

Statement of  
**The Honorable Al Franken**

United States Senator  
Minnesota  
February 16, 2011

Senate Judiciary Committee  
Hearing on "Targeting Websites Dedicated to Stealing American Intellectual Property"  
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Mr. Chairman, thank you, and Ranking Member Grassley, for holding this important hearing. As you likely know, I am a copyright holder, and like Mr. Turow, I am well aware of how important it is that we protect the intellectual property rights of today's writers, artists, and innovators. When I first started writing for television in the seventies and eighties, the Internet didn't exist, and we didn't need to worry about foreign websites illegally distributing the latest TV shows and blockbuster movies online.

Every year, American industry loses tens of billions of dollars as a result of online sales of copyrighted content and counterfeit goods. That's not just profit in the pocket of a movie producer or music mogul. It comes out of the pockets of the hundreds of crew and craft services staff who work on these movies and television shows. It is also money in the hands of American factory workers who produce legitimate, branded goods. It's money in the hands of engineers who develop the technology behind those goods, and it's money in the hands of store owners who sell those goods, whether they're Red Wing boots or Prince CDs.

We need to stop online piracy, and we need to give law enforcement the tools it needs to do it. That's why I supported the Combating Online Infringement and Counterfeits Act last year when it came up here in the Judiciary Committee.

But I have also been a strong advocate of preserving the unique nature of today's free and open Internet, and I want to thank the Chairman for adopting changes that I suggested last year to make sure that the bill did not inadvertently hurt free speech. I am pleased that his staff has committed to continuing to work with myself and other members of the Committee on this issue. We need to work together to make sure that any legislation that is introduced this Congress is narrowly tailored and will not unwittingly lead to the blocking of legitimate speech that is protected by the First Amendment. We also need to make sure that we are giving legitimate U.S. businesses and domestic blogs sufficient due process protections before their sites are suddenly shut down.

I also think it is essential that we move cautiously before we create a structure that will direct Internet service providers to block content at the domain name level. Senator Feinstein raised this issue at last year's mark-up, and she reminded us of a letter we received from 90 engineers

and architects of the Internet who were particularly concerned about the domain name remedy that was created under your bill. I agree with her concern about maintaining the integrity of the Internet, and I hope we can examine this issue further at today's hearing to make sure this is the best approach.

I'm very pleased that we have this opportunity to talk more about ways our Committee can help protect intellectual property rights. I'm confident that we can address these issues that I have raised because our goals are not incompatible with the underlying purpose of protecting musicians, writers, and innovators in America. I look forward to working with the Chairman to help produce an even stronger bill this year.