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Internet bills deserving of black out

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There was a blackout on the internet Wednesday. Did anyone notice?

Let's hope so.

In case you missed it, Wednesday was the day that internet users venturing to the English-language version of the free online encyclopedia Wikipedia, the sixth-most visited website in the world, were greeted not with information about a random subject but a message warning about attempts in Congress to censor the Internet. Reddit (a social news site), Boing Boing (a popular group blog) and other websites joined the one-day "blackout." Many sites had their own visible anti-censorship messages, including the now almost expected artwork from Google.

The protest is aimed at two bills pending in Congress: the Stop Online Piracy Act, by Rep. Lamar Smith, R-Texas; and the Protect IP Act, by Sen. Patrick Leahy, D-Vt. SOPA and PIPA are aimed at halting the piracy of copyrighted material, such as movies or music, mainly by companies based in foreign countries. For example, most new movies arriving in theaters are quickly copied and put on the Internet. Many of these sites are free. But some charge for viewing, or put up ads for other products.

Smith said his bill would "stop the flow of revenue to rogue websites and ensure that the profits from American innovations go to American innovators."

Unfortunately, it does so by giving the government, and even private companies, vast new authority to shut down websites considered objectionable — without a court hearing or trial. According to Wikipedia, SOPA "would authorize the U.S. Department of Justice to seek court orders against websites outside U.S. jurisdiction accused of infringing on copyrights, or of enabling or facilitating copyright infringement." The U.S. attorney general then could ban search engines, such as Google, from displaying links to the sites; and "could require U.S.-directed Internet service providers, ad networks and payment processors to suspend doing business" with the targeted websites.

Under current law, "it is sometimes possible to limit or punish certain kinds of speech — because it's defamatory or copyright infringing, for example," said Julian Sanchez, a technology research fellow at the libertarian Cato Institute. "But we don't try to do something as drastic as trying to silence an entire website, whether through direct blocking or indirectly by cutting off their revenue, without some sort of adversarial proceeding" in a court of law. "What you can't normally do is order an entire website shut down before that whole process happens."

“The content providers already can sue the pirate sites,” Sanchez said. “They sue them all the time. But sometimes they lose. So they want a more streamlined process to get a judge to order a blocking right away.”

Under these new laws, a court order still would be needed to shut down a site, but it could happen without a trial in which the accused site could present its case.”

Sanchez said that the House for now has postponed consideration of SOPA, but the Senate will vote Jan. 24 on cloture on PIPA. 24. We believe the Supreme Court has roundly rejected prior restraint on free speech and likely would overturn the worst parts of these censorship bills. But it would be better if, like Wikipedia did on Wednesday, the bills themselves were turned off.