



November 15, 2011

Hon. Patrick Leahy, Chairman

Hon. Lamar Smith, Chairman

Hon. Chuck Grassley, Ranking
Member

Hon. John Conyers Jr., Ranking
Member

Senate Judiciary Committee

House Judiciary Committee

224 Dirksen Senate Office Building

2138 Rayburn House Office Building

US Capitol

US Capitol

Washington, DC 20002

Washington, DC 20003

Dear Committee Chairmen,

On behalf of the undersigned student and youth organizations, we are writing today to express our serious concerns about legislation being considered by the House and Senate in the name of fighting Internet piracy. We oppose, in their current forms, legislation approved by the Senate Judiciary Committee (S. 968, the Protect IP Act) and legislation introduced by members of the House Judiciary Committee (HR 3261, the Stop Online Piracy Act-SOPA) that, while pursuing the laudable goal of fighting Internet piracy, will curtail the legitimate free flow of information, hurt efforts to promote human rights, create undue censorship of legitimate websites and interfere with the growth of the Internet economy so important to our futures as young people.

The Senate bill, while narrowed from earlier versions, contains many objectionable provisions including the DNS Internet blocking system that attacks the very foundation of the Internet address system and according to some will undermine security and the provision that specifically targets "Information Location Tools / Search Engines" that has the potential of crippling the gate ways to the Internet and its wealth of information by

forcing the platforms we use to search for information to become censors rather than compasses.

The House bill goes even further than its Senate counterpart by including an overly broad definition of an infringing website subject to immediate blocking. The House legislation includes sites not just dedicated to, or primarily focused on, pirated material but any site that “facilitates” piracy. Any website that features user-generated content or that enables cloud-based data storage could end up violating the law and being shut down without any due process opportunity to defend itself.

As you know, under current Copyright law, rights holders already have super fast procedures to “take down” infringing property.

But under these new, overly broad approaches, Internet Service Providers (ISPs), search engines, websites and other cloud services would face new and open-ended obligations to monitor and pre-censor user behavior and information, raising a real threat to user generated content sites that all of us rely on for information and free expression. As such, the bills represent a serious threat to online innovation and to legitimate online communications tools.

In addition, the bills uses domain name blocking or “filtering” to enforce the asserted rights of copyright holders. This approach won’t work (because it can be easily circumvented) and has a great deal of unintended consequences including the potential of Internet blocking enforcement from other countries in the name of copyright protection that, in fact, could be used to take down sites and social media outlets that promote democracy, human rights and civic activity.

As James Temple, the *San Francisco Chronicle*’s Business and Tech columnist wrote, the SOPA legislation: “... would chip away at critical safeguards that have shaped the Internet as we know it today, and many worry it would make it far more difficult for the next YouTube, Facebook or Craigslist to emerge and succeed.” We agree, and that’s not a world we want Congress to leave to our generation.

Internet platforms must be allowed to flourish if our generation is going to achieve our potential, allowing students and other young people to be creators, authors, entrepreneurs by promoting their talents and new ideas with friends and anyone on the web at low cost. We have all used the Internet to share ideas and increase access to information and educational resources. In this economy, and in the future, young graduates and young workers look to the Web for resources to boost their skills, find work and seek new opportunities. Legislation that sweeps in legitimate sites and platforms we need will impact our members, our friends and our futures.

We believe Congress should consider a more appropriately targeted approach to helping curb piracy –one that narrowly defines websites and cloud services that are truly bad actors and one that creates a more narrow remedy such as blocking payment services that are used to pay for clearly pirated works. Such an approach would

effectively attack online infringement by truly bad actors and limit their financial gain without hurting the openness of the Internet, the free flow of information and ideas and the technological innovation we need to rely on in the future.

Thank you for considering our views on this legislation.

Sincerely,

Victor George Sanchez, Jr., President

United States Student Association

1211 Connecticut Ave., NW, Suite 406

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cc: Senate Judiciary Committee Members

House Judiciary Committee Members

The United States Student Association, the country's oldest and largest student-led organization, represents over 4.5 million students at over 400 campuses across the nation. We work to develop current and future leaders and amplify the student voice at the local, state, and national levels by mobilizing grassroots power to win concrete victories on student issues.