Breaking News: Feds Falsely Censor Popular Blog For Over A Year, Deny All Due Process, Hide All Details...

from the copyright-as-censorship dept

Imagine if the US government, with no notice or warning, raided a small but popular magazine's offices over a Thanksgiving weekend, seized the company's printing presses, and told the world that the magazine was a criminal enterprise with a giant banner on their building. Then imagine that it never arrested anyone, never let a trial happen, and filed everything about the case under seal, not even letting the magazine's lawyers talk to the judge presiding over the case. And it continued to deny any due process at all for over a year, before finally just handling everything back to the magazine and pretending nothing happened. I expect most people would be outraged. I expect that nearly all of you would say that's a classic case of prior restraint, a massive First Amendment violation, and exactly the kind of thing that does not, or should not, happen in the United States.

But, in a story that's been in the making for over a year, and which we're exposing to the public for the first time now, this is exactly the scenario that has played out over the past year -- with the only difference being that, rather than a "printing press" and a "magazine," the story involved "a domain" and a "blog."

There are so many things about this story that are crazy, it's difficult to know where to start, so let's give the most important point first: The US government has effectively admitted that it totally screwed up and falsely seized & censored a non-infringing domain of a popular blog, having falsely claimed that it was taking part in copyright infringement. Then, after trying to hide behind a totally secretive court process with absolutely no due process whatsoever (in fact, not even serving papers on the lawyer for the site or providing timely notifications -- or providing any documents at all), for over a year, the government has finally realized it couldn't hide any more and has given up, and returned the domain name to its original owner. If you ever wanted to understand why ICE's domain seizures violate the law -- and why SOPA and PROTECT IP are almost certainly unconstitutional -- look no further than what happened in this case.

Okay, now some details. First, remember Dajaz1.com? It was one of the sites seized over the Thanksgiving holiday weekend back in 2010 -- a little over a year ago. Those seizures struck us as particularly interesting, because among the sites seized were a bunch of hip hop blogs, including a few that were highly ranked on Vibes list of the top hip hop blogs. These weren't the kinds of things anyone would expect, when supporters of these domain seizures and laws like SOPA and PROTECT IP talk of "rogue sites." Blogs would have lots of protected speech, and in the hip hop community these blogs, in particular, were like the new radio. Artists routinely leaked their works directly to these sites in order to promote their albums. We even pointed to a few cases of stars like Kanye West and Diddy tweeting links to some of the seized domains in the past.

In fact, as the details came out, it became clear that ICE and the Justice Department were in way over their heads. ICE's "investigation" was done by a technically inept recent college grad, who didn't even seem to understand the basics of the technology. But it didn't stop him from going to a judge and asking for a site to be completely censored with no due process.

The Dajaz1 case became particularly interesting to us, after we saw evidence showing that the songs that ICE used in its affidavit as 'evidence' of criminal copyright infringement were songs sent by representatives of the copyright holder with the request that the site publicize the works -- in one case, even coming from a VP at a major music label. Even worse, about the only evidence that ICE had that these songs were infringing was the word of the "VP of Anti-Piracy Legal Affairs for the RIAA," Carlos Linares, who was simply not in a position to know if the songs were infringing or authorized. In fact, one of the songs involved an artist not even represented by an RIAA label, and Linares clearly had absolutely no right to speak on behalf of that artist.

Despite all of this, the government simply seized the domain, put up a big scary warning graphic on the site, suggesting its operators were criminals, and then refused to comment at all about the case. Defenders of the seizures insisted that this was all perfectly legal and nothing to be worried about. They promised us that the government had every right to do this and plenty of
nothing happening in the case for many months, it meant that no attempt to object to the seizure had occurred. Turns out... none of that was true.

What happened next is a story that should never happen in the US. It’s like something out of Kafka or the movie Brazil, but it should never have happened under the US Constitution. First, you have to understand the two separate processes: there’s seizure and then there’s forfeiture. Under the seizure laws, the government has 60 days from seizure to “notify” those whose property it seized (imagine having the government swoop in and take away your property, and not even being told why for two whole months). Once notified, the property owner has 35 days to file a claim to request the return of the property. If that doesn’t happen, the government can effectively just keep the property, so it tends to rely on intimidation and threats towards anyone who indicates plans to ask for their property back (usually in the form of threatening to file charges). However, if such a claim is filed, the government then has 90 days to start the full “forfeiture” process, which would allow the government to keep the seized property and never have to give it back. If the claim to return the property is filed and the government does not file for forfeiture, it is required to return the property. Thus seizures are supposedly used as a temporary part of the investigation, to stop criminal activity or to prevent the destruction of evidence. However, that’s not how things always play out in real life.

As we’d heard with a number of domain names that had been seized, the government began stalling like mad when contacted by representatives for domain holders seeking to get their domains back. ICE even flat out lied to the public, stating that no one was challenging the seizures, when it knew full well that some sites were, in fact, challenging. Out of that came the Rojadirecta case, but what of Dajaz1?

After continuing to stall and refusing to respond to Dajaz1’s filing requesting the domain be returned, the government told Dajaz1’s lawyer, Andrew P. Bridges, that it would begin forfeiture procedures (as required by law if it wanted to keep the domain). Bridges made clear that Dajaz1 would challenge the forfeiture procedure and seek to get the domain name back at that time. Then, the deadline for the government to file for forfeiture came and went and nothing apparently happened. Absolutely nothing. Bridges contacted the government to ask what was going on, and was told that the government had received an extension from the court. Bridges, quite reasonably, asked how that was possible without him, as counsel for the site, being informed of it or given a chance to make the case for why such an extension was improper.

He also asked for a copy of the the court’s order allowing the extension. The government told him no and that the extension was filed under seal and could not be released, even in redacted form.

He asked for the motion papers asking for the extension. The government told him no and that the papers were filed under seal and could not be released, even in redacted form.

He again asked whether he would be notified about further filings for extensions. The government told him no.

He then asked the US attorney to inform the court that, if the government made another request for an extension, the domain owner opposed the extension and would like the opportunity to be heard. The government would not agree.

And file further extensions the government did.Repeatedly. Or, at least that’s what Bridges was told. He sent someone to investigate the docket at the court, but the docket itself was secret, meaning there was no record of any of this available.

The government was required to file for forfeiture by May. The initial (supposed) secret extension was until July. Then it got another one that went until September. And then another one until November... or so the government said. When Bridges asked the government for some proof that it had actually obtained the extensions in question, the government attorney told Bridges that he would just have “trust” him.

Finally, the government decided that it would not file a forfeiture complaint -- because there was no probable cause -- and it let the last (supposed) extension expire. Only after Bridges asked again for the status of the domain did the government indicate that it would return the domain to its owner -- something that finally happened today. Dajaz1.com is finally back in the hands of its rightful owner. This is really quite incredible, considering the “rush” with which it seized these domain names, claiming the urgency in stopping a crime in progress. But, of course, after realizing that it had no evidence to suggest a crime was ever in progress - there was absolutely no urgency to correct the error.

The level of secrecy in this case makes it sound like a terrorist investigation, not the censorship of a popular music blog. Normally, when there’s a lawsuit, the docket is available on PACER. Even in cases where things are filed under seal or everything is redacted, there’s at least a
knew this was going on, other than the US Attorney and the representatives of Dajaz1 (who still never saw the docket or the extension orders).

Let's just take stock here for a second. We have the government clearly censoring free speech in the form of a blog that discussed the music world and was widely recognized for its influence in promoting new acts. The government seized the blog with no adversarial hearing and no initial due process. Then, rather than actually provide some sort of belated due process in the form of an adversarial hearing, it continued to deny any and all due process by secretly (even to Dajaz1's own lawyer) extending the seizure without any way to challenge those extensions. All in all, the government completely censored a popular web site for over a year, when it had no real evidence for probable cause of infringement, as it had falsely claimed in the original rubber stamped affidavit. As we noted in reviewing the affidavit, the case had been put together by folks who clearly did not understand the law, the site or the music space. But to then double down on that and continue to hold the domain for a year in secret? That just compounds the error and takes it to new extremes.

This was flat out censorship for no reason, for an entire year, by the US government... Everyone should be horrified by this. It also shows what a joke the claims of supporters are that since "a judge reviewed the affidavit," there's due process. Without the other party, there is no real due process. Not only that, but the government made sure, at every step of the way, that the other party was not heard. That's horrifying. It wasn't just an act of omission in leaving out the party, but actively preventing the party from being heard.

And yet the feds and private companies continue to say we should just "trust them" to get these kinds of things right? Even more bizarre, they want to expand their ability to do this incontestable censorship through laws like PROTECT IP and SOPA? If anything, this massive screwup on the part of ICE, the Justice Department and the RIAA should lead us to go in the other direction. ICE and the DOJ should be investigated and reprimanded, if not directly penalized, for clear First Amendment violations, while the ICE program for seizing domains should be dismantled. John Morton, who led ICE's domain seizure program, should tender his resignation or be fired. Victoria Espinel, the Intellectual Property Enforcement Coordinator, who defended these seizures to Congress, should issue a public apology, and begin a process to revamp the government's role in such enforcement actions (and consider tendering her resignation as well). The federal government should issue a huge apology to the operators of Dajaz1 and make it clear that it will no longer take such drastic censorship actions. The RIAA should be investigated for providing claims about the site that were not true, and which it had no right to make.

If Congress needs to do anything, it should be to investigate the lawless, unconstitutional, cowboy censorship and blocking of due process by both Homeland Security and the Justice Department. The last thing it should be doing is allowing more such actions. This whole thing has been a disgrace by the US government, starting with a bogus seizure, improper and illegal censorship, followed by denial of due process and unnecessary secrecy. Dajaz1 is currently reviewing its options in terms of whether it can or should take further action as a result of this, but at least it has its domain back. And people wonder why we're so concerned about these seizures and new proposals to further such censorship.

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guarantees when they so egregiously violate our rights! These are the people who should be spending serious time in prison! Boy, does this piss me off!

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2. censored-bloggah (profile), Dec 8th, 2011 @ 8:39am

someone owes the EFF 500.00

#ImJustSayin

[ reply to this ] [ link to this ] [ view in thread ]

3. Can't Wait for the Trolls

Chris Rhodes (profile), Dec 8th, 2011 @ 8:44am

They always come up with such great new ways to support fascism.

[ reply to this ] [ link to this ] [ view in thread ]

4. What is the penalty for violating the Constitution?

John Doe, Dec 8th, 2011 @ 8:47am

I read there Jodie Foster's dad was sentenced to 25 years in prison for defrauding people out of $200,000. Yep, just $200,000 is worth 25 years in jail. So I ask, what is the penalty for violating the Constitution, the very foundation of our government, indeed our country?

[ reply to this ] [ link to this ] [ view in thread ]

5. Nate, Dec 8th, 2011 @ 8:48am

You know, I've never really liked how Czar has been used to describe US federal department heads, but you really gotta hand it to the Obama White House.

IP czar is no longer a slang term; they made the job title a reality.

[ reply to this ] [ link to this ] [ view in thread ]

6. Vincent Clement (profile), Dec 8th, 2011 @ 8:49am

I can't wait for OOTB's rant.

[ reply to this ] [ link to this ] [ view in thread ]

7. btrussell (profile), Dec 8th, 2011 @ 8:49am

Time for a new government. Not by voting out, but by booting out.

Public interest/welfare is no longer a concern of theirs.

[ reply to this ] [ link to this ] [ view in thread ]

8. Re: Gotta wonder...

:Lobo Santo (profile), Dec 8th, 2011 @ 8:50am

Fed Goon: “Just following orders, sir.”

Judge: “Very well. No charges will be filed. Carry on, have a nice day.”

Just another day, business as usual.

[ reply to this ] [ link to this ] [ view in thread ]

9. Anon Coward, Dec 8th, 2011 @ 8:50am

You blew my mind, Mike deserves a pulitzer for this one. It's amazing how much freedom we've lost.

[ reply to this ] [ link to this ] [ view in thread ]

10. On the Record...
Re: Amateurs...

[:Lobo Santo (profile), Dec 8th, 2011 @ 8:51am]
OOTB is a rank piece of snot-rag compared to "angry dude".

12. MRK, Dec 8th, 2011 @ 8:54am
I would be outraged, but its what I have come to expect from the US Government. I would write my representative, but every time I do I get a form letter explaining how IP protection outweighs the first amendment.
So in 2012, I'm going to vote for change, I won't get fooled again. I'm voting a straight crony capitalist ticket. But don't worry, so are you.

13. This story needs to spread…

[:Dark Helmet (profile), Dec 8th, 2011 @ 8:54am]
This is really where you can reach musicians, I think. Forget the businesses in music and publishing and movies, and start pointing every true artist you know directly to this, ask them if they have a blog, then ask them to get fucking pissed off.
Stories like this make me think it's getting dangerously close to pitchforks and mobs time…

14. Eric Goldman (profile), Dec 8th, 2011 @ 8:56am
If heads don't roll for this series of serious transgressions, it will be a sad day for our so-called democracy.

15. Re: What is the penalty for violating the Constitution?

[:Anonymous Coward (profile), Dec 8th, 2011 @ 8:58am]
It isn't Violating the Constitution when the Fed does it. When they do it, it is "For our protection from (insert hot topic here, terrorism, nuclear war, pedophiles) for the sake of (insert other hot topic here, babies, unicorns, puppies)"

16. Re:

[:The eejit (profile), Dec 8th, 2011 @ 9:00am]
Send in the Senate Committee for Un-American Activities!

17. average_joe (profile), Dec 8th, 2011 @ 9:02am
On a related note, Rojadirecta's motion to dismiss was granted yesterday: http://ia600501.us.archive.org/31/items/gov.uscourts.nysd.380872/gov.uscourts.nysd.380872.28.0.pdf
But the government has 30 days to fix whatever errors the judge found and submit a revised complaint.
Re: 

Ninja (profile), Dec 8th, 2011 @ 9:02am

…it will be a sad day for our so-called democracy.

It's a democracy in the name only. Companies dictate what happens in the US, not the ppl.

[ reply to this | link to this | view in thread ]

Re: What is the penalty for violating the Constitution?

MrWilson, Dec 8th, 2011 @ 9:04am

'what is the penalty for violating the Constitution'

A cushy job at the Justice Department, DHS, or a big media company. Violations of the Constitution are paying for some people's mortgages!

[ reply to this | link to this | view in thread ]

ShellMG, Dec 8th, 2011 @ 9:05am

It's too late to stop this or roll it back. ICE has gotten away with it. The documents have been shredded or stashed in Eric Holder's pants and smuggled out. The truth doesn't matter anymore because the case doesn't exist.

And if the press isn't careful, THEY won't exist anymore, either.

[ reply to this | link to this | view in thread ]

Re: Re: What is the penalty for violating the Constitution?

MrWilson, Dec 8th, 2011 @ 9:05am

'This is for the baby unicorn puppies!'

A meme in the making...

[ reply to this | link to this | view in thread ]

Kyle Zolnier (profile), Dec 8th, 2011 @ 9:07am

This is what happens when the relationship between government and corporate interests is allowed to spiral out of control. Whether its money or people constantly swapping between government roles and high industry positions.

The corruption will come out on top every time and the rest of us all pay the price

[ reply to this | link to this | view in thread ]

Ninja (profile), Dec 8th, 2011 @ 9:08am

One would think that this horrifying news would be the nail in the coffin for SOPA and the likes but I'm not that optimistic when it concerns the US and the copyright idiots.

I'm truly waiting to see some copyright troll with no brains dismiss this as an isolated case and tell us that SOPA should be approved because mistakes (shit) happens. Yea, right, they mistakenly kept everything secret.

Talk about ROGUE. Rogue Govt, rogue governmental departments... I guess we should have our own version of SOPA to seize Govt powers without due process too.

[ reply to this | link to this | view in thread ]

Re: What is the penalty for violating the Constitution?

Chris Rhodes (profile), Dec 8th, 2011 @ 9:08am

John Corzine of MF Global stole $1.2 billion in customer money before his company went bankrupt, and I doubt he'll even see the inside of a jail cell.

"I PLEEEEAD, THE FIF!"
Re: 

fogbugzd (profile), Dec 8th, 2011 @ 9:09am

>>I'm voting a straight crony capitalist ticket.
My problem is deciding which of the two crony capitalism tickets to vote for.

[ reply to this | link to this | view in thread ]

Anonymous Coward, Dec 8th, 2011 @ 9:12am

"Imagine if the US government, with no notice or warning, raided a small but popular magazine's offices over a Thanksgiving weekend, seized the company's printing presses, and told the world that the magazine was a criminal enterprise with a giant banner on their building. Then imagine that it never arrested anyone, never let a trial happen, and filed everything about the case under seal, not even letting the magazine's lawyers talk to the judge presiding over the case. And it continued to deny any due process at all for over a year, before finally just handing everything back to the magazine and pretending nothing happened."

Yes, I'm imagining the US under SOPA. Go on...

[ reply to this | link to this | view in thread ]

Re: Re: Amateurs...

angry dude, Dec 8th, 2011 @ 9:13am

Hey punks, leave me the hell alone. I've already made my position clear on how I feel about the courts in this country. This isn't about patents so don't drag me into your bullshit.

Go pick on dorpus or something.

[ reply to this | link to this | view in thread ]

Re:

Jay (profile), Dec 8th, 2011 @ 9:13am

But the pro ip act allowed the position under Bush so... Yeah.

[ reply to this | link to this | view in thread ]

haiku, Dec 8th, 2011 @ 9:16am

And what of the judge, who basically aided & abetted the entire process?

[ reply to this | link to this | view in thread ]

Sourcing

CG, Dec 8th, 2011 @ 9:17am

I find this article terrifying and troubling. I'd like to learn more, but there's zero sourcing in the article.

It seems that Andrew P. Bridges is likely the source, but the phrase "according to" or "said" isn't included anywhere in the piece.

I'm not here to be a journalism critic, and I "believe" the story, but I can't "rely on" the story professionally without more definitive sourcing.

[ reply to this | link to this | view in thread ]

Re:

Jay (profile), Dec 8th, 2011 @ 9:18am

Holder has his own problems with Operation: Fast and Furious. I don't think this will matter to him if he's going to be fired soon.

[ reply to this | link to this | view in thread ]

Simply frightening.
will see the deserved punishment actually occur.

33. lucidrenegade (profile), Dec 8th, 2011 @ 9:19am
I've sent this story to every national news outlet I could think of. Hopefully some of them pick it up.

34. Re: Gotta wonder...
gorehound (profile), Dec 8th, 2011 @ 9:24am
I also am really pissed off. I will post this Article to my Facebook and so should everyone else.
I do hope there is a way that a lawsuit of big proportions be handing to Washington for this flagrant act of violating our Country's Basic Laws.

35. Are they going to file a lawsuit?
Anonymous Coward, Dec 8th, 2011 @ 9:25am
Seriously... you'd think the ACLU/EFF/etc would be all over this as a flagship case to get rid of this nonsense.

36. Re: Sourcing
I-Blz, Dec 8th, 2011 @ 9:27am
Agreed. Sauce, Plox!

37. Re: Re:
Kingster (profile), Dec 8th, 2011 @ 9:27am
How is that a problem? They are very nearly all crony capitalists - with the exception of an extremely limited number (like Bernie Sanders). You should have no problem voting that ticket - just put a check mark damn near anywhere.

38. Censorship and Seizure.
Rev Charlie D, Dec 8th, 2011 @ 9:28am
Take a deep breath, now hold it... Now breath... You're going to blow a valve... Calm down. We're from the government and we're here to help... Trust me.

39. Re: Gotta wonder...
DCX2, Dec 8th, 2011 @ 9:29am
The CIA destroyed a video tape after a Federal Judge gave them an order to produce any such evidence. The CIA was not punished for violating the Court's order.

40. Re: Re: What is the penalty for violating the Constitution?
Anonymous Coward, Dec 8th, 2011 @ 9:30am

Breaking News: Feds Falsely Censor Popular Blog For Over A ...
http://www.techdirt.com/articles/20111208/08225217010/break...
Re: Sourcing

Jay (profile), Dec 8th, 2011 @ 9:30am

The government has all of the details. So how can anyone check the validity of this story?

Re: Re: Re:

DCX2, Dec 8th, 2011 @ 9:32am

It's like pin the tail on the donkey (or elephant). Just close your eyes and vote for anyone. You'll get the same results.

BTW, speaking of Bernie Sanders, check out his bill S.1558. Totally unrelated to this, but I was quite impressed.

Re: Gotta wonder...

Anonymous Coward, Dec 8th, 2011 @ 9:32am

SOPA/PIPA are just immoral justifications for the criminal, predatory behavior that ICE and RIAA/MPAA are already addicted to.

Re:

Anonymous Coward, Dec 8th, 2011 @ 9:32am

RON PAUL!!!!!!!!!!!!

Re: Re: Sourcing

ShellIMG, Dec 8th, 2011 @ 9:37am

There's a lot of threads that can be tied together...Fast and Furious, the judge in Oregon deciding that a blogger isn't a journalist and no worthy of protections, and now this. When Fuhrer Sam stashes and disappears documents then verification is nearly impossible -- yet another reason the press won't touch it. Why should they put their relationship with politicans and Obama on the line when this ruling could be used against them or even implied that it could be wielded?

Re: Are they going to file a lawsuit?

Anonymous Coward, Dec 8th, 2011 @ 9:39am

They haven't had a chance yet, when they read it I'm sure they'll further investigate and get their paws all over it. This story will likely spread (if it's true, which I suspect it is).

Re: Censorship and Seizure.

Marcus Carab (profile), Dec 8th, 2011 @ 9:41am

So sit back, grab a beer and some popcorn, and enjoy the show... or... Start the revolution. The choice is yours.

You forgot the third option: do everything you can get the word out, and make sure people know what's going on, so THEY can make THEIR choice as well. That's the option Techdirt has chosen, and I for one am glad they did.

Anonymous Coward, Dec 8th, 2011 @ 9:43am

That sure sounds like some bullshit.

Got any links?
Anonymous Coward, Dec 8th, 2011 @ 9:44am

"we're exposing to the public for the first time now"
[ reply to this | link to this | view in thread ]

50. I'm puzzled

SeanSatori, Dec 8th, 2011 @ 9:44am

why counsel in this case didn't file a constitutional complaint in this matter under the First and Fifth Amendments. I'm sure it would have cost some money, but it seems clear that this would have been a fee-shifting case, based on what happened later.
[ reply to this | link to this | view in thread ]

51. Re: Sourcing

Anonymous Coward, Dec 8th, 2011 @ 9:47am

Seconded.
[ reply to this | link to this | view in thread ]

52. Re: Are they going to file a lawsuit?

E. Zachary Knight (profile), Dec 8th, 2011 @ 9:47am

I know for a fact that the EFF has already tweeted the story. So They are at least aware of it.
[ reply to this | link to this | view in thread ]

53. Re: Re: Sourcing

Anonymous Coward, Dec 8th, 2011 @ 9:47am

So, if the government has all the details, did Mike just make it up?

Obviously, Mike got some details from somewhere. Otherwise, it's all just fiction.
[ reply to this | link to this | view in thread ]

54. Re: Re: Re: Sourcing

Willton, Dec 8th, 2011 @ 9:52am

So, if the government has all the details, did Mike just make it up?

Obviously, Mike got some details from somewhere. Otherwise, it's all just fiction.
+1
[ reply to this | link to this | view in thread ]

55. Re: Re: Gotta wonder...

CeeVee, Dec 8th, 2011 @ 9:52am

Wasn't the 'Just following orders' defence proven to be no defence at the Nuremberg trials at the end of WW2?

and weren't those trials the result of a war fought against governments who thought that they were above the rule of law and answerable to no-one.
[ reply to this | link to this | view in thread ]

56. Names?

TheStupidOne, Dec 8th, 2011 @ 9:53am

Mike, Perhaps I missed it, but what are the names of the people involved in this? In particular the US Attorney who was so clearly in the wrong, and the LA Judge who allowed this travesty to take place.
[ reply to this | link to this | view in thread ]

57. Re: Re:
Jay, you're more optimistic than I am. Holder may be pressured to resign and if he does, he'll just get promoted to another governmental agency. And I sincerely think he won't resign.

[ reply to this | link to this | view in thread ]

Too bad you can't put images in comments here, because I have a whole truck load of tin foil for Mike to make his hats out of.

[ reply to this | link to this | view in thread ]

It is hard to have any links when you are the one breaking the story.

Of course it would be nice to have some names of people Mike talked to since he wasn't directly involved.

[ reply to this | link to this | view in thread ]

It appears that the details come from Dajaz1's lawyer's account of what happened. That would be quite the string of potentially illegal lies he's told if it's all just made up - so if that's the case, I'd say it's time for ICE to deny it. I'm as interested as you to see what they say.

[ reply to this | link to this | view in thread ]

Wait, what? You have an image of a truckload of tin foil? Or have you gone and confused “tinfoil” and “jpeg”? Or perhaps “comedy” and “idiocy”?

[ reply to this | link to this | view in thread ]

Yeah, we get it that the evil cruel ICE with its chilling evil name has done an evil thing. Yadda yadda.

So...you have one case like this, Mike? Just one? Oh, maybe two? Awful, AWFUL! But edge cases, as we all know. No one should have to wait a year, guilty or not, to have their case adjudicated. But could it be that there are just so many cases like this of in fact real piracy even you would have to concede, so they can't get to them? And could it be that it is completely obvious that this is indeed a pirate site? And could the ICE have given it back merely because it was just too much bother to prosecute even the obvious? Because there are just too many?

More to the point, Mike, why do you LIE about the nature of this web site? It's not like we can't go to the Wayback
Oh, what Dajaz1 was all about was people uploading hundreds and hundreds of Youtubes that were protected by copyright as you can quickly see.

These weren't scrappy young start-up musicians trying to get their own unique CDs heard, poor blacks that you'd like to exploit to get what you imagine to be fearful white liberals guilt-tripped into opposing SOPA. (In fact, I don't see a single upload like that, but I have to work through several years).

There wasn't just "sampling" or "fair use" either.

Oh, no, Mike. That's fake. And you "know" it's fake. Lyndsey Lohan isn't a poor black hip-hop star trying to get a DJ or music critic to hear her. Nor is Lil Wayne. nor is Busta Rhymes. Nor are hundreds of artists who are famous and whose Youtubes were uploaded to that site, and who don't want to give away their work for free to masses because they need to get paid and have a right to get paid. -- as do their producers, who go to a lot of trouble to produce them and advertise them.

Honestly, Mike, "you are ridiculous" with these fake claims.

My question... Why break this now? What changed the mind of ICE to release so much info?

Ok. That's nice.

But you can still link to source documents that the story is based on, no? Or embed them in the post? Or at least say where all these factual claims are coming from?

Mike doesn't need to follow any sort of journalistic practices or canons or whatever if he doesn't want to. But it's hard to take everything he says at face value without "any" discussion of how he learned of these supposed secret acts.

This is especially true for me because I feel he regularly mischaracterizes third party documents/stories even when he "does" include a link.

I'm not saying this is all made up or anything, but I'm also not going to take it all at face value without some sort of corroboration from "somewhere"

Stories like this make me think it's getting dangerously close to pitchforks and mobs time....

I'll alert Pitchfork.com.
You didn't read about the errors in the warrant did you?

[ reply to this | link to this | view in thread ]

71. Re:

Capitalist Lion Tamer (profile), Dec 8th, 2011 @ 10:08am

Heads won't roll. It will be another sad day in a long line of sad days with no end in sight.

[ reply to this | link to this | view in thread ]

72. Re:

ComputerAddict (profile), Dec 8th, 2011 @ 10:08am

Wow, you actually get a form letter about your topic? usually if I send a letter about PIPA/SOPA I get one back about healthcare

[ reply to this | link to this | view in thread ]

73. Anonymous Coward, Dec 8th, 2011 @ 10:10am

'By the people for the people' My ASS!

[ reply to this | link to this | view in thread ]

74. Re: But Dajaz1 *is* a pirate site, derr

Anonymous Coward, Dec 8th, 2011 @ 10:10am

How do you upload a "Youtube" to a site?

[ reply to this | link to this | view in thread ]

75. Re:

Killer_Tofu (profile), Dec 8th, 2011 @ 10:10am

AJ!
You're back!
Welcome back man.
I don't really think you left all those months, but it certainly felt like there was a lack of organized thoughts from the other side. Without you it seemed to pretty much just be ad-hominems and worthless drivel.
Glad you have returned. Can possibly have some reasonable debates now.

[ reply to this | link to this | view in thread ]

76. Re: Re: Re: Re: Sourcing

Anonymous Coward, Dec 8th, 2011 @ 10:10am

"unless he has time-stamped and sealed court documentations it's pointless."

Why? It's not pointless to readers of this article for Mike to demonstrate where this is all coming from.

[ reply to this | link to this | view in thread ]

77. Re: Re: Re: Re: Sourcing

Anonymous Coward, Dec 8th, 2011 @ 10:11am

I'm not suggesting that this is all made up. I'm suggesting that the "the government has all the details" is not a valid reason for failing to explain where the details came from.

[ reply to this | link to this | view in thread ]

78. Re: But Dajaz1 *is* a pirate site, derr

Chris Rhodes (profile), Dec 8th, 2011 @ 10:11am

That was my first thought too.

"Uploading Youtubez: The smoking gun of piracy."

[ reply to this | link to this | view in thread ]
Anonymous Coward, Dec 8th, 2011 @ 10:13am

Also, repeating an attorney's position as the gospel truth (especially without disclosing that that's what your doing) doesn't strike me as reasonable.

I mean, if it were, Mike could have just run a story explaining the "facts" that all these sites are rogue sites devoted to piracy, etc., etc.

[ reply to this | link to this | view in thread ]

E. Zachary Knight (profile), Dec 8th, 2011 @ 10:13am

Yeah, it should take a few days for all DNS services to catch up and direct it properly.

[ reply to this | link to this | view in thread ]

Josh in CharlotteNC (profile), Dec 8th, 2011 @ 10:15am

Awww, man. I totally went there and couldn’t buy any pitchforks or torches.

I am sad.

[ reply to this | link to this | view in thread ]

Anonymous Coward, Dec 8th, 2011 @ 10:16am

I don’t think you understand how this works. If you’re a Republican then Democrats are the source of all problems. If you’re a Democrat then Republicans are the source of all problems.

[ reply to this | link to this | view in thread ]

Oh come on! I’ve provided some decent commentary from “the other side” every now and then! Right?

[ reply to this | link to this | view in thread ]

Anonymous Coward, Dec 8th, 2011 @ 10:17am

[ I realize there is no way for you to know who I am]

[ reply to this | link to this | view in thread ]

Anonymous Coward, Dec 8th, 2011 @ 10:17am

Thanks

[ reply to this | link to this | view in thread ]

Jeff (profile), Dec 8th, 2011 @ 10:18am

real? That’s what you’re going with? Mike tries to tell the story of the egregious fuck ups taking place in the name of "Justice" and all you can spew is more
I really could give a flying fuck about the piracy, it is a luxury industry... What I do care about are fucktards like you lining up with the sociopaths, and fascists putting their jackboots on our throats because they can't find a way to make millions of dollars from the same people they've been raping and pillaging from for the last 60 odd years... Seriously examine your priorities... which is more important - a shiny plastic disc with some lame, shitty music on it, or the ability of people to voice their concerns? As far as I'm concerned you can take your shiny plastic discs and eat them for all the good it will you do your lost and withered soul... Have a pleasant day Mr. Fascist

88. Re: Re:

Anonymous Coward, Dec 8th, 2011 @ 10:19am
Can we get a scary button?

89. Re: Re: Re: Re: Re: Sourcing

Josh in CharlotteNC (profile), Dec 8th, 2011 @ 10:21am
Also, repeating an attorney's position as the gospel truth (especially without disclosing that that's what your doing) doesn't strike me as reasonable.

If you support SOPA/PIPA, argue or lobby for any of the companies and interest groups that are for it, think the many debunked studies are reputable, then you have won the irony of the year award.

90. Re: Re:

Eileen (profile), Dec 8th, 2011 @ 10:21am
Or Kucinich!

Vote 3rd party. Hell I vote for the communists/greens whenever possible. I won't be forced into voting for the fascists, even if it is 'throwing my vote away'. Only like 20% of the damned population votes, if the 10% honest enough to care would vote third party we COULD have change.

91. Re: Re:

Josh in CharlotteNC (profile), Dec 8th, 2011 @ 10:25am
No, that's just the best he can do without marching orders.

Notice how late any of the usual trolls were to this post?

92. Re: Re: But Dajaz1 *is* a pirate site, derr

Capitalist Lion Tamer (profile), Dec 8th, 2011 @ 10:26am
Well, if I'm reading PN right, first you have to be 'famous' and have some Youtubes laying around. And then someone else, preferably 'not famous,' breaks into your house and takes these Youtubes and posts them at Djaz1.com, thus depriving you of your potentially money-making Youtubes, which are now gone forever and solely the possession of Djaz1.com.

You can see why the government needed to get involved. This sort of Youtube theft steals jobs away from boom mike operators for cat videos. If all of the Youtubes are no longer on Youtube, the site itself would have to close down, eliminating nearly 14 million jobs at a loss of $severalB to the US economy.

The other tragic side effect is that people will turn to counterfeit Youtubes, like YouPorn or Redtube, both of which are known to be harmful to our fighting men overseas and whose income directly benefits both the Russian mafia AND Somalian pirates. (The latter also receives income from Huffington Post.)

93. Re: Re: Re: Re: Sourcing
Mike might only have emails from his correspondence with the lawyer on this case. I would doubt that he was given the emails with government responses on them. But I would love if ICE actually released them in an FOIA request.

Re: Re: Re:

TtfnJohn (profile), Dec 8th, 2011 @ 10:27am
Nahh, he'll be fired then put in charge of the FBI. This deserves a promotion. After all the FBI has a history of ignoring constitutional protections and getting away with it. For decades, as I recall.

Re: But Dajaz1 *is* a pirate site, derr

Anonymous Coward, Dec 8th, 2011 @ 10:28am
So...according to you, the government just allowed a bunch of criminals to go free?

I don't know what's worse: Mike's conspiracy theory or the breakdown of mechanisms that are supposed to keep society sane (because it's too hard to after criminals apparently).

I'll go with conspiracy theory.

** Puts on tinfoil hat **

Re: Re: Amateurs...

Anonymous Coward, Dec 8th, 2011 @ 10:30am
You can't fool me, Mike.

Re:

Anonymous Coward, Dec 8th, 2011 @ 10:30am
The intern in charge of sending off secret extension requests for the judge to rubberstamp got drunk the night before and stayed in bed with a hangover all day. Nobody noticed that he didn't show up for work. Until now...

Re: What is the penalty for violating the Constitution?

Anonymous Coward, Dec 8th, 2011 @ 10:31am
Death would be a nice start.

Re: Re: But Dajaz1 *is* a pirate site, derr

Anonymous Coward, Dec 8th, 2011 @ 10:31am
The Internet is just a series of youTUBES!!!
Since their inception, Hoover was beyond paranoid. Ironically, the FBI was first created to spy on the rich. Look how they've changed since then.

102. Re: Re: Re:  
Dave, Dec 8th, 2011 @ 10:32am

I agree that we need more information. Part of the problem is that the DoJ has been actively preventing "any" documentation from being released. Hard to embed documents that are sealed.

I look forward to some updates on this and I'm sure that more concrete information will come out.

103. Re: Re: Re: This story needs to spread....  
Capitalist Lion Tamer (profile), Dec 8th, 2011 @ 10:34am

Yep. Nothing there but every waking detail of Bon Iver's existence. 1.6.

104.  
Capitalist Lion Tamer (profile), Dec 8th, 2011 @ 10:39am

Maybe it's all part of some ridiculously complicated anti-terrorism push. You know, the terrorists 'hate us for our freedom.' If we remove those pesky freedoms? Voila! Less hate. And if there's less hate, then perhaps the terrorists will just resort to an angry op-ed periodically rather than the other stuff they haven't been doing for over a decade.

105. Re: Re: Re:  
Ninja (profile), Dec 8th, 2011 @ 10:39am

Dude, he already told us he got it from the lawyer. If some1 from the New York Times comes and rolls the news telling you that they got it from protected sources you'll probably take it in one fast gulp. But the lawyer of the victim in a breaking story is not enough?

Sure you'd have to have evidence but how can you get any evidence if the Govt itself is hiding everything? Let us wait the development before demanding anything. I've come to trust this site enough to believe that he got the story from the lawyer. If the lawyer was telling the truth or not is another issue and it will be investigated for sure.

It's GREAT that this came to light, true or not. It'll spark some serious investigations. Or so we hope.

106. Re:  
Anonymous Coward, Dec 8th, 2011 @ 10:40am

It's working for me.
IP 74.220.215.217

107. Re: Re: But Dajaz1 *is* a pirate site, derr  
Ninja (profile), Dec 8th, 2011 @ 10:44am

Took the trolls long enough to go down this road. "But, but, we threw the nuke in the wrong target! "No worries soldier, it's just minor damage."

108. Re: But Dajaz1 *is* a pirate site, derr  
Anonymous Coward, Dec 8th, 2011 @ 10:45am

Even if Dajaz1 is a pirate site with no redeeming qualities whatsoever, that doesn't matter much. The reason is...
Also, I'm trying to think of one good reason why everything needed to be filed under seal to the point where the lawyer could not even get a redacted copy to prove that the court had even done the things the government said it did. Even if there was some horrible unimaginable thing in those files that could absolutely never be seen, couldn't they have at least shown the part where the judge in fact grants the extension?

"And could the ICE have given it back merely because it was just too much bother to prosecute even the obvious? Because there are just too many!"

Ever drive 66 MPH down the freeway right past a cop? They don't bother to prosecute everyone. But that doesn't mean that they get to stop you and impound your car for over a year without even having to bother with not only the speeding trial, but the forfeiture proceedings themselves. If there's too many to prosecute, either get more lawyers and judges, or choose your targets more carefully.

[ reply to this ] [ link to this ] [ view in thread ]

109. william (profile), Dec 8th, 2011 @ 10:45am

The American Forefathers have turned in their graves so many times in the last year or two that I have lost count.

In fact, I think we have a new form of energy! We can start using the turning motion to power generators!

:P

ps. not sure if I crossed the line over there, lol.

[ reply to this ] [ link to this ] [ view in thread ]

110. Re: Re: Re:

fogbugzd (profile), Dec 8th, 2011 @ 10:47am

>>Notice how late any of the usual trolls were to this post?

I notice that. I figured they were all at the same Christmas party this morning and didn't see the post right away.

Either that or the story is about something that is so outrageous that there wasn't much to say about it other than comment about the sourcing. Even if the story is only partially true it should rattle the sensibilities of any American citizen.

So far there has only been one really off the wall post about tin hats from someone that I assume has a large collection of his own.

[ reply to this ] [ link to this ] [ view in thread ]

111. Re: Re: Re:

Anonymous Coward, Dec 8th, 2011 @ 10:48am

I'm originally from Illinois.

Previous Governor: Rod Blagojevich (DEMOCRAT)
Soon to be serving 12 year sentence for... corruption.

Prior Governor: George Ryan (REPUBLICAN)
Currently serving six and half years for.... corruption.

That pretty much says all I need to know about both parties these days.

[ reply to this ] [ link to this ] [ view in thread ]

112. Re: Re: Re:

TtfnJohn (profile), Dec 8th, 2011 @ 10:49am

There's a number of links in the story so you could try to link on those. And, as other posters say, the story is getting picked up and broken elsewhere, the EFF among others. I haven't checked up on my other source sites when something like this breaks.

As for source documents, did you miss the point that there ARE none? At least other than what ICE has released thus far which are damning enough as it is.

And why would the site's lawyer lie about things when there's a lawsuit being considered? While, for the most part, courts ignore the rantings of lawyers to the media where constitutional cases are concerned they tend to pay more attention and in cases such as this a lot of attention as his comments and outline of events amount to evidence.
he's writing up an "objective" news story he's an editorialist and commentator which is different. So your complaints there are "without merit" to use a legal term for such things.

As for your closing sentence you ARE, in fact, accusing him of making this up in whole or part. In a very nice way that isn't actionable but you are accusing him of exactly what you say you aren't.

* (objective news) if you believe in that you believe in things like the tooth fairy and think that Nigerian Scam email you saw this morning is real.

Dave, Dec 8th, 2011 @ 10:50am
In the mean time, you could probably consider that distinct lack of information verification in itself. We know:
dajaz1.com was seized and an anti-speech(er, piracy) notice was posted.
There are no locatable court documents relating to the seizure.
dajaz1.com is now available and the notice is gone.
Sometimes the lack of information says as much or more than documentation could.

Jeff (profile), Dec 8th, 2011 @ 10:51am
better check to see if anybody has patented that method for generating power...

Anonymous Coward, Dec 8th, 2011 @ 10:54am
http://www.dajaz1.com/
Check it. Seems the site owners just confirmed what mike is saying =)

Trails (profile), Dec 8th, 2011 @ 10:56am
What a racist, idiotic screed you have resorted to.
You realize in his article, Mike discusses the site being used by Kanye West and Puffy?
Also, how in the world do you "upload a youtube"? Are you sure you understood anything about the site? Or are you just pointing and screaming "PIRATE" even though the gov't didn't have enough evidence to proceed?

Snyder, Dec 8th, 2011 @ 10:58am
Whether it is a pirate site or not, what about due process? What if the government thought you were using your bank account for illegal means and put a hold on it for a year? What if they thought you were manufacturing drugs in your house and took that for a year?
Whether the site was a pirate site or not it should have been up and running until the government proved in open court - with arguments from both sides - that they had the right to shut it down.

Anonymous Coward, Dec 8th, 2011 @ 11:01am
We executed Japanese for water boarding yet we do it...
Any war is in fact illegal, regardless of the intentions, making those who start and fight them WAR CRIMINALS, but…
Re: But Dajaz1 *is* a pirate site, derr

TtfnJohn (profile), Dec 8th, 2011 @ 11:07am

Ignoring the detail that poor Lindsay Lohan is something between a slow motion train wreck and a bad comedy these days did you not see that waiting a year to get a case adjudicated ISN'T the story but the direct denial of due process IS.

And did you miss the minor detail that, perhaps, the videos you see are exactly the ones sent to them by a label for promotional use? As admitted in the story? Ahh, missed that, didn't you. Either that or words didn't engage brain because you refused to see them.

You do manage, however, to make what is as close to the most blatantly racist remark I've seen on this site in quite some time with your statement regarding poor blacks. But then, I guess you feel that poor blacks aren't as able to make up their own minds about the value of something as poor WASPs are. Sorry, I forgot about that after going almost 40 years since the last time I saw it expressed in that way. Me bad!

Oh and just how does one 'pirate' a YouTube? Linking you can do, embedding you can do but I've never heard about pirating them. Is this something similar to pirating LOLCatz?

As others have commented we've love to find all the illegal sites that have pirated YouTubez and a lot of us would like to increase our pirated collection of LOLCatz as well.

(Actually the guy who first posted LOLCats has no problem with them being "pirated" just leave his copyright and website intact and he's happy. Drives more visitors to his site, you see.)

[ reply to this | link to this | view in thread ]

120. Re: Re: Re: Re: Re: Re: Re: Sourcing

Anonymous Coward, Dec 8th, 2011 @ 11:09am

And if my aunt were male she'd be my uncle.

[ reply to this | link to this | view in thread ]

121. Re: Re: But Dajaz1 *is* a pirate site, derr

Anonymous Coward, Dec 8th, 2011 @ 11:09am

I won't even go that far. I'll even say the government can seize in certain cases without needing an adversarial hearing - if you notify someone that evidence is going to be seized, they may just destroy it. Or if someone is accused of trying to build a nuke in their basement, please, seize the thing and deactivate it without telling the person first. But if the government is going to do this, they should ALREADY have enough evidence that they could go to court the NEXT DAY and defend their actions. If their case is such that they need to keep filing extensions after the 60 day notification period plus the 90 day response period, they clearly should not have been seizing anything.

[ reply to this | link to this | view in thread ]

122. Re: Re: Re: Re:

btr1701, Dec 8th, 2011 @ 11:10am

> Nahh, he'll be fired then put in charge of the FBI.
> This deserves a promotion.

Considering that the Director of the FBI works "for" the Attorney General, it would be a demotion, not a promotion, if Holder were reassigned to that position.

[ reply to this | link to this | view in thread ]

123. Re: Re: Re: Re: Re: Re: Re: Sourcing

Anonymous Coward, Dec 8th, 2011 @ 11:10am

Can you post the IP address?

[ reply to this | link to this | view in thread ]

124. Re: Re: Re: Re:

Anonymous Coward, Dec 8th, 2011 @ 11:12am

"Dude, he already told us he got it from the lawyer."

Where?
No, not really. I'm a pretty skeptical consumer of news/commentary/etc.

Anyway, when the NYT makes factual claims, they say what their source is for those claims, or states that "according to Joe Schmoe" X is a fact.

125. Re: Re:

Vic, Dec 8th, 2011 @ 11:13am

And report the blog as terrorism!

126. Anarchy In Der USA, Dec 8th, 2011 @ 11:14am

Two words -- electromagnetic pulse.

127. Re: Re: Re: Re:

Anonymous Coward, Dec 8th, 2011 @ 11:15am

"And why would the site's lawyer lie about things when there's a lawsuit being considered?"

Really? Isn't that "exactly" what Mike is saying the government's lawyer did?

Lawyers spin things to portray their client's case in the best light. That is pretty much a lawyer's JOB DESCRIPTION. That shouldn't include *lying*, but it often includes a whole lot of spin.

Repeating spin as fact without disclosing that it's coming straight from the mouth of a lawyer representing one party's interest is lame.

128. Re: Re: Re: Re:

Anonymous Coward, Dec 8th, 2011 @ 11:15am

"In the mean time, you could probably consider that distinct lack of information verification in itself."

I could, but that would be silly.

129. Re: Re:

btr1701, Dec 8th, 2011 @ 11:16am

> It is hard to have any links when you are the
> one breaking the story.

What's funny is that newspapers have been writing stories for hundreds of years without 'links'. No one accuses them of just making them up merely because it isn't simple to vet their sources from the comfort of one's living room.

130. Re: Re: Re: Re:

Anonymous Coward, Dec 8th, 2011 @ 11:16am

"Even if the story is only partially true it should rattle the sensibilities of any American citizen."

I agree. But that doesn't make Mike's foray into "breaking news" beyond any criticism, does it?

131. Re: Re: But Dajaz1 *is* a pirate site, derr

Anonymous Coward, Dec 8th, 2011 @ 11:17am

well said
True, but they at least say who is claiming what (i.e., according to Mr. X, Y happened on X day).

Here, we just have Mike saying Y happened on X day, without any explanation of how he knows this.

Moreover, not everyone takes "the news" as gospel, just because it's in newsprint.
408 Online  Join Chat  StumbleUpon  Share  Recommended  Random Post  Translate  Follow Us  Became a Fan

141. Go straight to second base

Why didn't the blogger's lawyer immediately file a writ of mandamus with the Ninth Circuit Court of Appeals? http://en.wikipedia.org/wiki/Mandamus

The Ninth circuit has some computer literate judges.

Mike: When this happens to you (or any other blogger), hit the double, go straight to second base and file the writ of mandamus so that we can continue reading your blog.

142. Re: Re: Re: Re:

It's like we the passengers keep swapping out drivers expecting the car to change direction, but no one notices that we're strapped to the back of a tow-truck with corporate lobbyists at the wheel.

143. Re: Gotta wonder...

The reason they are not being prosecuted publicly or personally is more than likely because the courts are now SO corrupt and SO stacked AGAINST THE PEOPLE that about 99.8% of the time they rule in favor of the STATE and AGAINST THE PEOPLE. It's all about money, of course, (the love of which is the ROOT OF ALL EVIL). They will go as far as we allow them to go and, since most people are totally ignorant of the law and they DO tend to "just trust" them, they just give up and quit, which, of course is what the 'powers that be' are counting on, so that they can keep all of this illegally confiscated property. This is why there were so many 'secret extensions' to try to wear these people down so they would just give up, go away, and then they would have won. We should ALWAYS challenge them when they pull this stuff; otherwise it will only get worse. It's like a man who abuses his wife. As long as she does nothing, he will only be ENABLED to abuse her more and more, sometimes to the point of death, because THERE IS NO RESISTANCE, NOTHING TO STOP HIM and THERE ARE NO CONSEQUENCES for his ABUSIVE behavior! If people do not bring this darkness into the light, there will be NOTHING TO STOP THEM - EVER, and they will continue to abuse us more and more, possibly, eventually even to the point of death. They are counting on people DOING NOTHING when they are abused, because most of the time, people feel totally helpless against this 'mysterious FICTION' called the "government," and they THINK there is nothing they can do about it, so they just give up, which puts a huge smile on Satan's face, because they have believed his lie and he has won - again. They, (our illustrious 'representatives' and "judicial branch"), are like little, naughty children who will go just as far as their parents, (we the people), allow them to go. If that child is not "corrected," the child will eventually get totally out of hand. This is what has happened with the government. We have allowed this 'naughty child' to run amuck while WE ignored everything he was doing, and have just lived our own lives not paying any attention to what was going on in the life of this "run amuck kid." NOW this "child" has become a teenager and has been allowed to run COMPLETELY amuck. If anyone has ever tried to deal with an out of control teenager, you know how hard it is, because by the time they have been allowed to act badly for that long, it is not easy to change them. Well, this "run amuck teenager," called the "government" is out of control, but now they are like an out of control teenager with an Oozie, and the parents only have a ruler to spank him with. So now what do the parents do? They are out-gunned by their own out of control teenager, which THEY have created by looking the other way while he was being 'naughty,' and believe me, this "teenager" also knows that, and he will not hesitate to use his oozie on his own parents if they don't like what he does or, God forbid, they now try to correct him. Now the "teenager" even wants to take the 'ruler' (privately owned guns), away from his parents, so they will have absolutely NOTHING to keep him in line, (why we have the 2nd Amendment). Now, with the 'ruler' gone, he can do ANYTHING HE WANTS, UP TO AND INCLUDING KILLING HIS OWN PARENTS. The parents need to take a stand, because this out of control kid, (the government) is about to kill us all - financially, emotionally, and possibly, eventually, even physically, if they don't like what we do. We must NOT roll over and play dead. We must fight this thing or die trying, because, with what they have planned for us, life will not be worth living anyway, (unless, of course, you LIKE being a slave with no rights and no freedom). Wasn't it Patrick Henry who said, 'Give me Liberty or give me death?' How bad do you want to be free? What are you willing to do in order to be free? If you don't value your freedom now, it's time to think about that, because soon it will be too late to do anything about it. The out of control teenager is about to pull out his oozie and aim it at us, (i.e. things like declaring Martial Law and making unreasonable and unconstitutional laws they will use to abuse us further). (Oh, by the way, just as a side note, the GOVERNMENT "THinks" that it is OUR parents - see the parents patriae doctrine - look it up on the Internet). This is right in line with what Al Gore told a group of kids at a school assembly - that their parents don't know anything and that they, (the kids), know more than their parents and, therefore, they should not listen to their parents. However, if they don't listen to their parents, then WHO should they listen to? Oh yeah, I know ..... the indoctrination they are now receiving in Public AND PRIVATE schools! This way they become 'good little Comrades,' who do not think for themselves, but only follow orders.
You know there's a way to fix that…
:-P

This case was prosecuted in NY. If memory serves, the ninth covers the south-west. Wouldn't that be out of jurisdiction?

Gotta love that sovereign immunity

Isn't that called TREASON? What is the penalty for TREASON? I believe it's death.

I just love it when this kind of comment pops up. Okay, sparky, are you going to be the one to risk your life/limbs/fortune/freedom to lead the crusade? I don't mean some random, meaningless act of terror that might give you the false feeling that you're actually doing something when you're not. I mean a true, organized 'booting out'. Keep in mind that the true benefits of many revolutions aren't experienced by the generation that actually revolted.

Ready, Mr. Russell? I didn't think so.

Wouldn't the whole Occupy 'movement' kinda thing be pretty close to the pitchfork and torches thing? just saying…

If the case is in NY instead of CA, the writ of mandamus could have been filed with the Second Circuit Court of Appeals (that's even better).

Any Circuit Court of Appeals could receive a writ of mandamus within its jurisdiction.

I thought the article said the judge was in Los Angeles.

methinks
Loosing a war is illegal and makes you a war criminal you mean.

I understand your concern and while this is "breaking news" it is also an update to previous story:


Basically it was already reported that the blog was seized without due process. The "evidence" used by ICE was already presented and shown to be completely fictional. The blog itself was down for over a year. This story is Mike saying "the blog is back and here's what their lawyer told me".

I would expect more information as it becomes available, but aside from the government's secret extensions and sealed court documents, most of this story is an historical account of information that has not been disputed.

I thought so, too.

I thought so, too.

Holy FFN Wall of text batman!!

+1

Note that the error says HostMonster. That means their using Binding to respond to HTTP requests. The only way you will see it is if your browser requests Dajaz1.com. This is another reason why seizing a domain name is a restraint of trade. Lots of websites share one IP address and cannot be accessed outside of that one name.

No! you are a war criminal regardless. GWB is now a convicted war criminal (so is Tony Blair), there are a lot of places they can no longer go.
Oh, what Dajaz1 was all about was people uploading hundreds and hundreds of Youtubes that were protected by copyright as you can quickly see.

So, let me get this straight. It takes you all of a minute to "see" that dajaz1 was a chronically infringing site, yet the government sat on it for a year before deciding that they could not come up with enough evidence to charge them with anything? And you call Masnick's claims ridiculous?

Re: Re: Re: Re: Re:

Anonymous Coward, Dec 8th, 2011 @ 12:23pm

So you're asking for proof that there are sealed documents? Because if there are no sealed documents that would be far more damning but not exactly provable. There are no unsealed documents for court procedures that must have taken place in order for the domain to have been legally seized for this length of time and then returned without a trial. That is evidence that either there are sealed documents, as the story claims, or it's actually much much worse.

Re: Re: Re: Re:

Chronno S. Trigger (profile), Dec 8th, 2011 @ 12:27pm

Scott Adams mentioned this in the Dilbert TV show. The pointy haired boss suggested the idea after Dilbert said someone was spinning in their grave.

Re: Re: Re:

Anonymous Coward, Dec 8th, 2011 @ 12:27pm

hey where is ootb?

i am waiting to read his commentary on why this is OK and necessary

Re: Re: Censorship and Seizure.

Jay (profile), Dec 8th, 2011 @ 12:44pm

Already going on. That is what occupy wall street is all about

Re: Re: Re: Re:

Killer_Tofu (profile), Dec 8th, 2011 @ 12:44pm

Its okay. I actually found the response funny just under the assumption that you knew this.

Re: Re: Re:

Sean T Henry (profile), Dec 8th, 2011 @ 12:46pm

If you are a sensible person you know the problem is politicians.

Re: Re: Re: Re:

Jay (profile), Dec 8th, 2011 @ 12:49am

the case. And still Mike is to blame? Wow...

169. Re: But Dajaz1 *is* a pirate site, derr

Franklin G Ryzzo (profile), Dec 8th, 2011 @ 12:50pm

It's quite amusing that you would sit there and try to defend the seizure of the site and defame the site as a criminal entity when the government has essentially said they totally screwed this up, dismissed the charges, and returned the blog as legal business while sealing away all evidence of its own impropriety...

Whatever your using seems to good to keep to yourself... puff puff, pass, bro!

170. Re: Names?

Jay (profile), Dec 8th, 2011 @ 12:52pm

I'll assume Judge Nagel is involved, given she is on the initial warrant

171. Re: Re:

Anonymous Coward, Dec 8th, 2011 @ 12:56pm

I would be more excited about average_joe's return if he was here to apologize for his previous comments about these seizures and admit that he was wrong in pretty much every way.

I got into several 'discussions' with him last time and he took a condescending attitude because there was no way someone understood these issues better than him. Surprise, every legal concept and theory he put forth was incorrect.

172. Re: Re: Re: Amateurs...

Cixelsid (profile), Dec 8th, 2011 @ 12:57pm

dude...how many times a day do you google your own name?

173. just gotta expect it …

John, Dec 8th, 2011 @ 1:03pm

Just the feds playing by the same rules the IP thieves are … completely ignore the law.

Now if the community supporting IP thieves were not feeling all self satisfied by supporting Robinhood types, that are just stealing from large corporations, but rather vocally complaining about them being stealing little trash they really are … then they might have a right to complain about government goons.

Frankly … both need to go to jail in my opinion … but if we are rewriting the rules to ignore the law … then lets all get a free pass to do so … not just the robinhood thieves.

174. Re: Re: Re: Re:

Kevin H (profile), Dec 8th, 2011 @ 1:03pm

Obamas from Illinois. Isn't there something about an apple a tree, and some measure of distance?

175. Re: Go straight to second base

Anonymous Coward, Dec 8th, 2011 @ 1:04pm

Umm, might want to read you own source.

In modern practice, the Court has effectively abolished the issuance of writs of mandamus
Re: just gotta expect it ...

Anonymous Coward, Dec 8th, 2011 @ 1:05pm

robinhood thieves?

Well, thanks for sharing, be sure to come back and contribute further to the conversation when you've found a clue.

Re: Re: Re:

average_joe (profile), Dec 8th, 2011 @ 1:07pm

I would be more excited about average_joe's return if he was here to apologize for his previous comments about these seizures and admit that he was wrong in pretty much every way.

I got into several 'discussions' with him last time and he took a condescending attitude because there was no way someone understood these issues better than him. Surprise, every legal concept and theory he put forth was incorrect.

Can you be more specific than that I'm 'wrong in pretty much every way' and 'every legal concept and theory' I've ever put forth? That's a ridiculously broad statement. I'm happy to address any particular claim I've made that you feel is incorrect if you tell me what the claim is.

Re: Re: This story needs to spread....

Kevin H (profile), Dec 8th, 2011 @ 1:07pm

If the cops keep beating them we may get there. Oakland was on the brink a couple of weeks ago though.

Re: Re: Re:

Kevin H (profile), Dec 8th, 2011 @ 1:10pm

You forgot the more likely and lucrative Washington lobbyist position he will take with the people over at the MPAA or the RIAA. He will go work with Dodd, that douche nozzle.

Re: Re:

Kevin H (profile), Dec 8th, 2011 @ 1:14pm

Wouldn't this be seen as a contributing (willful) infringement under the SOPA act? As a penalty to avoiding any blocks put in place by the government?

Re: Re: Re: Re: Re: Gotta wonder...

Anonymous Coward, Dec 8th, 2011 @ 1:45pm

Um...convicted by whom/what?

Re: Re: Re:

Anonymous Coward, Dec 8th, 2011 @ 1:45pm

Good luck with that. He still thinks Righthaven is right and everyone else is wrong.

Re: Re: Re: Re:

Anonymous Coward, Dec 8th, 2011 @ 1:50pm

'So you're asking for proof that there are sealed documents?
happened.

If all he's got is Mr. Y says that X happened, so be it. Then I've got to judge the credibility of Mr. Y in addition to whether I believe Mike will faithfully convey what Mr. Y said.

If he's got a link to some other document or report demonstrating or claiming some of the facts asserted, even better.

Otherwise, it's just some guy on the Internet (who I don't entirely trust to provide no-spin characterizations) saying X happened, without any explanation of how he knows this.

184. Re: Re: Re: Re: Re:
Anonymous Coward, Dec 8th, 2011 @ 1:53pm
I have never suggested the government is blameless here.

185. Re: I'm puzzled
The eejit (profile), Dec 8th, 2011 @ 1:54pm
Because then you become a combatant. And we all know where combatants go in Soviet Amerika...

186. Re: Re:
Anonymous Coward, Dec 8th, 2011 @ 1:55pm
"the blog is back and here's what their lawyer told me"

Where in the story does it say that all the claims are according to one party's lawyer?

If that's the case, I would hope both Mike and readers would be a little less eager to swallow an interested lawyer's version of the facts hook, line, and sinker without question.

187. For those of you who need reminded
Anonymous Coward, Dec 8th, 2011 @ 1:56pm
First: Congress shall make no law...abridging the freedom of speech, or of the press;
Fourth: The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated
Fifth: nor shall any person,...be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.
Sixth: In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury

188. Re: I'm puzzled
Anonymous Coward, Dec 8th, 2011 @ 1:56pm
I think they probably still can (though I'm not expert in civil claims for constitutional violations).

189. Re: Re: Go straight to second base
Anonymous Coward, Dec 8th, 2011 @ 1:58pm
Hmm...that's certainly not true, regardless of what wikipedia says. It's a rare remedy, but certainly not unheard of.

190. Re: Re: Re: Re:
william (profile), Dec 8th, 2011 @ 2:00pm
Here I come SMBC-Comics and Dilbert! *evil grin* [reply to this | link to this | view in thread]

191. Re: Re:

btrussell (profile), Dec 8th, 2011 @ 2:01pm

"I didn't think so."

So lots of people don't think. I won't fault you for it though. [reply to this | link to this | view in thread]

192. Re: Re: Re: Re:

average_joe (profile), Dec 8th, 2011 @ 2:05pm

Good luck with that. He still thinks Righthaven is right and everyone else is wrong.

We'll see what the Ninth Circuit says. [reply to this | link to this | view in thread]

193. Re: Re: Re: Go straight to second base

Jay (profile), Dec 8th, 2011 @ 2:05pm

Yes, but dajaz1 is a NY based website. So is ICE. So I believe ICE forum shopped for this initial warrant. [reply to this | link to this | view in thread]

194. Congress

Jack, Dec 8th, 2011 @ 2:06pm

Why does everyone keep talking about what congress needs to do? We need to kick all the lazy shits who are ruining the country OUT of congress, and make some changes to this absolutely BROKEN government. [reply to this | link to this | view in thread]

195. Re: just gotta expect it ...

The eejit (profile), Dec 8th, 2011 @ 2:08pm

You mean like the megacorps that paid NO taxes on their profits, like JPMorganChase?

Or like BREIN, the IFPI-funded anti-piracy group that considers contracts to be worth less than a Eurocent?

Or like WMG, whose accounting methods for royalties for artists can best be summed up as 'outright theft from artists' pockets'?

Yeah, pull the other one, it's got songs on. [reply to this | link to this | view in thread]

196. Re: Re: Gotta wonder...

Trails (profile), Dec 8th, 2011 @ 2:14pm

One trick is to tell stories that don't go anywhere. Like the time I caught the ferry to Shelbyville. I needed a new heel for m'shoe. So I decided to go to Morganville, which is what they called Shelbyville in those days. So I tied an onion to my belt. Which was the style at the time. Now, to take the ferry cost a nickel, and in those days, nickels had pictures of bumblebees on 'em. Gimme five bees for a quarter, you'd say. Now where was I... oh yeah. The important thing was that I had an onion tied to my belt, which was the style at the time. You couldn't get white onions, because of the war. The only thing you could get was those big yellow ones...

[reply to this | link to this | view in thread]

197. Re: Re: Re:

average_joe (profile), Dec 8th, 2011 @ 2:29pm

I'll add this. Even if the right answer is that Righthaven doesn't have standing, I don't think the courts in Nevada got
Either way, I do my own research and make my own arguments and back them up when I can. That you are insulting me for doing this just makes you look bad. I get stuff wrong all the time and I'm happy to be proved wrong. No need to put me down because I disagree with you on some issue.

---

198. **Re: This story needs to spread.**  
Yeah Right, Dec 8th, 2011 @ 3:13pm  

This is where you reach for the muskets, I think.

---

199. **hmm (profile), Dec 8th, 2011 @ 3:14pm  
>>ICE's "investigation" was done by a technically inept recent college grad..  
who's now 'co-incidentally' been offered a well paid job by the RIAA!

---

200. **billy, Dec 8th, 2011 @ 3:15pm  
Sooo... lawsuit?

---

201. **Anonymous Coward, Dec 8th, 2011 @ 3:16pm  
The timing may well have been political. Had this seized domain been returned to the owner in the middle of the SOPA debate in Congress, the bad publicity could have severely hurt SOPA at a critical moment.  
The same reason why the Pirate Bay appeal verdict in Sweden was delayed until after the election.

---

202. **Franklin G Ryzzo (profile), Dec 8th, 2011 @ 3:18pm  
That's really my take on it, but it is completely obvious that there were no legitimate reasons for the seizure in the first place. The "evidence" they used to take the site were tracks provided by the content owners for promotion. Do you dispute this? Seizure law has specific timeframes and an adversarial process that was not followed in this case. Do you dispute this? PACER can confirm that there are no court documents available to show that any motions were filed or extensions requested or even the smallest resemblance to anything that could even conceivably be considered due process. Do you dispute this?  
The only unsubstantiated assertion presented in this article is that the government specifically denied the lawyer a chance to be heard, a chance to respond, a chance to speak to the court to advise that his client objected to any further extensions, and that they told him to "trust them".  
The matter of the blog being censored for a year is clearly a matter of public record. Thus far there has been no justification shown for this censorship and an overwhelming amount of evidence to show that it was improper and in violation of the constitution. Do you dispute this?

---

203. **Marcel de Jong (profile), Dec 8th, 2011 @ 3:24pm  
Meh, they're all career liars.  
I heard Mrs Rodham-Clinton speech today about how the internet should remain free, especially under tyrannical regimes... and then I read this.  
The saying 'Do as I say, not as I do' springs to mind.  
Besides, the US has pretty much a one party system. There aren't that many differences between the donkey, and the elephant. At least not in US politics. Sure, the talking points are different, but that's just what they are.
Re: Re: This story needs to spread....

Marcel de Jong (profile), Dec 8th, 2011 @ 3:28pm

Isn't this why you have a second amendment?
[ reply to this | link to this | view in thread ]

Re: Re: Re: Re:

Anonymous Coward, Dec 8th, 2011 @ 3:29pm

I'm not saying anything in the story is unbelievable or false.

I'm just asking for some sort of corroboration or explanation of where the factual claims are coming from. Right now, the only source is Mike Masnick, who doesn't appear to have any connection to the case (so I doubt it's his own personal knowledge).

Frankly, I think anyone who takes fantastic claims on the Internet at face value without any such corroboration/explanation should be more skeptical.

That doesn't mean fantastic things never happen, and fantastically bad things do appear to have happened in this case.
[ reply to this | link to this | view in thread ]

Re: Re: Re: Re: Re:

Richard (profile), Dec 8th, 2011 @ 3:37pm

Actually I think most of us are happy to see you back - we've been saddled with some terrible abusive AC trolls that you really can't have anything vaguely resembling a proper argument with in the meantime.
I generally disagree with you (not always) but I do appreciate that you put some effort into logic and evidence.
[ reply to this | link to this | view in thread ]

Gotta wonder...

Anonymous Coward, Dec 8th, 2011 @ 3:41pm

Ahh... The words of wisdom from Grampa Simpson...
[ reply to this | link to this | view in thread ]

Shadow on the Land

hrwaller (profile), Dec 8th, 2011 @ 3:44pm

I guess after only 40 years the movie is coming true. The surprise is that instead of Dumbya Bush goose stepping around while he grind the Constitution under his boot it happens on a Democrats watch.
[ reply to this | link to this | view in thread ]

Just gotta expect it ...

Marcel de Jong (profile), Dec 8th, 2011 @ 3:47pm

Dear John, can I call you John?
Copyright infringement is not stealing. It never has been, never will be. Because the original owner still has access to his/her own work. Yes, it's illegal, no it's not theft.

What the ICE did, however, was stealing. They took a domain name its rightful owner. Now, that's theft. Because the original owner did not have access to his/her own domain and website anymore.
[ reply to this | link to this | view in thread ]

Anonymous Coward, Dec 8th, 2011 @ 3:50pm

The government is in a phase cycle of censorship where they thing this is acceptable.
Pirates are not Osama Bin Laden, nobody will accept the loss of free speech as people accepted the killing of another human being, specially when those laws only benefit one tiny minority that makes up a tiny fraction of the total market at the expense of everyone else.
[ reply to this | link to this | view in thread ]
Marcus Carab (profile), Dec 8th, 2011 @ 3:50pm

I feel like a lot more is going to be coming out over this story for the next few days, and I plan to follow it, so while there are more details I'd like to know I'm also confident we will learn much more. At present I trust Mike's account - we'll see if I have reason to doubt it in the future.

This is certainly not the "traditional" way to break a story - but Techdirt has never been a traditional news outlet. Between what we already know about the ICE seizures, and the fact that I trust Mike not to fabricate anything, I can't say I find myself particularly dubious here.

[ reply to this | link to this | view in thread ]

Re: Re: Re: Re: Sourcing

Marcus Carab (profile), Dec 8th, 2011 @ 3:55pm

(eespecially without disclosing that that's what your doing)

A lot of people seem to feel that way so i guess it should have been more explicit. But I don't think there was a lack of disclosure. In all honesty, when I read the post, I thought it was clear that it was coming from Bridges. This line -

"After continuing to stall and refusing to respond to Dajaz1's filing requesting the domain be returned, the government told Dajaz1's lawyer, Andrew P. Bridges, that it would begin forfeiture procedures (as required by law if it wanted to keep the domain)."

- to me marked the start of the lawyer's account. It was surprised to read the comments and find out some people were unsure.

[ reply to this | link to this | view in thread ]

Anonymous Coward, Dec 8th, 2011 @ 4:05pm

That may in fact be the case, but Mike usually (or at least often) says something along the lines of "if XYZ's account is true, that's some total bullshit" or something like that, when repeating legal filings or attorney statements.

As an attorney, I would never take the word of another attorney "representing a client" at face value when discussing that client's case. Not because I think he is likely fabricating anything, but because I can be certain he's trying to present the facts in the best possible light for his client, rather than objectively.

[ reply to this | link to this | view in thread ]

Michael, Dec 8th, 2011 @ 4:28pm

Its actually too late for pitchforks... that should have happened 4 decades ago. Now, the government is far to organised and powerful for such a rebellion and has plans in place to stop it.

[ reply to this | link to this | view in thread ]

A Guy (profile), Dec 8th, 2011 @ 4:36pm

It's a bit fucked up, but having the government so overstep their constitutional bounds so quickly could work in our favor.

This is exactly the kind of precedent we need to get the behavior allowed by SOPA/PROTECT IP declared unconstitutional.

[ reply to this | link to this | view in thread ]

RowdyRebel49, Dec 8th, 2011 @ 4:45pm

You all are a tad off the main subject. Censorship of public domains and war criminoology are two totally different forms of justifiable justice. Maybe, one should look into the original affidavit that stated said site was unlawful, and hit the courts with a diminished jurisprudence suit. Otherwise, that the government willingly and unlawfully violated the Constitution of the United States by using its Gestapo-like force to disuade the usage of a public site for artists. As per the 'Freedom of Speech' argument, that won't fly. Freedom of Speech is only prudent provided said speech is used AGAINST or FOR the US Government as a whole; it has very little to do with personal opinions stated against or
any action taken by the government against any citizen or business that is considered prejudicial or biased, in any form, is illegal.

What does this mean? It means, a citizen is unable to use the Freedom of Speech motif to call another citizen names or falsely accuse said citizen of violations of copyright, but a citizen CAN use Freedom of Speech to do said name calling of any governmental objectification, (aka the Prez, VP, HSA, NASA, etc).

So, is the government guilty of violation of Freedom of Speech? No. Is it guilty of violation of FREEDOM OF THE PRESS? YES.

I think it's funny how throughout the article, the word "falsely" is used. I was expecting from the title to read an article about an article that accused the government of censorship that wasn't read, because that's what false means. But after having read the article, the word that should be used is wrongly. Poor writing skill. The article feels to me like a rant and rage, and that makes me think maybe there are exaggerations. And if so, what can be believed?

This is what happens when you vote for Democrats or Republicans.

In Soviet America, you don't get rights, rights get you.

Fair enough, and I agree completely that the internet isn't always the most reliable source of information. That being said, I think the part of this story that focuses on the lawyer and what was or was not said to him by the government is really the smallest part of the story. I would hope that Masnick is able to corroborate the assertions with some sort of document, but if the story is true, then it seeds like that will be impossible, and the lawyers take on what happened will again be hearsay. (I will say that I do tend to believe that the events portrayed are what actually happened in this case, but I would never claim them to be fact without proof.)

I still think we are focusing on the wrong part of this story though. The behavior of ICE and the government in this case is inexcusable and warrants investigation of the constitutional violations, the abuse of authority, and (if what the lawyer said is true) a blatant attempt to cover up their wrong doing.

What happened here (that can be proven by the established facts) is improper censorship. Whether or not the lawyers version is true will not change the rest of the material facts. If what he says is true it makes the case even worse based on the governments conduct, but even he is a bold faced liar it doesn't excuse the government's behavior in the least. They dropped the ball on this and violated the founding principles of our society. I don't think there is any way to dispute that, but if anyone has an argument I'd be happy to debate it.

Let me ask you... Aside from the lawyer's version of the story which can't currently be substantiated, do you feel there is any defense to excuse the government's behavior that we can prove?
Ice was asked about the seizure and commented on returning it, but when asked about the events discussed here he had no comment. He didn't deny it either.

Re: Re: Sourcing
Anonymous Coward, Dec 8th, 2011 @ 6:12pm
Quick, quick, who is this quote from?:

"That's not the way the world really works anymore," he continued. "We're an empire now, and when we act, we create our own reality. And while you're studying that reality -- judiciously, as you will -- we'll act again, creating other new realities, which you can study too, and that's how things will sort out. We're history's actors . . . and you, all of you, will be left to just study what we do."

Two cookies to the winner.

Re: Re: Re: Re: Re: Re:
Anonymous Coward, Dec 8th, 2011 @ 6:17pm
Oh please, stop playing the victim card. You routinely do exactly what you cry about everyone else doing to poor little you.

Re: Re: Go straight to second base
iamNumber813 (profile), Dec 8th, 2011 @ 6:33pm
Basically, this doesn't happen anymore.' is false.

One recent example of a Writ of Mandamus...
Federal Circuit Grants Writ of Mandamus in False Marking Case

"Ultimately, given that a § 292 sounds in fraud and there were no particularized facts alleged in the complaint the Federal Circuit had little difficulty in finding that the district court erroneously failed to dismiss the complaint and issued the writ of mandamus."

Anonymous Coward, Dec 8th, 2011 @ 6:47pm

Are you sure the said judge even exist?

[ reply to this ] [ link to this ] [ view in thread ]

231. Re: Re: Re: Re: Re: Re: Re:

average_joe (profile), Dec 8th, 2011 @ 6:48pm

So pointing out that I'm just expressing my opinion about Righthaven means I'm playing a victim? I don't really follow you there. I think you're just trying to stir shit. I'm not interested in playing.

[ reply to this ] [ link to this ] [ view in thread ]

232. Re:

That Anonymous Coward (profile), Dec 8th, 2011 @ 7:39pm

That depends did the investigator use a paperclip to attach a new charge to the case while no one was looking?

[ reply to this ] [ link to this ] [ view in thread ]

233. Re: Re: Re: Re:

fenris23 (profile), Dec 8th, 2011 @ 8:41pm

No, the problem is how money and power have corrupted our political system. Notice how much of this relates to a CORPORATE lobby group.

The solution isn't to throw away a system meant to protect us but to FIX it when it stops working. Constantly pointing blame at the politicians alone is misdirection.

[ reply to this ] [ link to this ] [ view in thread ]

234. Re: But Dajaz1 *is* a pirate site, derr

Intermernet, Dec 8th, 2011 @ 8:58pm

How is linking to YouTube piracy?

[ reply to this ] [ link to this ] [ view in thread ]

235. Re: Re: Gotta wonder...

G Thompson (profile), Dec 8th, 2011 @ 9:15pm

Paragraphs

Learn to use them!

[ reply to this ] [ link to this ] [ view in thread ]

236. Re: Re: Re: This story needs to spread....

G Thompson (profile), Dec 8th, 2011 @ 9:22pm

*snorts*

[ reply to this ] [ link to this ] [ view in thread ]
You rolled your eyes about 5 times over those comments didn't you.

I'm watching you... you bully you!!! o_O

On another totally different question... Have you had the intellectual displeasure of reading anything that out_of_the_blue has commented on yet? Hopefully you haven't and this serves as a warning, if not well... welcome to the new wall of weird at TD

---

It seems if you click on the profile u will then come across an extremely long and detailed about page (and there is nothing wrong in that its refreshing actually) where you can see this persons ideas, fears, moralities, weirdness and other funky stuff on display (with an intriguing insight into writing blawgs that I sorta agree with)

Though if you click on this newest blog post... you will see that The Tinfoil is strong in this one

---

Wow haven't seen a Mandamus writ since looking at old historical archives in Law School.

They got taken away from Australia (and most common law countries) decades ago and now all we have is misfeasance, nonfeasance or malfeasance to fall back on which are about as useless as tits on a bull.

Timing is the key here. Ordering a lower court or govt to do something is fine and dandy when that lower court or entity would comply. In this situation there is no way they would of complied, or even admit that they received one, and then the higher court has to fall on its own petard since... well how do you punish a government?
Except that fantastic is in no way the right word to describe the misdeeds of ICE and its supporters we’ve seen so far.

Hehe, the shills crawl out of the woodwork and that’s all they can come up with? Pathetic.

Pathetic excuse.

The only way to force the State to waive Sovereign Immunity protection on those individuals who committed these acts is to show that they acted “Under Color of Law” meaning they took actions which they back by claiming State granted authority, when in fact they did not have the legal authority to take those actions.

If you can nail them on that, then you can sue the person (and the person’s Office as Agent of the State) directly and not have the case thrown out on Sovereign Immunity claims.

He’s going on about it in the thread on the RIAA insisting that what they did was appropriate despite all the evidence indicating otherwise.

Ironically, the party loosing the war is actually the party “letting loose the war on the world”, in which case you’re agreeing with GP.

I suspect you mean losing a war is illegal however and intended it as a commentary.

Did the attorney file a case against the government? Can this be done in the US? I think this has to be investigated, and those responsible punished. Is this possible in your legal system? At least demand a compensation from the government?

when ‘hitler bush jr’ created the homeland in-security,,, retards cheered, but this is what it has come too. martial law without soldiers roaming the streets killing people for existing. but police forces are seasoning people who shout, “no fucking more”.

This is what happens when people keep electing big-government morons. People better think long and hard this
253. Re: meanwhile in America

Anonymous catward, Dec 9th, 2011 @ 12:10am

There’s a couple of lines from an old song going through my mind - “Die Fahne hoch, die Reihen fest geschlossen, ICE marschiert mit ruhig festem Schritt...”

[ reply to this | link to this | view in thread ]

254. This comment has been flagged by the community. Click to show the comment.

255. imperial perogative

john mcclain, Dec 9th, 2011 @ 1:45am

wow! like your the first to have your stuff stolen by the imperial pig? check the records on the original Detroit Free Press. check the records on John Africa’s MOVE. Me? I spent 3 years writing a massive computer program to run under MS; the pentagon blackhloed my >> application - stole my work, and never paid me a dime. I had no advocates. My solution: CREATE NOTHING; INVENT NOTHING; DO NOT ENTERTAIN THE HYPNOTIZED CLONES. (And steralize the pig!) jack m

[ reply to this | link to this | view in thread ]

256. Re: Re: But Dajaz1 *is* a pirate site, derr

Anonymous Coward, Dec 9th, 2011 @ 3:58am

The guy is just a Troll with capital T. Nuff said.

[ reply to this | link to this | view in thread ]

257. Re: breaking news

btrussell (profile), Dec 9th, 2011 @ 4:00am

So we should call this mending/repairing news?

"Many times, breaking news is used after the news network has already reported on this story. When a story has not been reported on previously, the graphic and phrase Just In is sometimes used instead."

[ reply to this | link to this | view in thread ]

258. Re: just gotta expect it ...

Ninja (profile), Dec 9th, 2011 @ 4:08am

Oh and because of that they can trample with innocent ppl in the process. Very fair. And IP is a State given monopoly mind you so IP infringements are a civil matter not a criminal. Unlike the ICE violating the constitution.

[ reply to this | link to this | view in thread ]

259. Taswad, Dec 9th, 2011 @ 4:37am

I have no idea how Americans aren’t rioting in the streets right now. The past decade has seen the destruction of the very freedoms and ideals the country was founded on int he first place. Your government has funneled 7.7 trillion dollars into the banks at 75 cents a dollar, and then borrowed that money back from the banks with interest. Millions are living below the poverty line, while the assholes who orchestrated all of this are getting richer by the minute.

You’ve shown incredible restraint for a country that’s been labeled as war-mongering and violent. If ever there was a time to become that stereotype, I would think it’s now. There is something fundamentally wrong with the government, it’s a cancer that’s eating your livelihoods.

[ reply to this | link to this | view in thread ]

260. Response to: MRK on Dec 8th, 2011 @ 8:54am

Smoodle, Dec 9th, 2011 @ 4:57am

I've gotten that form letter too. But I'm still going to pass this along to my representative.

[ reply to this | link to this | view in thread ]
Bear in mind, the state department has been the ONE department (other than the GAO) that has been talking sense. The censorship argument undermines everything they have worked for.

Re: Re: Re: But Dajaz1 *is* a pirate site, derr

Prokofy Neva is female. Careful, she seems to be the female version of Scott Cleland. She rails against companies, complains about problems with inaccurate data, and overall doesn’t like to engage in debate if she is losing.

The chickens have come home to roost

The blogs can queue up behind those who underwent rendition to 'black sites' without due process. We the Sheeple tacitly approved the egregious overreaching when the door was first cracked open. But we didn't want to get up from the sofa to keep answering the door. The Govt decided to just remove the door from the hinges.

How are those CD raids going on in Brazil then?

Wow... if this is actually true, I'd readily go to jail if I could punch one of the involved lawyers in the face.
Anonymous Coward, Dec 9th, 2011 @ 9:24am
I am the owner of a few blogs and would make sure that I got the attention of media to show just how bad the us government has become. What happened to our rights. I guess we all live a lie when it comes to believing that we have this "freedom"

www.internationalstranger.com

Ben West, Dec 9th, 2011 @ 9:31am
America is a type of democracy, but it is more accurately and appropriately labeled a republic. A republic is a form of government which resides in the location which can be described as the farthest one can get from a pure democracy and still be a democracy. Although it may not seem so, this is an important distinction.

"We're an empire now" quotation
Pyre (profile), Dec 9th, 2011 @ 10:01am
@Anonymous Coward, #224: Generally assumed to be Karl Rove, although the journalist quoting the passage only name the source as "a senior Bush aide."

Darryl stole all his spaces

But I would love if ICE actually released them in an FOIA request.

I already have a copy he is what it says: REDACTED

Anonymous Coward, Dec 9th, 2011 @ 10:28am
Darryl stole all his spaces

Anonymous Coward, Dec 9th, 2011 @ 11:00am
I agree this subthread is way off the main topic. I'm just wondering why the other AC is labelling people who, to know knowledge, have never been tried or convicted of any crimes, as "convicted war criminals.”

Let me ask you... Aside from the lawyers version of the story which can't currently be substantiated, do you feel there is any defense to excuse the government's behavior that we can prove?”

I'm not sure if I have a full understanding of what is 'provable' and what is not, so I'm not sure if I have an answer to that question.
seizure period.

[ reply to this | link to this | view in thread ]

277. Re: Re: Re: Re: Re: Re:

Anonymous Coward, Dec 9th, 2011 @ 11:38am
I mean ‘fantastic’ in the sense of ‘way out there,’ not ‘totally rad!’

[ reply to this | link to this | view in thread ]

278. Re: Re:

Anonymous Coward, Dec 9th, 2011 @ 11:39am
What laws are you talking about? You seem to be assuming a lot of things that aren’t true.

[ reply to this | link to this | view in thread ]

279. Re: Re: Go straight to second base

IAmNumber813 (profile), Dec 9th, 2011 @ 12:18pm
In this situation there is no way they would of complied, or even admit that they received one, and then the higher court has to fall on its own petard since... well how do you punish a government?

Publishing the government’s refusal to obey a court order on the front page of the NY Times during an election year would do wonders.

You punish a government at the voting booth.

[ reply to this | link to this | view in thread ]

280. Re: Re: Go straight to second base

Ray Gerald (profile), Dec 9th, 2011 @ 1:06pm
"You punish a government at the voting booth."

But it seems to me that it doesn't matter who we vote for any more. We will still end up with corrupt government officials in office. Who should I vote for that hasn't been bought and paid for? It will merely be more of the same.

[ reply to this | link to this | view in thread ]

281. Re: Go straight to second base

DC, Dec 9th, 2011 @ 6:18pm
Not even in name - though that, I believe, was the spirit of the original document. It's a republic - not a complete democracy, but something which should at least try to put the view of the people first.

[ reply to this | link to this | view in thread ]

282. FoIA?

DC, Dec 9th, 2011 @ 6:39pm
What's the statutes of limitation for ICE/DoJ cases? I wouldn't imagine it would exceed 12 months especially in cases where criminal procedures weren't entered into. I assume someone's already made the FOIA request on behalf of dajaz1, but under OPEN Government techdirt can equally make a legitimate petition for information. In fact, all procedures in the case of a seizure should have been documented and be open for FOIA. Witholding of any portion of this (excluding Exemptions, which are unlikely to apply in this case) can result in the agency being brought to a federal court to answer.

[ reply to this | link to this | view in thread ]

283. Re: FoIA?

Jay (profile), Dec 10th, 2011 @ 9:30am
They've withheld all information regarding the domain seizures.

[ reply to this | link to this | view in thread ]

284. Re: Re: Re: Re: Re: Re: Re: Re: Gotta wonder...

[ reply to this | link to this | view in thread ]
Freedom of Speech is only prudent provided said speech is used AGAINST or FOR the US Government as a whole; it has very little to do with personal opinions stated against or for an individual.

There is no limitation of freedom of speech to only speech about the government; you are way off base.

"Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances."

[reply to this] [link to this] [view in thread]

285. Absent.

IronM@sk, Dec 10th, 2011 @ 8:50pm

280+ comments and OOTB is notably absent from all of them...

[reply to this] [link to this] [view in thread]

286. Re: Re: just gotta expect it ...

Anonymous Coward, Dec 10th, 2011 @ 9:02pm

But if someone does pull the other one, won't the RIAA confiscate your leg for infringement?

[reply to this] [link to this] [view in thread]

287. Re: Re: But Dajaz1 *is* a pirate site, derr

Prokofy Neva (profile), Dec 10th, 2011 @ 9:10pm

Yeah, really! Because Mike is lying about the nature of this website. A look at its record in the Wayback shows lots of youtubes of artists with copyrighted material uploaded to this site. The attorneys -- and he just parroting them -- make a tendentious and narrow claim that their client only had free materials supplied by artists who supposedly wanted their content given away for free, or critics just making "fair use" of clips, or something...But that's only part of the use case of this site -- the infringing content appears to be the bulk of it.

Er, I'm finding it hard to see any jackbooks here except by you thugs, who steal people's livelihoods away from them by condoning piracy and engaging in theft content yourselves. I fail to see why people can't 'voice their concerns'. The feds closed a site because it had loads of copyrighted stuff on it. Too bad, so sad. They took way to long to adjudicate the case. We get that. It's not good. But at the end of the day, the nature of the site here is being covered up outrageously by the ideology Mike Myasnick, and he knows it, and we know it. The police gave the site back because they had too many cases, or some lawyer cut some deal with them, or they'd figure they'd get back to it and prosecute it another day. That's all. It's not about fascism, it's about the right of people to make a livelihood. Say, how do YOU make a living, big guy?!

[reply to this] [link to this] [view in thread]

288. Re: Re: But Dajaz1 *is* a pirate site, derr

Prokofy Neva (profile), Dec 10th, 2011 @ 9:16pm

No, of course it matters. Because if the feds could easily establish that it had loads of infringing copyright on it, it was justified to shut it down, because it was a piracy site. Due process is a great thing, and of course it must be upheld. But all that's happening here with this story is outrageous and tendentious manipulation and propagandizing around this facet of it -- the violation of due process ostensibly involved -- without any honest portrayal of what the nature of the site was.

It's the hope of Myasnick and the propagandists and the attorneys hired by copyleftists of course to be able to distract everyone with the due process issue, and make these people out to be horrible victims of injustice! the horror! and distract everyone from seeing that indeed they are pirates.

Trying to cast around to analogies like car impounding is beside the case. It's clear from a simple look at the nature of the site that they had loads of infringing content. The feds felt justified in shutting them down. Who knows why they dragged it on or sealed something? Maybe they didn't fill out all the proper paperwork or do everything by the book and didn't want to lose their obvious case over the kind of technicalities that lawyers can and do pounce on to get a case thrown out even of someone obviously guilty. Whatever. That shouldn't distract from the fact that ICE is doing its job by and large to pursue piracy, and that's a good thing. If they botch some cases, hey, let the lawyers due for damages "shrugs". This is America.

There *are* too many to prosecute in this fashion, and that's why a good universal law like SOPA needs to be established and precedents built up and practices established so we can move through these cases more quickly and more effectively.

[reply to this] [link to this] [view in thread]
Um, it's not racist to point out when other people are playing the race card, BIG TIME, by insisting that this site is an innocent little site helping black kids break into hip hop big time by enabling them to put up their work for free.

Of course I understood the site, and I went and looked at it, and I see it shows youtubes that have copyright on them, and people even writing things like 'I hope this doesn't get removed'. Derr. My God, this is obvious, just go and look.

I don't see that the government “didn't have enough evidence to proceed”. I don't buy that at all, having looked at the site in past years now. I think that the government found it might have difficult in making its case because aggressive lawyers were going to play the race card on them. That would be my estimation of the situation.

That's great if Kanye West and Puffy use this site. Are they happy to have their material stolen and endlessly copied without any revenue?

I'm not going to keep whining about lack of due process. There are plenty of people whining about that artificially-amplified aspect of this hugely tendentious case. Sure, due process is a great thing and it was violated here. And? And you've also distracted from the fact that it was indeed a pirate site and the feds had more than probable cause to close it down. That they couldn't make their case later down. That they couldn't make their case mysteriously and we don't have enough information about their possible botching of paperwork or filings, or about backroom deals with aggressive lawyers maybe playing the race card, or playing whatever cards they have to play.

We do not have transparency on this case. As another reader asked, where are the court papers, eh?

AND it's a pirate site where lots of content was obviously uploaded. And now that fact has been drowned out in a sea of tendentious crap about due process that really is beside the point, as when the feds went for this site, it was OBVIOUS what it was. But then -- as I already said -- either they didn't do their paperwork right or something else happened or there was some shady backroom deal with lawyers or they were threatened by the race card or SOMETHING, and they let it go. So what? It's not like they arrested a person and put them on death row and Mike Myasnick came up with a DNA test to prove the suspect innocent.

This is why we need SOPA. To have the rule of law, so that individual adjudications like this don't take so long, and don't wind up the prey of predatory lawyers with agendas, but are resolved by judges.

What it's about is a pirate site that got legitimately closed down, and then with a lot of lawyering, got opened back up.

This is why we need SOPA. To have the rule of law, so that individual adjudications like this don't take so long, and don't wind up the prey of predatory lawyers with agendas, but are resolved by judges.

Thanks for helping to make that obvious point!

Hey, that's great that you concede that after five minutes, anyone would have to agree this is a pirate site!

The government obviously saw the same thing and felt perfectly justified in closing it down. They felt that due process was merely an add-on.

That's wrong, and we get all that.

This became a highly lawyered-up cause celebre, and now we've all been distracted from seeing that this was an infringing site.

Thanks for putting the focus back on that fact : )
Because I don't buy the story. I sense there's a lot more to the story here. I don't think AT ALL it's about the government suddenly saying "oh, we goofed, awful, let's let it go." I think lawyers merely scarified them.

Say, if the lawyers REAAAAALY think their client was so innocent and a victim of lack of due process, they should go the full monte and SUE FOR DAMAGES. Why aren't they doing that in this awful, awful heinous violation of due process THE HORROR!!!!

In fact, the government should go hurry and get the Wayback copies because knowing Google, and their sentiments, they may destroy the evidence.

But that's the open question to me. Here Mike has written about this AWFUL AWFUL THE HORROR THING of people impounded an ENTIRE YEAR but their lawyers aren't suing for damages over that grave injustice. Why?

If you upload lots of youtubes that are pirated and then create a giant links site with hundreds of links to lead people to that stolen property, of course you are complicit in piracy yourself.

Or -- let's see -- you're going to try to pretend this is about First Amendment freedoms lol. The First Amendment doesn't extend to posting the address of a house with the door open and the people gone on a bulletin board urging people to steal.

Yeah, they have that in Russia, a civil law country. This is no longer practiced in common law countries.

You mean like Google? That owns Youtube?

They don't pay their taxes.

They launder their money through Ireland to avoid taxes in this country.

You mean like that?

that's one of those lame arguments copyleftists always trot out as if they've discovered America.

It's a ridiculous notion because digital content doesn't come in the form of discrete commodities, but are obviously copiable online due to the analogue hole and the properties of the Internet.

But it is still theft because it "deprives the artist of livelihood" he would otherwise have if people PAID to download the tune instead of viewing it FOR FREE. Duh.

The domain name company likely has a TOS about not breaking the law and uploading infringing content. Even if it didn't, you can't yammer on about your right to a warehouse where you are holding stolen property to distract from your theft.

The thuggish dishonest and lying is what is always the worst about Mike Myasnik's articles and the comment section.
That’s what Mike and his fellow propagandists are hoping to do by hyping this case so mercilessly. It’s obvious.

But the case actually shows why we need SOPA to restore the rule of law in this area and prevent the adjudication of cases one by one on a variety of principles like this so that technicalities stall them.

299. Re: Re: Great News

Insightful | Funny | Report

William, Dec 11th, 2011 @ 12:19am
Fail troll is fail. Anyone who wastes that much time arguing is clearly a troll. Glad you like being a virgin. ^_^

300. Re: Re: Re: But Dajaz1 *is* a pirate site, derr

Insightful | Funny | Report

btrussell (profile), Dec 11th, 2011 @ 2:04am
"There are too many to prosecute in this fashion, and that's why a good universal law like SOPA needs to be established and precedents built up and practices established so we can move through these cases more quickly and more effectively."

Too many to prosecute?

Maybe there is something wrong with the law and it is what needs to be changed.

301. Re: Re: Re: But Dajaz1 *is* a pirate site, derr

Insightful | Funny | Report

btrussell (profile), Dec 11th, 2011 @ 2:12am
"If you upload lots of youtubes that are pirated and then create a giant links site with hundreds of links to lead people to that stolen property, of course you are complicit in piracy yourself."

'lots of youtubes" "giant link site" "hundreds" "stolen property"

WTF are you talking about?

302. Re: Re: Re: techflaws.org (profile), Dec 11th, 2011 @ 3:20am

You aptly described the SOPA policy makers and its supporters. Way to go!

303. Feds Falsely Censor Popular Blog

Insightful | Funny | Report

Knot Jammin, Jr., Dec 11th, 2011 @ 5:58am
Sometimes I feel like I’m in Concord a little over 200 years ago. When does the itch turn into a twitch?

304. I went through something like that

Insightful | Funny | Report

Claire Solt, Dec 11th, 2011 @ 6:58am
Redistribution may sound like a great idea until it happens to someone you love. Glowing green eyes of envy by the politically connected use law enforcement tools to eliminate competition. It happens often (about 12 times a month, I was told) is a violation of the 4th amendment, but the ACLU doesn’t get involved because there are too many case. WE got a jury verdict that what the cops did was unconstitutional, but the jury declined to award any money for damages, even though 40 people lost their lives.

305. Re: Re: Re: But Dajaz1 *is* a pirate site, derr

Insightful | Funny | Report

Anonymous Coward, Dec 11th, 2011 @ 7:11am
Actually there are no "youtubes" let alone music files "uploaded to this site". In fact it’s been stated the site doesn’t host content at all, they called it a "linking site."

Having said that, there are 4 such cases involving 5 domain names. Of those 4 cases the only one has gone into
Furthermore if you took the time to actually pay attention let alone click on those pretty blue links you would see that one of the songs listed on the affidavit was sent to the site owner directly by Busta Rhymes.

You cannot look at the site and clearly see obvious infringement based solely on the fact that you do not know the conversations, communications or requests that occurred behind the scenes with the operator of the website and the content owners and artists. All you can do is assume and well you know what they say about assuming making an ass out of you.

The police didn't give the site back because there were too many cases, there are 4 cases. Are you insinuating that the DOJ is not capable of fighting more than one case at a time because there is only one case that is known to have reached judicial proceedings out of the four and it was dropped because they couldn't even get that one right.

Windmill away sweetheart, stomp your feet, scream and yell like a toddler who just got his shiny new toy taken away. It won't change reality, it just makes you look stupid.
office and it doesn't matter what title they hold they are trespassers. The website should have sued the INDIVIDUALS in their private capacity (not official capacity) from the get go. These are rogue agents.

312. **Re:**

![Anonymous Coward](Dec 11th, 2011 @ 4:28pm)

The individual agents would be protected by immunity unless very narrow criteria could be met.

313. **Re: Re: Great News**

![nasch](profile)

But the case actually shows why we need SOPA to restore the rule of law in this area and prevent the adjudication of cases one by one on a variety of principles like this so that technicalities stall them.

Translation: This is why we need SOPA to restore our control and allow us to skip due process so it doesn’t take so long to shut down sites we don’t like.

314. **Re: Re: Re: But Dajaz1 *is* a pirate site, derr**

![nasch](profile)

Actually we don’t even know if there are court papers. It seems more likely the government never even filed any motions and is just lying about it, but there is no way to tell.

315. **Re: Re: But Dajaz1 *is* a pirate site, derr**

![Anonymous Coward](Dec 11th, 2011 @ 5:18pm)

The exact nature of the site? You cannot honestly call this a pirate site without a court to say that the material is infringing, so I do not see where you come off telling everyone what the ‘true nature of the site’ actually is. You cannot know without a judge telling you.

316. **Re:**

![Anonymous Coward](Dec 11th, 2011 @ 6:28pm)

Frankly, I am not inclined to form an opinion on the basis of unsubstantiated/unattributed hearsay.

317. **Re: Sourcing**

![Anonymous Coward](Dec 11th, 2011 @ 6:30pm)

Equally terrifying and troubling is that so many in response to your comment are inclined to accept assertions of fact completely at face value.

318. **Re:**

![Anonymous Coward](Dec 11th, 2011 @ 10:20pm)

I would step up and offer myself for it. At this point in my life I’ve little to lose and a lot to gain.

319. **Re: Re: Re:**

![Anonymous Coward](Dec 12th, 2011 @ 12:28am)

Dajaz1.com is sure pissed.

American Censorship Day
Stop Censorship
daring to file a forfeiture proceeding and without daring to reveal its repeated delays in meeting the forfeiture deadline set by law.

Now, after a year of suppression and censorship, it is back

Right now, senators are considering a bill to censor the web. Sites you use every day could be blocked if it passes

Call now to stop censorship

Take 3 minutes to save the web. Call your representative.

---

320. Re: Re: Re: But Dajaz1 *is* a pirate site, derr

---

321. scratch a little

---

322. Re: Re: Re: Re: Re:

---

323. Re: Re: Re: Re: Re: Re:

---

324. Re: Re: Re: But Dajaz1 *is* a pirate site, derr

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---
Anonymous Coward, Dec 12th, 2011 @ 10:10am

Nope, still don't see any actual infringement on the part of Dajaz1.

[ reply to this ] [ link to this ] [ view in thread ]

Anonymous Coward, Dec 12th, 2011 @ 10:12am

[Citation needed]

Seems to me you're making this up. Point to one case that supports your position.

[ reply to this ] [ link to this ] [ view in thread ]

Anonymous Coward, Dec 12th, 2011 @ 10:24am

THIS argument again? This tired, and thoroughly incorrect, argument keeps being brought up. In the US, the courts have already ruled that it is copyright infringement, and not theft. Also, no one has yet proven any lost of income from pirated material. Conversely it has been proven that many pirates are, by and large, the artists' biggest fans AND the largest purchasers of entertainment material.

[ reply to this ] [ link to this ] [ view in thread ]

kenney (profile), Dec 12th, 2011 @ 3:38pm

Prokofy. While it is understandable one would use so much verbiage; I just don't understand why one would go to such lengths to avoid the point. To wit: even though there maybe millions of violators, each and everyone is entitled to "due process" under the Constitution Of The United States. That is not the most important point. It is the only point. Get it?

[ reply to this ] [ link to this ] [ view in thread ]

Fred, Dec 12th, 2011 @ 5:19pm

Make no mistake about it. The government wants complete control of it's citizens. They are the power, and they do abuse it.They are criminals from osama on down. They have the czars, getting healthy paychecks for doing not a thing. you have the government selling arms to the narco-terrorists, you see they are trying push aside the first and second amendments. Sounds like Hitler, who killed 9 million people and Stalin that killed 20 million of his own citizens. Both Stalin and osama call themselves socialist.

[ reply to this ] [ link to this ] [ view in thread ]

Reality, Dec 12th, 2011 @ 7:10pm

Sorry Catherine - you know jack and shit on this. Go reread the article, pay close attention and make sure to relearn how the internet in general works before typing up a single response more.

[ reply to this ] [ link to this ] [ view in thread ]

James Galard, Dec 12th, 2011 @ 11:56pm

WHO is that JUDGE?????

[ reply to this ] [ link to this ] [ view in thread ]

CodeBunny, Dec 12th, 2011 @ 6:57am

I can tell you spent a lot of time searching out the detail, and putting together the timeline. The analysis of the events was great also.
LOL call me paranoid, but I didn't put my real name on this comment, because I don't want to be on the receiving end of any enforcement actions, again.

[ reply to this | link to this | view in thread ]

333. Re: Gotta wonder...

ImJustaRegularJoe, Dec 13th, 2011 @ 9:09am

They ARE liable for actions under "color of law" and those denying due process. The holders of the domains need to sue the grubberment for 4th amendment violations and well as each individual personally for due process violations.

Fun part? Try paying for the trial(s) or even getting a court to hear your case. The grubberment is so corrupt at this point it's almost time to move someplace where your 'protection money' (sic taxes) actually gets you some protection.

[ reply to this | link to this | view in thread ]

334. Censorship

Dan, Dec 13th, 2011 @ 3:09pm

My website is a politically related blog. Someone hacked into my site (was a secure privately-owned server on site at the STL Post Dispatch) and dropped an ebay spoof page on it. I never suspected it. After I was getting notices of 'terms of service and/or content violation' from my ISP when I included links to my site, I started investigating and found the offending page on my server in a locked directory. It was utter hell to get it removed - but the story doesn't end there. Now, because of the hacker's nefarious deed, my website is inaccessible by anyone with spyware, baracuda networks, etc and even after numerous attempts to shed light on the wrong to google, yahoo, black site listings, etc, my site is still on the 'black list' - over a year later. My url is useless because of this. The only thing I wonder is why these dumb sobs at ICE and Justice even bothered to make a formal filing with these folks (if they even did) - all they had to do was hack the site, it would've been gone soon enough.

[ reply to this | link to this | view in thread ]

335. Question: What is ICE?

John, Dec 13th, 2011 @ 5:50pm

The article mentions an organization with the acronym "ICE" several times. For the benefit of me and other newbies, what is 'ICE'?

[ reply to this | link to this | view in thread ]

336. Re: Question: What is ICE?

nash (profile), Dec 13th, 2011 @ 6:16pm

Immigration and Customs Enforcement. Used to be INS. And no, it makes no sense that ICE would have anything to do with copyright infringement.

[ reply to this | link to this | view in thread ]

337. Re: Re: Question: What is ICE?

btrussell (profile), Dec 13th, 2011 @ 7:47pm

And here I thought it was something to use for the chilling effect!

[ reply to this | link to this | view in thread ]

338. It seems like this was a test by the DOJ

Ron Hinchley, Dec 14th, 2011 @ 1:39am

This is an unimaginable power to censor. It's kind of creepy in a big way. Are they creating precedents for future behavior? Add to this the current defense appropriations bill allows military to arrest and hold people with allowing access to the courts. I cannot imagine this in My America. Why is the Government garnishing all these new powers?

[ reply to this | link to this | view in thread ]

339. Re: Re:

Mike Masnick (profile), Dec 14th, 2011 @ 3:16am

Frankly, I am not inclined to form an opinion on the basis of unsubstantiated/unattributed hearsay.
If you can't form an opinion after that, you've got a problem.

---

Re: Re: Gotta wonder…

John Decker, Dec 14th, 2011 @ 5:43pm
paraphrasing, dude! look into it. it makes your text readable.

---

Re: What is the penalty for violating the Constitution?

Nathanael, Dec 19th, 2011 @ 6:57pm
The crime is "depriving someone of their civil rights", and you can look up the penalties (25 to life) -- but of course it means nothing if the DOJ refuses to prosecute, because the US doesn't have private prosecutions.

The US has structurally eliminated everything which would allow for justice at the federal level. It's time to replace it with a system which is actually just.

---

Re: Re: Question: What is ICE?

Anonymous Coward, Jan 8th, 2012 @ 7:25pm
Now it stands for Internet Censorship and Exclusion.

---

Re: Gotta wonder…

Gonzo, Jan 17th, 2012 @ 12:29pm
Technically, they should be liable, however, not in such a straightforward manner. The actual charges would read something to the effect of obstruction of justice, perjury, and a string of large words that amount to the specifics of how they falsified whatever allowed them to keep court documents secret for a non-security purpose. Unfortunately, the proceedings for such a trial are difficult and uncommon, and would need to be initiated by the owners of these sites, who have probably exhausted much of their capital in a year-long fight with no revenue stream.

---

Re: Sourcing

Matt, Jan 17th, 2012 @ 6:51pm
There is a clip of c span about this. im sure if you search for it on youtube or google you will find it.

---

Re: Sourcing

Matt, Jan 17th, 2012 @ 6:51pm
There is a clip of c span about this. im sure if you search for it on youtube or google you will find it.

---

THE FEDS!

CDUDE420, Jan 18th, 2012 @ 9:28am
THE FEDS SEEM TO FORGET THIS IS OUR COUNTRY. NOT THEIRS! PROTECTED UNDER THE CONSTITUTION WE HAVE THE RIGHT TO RUN OUR OWN COUNTRY IF WE FEEL IT IS NOT BEING DONE TO STANDARD. FOLKS THIS IS NOT STANDARD. KEEP IT UP BOYS WE WILL HANG YOU FROM A TREE BY YOUR TOES. WE ARE THE 99.99% WE HAVE A VOICE, HEAR IT!!!

---

Re:lucid renegade Raising Visibility

Sad, Jan 18th, 2012 @ 12:23pm
Send to Ron Paul or the Daily Paul.com. Dr Paul is huge on stopping this type of monkey business and making govt follow the constitution and bill of rights including due process.

---
Anykey Skovorodker, Jan 18th, 2012 @ 12:29pm

Do you have the government ready to replace the one currently in charge? If not -- they're 15. If you do -- why don't you try to get them in power legitimately? Use of force is the last resort, not the first.

[ reply to this ] [ link to this ] [ view in thread ]

349. Re: Re: Gotta wonder...

Anykey Skovorodker, Jan 18th, 2012 @ 12:40pm

The only thing that can make you think you get justice -- is if you fight for it, not wait until someone gives it to you. The government is given power under certain rules. Called laws and constitution. If the government does not behave and starts bending and breaking the rules it is up to people to put it back in line. Or replace it altogether. If you don't react, then the government will think that you are perfectly OK with what they are doing.

[ reply to this ] [ link to this ] [ view in thread ]

350. The whole law system is a joke and a system of extortion

Vlad Tudorie, Jan 19th, 2012 @ 1:19am

The whole system is flawed, corrupt, and based on false premises. People who actually want to understand and stop taking the government's bull**** should read this, in full:

http://www.freedomfiles.org/extortion.pdf

[ reply to this ] [ link to this ] [ view in thread ]

351. Re:

Izzy Wildheart, Jan 19th, 2012 @ 9:49am

....and this is before the Indefinite Detention Bill was signed.........

[ reply to this ] [ link to this ] [ view in thread ]

352. John Smith, Jan 20th, 2012 @ 7:23am

Put the gov't employees responsible to death & same for the court judges.

[ reply to this ] [ link to this ] [ view in thread ]

353. Mekhong Kurt (profile), Jan 24th, 2012 @ 6:42pm

I just shared this on my Facebook Wall, with this comment:

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I keep getting contradicted in comments sections on news stories about the pending SOPA (Stop Online Piracy Act) in the U.S. House of Representatives and the companion pending PIPA (Protect Internet Property Act) over in the U.S. Senate, but this story clearly shows why those telling me I'm an idiot -- and who imply I'm at best disloyal to my country -- to worry and should just trust the government to "get it right." Yeah, sure. In the story below, all this crap happened that SOPA and PIPA would enshrine in law if passed (and signed by the President, of course). And guess what? -- it happened over Thanksgiving weekend in "2010." If existing laws THEN allowed this trash to happen, then why in hell do we NEED SOPA or PIPA, or whatever monstrosity comes out of a House-Senate Resolution Committee???

And why do we have such laws anyway? I don't see how anyone can possibly argue they pass Constitutional muster -- read the 4th, 5th, and 14th Amendments, for starters.

I wrote my Senators and Representative about these proposals, telling them I completely oppose them in ANY form. Got a tinned response from one Senator that completely ignored what I had e-mailed her and made it clear -- but implicitly, not explicitly; she's clever -- that she thinks this kind of abuse of the American citizenry is hunky-dory. So, I wrote her back and told her it's a damned good thing she's retiring, as far as I'm concerned, because not only would I not vote for her again (as I have before) were she to vote for it, but I would do whatever tiny little bit I could do from nearly 9,000 miles away to campaign against her. As I will tell my other Senator and Representative should they respond similarly, as I fully expect them to do, if they bother to respond at all. And they ARE up for re-election, and standing.

This story makes a joke of the American concept of freedom and of our faith in our Constitution.

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I'm no lawyer or Constitutional scholar, but I CAN read, and this crap violates the Constitution numerous ways. Plain and simple.

Imagine if a policeman shot and killed someone with dubious cause then said, "Don't worry -- trust me." THEN the court bought that "defense."
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From the Techdirt Archive...

Professional Unions And The Labor Struggles Of The 21st Century
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An Economic Explanation For Why DRM Cannot Open Up New Business Model Opportunities
Perhaps It’s Not The Entertainment Industry’s Business Model That’s Outdated
Saying You Can’t Compete With Free Is Saying You Can’t Compete Period
Why I Hope The RIAA Succeeds

6.8 French Court Fails Digital Economics; Claims Free Google Maps Is Illegal
6.6 Sony Music Raised Prices On Whitney Houston’s Music... Less Than 30 Minutes After She Died
6.3 Why Music Is Not A Product & Three Reasons Why That’s A Good Thing
6.0 Disney And Warner Bros. Prepare To Fight Over Who Owns The Public Domain Wizard Of Oz
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