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Internet Censorship Bill Introduced

By Stephen Lendman

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During his presidential campaign, Obama pledged to "(s)upport the principle of network neutrality to preserve the benefits of open competition on the Internet."

In fact, he failed to deliver on every major promise made, including the last frontier of press freedom, protected from censorship and corporate control.

Post-9/11, both he and Bush expanded intrusive government surveillance, including Internet monitoring of personal communications. On April 1, 2009 the Senate introduced two bills, endangering a free and open Internet - S. 773: Cybersecurity Act of 2009 and S. 778 to establish a White House cybersecurity czar.

Both measures included provisions to give federal authorities unprecedented Internet control by:

-- federalizing critical infrastructure, shifting power away from providers and users to Washington; and

-- letting the president shut down Internet traffic for alleged "national security" reasons or during a claimed "emergency."

Neither measure passed. Had they, personal privacy and security would have been compromised through one provision alone - by giving the Commerce Secretary access to all relevant data relating to critical infrastructure networks without restriction.

In other words, privacy and judicial review protections guaranteed under the Electronic Communications Privacy Act, the Privacy Protection Act, and financial privacy regulations no longer would apply.

Under an administration appointed czar, other provisions would have let the executive shut down parts of the Internet, as well as businesses and organizations, not complying with national emergency declared orders.

In addition, on September 20, 2010, S. 3804: Combating Online Infringement and Counterfeits Act (COICA) was introduced. Its purpose - to destroy Internet freedom one domain at a time, by requiring their registrars/registries, ISPs, DNS (domain name system) providers, and others to block users from reaching certain websites.

If passed, COICA would have let Washington suppress free speech and block access to non-infringing material, inflicting enormous constitutional damage by requiring all Internet communication providers (including ISPs, Facebook, Twitter, Skype, and others) to rebuild their systems, giving Washington backdoor access to everyone's Internet's communications.

On November 18, 2010, COICA was reported to committee, then stalled without coming to the Senate floor for a vote.

Various other ways of subverting Net Neutrality have also circulated, including giving cable and telecom giants more control, letting them establish higher-priced lanes (two Internets) and censor unwanted content, destroying Internet freedom in the process.

An October 2007 global measure, overriding national sovereignty, also threatens Net Neutrality, consumer privacy, and civil liberties. Called the Anti-Counterfeiting Trade Agreement (ACTA), secret negotiations seek to

subvert them, ostensibly to protect copyrighted intellectual property, including films, photos, and songs. ACTA remains a work in progress, but developments going forward bear watching, especially if a global agreement is reached.

On May 27, the Foundation for Free Information Infrastructure (FFII) said the European Commission published a "final" ACTA text with few changes from its last known version. Since introduced, Western media, especially America's, have reported virtually nothing about this destructive measure, those backing it wish to enact with little or no public disclosure, let alone input over something this important.

Revised Senate Internet Censorship Bill

On May 12, Senator Patrick Leahy (D. VT) and nine other rogue senators introduced S. 968: Preventing Real Online Threats to Economic Creativity and Theft of Intellectual Property Act of 2011 (PROTECT IP).

Co-endorsers include:

- Orrin Hatch (R. UT)
- Charles Grassley (R. IO)
- Charles Schumer (D. NY)
- Diane Feinstein (D. CA)
- Sheldon Whitehouse (D. RI)
- Lindsey Graham (R. SC)
- Herbert Kohl (D. WI)
- Chris Coons (D. DE)
- Richard Blumenthal (D. CT)

Reported to committee on May 26, it was placed on the Senate calendar for a floor vote yet to occur.

Deceptively calling it a measure against selling copyrighted content and counterfeit goods, Leahy said it:

"will protect the investment American companies make in developing brands and creating content and will protect the jobs associated with those investments."

In fact, it's a smoke screen to introduce new censorship provisions that violate First Amendment freedoms, without which all others are at risk.

Like most others in Congress, Leahy is no democrat. He supports imperial wars, Wall Street pillage, corporate-run healthcare, agribusiness-empowering bills, and numerous other anti-populist measures harming millions while pretending to help them.

In September 2010, he introduced COICA. At the time, the Electronic Frontier Foundation's (EFF) Richard Esguerra said "if there's anything we've learned about efforts to re-write copyright law to target 'piracy' online, it's that they are likely to have unintended consequences."

In fact, COICA and PROTECT IP run roughshod over First Amendment rights by censoring speech and chilling other freedoms.

On June 6, EFF alerted its followers to urge their congressional representatives to "reject this dangerous bill," calling it "a threatening sequel to last year's COICA" measure explained above.

If enacted, PROTECT IP will give federal authorities "unprecedented power to attack the Internet's domain name system (DNS)," by:

-- forcing ISPs and search engines to redirect or reject user attempts to reach certain sites; and

-- vaguely call DNS servers:

"server(s) or other mechanism(s) used to provide the Internet protocol addresses associated with a domain name."

This definition endangers other technologies, including operating systems,

email and web clients, routers, and others able to provide IP addresses when given domain names like traditional DNS servers.

Calling PROTECT IP "COICA Redux," EFF's Abigail Phillips explained differences between both measures, expressing grave concerns about the new one, saying:

It includes "a private right of action for intellectual property owners (as well as government to) seek injunctions against websites (allegedly) 'dedicated to infringing activities' in addition to court orders against third parties providing services to those sites."

Its language also adds new third-party provider categories, including "interactive computer services" and "servers of sponsored links," requiring they no longer serve targeted sites.

Moreover, "new language no longer requires explicit action on the part of domain name registries and registrars," but still covers unauthorized domain name system server operators.

In addition, the measure requires government or private plaintiffs to identify infringing persons or entities before action is taken against a domain name. Nonetheless, doing so falls far short of protecting speech with plenty of wiggle room to violate it.

As a result, Phillips called PROTECT IP "no improvement on COICA." Moreover, in many ways it's worse, and may produce defensive countermeasures, including establishing alternative servers with total Internet access, creating possible new security vulnerabilities.

Currently, Senator Ron Wyden (D. OR) placed a hold on S. 968, providing concerned Internet users time to email, call, and/or write their congressional representatives, expressing opposition to this repressive act, essential to stop.

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