Congress seeks legal framework for Internet censorship

Mike Ingram
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Two bills aimed at establishing a legal framework for government and corporate censorship of the Internet are expected to be discussed in January when Congress returns from its winter break.

The first is the so-called PIPA, or Protect IP Act, introduced to the US Senate on May 12 by Democratic Senator Patrick Leahy. The second is the Stop Online Piracy Act, known as SOPA. This bill was introduced to the House of Representatives on October 26, 2011 by Republican Lamar Smith. The bills are the latest bipartisan attempt to give the government the ability to shut down the Internet or parts of the Internet.

In the name of defending intellectual property and copyrights, PIPA would force US Internet providers to block access to websites deemed as enablers of copyright infringement, particularly those outside of the US. PIPA also requires advertising networks and financial transaction providers to cut services to domains found to violate the law. PIPA adds search engines and others to the list of providers that can be forced to comply with court orders.

The new bill includes a provision encouraging advertising networks and financial transaction service providers to cut ties voluntarily with domains it believes are "dedicated to infringing activities." PIPA promises immunity from liability for such actions as long as they are undertaken in good faith and with "credible evidence."

Furthermore, PIPA allows copyright and trademark holders to sue the owner or operator of a domain directly. Once a suit is initiated, the plaintiff can ask the court to issue an injunction or restraining order, effectively shutting down a site on the say-so of private individuals. Likewise, those individuals can also use courts to require cooperation from financial transaction providers and Internet advertising services.

If passed, SOPA will serve as what the Electronic Frontier Foundation has described as the US government and private corporation blacklist of sites. Provisions of SOPA include:

* Allow the US attorney general to seek a court order that would force search engines, advertisers, DNS providers, server hosts, and payment processors from having any contact with allegedly infringing websites

* Allow private corporations to create their own hit lists composed of websites they feel are breaking their copyright policies

* Give payment processors the power to cut off any website they work with, as long as they can provide a strong reason for why they believe a site is violating copyrights

Both bills claim to be aimed at protecting intellectual property and preventing online piracy and have received predictable support from the film and music industry. In fact they pose a serious threat to democratic rights.

While pandering to the intellectual property rights holders, politicians of both capitalist parties are seeking to introduce a legal framework which will allow the government to shut down entire domains, both in the US and internationally.

There is widespread opposition to this blatant act of state censorship. The domain registrar Go Daddy, which had been an early supporter of the SOPA bill, was forced to change its position following a boycott call posted on the social news site reddit.com. The tech web site macobserver.com reported December 26 that Go Daddy had lost over 72,000 domain names in five days.

In an "Open Letter From Internet Engineers to the US Congress" issued December 15, a group of 83 prominent engineers and inventors who had been

instrumental in the development of the Internet protested against SOPA and PIPA, calling on Congress to reject both bills. Signatories to the letter include Vinct Cerf, the co-designer of the TCP/IP protocol used to transfer traffic across the Internet, and Paul Vixie, the author of BIND—the software used to run much of the Domain Name System.

Referring to their role in building the various parts that make up the Internet, the letter states, "We're just a little proud of the social and economic benefits that our project, the Internet, has brought with it."

The authors warn, "If enacted, either of these bills will create an environment of tremendous fear and uncertainty for technological innovation. … Regardless of recent amendments to SOPA, both bills will risk fragmenting the Internet's global domain name system (DNS) and have other capricious technical consequences. ... Such legislation would engender censorship that will simultaneously be circumvented by deliberate infringers while hampering innocent parties' right and ability to communicate and express themselves."

The letter continues, "These bills are particularly egregious ... because they cause entire domains to vanish from the Web, not just infringing pages or files. Worse, an incredible range of useful, law-abiding sites can be blacklisted under these proposals. In fact, it seems that this has already begun to happen under the nascent DHS/ICE seizures program."

In 2010 the Department of Homeland Security and its ICE security wing seized around eighty domains, including the popular BitTorrent search engine Torrent Finder. BitTorrent is a protocol which allows large files to be broken down into small chunks which can be distributed over multiple computers via a peer-to-peer networks and reassembled upon being downloaded to the user's computer. The protocol has long been the target of the music and movie industries despite its numerous other uses such as the distribution of free open source software. Wikileaks has also made available torrent files of its documents to be used in the event the site is shut down.

In February 2011, the Spanish web site Rojadirecta was taken down in an operation targeting streaming sites aimed at preventing illegal streaming ahead of the Superbowl.

The Open Letter continues, "The current bills—SOPA explicitly and PIPA implicitly—also threaten engineers who build Internet systems or offer services that are not readily and automatically compliant with censorship actions by the US Government. When we designed the Internet the first time, our priorities were reliability, robustness and minimizing central points of failure or control. We are alarmed that Congress is so close to mandating censorship-compliance as a design requirement for new Internet innovations. This can only damage the security of the network and give authoritarian governments more power over what their citizens can read and publish.

"The US government has regularly claimed that it supports a free and open Internet, both domestically and abroad. We cannot have a free and open Internet unless its naming and routing systems sit above the political concerns and objectives of any one government or industry."

In fact, US Government claims to support a free and open Internet are the height of hypocrisy. In recent years, the US government has vastly expanded efforts to remove content from the Internet, including through the persecution of WikiLeaks and its founder Julian Assange. As part of its efforts against WikiLeaks, the Obama administration solicited the support of PayPal and credit card companies to block the ability of the organization to raise funds online.

The American ruling class, intent on pursuing a policy of endless war and social reaction, is deeply suspicious and hostile to the free flow of ideas and information. It is this hostility that at the root of the constant efforts to increase government control of the Internet.

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