

Anti-piracy bill creates fear about ‘aggressive’ Justice Dept. that ‘makes mistakes’

By Josh Peterson

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House Judiciary Committee Chairman Lamar Smith’s anti-piracy bill, the Stop Online Piracy Act (SOPA), caused significant waves on its maiden voyage into congressional waters. New criticisms of the legislative proposal, however, make the Justice Department walk the plank.

James Gattuso, a senior research fellow in regulatory policy at the Heritage Foundation, and Julian Sanchez, a research fellow at the Cato Institute, discussed their concerns about the bill during an event at the Heritage Foundation on Tuesday.

Gattuso told The Daily Caller that the authority extended to the DOJ under SOPA would be problematic “even if Eric Holder were not Attorney General.”

“The bigger lesson here is that the DOJ makes mistakes,” said Gattuso.

“I think that they have been already pretty aggressive using the powers that they already have, and they seem extraordinarily averse to admitting mistakes,” cautioned Sanchez.

The bill — heavily criticized by a bipartisan coalition of lawmakers, free-market oriented think tanks and left-leaning foundations for its “broad reach” — is [expected](#) to see another full committee markup after the holiday recess. The bill enjoys the support of 31 co-sponsors, in addition to [advocates](#) including the U.S. Chamber of Commerce, the Motion Picture Association of America, the Recording Industry Association of America, Comcast and GoDaddy.

[SOPA](#) would place authority over websites that facilitate copyright infringement under the Justice Department. Under SOPA, in order to obtain a court order to block a site or sever its financial ties, the Justice Department would have to prove to a federal court that the site violates copyright law.

The stakes, both sides of the debate claim, are high — and both sides have lobbied lawmakers with sophisticated campaigns.

Supporters of SOPA highlight what they claim are billions of dollars lost every year to online intellectual property theft. They also say American consumers are in physical

danger from the harmful effects of counterfeit drugs sold through so-called “rogue” websites.

SOPA opponents, on the other hand, fear the bill would facilitate free-speech violations and that it would give a trigger-happy DOJ led by Attorney General Eric Holder more power to police the Internet. The bill’s economic consequences on American businesses, opponents also argue, would be devastating.

Holder in the past has expressed a favorable attitude toward greater government control over the Internet.

House oversight committee Chairman Darrell Issa is already investigating Holder’s involvement in Operation Fast and Furious. Holder, unwilling to be held accountable by Congress, recently said criticism from conservatives is due to racism, not his job performance.

There is also tension over which House committee — oversight, judiciary, or another — would have jurisdiction over foreign online piracy. Issa authored an alternate bill that gives the International Trade Commission authority to treat foreign piracy as a trade dispute.

Issa recently criticized Holder in a statement, [warning](#) that SOPA would give “Attorney General Eric Holder’s Department of Justice broad new powers to police the Internet.”

Smith [retorted](#), “Comments that the entire Justice Department cannot be trusted because of Attorney General Eric Holder demean the hard work of thousands of career prosecutors and attorneys-in-the-field who have no political, personal or professional affiliation with the Obama administration.”