement will be updated? What is the process for updating the Copyright Restatement? Who drafts the update? Who reviews and is consulted about the update?
14. What type of organizations and individuals typically purchase copies of ALI Restatements? Can you provide us with the promotional materials the ALI uses to market the Copyright Restatement?

Thank you for your prompt attention to this matter. We look forward to your response.

Sincerely,



Thom Tillis
United States Senator



Adam Schiff
United States Senator