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Internet at risk from government blacklisting websites

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By Ed Black

Every significant innovation in information technology – from the photocopier to the VCR, DVR, mp3 player and YouTube – brings legal or political battles against technology from “Big Content” movie and music representatives, who want to protect old distribution methods from disruptive new innovations. Increasingly, the Internet itself is cast as the villain.

Such is the case with the [Hollywood-backed Internet blacklisting bill, S968](#). This federal bill, introduced May 12, is a “nuclear option” that would crush free speech and break the Internet to combat copyright infringement. Internet users must get involved.

Like a similar bill last year, this bill would allow Big Content to submit websites to U.S. government blacklists. The Justice Department would direct Internet services, credit card companies, and ad networks to cut off blacklisted sites. The new bill also forces search engines to eliminate allegedly offending sites from search results. This is like handing censors not a black pen, but an eraser.

It is happening now in China. Internet users there see search results with a notation that the results have been censored. Americans may see search engines do the same here, as they reconcile government demands with their sense of free speech responsibility.

The First Amendment reflects our founders’ conviction that governments shouldn’t decide who can and can’t stand on a soapbox. It’s a principle we support in our foreign policy. When Egypt shut down the Internet to silence political dissent, the United States rightly voiced opposition. If we endorse censorship here, we export a technological model for any government to crackdown on any Internet content it dislikes.

In addition to empowering the Justice Department to decide what Internet users can read, the bill also offers immunity to companies taking matters into their own hands. It therefore encourages Internet companies to proactively disappear potentially infringing sites. This is similar to Chinese authorities praising media for their “restraint” when they censor information about democracy.

What’s more, the bill would give Big Content’s lawyers new power to file lawsuits to force other businesses to collaborate in blacklisting.

As a longtime member of a State Department panel that recognizes information freedom as a human rights issue, I am especially concerned about blessing Internet filtering and censorship for seemingly noble reasons. The biggest threat to our Internet now is not from some big shutdown like in Egypt. People wake up and protest against that. The more immediate threat to free speech online is the perpetual expansion of government control over content to cure the social ill of the day.

Sadly, this bill will be ineffective at curbing piracy. Just as tearing a page out of the phone book doesn’t disconnect peoples’ phones, blacklisting Internet domain names won’t block websites. Those who know the IP address or tweak their web browsers can easily access blacklisted sites.

Join me in telling Congress we import enough from China – we don’t need Beijing’s blacklists, too.

Ed Black is the president and CEO of the Computer & Communications Industry Association.

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