

Slate

The Rise of the Geek Lobby

Can Google, Facebook, tech wonks, and Web activists kill the Stop Online Piracy Act?

By [Will Oremus](#) | Posted Wednesday, Nov. 30, 2011, at 8:02 PM ET

Sen. Ron Wyden (D-OR) speaks during a news conference on Oct. 18, 2011 in Washington, D.C.

In a time of legislative gridlock, the [Stop Online Piracy Act](#) looked like a rare bipartisan breakthrough. The bill, known as SOPA, promised a brave new Internet—one cleansed of “rogue websites” that hawk pirated songs and movies as well as counterfeit goods. For Congress, the legislation’s goals amounted to a can’t-lose trifecta: uphold justice, protect legitimate businesses ([and jobs!](#)), and make the Web safer for law-abiding consumers. Who could be against that?

A lonely few, at first. When the legislation was introduced in the House last month by Rep. Lamar Smith (R-Texas), a smattering of civil libertarians and [techno-wonks](#) quickly raised objections. They were drowned out, though, by a [cadre of influential backers](#): movie studios, record labels, pharmaceutical companies, the U.S. Chamber of Commerce, and even the national police and firefighters unions. After the bill hit the House on Oct. 26, members of both parties broke out their co-sponsorship pens. By the time it reached committee, two dozen representatives had signed on, from dyed-in-blue Democrats like Florida’s Debbie Wasserman Schultz to security-hawk Republicans like Peter King of New York. A similar (though less sweeping) bill, the [PROTECT IP Act](#), racked up some 40 co-sponsors in the Senate, prompting the [record industry to boast](#) that it was among the most popular bipartisan bills of the year.

But something happened on the way to easy passage and the flourish of the president’s signature: The Internet fought back. The groundswell started with open-Internet stalwarts like the Electronic Frontier Foundation and the Center for Democracy & Technology. As they have before, the non-profits picked apart the bill’s perceived oversights and omissions. This time, though, their message—that the law would fundamentally damage the Internet’s culture of openness—resonated loudly outside the world of tech wonkdom.

In theory, SOPA enlists Internet service providers and advertising networks to filter out the “worst of the worst” sites, most of them based offshore. EFF and its cohorts argue, however, that there is little protection for legitimate sites that might get swept up along

with the rogues. Worse, the law appears to disregard some of the “safe harbor” provisions established in the 1998 [Digital Millennium Copyright Act](#), which has protected sites such as YouTube as long as they take down copyrighted content upon request. SOPA targets any sites that “enable or facilitate” copyright infringement, a sweeping category that could be interpreted to include YouTube, Flickr, WikiLeaks, or even Google. Opponents have said the bill would result in a government-curated “[Internet blacklist](#)” or “[great firewall of America](#).” Various provisions have also provoked concern over [domain name security](#) and [privacy](#). Critics are predicting lawsuits galore.

As these critiques began to mount, the open-Internet groups were joined by a growing coalition of SOPA haters. Popular websites with an open-source orientation, like Mozilla and Wikimedia, helped launch an “[American Censorship Day](#)” campaign to encourage Internet folk to get involved, and liberty-loving media outlets like BoingBoing symbolically censored their own homepages to draw attention to the bill. Most significantly, the big Silicon Valley tech firms waded in. Google, Facebook, AOL, eBay and others took out a [full-page New York Times ad](#) arguing that the bill would stifle innovation. At the same time, anti-SOPA fury took hold on social media, spread in part by the [Twitter hashtag #DontBreakTheInternet](#). Social media platforms such as Tumblr prompted users to call their representatives in Washington. In one day, 87,000 people did.

Suddenly the bill had opponents in Congress. As of October, Sen. Ron Wyden of Oregon and Rep. Zoe Lofgren of California, both Democrats, were among the only ones on record opposing it. But by Thanksgiving, representatives from libertarian-leaning Ron Paul to Tea Party Republican (and [Obama scourge](#)) Darrell Issa to House minority leader Nancy Pelosi had adopted anti-SOPA stands. “Need to find a better solution than SOPA,” Pelosi [tweeted](#), adding the #DontBreakTheInternet hashtag.

Campaigns to save the Internet from nefarious legislation aren’t anything new. In the 1990s, the Digital Millennium Copyright Act and the Communications Decency Act, an anti-Internet porn bill, both sparked opposition. But the tools of dissent were more limited back then—websites could post [blue ribbons](#) advocating “free speech online,” but their users couldn’t mobilize and spread the word on Twitter or Facebook. More recently, a push for the FCC to adopt net neutrality laws inspired some online activism but didn’t arouse nearly as much passion. Perhaps that’s because it didn’t run afoul of the “[cute cat](#)” [maxim](#)—the idea that people will rebel against any regulation that might prevent them from sharing cat pictures. SOPA, some fear, could do just that.

What should we call this ad hoc association of Silicon Valley businesses, venture capitalists, [law professors](#), civil libertarians, and avid Internet users? Julian Sanchez of the Cato Institute told me he’d brand it a “populist technocratic coalition,” which is somehow both oxymoronic and apt. Leslie Harris, president of the Center for Democracy & Technology, says it calls to mind the old buzzword [Netizens](#). My preferred term: the geek lobby.

Just because the geek lobby has awoken doesn't mean it will win. Rep. Smith, undeterred by the backlash, has scheduled his bill for markup by the House Judiciary Committee on Dec. 15, and he still has plenty of support. The anti-SOPA coalition may have found its voice on the web, but at the last hearing, on Nov. 16, Smith called five witnesses in favor of the bill while allowing just one opponent to speak. The opponent was a representative of Google, which has significantly [boosted its spending on lobbying](#) of late.

While Silicon Valley is just learning to play the lobbying game, its foes in Hollywood are old pros. Southern California's favorite industry outspends Northern California's [by a ratio of 10 to 1](#). That's because the entertainment industry has always depended on Washington's enforcement of copyright laws. The Internet companies are just beginning to realize the extent to which they, too, are at lawmakers' mercy.

Rep. Lofgren, who represents part of Silicon Valley, told me that her constituents have already made a couple of rookie mistakes in their anti-SOPA campaigning. The flood of calls to Congress came as many members were looking ahead to the Thanksgiving recess, and many went to district offices rather than offices in the Capitol. For all the fury on Facebook and Twitter, Lofgren says, the backlash against SOPA has registered as "a blip" in Congress so far. "Eighty-seven thousand (phone calls), that's a start," she says. "But remember when President Bush was pushing for immigration reform in the Senate? The anti-immigration people melted the system with the number of calls. That killed immigration reform" for years afterward, she explained. That could still happen with SOPA, she says, but it hasn't yet.

How the fight in Congress plays out will reveal how far the geek lobby has come—and perhaps, how far it still has to go to establish itself as a defender of the values the Internet was built on. "This is a seminal moment," says Leslie Harris. "I think when we look back in a couple of years we'll see that this really cemented a way of defending the net on the policy side that's transformative." Meanwhile, some tech wonks, such as Jonathan Zittrain of Harvard's Berkman Center for Internet & Society, say the bill as written is so extreme that it looks more like an opening bid in a negotiation than anything that could plausibly gain passage. But if the anti-SOPA campaign doesn't keep up the pressure, it just might become the law of the land.