

# Blowback:\*

## A Comparative Analysis of College Students' Response to U.S. Internet IP Legislation

Antoine C. Jones

The University of Chicago

922 East 61<sup>st</sup> Street, Unit #1

Chicago, IL 60637-2606

[antoinej@uchicago.edu](mailto:antoinej@uchicago.edu) • +1 773 257 7377

**Abstract**—In the wake of intellectual property (IP) theft on the Internet, the legislature of the United States, along with many other developed nations, has been under pressure to stem the tide. The latest iteration of this ongoing battle came in 2011 in the form of two pieces of proposed legislation: Senate Bill 968 *Preventing Real Online Threats to Economic Creativity and Theft of Intellectual Property Act* (also known as the PROTECT IP Act, herein PIPA), and House Resolution 3261 *Stop Online Piracy Act* (SOPA). In January 2012, as SOPA and PIPA were scheduled for debate on their respective floors in Congress, the bills met with vociferous attention. But while much has been made about SOPA/PIPA, there has been little public anger at the international treaty that preceded those bills: the *Anti-Counterfeiting Trade Agreement* (ACTA) of 2010. This leads to the main question of this paper: What explains the paucity of college students' rage toward ACTA when compared to SOPA/PIPA?

**Keywords**— *Intellectual Property Theft, PIPA, SOPA, ACTA.*

### I. INTRODUCTION

*Blowback* (CIA, 1954): "A metaphor for the unintended consequences of the US government's international activities that have been kept secret from the American people" (<http://www.thenation.com/article/blowback>).

In the wake of intellectual property (IP) theft on the internet, the legislature of the United States, along with many other developed nations, has been under pressure to stem the tide. The latest iteration of this ongoing battle came in 2011 in the form of two pieces of proposed legislation: Senate Bill 968 *Preventing Real Online Threats to Economic Creativity and Theft of Intellectual Property Act* (also known as the PROTECT IP Act, herein PIPA) introduced in May 2011, and House Resolution 3261 *Stop Online Piracy Act* (SOPA) introduced in October of the same year. Though there are many intricacies, as there are in all government legislation, the most contentious part in the legislation is an article that will allow the Attorney General to shut down any domestic website that is accused of violating IP (proof of intent is not necessary) without judicial remedy. Proponents of this legislation,

mainly those in the recorded and visual arts and pharmaceutical companies, argue that this legislation will prevent the loss of revenues to piracy and thus protect American jobs. Opponents, led by internet heavyweights Google and Wikipedia, have argued that while piracy protections are necessary, shifting the censorship burden onto internet providers will stifle the free information flow and resulting creativity that the internet was designed for and thus lead to the loss of many American jobs.

Little media light was shed on either of the bills and outside of debates amongst computer trade publications; as such, these bills went relatively unnoticed by the public at large. In January 2012 however, as SOPA and PIPA were scheduled for debate on their respective floors in Congress at the end of the body's winter holiday, the bills were met with vociferous attention and the public's rage was palpable. The people's outrage was driven in part by several major websites that *went dark* on 18 January 2012, including the venerable Google and Wikipedia. In response to the blackout, multitudes of college students, in the midst of winter recess, protested in front of legislators' offices and completely inundated Congressional e-mail servers and telephone banks to the point of collapse. In a rare moment in protest history, numerous representatives and senators met their angry mobs in person as many legislators were present in their districts due to the Congressional winter break. Many of them had proudly co-signed the bills and defended their content just mere days before the protests broke out in New York, Moscow and other cities across the globe. In the days after the 18<sup>th</sup>, U.S. President Barack Obama's office indicated that it had no intention to pass any internet control legislation and elected officials quickly redacted their support for the bills, even those whose names were signed on the cover pages. As of March 2012, PIPA and SOPA, at least in their current iteration, are legislatively stillborn.

Normally, this would have been the end of the story. But while much has been made about SOPA/PIPA, there has been little public anger at the international treaty that preceded those bills: the *Anti-Counterfeiting Trade Agreement* (ACTA) of 2010.

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ACTA was negotiated in secret beginning in 2006 at the behest of the U.S. and Japan and calls for extrajudicial shuttering of accused websites and encourages border agents of signatory nations to search travelers for contraband IP. At its most draconian interpretation, some have argued that the vague treaty text would encourage customs officials to scan sojourner's personal hard drives and portable audio devices and computers for anything that may have been downloaded or created illegally. One would imagine that such a bill, even if the text is being misread, would create a stir at least on par with the January SOPA/PIPA blowback; however President Obama, the European Union and several other states have signed the treaty since October 2011 with little protest outside of trade publications. One argument could be that as this treaty was crafted in secret in its inchoate stages, maybe the public at large was wholly unaware, though Google, eBay, Intel the Motion Picture Association of America (MPAA) and Recording Industry Association of America (RIAA), among other interested parties, were involved in the process. Additionally, the beleaguered yet venerable Wikileaks made a discussion paper from the negotiations public in May 2008. This leads to the research question this paper aims to explore: What explains the paucity of college students' rage toward ACTA when compared to SOPA/PIPA?

## II. LITERATURE REVIEW

Understanding why students protest some issues and not others first requires looking at the agenda-setting effect the traditional print, radio and televised media have on their audience. Writing in 1922, Pulitzer Prize journalist Walter Lippman outlined the concept what was to be called *agenda-setting theory* in his seminal work *Public Opinion* when he wrote "The pictures inside the heads of these human beings, the pictures of themselves, of others, of their needs, purposes, and relationship, are their public opinions" (p. 17). The theory was formally established after the famous Chapel Hill study was completed by McCombs and Shaw, who wrote in 1972 that the press "may not be successful much of the time in telling people what to think, but it is stunningly successful in telling its readers what to think about" (p. 177). This concept has been continually updated and debated in the fields of journalism and communications (especially Iyengar, Peters & Kinder, 1982; see also Sweetser, Golan & Wanta, 2008). Though their influence is no longer absolute (Meraz, 2009), traditional print, radio, television media are still the preferred manners in which most Americans receive their news (with great overlap

with internet sources, Dutta-Bergman, 2004) and thus traditional media retains a monopoly on the control of protest agendas. With the media's agenda-setting capability in mind, we offer the primary hypothesis: *ACTA was underreported in the traditional print, radio and television media, thus limiting issue salience to only to "techies"*

This agenda setting capacity becomes especially problematic as the global media market becomes dominated by a few major players mostly based in the U.S. These major media conglomerates have been some of the most significant sponsors and stakeholders in internet IP legislation across the globe. Additionally, many conglomerates, including TimeWarner, News Corporation and Viacom have overlapping interests in recorded music and live performances, which are represented by the RIAA, which has a seat at the ACTA table. The RIAA's chief lobbyist for SOPA/PIPA in Washington himself was a former senator. As individual entities or a united front, these conglomerates control disproportionate amounts of consumed media and content on the planet and have nearly unlimited amounts of cash to solve their collective piracy problem. As Horwitz states in his 2005 treatise discussing this concentration, "At the most basic level, concentrated ownership constricts the number and kinds of speakers... Concentrated mass media are understood to shape content in ways that reproduce the prevailing structures of power and dominant cultural norms" (p. 6). In addition to controlling what is shown as news, many traditional media outlets may simply choose to show nothing at all.

## III. METHODOLOGY

To test our three hypotheses, this project utilized a survey to garner the general temperature of how college students felt about internet IP legislation and a content analysis to test the primary hypothesis bases on intriguing data garnered from the survey.

### A. Survey

A twenty-three question survey hosted online by Questionpro ([www.questionpro.com](http://www.questionpro.com)) was distributed via the internet via forwarding through a northeastern college's political science class, e-mail invitation to a group of student researchers at the same school and via postings in the volunteer sections of Craigslist New York City and Silicon Valley, CA (a copy of the survey is available upon request). The survey utilized a mix of yes/no, true/false and five-level Likert questions and a final open-ended freeform question where users were

allowed to freely enter their thoughts. Branching logic allowed us to ask additional questions of some respondents who answered affirmative to leading questions, so all respondents did not answer all twenty-three questions. Internet protocol addresses were tracked by the Questionpro website to ensure there was no ballot stuffing and we thus have no duplicate data.

Our survey found that many students were not motivated to protest ACTA because they simply did not believe that such a treaty could exist. Based on the criticism of the ACTA legislation, one question in the survey asked respondents their agreeability to the following statement: *At national borders, customs officers should be allowed to search digital music players (i.e. iPods), smartphones, tablets, laptops, netbooks, and portable hard drives for illegally downloaded music and films.* Nearly 63 percent of respondents disagreed with that statement, which is not surprising. What did turn out to be a surprise was the inverse correlation that exists among those who disagreed with the above assertion and if they became more concerned about internet censorship after learning about SOPA/PIPA (Chi Square = .016,  $P \leq .05$ ; Pearson  $R = -.436$ ). We also found that those who strongly disagreed with the customs statement did not become more interested in internet censorship post-SOPA/PIPA. Added to the Z-axis in a three-dimensional scatterplot in SPSS was the respondent's level of education. Though not at significant values (due to small  $n$ ), the less collegiate education a respondent has, the least likely they became more concerned about internet censorship after learning about SOPA/PIPA. What this data tells us is that those people who could not imagine customs searching iPods at borders were not overly concerned with the prospect of internet censorship and that such people lean toward having less college education. Once the SOPA/PIPA legislation was killed in Congress, their lack of alarm was justified. This result can lead to confirmation bias, which means that when Congress tries again to move forward with internet control legislation—and they already have with the *Cyber Intelligence Sharing and Protection Act* (CISPA) of 2012 (H.R. 3523) and 2013 (H.R. 624)—these students will be *even less* alarmed and therefore less likely to consider net censorship a salient issue the second time around.

### B. Content Analysis

Following up on the oft-repeated premise that college students and young people in general do not follow international news, our survey found that in fact, the college students sampled here followed international news more so than domestic news, yet

the knowledge of ACTA's existence was still quite low. This finding led us to develop a content analysis to see which media outlets reported on ACTA, SOPA and PIPA and the frequency thereof.

Using the well-researched rationale that the online websites of major news agencies do not differ much, if at all, from their print/television divisions (Gasher & Gabriele, 2004; Wu, 2007), we decided to do an internet search of the major news services and compare the hits we received for ACTA and compare them to SOPA/PIPA. We used the Alexa rankings for the 15 top news websites in the world (<http://www.ebizmba.com/articles/news-websites>).<sup>1</sup> The Google search engine eliminates redundant or similar results, so the reported numbers are what were determined by Google to be unique hits.

Excluding LexisNexis, each news source was searched three times using Google ([www.google.com](http://www.google.com)) Boolean operators across all years to date (April 29, 2012). We decided to use the full name of the treaty as most news sources listed the full name before the ACTA abbreviation and thus false positives were effectively mitigated. Because SOPA and PIPA are almost always referred to as a married pair in the press, we decided to focus only on the SOPA term and thus our second search term was "*Stop Online Piracy Act*" Site:. We first ran a search for the term for all years to date and then for only January, 1 2012 - April 29, 2012. This allowed us to see if there was a noticeable jump in hits around the time that Google publically denounced the bills as Congress was preparing to return to Washington and college students were on winter recess. As LexisNexis is a subscription service, their proprietary search engine was used with the same search terms using the provided restrictors to search for the exact phrase. Searches by date for the same three time frames mentioned previously were compiled. Once all of the searches were complete, ratios were derived for comparative analysis (Figure 1 on the following page).

### C. Findings

Following this battery of tests<sup>2</sup> we found the primary hypothesis that *ACTA was underreported in the*

<sup>1</sup> Four providers removed from our analysis: Yahoo News and Google News (ranked first and fourth respectively) because neither of those websites have a traditional media platform and neither generated original content during the time frame we wished to analyze (All dates before April 29, 2012 when the analysis was ran); Huffington Post (ranked sixth) because much of its content was re-linked blogs, news stories from major sources and editorials and Digg (ranked eighth) because the entire website is dedicated to sharing links that are trending at the moment and thus generated no unique news content.

<sup>2</sup> Full charts of the yielded data from the survey and content analysis are available upon request.

traditional print, radio and television media, thus limiting issue salience to only to “techies” to be true.

FIGURE 1: REPORTING RATIOS

Source	SOPA (all-time):ACTA	SOPA (2012):ACTA
Alexa-ranked News Sources	4.87:1	3.69:1
LexisNexis	3.02:1	2.37:1
Trade Magazines	1.46:1	0.73:1
Comparison Sources	1.18:1	.93:1

As the data in Figure 1 relates, the top news sources in the country reported on SOPA (and inferably PIPA) nearly 5 times as much ACTA for all years and nearly 4 to 1 in 2012 alone. LexisNexis’ 545 newspapers and newswires reported nearly on SOPA nearly three times as much as ACTA. Interestingly, the trade magazines and non-Alexa ranked news sources (which includes TimeWarner’s *Time* imprint) reported nearly 1.4 and 1 to 1 respectfully across all years and actually reported less on SOPA in 2012 than ACTA across all years. What these numbers demonstrate is that there was a definite dearth in reporting on ACTA when compared to SOPA/PIPA, including in the first five months of 2012, unless one was following the treaty in *Wired* or *PC World*.

Additionally, most of the sources that did report on ACTA did so mostly or entirely in 2012, after SOPA/PIPA began to become household names and likely after the Google and Wikipedia-led internet blackout. This dearth is the likely explanation as to why there is no correlation between those survey respondents who watched national news often and ACTA awareness: there was simply no news on it to consume. With the media’s agenda-setting capacity, it can be seen how underreporting or non-reporting on issues can have an effect on what leads people, including news-following college students, to protest or, in the case of ACTA, stay at the dorm.

#### IV. DISCUSSION

The CISPA bill mentioned at the end of the survey research section passed the U.S. House of Representatives—for the second time—on April 18, 2013. No major websites went dark that day; no protests materialized at the offices of senators or representatives. Additionally, some of the companies that took a principled stand against SOPA/PIPA, Google and Apple chief among them, quietly acquiesced in support of CISPA through a trade association (Smith, 2013). None of this would have much social significance save for the fact that most of the provisions of CISPA, which would have

established a extrajudicial (i.e. warrantless) bilateral internet-traffic sharing protocol between private companies and the U.S. government as a means to mitigate cyber threats, had been realized in secret through the National Security Administration’s PRISM program for quite some time.

When the findings of the two studies are taken in sum, we can see that the major traditional media outlets still have a significant effect on reinforcing student’s belief structure in considering what is possible and improbable in relation to Congressional legislation. Even before this however, if the media simply chooses not to report on an issue, most people of all dispositions will not be able to formulate the necessary motivations to respond in protest. It is for this reason that future research needs to ascertain the exigencies having both lobbying capacity and agenda-setting capability vested in the conglomerate media form (Horwitz, 2005). Because there is an increasing concentration of media conglomerates who now control both hardware and content, future research on media deregulation, public opinion and the more esoteric subsets of intellectual property legislation such as patents is also recommended.

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