

## Head to Head: Pro or anti SOPA?

### Intellectual property must be protected



**Ken Dusold**

Millions of Americans seemed ready to toss their Congressmen to the curb last week about two bills intent on fighting Internet pirates. As they often do, those Congressmen became spooked and bailed on the Stop Online Piracy Act and the Protect IP Act.

And thus was heard a collective sigh of relief from Internet users and their favorite web-based companies.

I can't help but think most of those opposed got their information from those web-based companies and not the actual bills, which disturbs me as SOPA and PIPA — if not perfect — are steps in the right direction.

Should the Internet remain as unregulated regarding theft as it is today, existing intellectual property laws are as good as useless when it comes to limiting the occurrence or effects of said theft.

Those existing laws — most notably the 1998 Digital Millennium Copyright Act — already make copyright infringement illegal. The DMCA also created "safe harbors" for online service providers like AOL, wherein they are expected to block access to the websites found to be stealing copyrighted materials. In exchange for their help in preventing copyright infringement, service providers cannot be prosecuted for crimes committed by the websites.

That partnership between the services providers and federal government is crucial in the fight against piracy, but theft still costs American businesses more than \$250 billion annually and 750,000 jobs, according to the American Bar Association. It's obvious more work needs to be done to quell the power of online criminals and the bills in question aim to do just that.

To be clear, theft cannot be eliminated. Nor are legislators who support SOPA and PIPA blind to reality. The proposed legislation is not intended to completely stop piracy. Rather, the bills are intended to limit piracy by limiting access to websites engaging in such illegal activity.

Websites like Google and Facebook are as accountable as they are responsible for their sites' operations. If a website is known to be violating the laws of the United States — particularly in regard to theft of property — companies like these have a moral and legal obligation to ensure they are not aiding those sites. Google should remove links to pirate websites, and Facebook has the obligation to ensure people aren't using its product as a means by which users can spread access to illegal materials.

This isn't asking any more of Internet-based companies than it is of companies not based online. SOPA would also require U.S.-based

companies to refrain from advertising on websites providing illegally-obtained materials. This is an attempt to break these perpetrators at the source of much of their revenue. I see no better way to limit the power and access of illegal websites than cutting off their funding.

It's also important to note that the intent of SOPA and PIPA are to stop American companies from funneling money and American-based Internet companies from providing direct access to foreign websites dabbling in piracy and counterfeiting. American companies like YouTube are not the targets of this bill. So don't fret, Rebecca Black still will have a place to grace the world with her gift of first-rate music videos.

Let's not pretend this is some form of censorship or an infringement on anyone's rights. Taking intellectual property without consent or payment and copyright infringement are types of theft. Individuals and companies do not have a right to steal.

Nor do they have the legal right to enable criminals with the funds, a setting or support needed to commit more crimes. And in regard to users, neither SOPA nor PIPA make it impossible to access rogue websites. One need only know the site's Web address. Because the government can't infringe upon rights that don't exist, let's just cut all the baloney about the First Amendment. It doesn't apply here.

What does apply is the Fifth Amendment, which ensures every person and company's right to due process. Both SOPA and PIPA need reworking. SOPA, in particular, is worded so broadly as to risk removing liability protections granted to service providers and websites through DMCA. As present, SOPA and PIPA also allow the potential for the U.S. Justice Department to penalize American companies. Fortunately, computers have a magic button labeled "backspace," which allows people to erase and replace words and phrases they don't like with words and phrases they do like.

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### SOPA infringes on freedom of speech



**Molly Skyles**

In the communist country of China, political and religious speech is censored on the Internet, and sites similar to Twitter and Facebook are banned. In the United States, we quickly turn up our noses at that awful freedom of speech infringement, but recent House and Senate bills prove American government, while far from communist, isn't as perfect as we often pretend.

The Stop Online Piracy Act bill in the House and Protect IP Act in the Senate were created to protect intellectual property on the Web. They would allow the Justice Department to require websites to remove all links to sites that contain pirated copyright material, according to a Jan. 20 Washington Post article. While it sounds like a positive idea — give creators credit for their work, not those guilty of piracy — the rhetoric of these bills is intrusive and

could lead the way toward online censorship. These bills could grant the attorney general the power to create a blacklist of websites to be blocked by service providers because of even one page of potential infringement, all without a court hearing, according to a Nov. 16 New York Times column. The duty of finding these pirated materials would fall on the backs of the website operators, threatening legal action if they do not vet materials before posting. Think of the damage this could do to user-generated sites like YouTube or Facebook, which are updated by thousands of users throughout the world every minute. It would be impossible to keep up. Currently, such sites are protected by a

provision of the Digital Millennium Copyright Act, which provides protection from prosecution as long as the sites take down infringing material as soon as it is pointed out. SOPA would demolish that immunity, holding massive sites hostage to governmental wrath.

SOPA and PIPA also pose economic threats. Movie studios and recording companies are proponents of the legislation because they want their clients to receive all the fortunes they deserve, which is a fair motive, but let's not forget about the little guys. Start-up companies would struggle with legal risks and potential financial burdens because of the overhead spending required to monitor potential Web content for pirated copyright material. It would discourage entrepreneurs from creating the next large social networking or file-sharing site.

"The idea that we're going to preemptively have the government start censoring the Internet on behalf of giant corporations' economic interests, strikes me as exactly the wrong thing to do," former House Speaker Newt Gingrich said in opposition to the bills, according to the Washington Post article.

I'm all for the government assisting in protecting our civil liberties, because it's their duty. However, when economic interests come before vital rights of our country, like freedom of speech, the government needs to step back.

While it's doubtful these bills truly carry the power to blacklist sites as popular and prosperous as YouTube or Facebook, they could harm our freedom of speech on the Web.

The beauty of the Internet is that it's an anything-goes forum. Yes, people who pirate thousands of dollars of copyrighted music and movies are guilty and do deserve some type of retribution, but forcing an Internet provider to monitor a customer's web traffic is an unconstitutional prior restraint against protected speech.

Luckily, millions of Internet users agree. Last week, Google, Facebook and Wikipedia "blacked-out" in protest of the bills and urged viewers to sign petitions in opposition. The mass amounts of negative feedback have encouraged members of Congress to "indefinitely postpone" the vote.

However, a new bill, OPEN, has been introduced. Unlike SOPA and PIPA, OPEN would only pose a legal threat to sites that willfully promote copyright violation, according to a Jan. 21 PC World article. OPEN is a step in a better direction, but there's a chance even this slight amount of regulation could lead to Internet censorship. Contact your state representative or sign one of the many online petitions in opposition of these bills to secure the freedom of speech our Constitution grants us.

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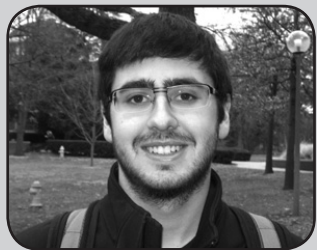
**For purposes of this section, a foreign Internet site or portion thereof is a 'foreign infringing site' if-**

1. The Internet site or portion thereof is a U.S.-directed site and is used by users in the United States
2. The owner or operator of such Internet site is committing or facilitating the commission of criminal violations punishable under section 2318, 2319, 2319A, 2319B, or 2320, or chapter 90, of title 18, United States Code; and
3. The Internet site would, by reason of acts described in paragraph (1), be subject to seizure in the United States in an action brought by the Attorney General if such site were a domestic Internet site.

\*according to the Library of Congress

## AROUND THE QUAD

### Should Missouri legalize marijuana?



"I wouldn't be opposed to it, considering as a drug it is less harmful than alcohol."

**Jake Philipp**  
sophomore



"It should be legalized as it does not seem to be as strong as alcohol or tobacco."

**Oyindamola Adebayo**  
junior



"I'm for it, as long as it doesn't negatively affect the person's life."

**Patrick Lansdon**  
senior



"I think it should be accessible for medical purposes."

**Rachel Fink**  
senior



**Bob Overmann**

Interstate 70 is home to constant freight traffic, car-crippling potholes and almost daily traffic jams. A major thoroughfare to Truman State and the Northeast Missouri area, thousands of students and travelers grind their teeth and pound their steering wheels as they sit in traffic and watch a three or four hour trip turn into a four or five hour trip, or at least I do.

Unfortunately, Missouri is considering turning a large portion of I-70 into a toll road. While I-70 is badly in need of updating, turning portions of the thoroughfare into a toll road would be economically unfair and generate unnecessary congestion.

I-70 is in serious need of repair. Designed for a lifespan of about 25 years, it has been running for nearly 60, according to MoDOT. Jan. 17, the Missouri Department of Transportation pitched the project of updating I-70 to the Missouri Legislature. The proposal states that the stretch of I-70 between the Highway 40-61 interchange near Wentzville would mark the toll road's beginning, which would run until the Interstate 470 interchange near Kansas City, according to STL Today. Tolls would be collected electronically through

### Toll bridge creates more I-70 problems

a system known as "open-road" tolling rather than booth tolling, but depending upon the method of collection, traffic jams undoubtedly would occur.

This new toll road could take a serious toll on the wallets of I-70 frequenters. Cars would pay 10 to 15 cents a mile, while freight traffic would pay up to 45 cents a mile. To put this in perspective, truckers could pay up to \$90 each way on a 200 mile trip between Wentzville and Kansas City. With costs that high, MoDOT estimates up to 10 percent of traffic would use alternative routes to I-70. This has the potential to cause serious traffic problems on smaller roads not designed for heavy traffic and constant tractor-trailer use.

These tolls would be among the highest in the country. The New York State Thruway costs drivers approximately 5 cents a mile, while drivers on the Pennsylvania portion of I-70 pay about 8 cents a mile, according to Fox 2. At 15 cents a mile, Missouri's I-70 toll might be almost double what drivers of the Pennsylvania stretch of I-70 pay.

I-70 is beneficial to all Missourians, directly or indirectly. As a major truck route necessary to our daily functioning, goods are delivered to and transported throughout Missouri. Further delays as a result of more frequent traffic jams or alternative routes by truckers might be noticed across the state. Also, the price of goods might increase as truck-

ing companies pass off these fees to consumers.

To better spread the costs to all who would benefit from this update of I-70, Missouri legislators should consider raising the gasoline tax. This would eliminate the undue burden on truckers who access I-70 and would not result in unreasonably high gasoline prices.

Taxpayers as a whole have been paying steadily less in gasoline taxes as vehicle fuel economy increases. A gasoline tax increase of up to 10 cents would be necessary to fund the project, according to the Columbia Daily Tribune. At Missouri's current rate of 17.3 cents a gallon, which is the 44th highest in the nation, raising the gasoline tax as high as 27.3 cents a gallon would not be unreasonable in comparison to states such as New York, which stands at 31.9 cents a gallon, according to tax-foundation.org.

I-70 is in poor condition, and something needs to be done. However, turning Missouri's portion of I-70 into a toll road is not the solution. Instead, costs should be spread among those who benefit and attempts should be made to avoid further congestion issues.

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