US CONSTITUTION:

Amendment IV

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Amendment V

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law**; nor shall private property be taken for public use, without just compensation.**

Article 1:

The Congress shall have power to ... promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries;

<u>Who Owns That Downloaded File Anyway?</u>

<u>We are the Stakeholders</u>

It's more than a slogan. It's a fact, and one which the public demands Congress to recognize. There it is. The rights of every individual citizen, clearly stated in the US Constitution in English as plain to understand today as it was when it was written over 200 years ago. Individuals are guaranteed to right to be secure in their persons, houses, papers and effects. This is absolute and the foundation of Freedom. We can not have a free people if we are subject to inspection, wiretapping, bullying and preemptive control of our digital communication. We can not tolerate this any more than we can tolerate wiretapping of our phone lines, spying on our private letters, or burning of our books. It doesn't matter if the public chooses to share music files or movies on a massive scale, individual to individual. All that matters is that we are protected from corporations and the government from doing so.

This summer the Music, Software and Movie Industry has pressed both the executive branch and the legislative branches of our government to allow spying, preemptive filtering, and commandeering of personal property in order to prevent the common distribution of information which is protected by copyright. Anyone who reads the plain meaning of the constitution can clearly see that these copyrighted articles are owned by the public. Congress is only authorized to give limited rights to creators of works ***in order to promote the publication of more on them***. And then, only if they are useful. We fully demand protection from those who scam the public, and steal from us our cultural heritiage.

Who owns copyrighted works? It is the public. Tomorrow Congress can end all copyright protections, and then there is none. But Congress can never pass a law which ends our ownership of our papers, books and property. We demand the same protection to share information on our hard drives, on CD's, Vinyl, Tape and paper that is afforded used books.

On September 26th, 2002, in the House Sub-Committee on Intellectual Property, while reviewing HR 5211, Congressman Berman publically announced that nobody is talking about preventing the sharing of a few files between individuals. Evidently, Congressman Howard Berman seems to be misinformed. The

Recording Industry Association of America clearly says that they disagree. Their statements on http://www.soundbyting.com/html/copyright_101/music_copyright.html clearly states:

> "So the only LEGAL way to reproduce a piece of recorded music -- uploading, downloading, copying from a CD, whatever - is to get permission from the owners of these different copyrights. It's called, obtaining a license"

This is just wrong. Our homes are not businesses open to in discriminant industrial policies. Our homes are private. We do not license our music and our computers. We purchases them for cash. And we will use them as we choose to, and we will share information with others without prior constraint, and of our own free will. We are not pirates. We are voters, and **WE ARE THE STAKEHOLDERS.**

In our private lives, we will share what we choose to, we will educate as we see fit, and we will build libraries for public access and to help educate and provide for our children and the poor. And we will not have the public treated as robbers and criminals.

If the RIAA sees a legitimate copyright violation, we are protected from their gross exaggeration of their legal rights by the fourth and fifth amendments in the Bill of Rights. If the legalities of prosecuting individuals under the law is not convenient for the RIAA, we do not authorize a digital police state instead. We will not walk down the path of George Orwell's 1984, where computers are used to control the the thoughts and activities of the population. We will not allow our property to be continued to be described as the property of a Copyright Holders.

Finally, the public is tired of the foot dragging by the Movie and Recording industry in publishing materials electronically. We demand Congress force the Copyright Holders to provide their end of their bargain in Copyright. Congress

should move immediately to force the media companies to publish music on-line. Use forced licensing if you must, but get our cultural heritage on the internet. The Music industry, especially, has impeded innovation and job creation because of it's refusal to publish. Nobody has the 'right' not to publish, once they have been given a copyright and made works available. The NY Times reporter, Amy Harmon, wrote on September 23[rd:]
(http://www.nytimes.com/2002/09/23/technology/23MUSI.html?pagewanted=print&position=top)

> Concerns over piracy, money or unrelated contract disputes have prompted artists like Madonna and Radiohead to insist that their music not be distributed digitally. And even if the artist and the label are on board, the publisher who represents the writer of a song may not be. Sometimes it takes months to figure out who the publisher is, since there are more than 30,000 of them in the United States and their names are often not included on the CD.
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> "It's as if Franz Kafka designed this system and employed Rube Goldberg as his architect," said Rob Glaser, the chairman of MusicNet, which is part-owned by his company, RealNetworks, along with AOL Time Warner, Bertelsmann and the EMI Group. "It's full of tripwires."
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> The most glaring omissions from the services are the entire catalogs of major labels that have so far declined to license to the services backed by their offline competitors. The Warner Music Group, the music division of AOL, and the BMG unit of Bertelsmann have yet to license their music to Pressplay. Likewise, Pressplay's owners, the Universal Music Group of Vivendi Universal and Sony Music Entertainment, have not licensed their recordings to MusicNet. The EMI Group,

> the smallest of the five major labels, has licensed to both MusicNet and Pressplay. And Listen.com, which has no record labels among its corporate parents, has licenses from all five major labels.

It is time for Congress to step in and make the copyright holders publish on the internet. We don't care is Madonna makes money or not. We care that works are made available to the public. We give publishers narrow, but well defined exclusive rights to profit from by distributing copies of copyrighted work. We give these rights in exchange for making them public. Their 'rights' are not the inalienable rights, such as those defined in the Bill of Rights, but subject to the will of the People. The People demand that they publish, or otherwise strip them of their copyrights all together.