

## Vote Linda Gilroy: Spineless and Clueless

Kris King – April 18<sup>th</sup> 2010

<http://www.rantinaminor.co.uk/2010/04/vote-linda-gilroy-spineless-and-clueless/>

*[The following is re-posted here from my old, now defunct, MySpace blog, and is primarily for the benefit of a local, Labour-supporting Twitter follower that I had for a few short hours before I criticised her local candidate of choice. As I said at the time, I'm not saying these things to be mean, believe me! I merely wanted to show how my experience of meeting Mrs Gilroy was very different from yours!]*

When the Digital Economy Bill became an Act last week (after the briefest of discussions, and with a large majority of MPs not even turning up to vote), I felt compelled to email my MP, Linda Gilroy (Lab – Plymouth Sutton & Devonport) to make known my disgust that she had voted for such a draconian, undemocratic, and flawed piece of legislation.

The following day I got a response, inviting me to an open meeting with her to “discuss my concerns” at the T&GWU building on Bretonside (an ironic choice of venue, when you think about – the union was supposedly about protecting those who make things from being exploited by those who make profit off their efforts). It was a little disappointing that I was one of only 8 people who came, but that was nothing compared to the disappointment I felt that, once again, another politician had absolutely lived down to the expectations I have of them. 50 minutes of waffle, excuse-making, and otherwise avoiding the serious issues that we were trying to raise.

For those not familiar with the bill, here's basically what it proposes. It allows copyright holders to report you to your ISP if they believe you to be illegally sharing their property (songs, movies etc.) Upon receipt of these complaints, ISPs are obliged to send you written warnings, and subsequently limit your speed/capacity, prevent/limit access to certain sites, or suspend your service for continued infringement (if they refuse, your ISP risks a £250,000 fine). It also allows UK courts to block access to sites that are seen to facilitate copyright infringement.

The biggest flaw in all this is that infringements can only be identified by IP address, not the individual responsible. If you have a home network, you'll share the same address and, if one of the kids has been downloading illegal music, everyone in the house would be punished by the suspension of service. Similarly, for the relatively techno-unaware, an unsecured home wi-fi network can be hijacked by a total stranger in the street outside and you'll never know what they downloaded until your ISP throws you off the net.

The next problem is that anyone sufficiently tech-savvy can get around these problems, either by encrypting all internet traffic to and from their PC, or by going via a proxy server or VPN. Ultimately, it will be the tech-naïve and largely innocent internet users who will be victimised (remember how the RIAA started prosecuting 7 year olds and grannies because they couldn't find anyone else?)

But one of the most troubling aspects is how this Act undermines and reverses some basic human rights. The ability to communicate freely, and to be secure in one's “possessions and papers”, the right to privacy, is eviscerated by this bill, with your ISP being legally required to spy on your internet traffic on behalf of the record industry. This is a massive invasion of privacy that, were it applied to the postal system (with the Royal Mail opening every jiffy bag in Britain to ensure you're not posting mix tapes), there would be an unholy outrage of Daily Mail proportions.

If that's not enough, it also reverses the presumption of guilt. No longer are you innocent until proven guilty. Under this Act, the copyright holder is not required to provide evidence that you've downloaded their property illegally, and they won't suffer any penalty for making unfounded or false infringement claims. If you wish to challenge any penalty handed down against you, there is an appeals process – in other words, they can cut off your internet connection, but you can have it back again once you've proven your innocence.

This is a MASSIVE breach of our fundamental human right that the burden of proof must always be on the accuser; it is *they* who must make their case, not us. And to make matters worse, all of this

power is being handed over to the record industry, a monolithic dinosaur facing extinction due to its refusal to adapt their age-old business model to the new economy. Because, when all is said and done, that's what this is really about ...

The biggest cheerleader for this Act is Peter Mandelson, and we should think *absolutely nothing* of the fact that, on August 7th last year, he was apparently a dinner guest of billionaire record mogul (and co-founder of Dreamworks), David Geffen, and members of the Rothschild banking dynasty at the family's holiday villa in Corfu. Despite his insistence that internet piracy was never discussed, it would be naive of us to assume that this bill wasn't, in its inception, already pre-loaded with interests that weren't ours.

For 70 years, the record industry has had a stranglehold on the channels of distribution; if you're a musician and you want people to hear your music, you've got to sign a record deal with them (a deal which invariably involves giving away all your publishing rights, so you don't even control the songs you create anyway). The internet has spelled the end of this, allowing everyone to become their own distributors, and the industry **hates** it.

They hate that they've been cut out of the loop entirely; they're an unnecessary middle-man that parasitically feeds off the profits of the creative people who actually do the work. They can see the meteor that heralds their destruction hurtling towards them, and they're scared. This Act is the result of an industry in panic – so desperate to hang on to their monopoly and their outdated business model that gives them control over the music world that they've thrown their toys out of the pram and gone running to the government begging for protection.

Sure, there are people downloading illegally, but it's no better or worse than the days of warnings like, "Home Taping Is Killing Music". It wasn't, and it didn't, just as digital piracy isn't doing it today. **The music industry itself is killing music**, with its cookie-cutter, manufactured, X-Factor puppet acts dominating at the expense of genuine talent and diversity. If we're honest, it's *independent* music that's being killed, and it's the corporates begging for this bill to protect them that are killing it.

Suppose, for example, that the music that I and my band-mates create generated a high level of interest, enough to attract the attention of a record company who thinks we sound like one of their artists (or, at least, we have a similar audience and are therefore a threat to their artist). A couple of false copyright infringement claims could have us closed down and off the net.

This Act gives the power to record companies to bury their independent competition through false infringement claims, if they so choose. How does this protect an artist's rights? The answer is that it doesn't, and anyone who has given this bill more than a brief flick-through can tell you that ... it's about protecting the profits of an industry that is dying through its own myopia, and its own stubborn refusal to change.

And so we come to Linda Gilroy, a politician who has never voted against the party because, as she tells it, this gives her a better position when needing to lean on the party to get things done for her constituents (the idea being, I guess, that she builds up some party-loyalty capital which she can later spend). She admitted that she **never** voted against the party *even when she disagreed with it* ... refusing to "rock the boat" because, she said, it makes it harder for her to get things done.

[Re-post update: as of August 2006 she had, in fact, [according to Wikipedia](#), voted against the party 7 times out of 2,300. This means she votes with the party on approximately 99.7% of all issues – a ludicrously high figure; no one agrees with someone on 99.7% of anything].

She also admitted that she voted for the Act knowing that enough time hadn't been devoted to it, that it was considered by many to be flawed, and those with the technical know-how were very much against it. Her reasoning was that the bill was "good on the whole" ... it's a bloody good job she doesn't build submarines. "Yes, it's got a couple of giant holes in it, but on the whole it's a good submarine". As one of the eight gathered today pointed out, the only thing worse than no law is a bad one.

Linda Gilroy is, therefore, a spineless party loyalist with no principles of her own. Rather than standing up for what she believes in, and challenging the party when she disagrees with it, she gladly bends over, grabs her ankles, and does whatever she's told to do. She may think this gives her latitude to get things done by having her loyalty rewarded, but the truth is she's only going to get done what the party was going to do anyway. All that makes her is the bully's oik, always obeying in the hope that the bully will do her a favour occasionally and deck a few people on her list, when

really she should be using her proximity and access to the bully to stand up to him.

She says she's been listening to independent musicians and creatives in the area prior to this bill going through, but which ones? And how ill-informed are they about the ramifications of this bill? And besides, if she's going to vote the party line anyway, why waste people's time by engaging with them? If they disagree with the party line, it's not going to affect your vote, is it Linda?

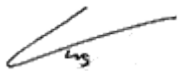
We never got much of an opportunity to point out all the things wrong with this bill, because Linda Gilroy was filling as much time as she could with waffle about how there's only so much parliamentary time to debate a bill, etc. But surely, that's the point of government? You debate, and then you pass bills you've debated on. If there hasn't been enough scrutiny or debate, you keep going until the bugs have been ironed out. I work in the IT industry, and have done for most of my life ... if I had the same casual attitude towards testing the software I write as MPs seemingly do for scrutinising the bills they so willingly pass in to law, I'd have been fired years ago.

In addition to working in IT by day, by night I create music, video, websites, and generally indulge myself in similar such creative passions. I am one of the many people who can see this bill from all sides because I stand, as we all do, to suffer at its hands. I'm not advocating piracy, and this is not an attempt to justify illegal downloading because, in the unlikely event that anyone were to take an interest in my creative efforts, I stand to be just as much at risk from copyright infringement affecting my livelihood as anyone else.

You will never truly stop illegal activity, and historically technology has always failed in this regard (only education can do the trick here). But treating everyone like criminals, and giving the power to the one industry who has most to gain from restricting the individual's access to websites and material they don't like, is only going to make the problem worse.

And Linda Gilroy is part of that problem ... spineless and clueless, a political coward with no principles of her own.

If you don't know who your MP is and how they voted, please, go to [VoteThemOut.co.uk](http://VoteThemOut.co.uk) and remember their name on May 6th. Find out which of the candidates in your area would repeal the bill (Nick Clegg has already promised the Lib Dems will).

A handwritten signature in black ink, appearing to be 'L. Clegg', written in a cursive style.