

Can The ‘Stop Online Piracy Act’ Be Stopped?

Rep. Lamar Smith (R-TX), sponsor of the 'Stop Online Piracy Act.'

share

[Carl Franzen](#) December 13, 2011, 4:25 PM 3915 [32](#)

The second hearing on the House’s heavily-criticized “[Stop Online Piracy Act](#)” (SOPA) is [set for Thursday](#), but already, the bill’s many opponents — including activist group Demand Progress and high-profile Web companies Facebook, Google, Tumblr, even non-profit Wikipedia — are lining up in an attempt to try and kill the bill before it moves another step towards passage.

“We want to defeat SOPA,” said David Segal, executive director of civil liberties advocacy group Demand Progress, in a telephone interview with TPM. “The ideal goal would be some recognition by the bill’s sponsors that it doesn’t have the support in the House that it needs to go forward, and a postponement or outright cancellation of Thursday’s hearing.”

As such Demand Progress and some 70 other Web companies and Internet advocacy groups from across the political spectrum — including left-leaning [MoveOn.org](#), libertarian [Cato Institute](#) and the conservative-leaning [Tech Freedom](#) — are this week encouraging their readers, users, partners and basically anyone they come into contact with to contact Congress expressing opposition to the bill.

“The single most powerful act any individual can do is to pick up the phone and call their member of Congress,” Segal told TPM, pointing to “[Stop American Censorship](#),” an anti-SOPA website set up by Demand Progress and other groups to make that process as easy as possible.

“Besides that, they can send an email,” Segal noted.

Meanwhile, across the Web, opponents of the bill have also taken to repeating and expanding upon a Web protest that they initiated in advance of the first [SOPA hearing on November 16](#), temporarily censoring their website’s logos with a black box using a simple online tool. Now, opponents are going a step further and asking users to use the [#CensorshipEverywhere tool](#) to censor everything from tweets to email correspondence to their URLs to protest the bill.

Wikipedia founder [Jimmy Wales even put out an open poll](#) to the online, crowd-sourced encyclopedia’s editors, asking them whether they would be in support of a “strike,” e.g. a

temporary, planned downing of Wikipedia, to protest the bill. At the time of this posting, the [majority of respondents](#) appear to be in support of the strike, although Wales said that such an action, if undertaken, would “obviously go through a much longer process to get some kind of consensus around parameters, triggers, and timing.”

Segal said that these and other actions were coordinated on a massive conference call held out of Tumblr’s New York City office on Saturday featuring most of the major groups and private companies against the bill and its counterpart in the Senate, the PROTECT-IP Act.

“We’re all coordinating our efforts,” said Segal, “But every organization is in its own best position to be able to explain to users, members or customers why this bill is so bad.”

Indeed, opposition to SOPA has been raised on a number of fronts — on the facts that it would appear to stifle freedom of expression, business and innovation on the Web as well as potentially make it more insecure.

In broad terms, the proposed legislation seeks to give the federal government, through the Attorney General, the power to order Internet Service Providers, advertisers, Internet search engines and payment providers (including PayPal and major credit card companies) to cut-off all ties, and links to, so-called foreign “rogue” websites accused of piracy by copyright holders, such as major entertainment companies.

A draft of alternative, also bipartisan legislation that would shift the responsibility of fighting piracy from the Justice Department to the International Trade Commission, the [Online Protection & ENforcement of Digital Trade \(OPEN\) Act](#), was [published online last Thursday](#) by Sen. Ron Wyden (D-OR) and Rep. Darryl Issa (R-CA).

The two lawmakers are soliciting public comment, even public edits, to the bill, which they hope will lead to a viable way to crack down on Internet piracy that also respects the rights and concerns of Web companies and other stakeholders, including all Web users.

A consortium of nine leading Web companies — including Google, Facebook, Twitter, LinkedIn and Zynga — [sent an open letter to Sen. Wyden and Rep. Issa on Monday](#) expressing “support for the legislation that you are developing.”

Segal told TPM that a few, but not all, of the other groups working with Demand Progress against SOPA supported the OPEN Act and would thus welcome Rep. Issa introducing the OPEN Act during Thursday’s markup hearing as an amendment that would essentially rewrite SOPA entirely.

However, all of the opponents to SOPA appear to also be united against a [a watered-down version of the bill](#) introduced late Monday by the bill’s original sponsor and the leader of Thursday’s hearing, Senate Judiciary Chair Rep. Lamar Smith (R-TX).

[NetCoalition](#), an industry group of Web companies including the nine mentioned above and numerous others, on Monday also sent an open letter to Rep. Smith saying his newer version still isn't good enough to win their backing.

As Markham Erickson, Executive Director of NetCoalition, said in a statement: "We appreciate Chairman Smith's efforts to address some of the concerns we have raised, and there are some provisions that have improved. Unfortunately, the amendment also creates new problems in other places and fails to correct some of the original concerns we have raised since the start of the debate."

And if it seems like the whole Internet is against SOPA, it's worth pointing out that those in support of the bill have been fighting back over the past several weeks, albeit in a more analog way: The Justice Department's National Crime Prevention Council has been running TV ads equating piracy to child labor and terrorism, what [Wired Threat Level](#) calls "'Reefer Madness' for the digital age.

[Creative America](#), a "grassroots organization uniting the entertainment community and others against content theft," has also been running [TV spots in favor of SOPA](#).

[Thursday's hearing on SOPA is scheduled for 10 am ET](#). It's a markup hearing, giving House members the chance to introduce and vote on amendments. Potentially, Chairman Smith could call for a vote to move it out of committee, the next step towards a full vote in the House. We'll be covering the hearing live here. Stay tuned.