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**I STARTED A JOKE
TEXT, COTEXT, CONTEXT:
THE ROUGE RENDERING OF “PIRACY”
AS A VEXED LEGAL CONSTRUCT OVER TIME AND PLACE**

Keywords: *piracy, law (maritime, broadcasting, commercial), free speech, licensing, intellectual property*

Abstract. *In the “co-text-ed” areas of maritime law, broadcasting law and commercial trade law, the word of “piracy” has been “overdetermined” by a number of varied historical, political, economic and social forces, both national and international. The proposed presentation and paper will seek to untangle the individual “determining” factors “context-ing” this rouge word, hoping to distinguish the proper sphere of state control of illegal activities with obvious ill consequences (such as in the regulation of false-label trade goods) from the improper control of free speech social and political rights, via the bothersome constructs of “licensing” and “intellectual property” (as in the restricting of the dissemination of cultural, “intangible” goods), terms both at odds with the ultimate goals of an open society.*

The problem with the word piracy is that it is an absurdity. It is a ludicrous word because it results in incongruity: it has the quality of being unable to exist or work in congenial combination with sound logic. Succinctly put, the word piracy has acquired contradictory meanings. Without further explanation the word piracy means so many things, that it means nothing at all: it simply fails to communicate a meaning. Adding a prefix or a suffix to this word does not make matters any better.

WHAT IS PIRACY?

To engage in an act of piracy could mean that someone has stolen your ship, your airplane, your house, your money, your car, your music, your manuscript, your vote, your government, your partner, your father, your mother, your son, your daughter, your identity, or even your life. These can all be classified in one way or another as acts of piracy. At first they sound like acts of theft but they are not. But why is piracy good for business, good for society and good for you, while at the same time it is bad for business,

bad for society and bad for you? Why are some acts of piracy viewed as good, and some acts of piracy viewed as bad, and why are some acts of piracy legal, and why are some acts of piracy classified as illegal? Why do the answers depend upon who you are and where you are in the piratical chain, as to whether piracy is good or bad? In short: how can an interpretation of piracy be both good and bad at the same time?

PIRACY IS A JOKE

The anthem of piracy could be a Bee Gees song from 1968: *I started a joke*. You might respond to piracy with tears, but cause others to laugh.¹ One example, of a penny's worth of pirate thought dropping in a very serious situation, occurred when the 67th U.S. Secretary of State Hillary Clinton was caught momentarily off guard, and had to suddenly excuse herself from a press conference. She began to laugh while discussing today's Somali pirates.² These are the guys who take ships, cargos, hostages, and human lives. So what is so funny about that? For Hillary there was suddenly a click, and a clash. You could see the penny drop³ when she was subconsciously reminded of the Barbary pirates who had been a bane of President Thomas Jefferson.⁴ Hillary put the two events together in her mind while she was speaking, and she then realized that she was claiming the ability to solve a problem that reached back to the founding of the USA. That little thought resulted in an autonomic burst of uncontrolled laughter, while she was trying to be deadly serious. But it was more than just the longevity of the problem that amused her; it was the subject of piracy itself.

At that moment in time Secretary Clinton might have also retrieved another thought from her memory bank regarding piracy, when satirist Dave Berry⁵ thought that the idea of piracy was so funny, that he helped to promote the annual *International Talk like a Pirate Day*⁶. Now Secretary Clinton was talking about pirates while trying not to be funny by talking like a pirate.

But just like the Bee Gees song, if the word piracy induces mirth in some, it has the opposite effect upon others. When a flotilla of ships attempted to run a blockade into Gaza on May 31, 2010, it resulted in the deaths of nine peace activists after the Israeli

¹ "I started to cry which started the whole world laughing, oh, if I'd only seen that the joke was on me." Lyrics and song: *I started a joke*, originally written and performed by the Bee Gees; December 1968.

² Read Online about the rescue of British and Irish anti-piracy experts at: <http://www.timesonline.co.uk/tol/news/world/africa/article5253731.ece>

³ Watch this moment Online at: <http://www.youtube.com/watch?v=Mt7d7LD0rvU&NR=1>

⁴ Watch a brief video Online at: <http://www.youtube.com/watch?v=F2jig2WLkao>

⁵ Watch Dave Berry answer the question: "What is the worst note that you have received from an editor, at: <http://www.youtube.com/watch?v=VyoNwkXhHKc&feature=related>

⁶ See Online at: <http://www.telegraph.co.uk/news/uknews/1563570/Arghhh-its-Talk-Like-a-Pirate-Day.html>

Armed Forces had challenged them. Their supporters shouted “piracy!”⁷ For a variety of reasons no one laughed, but more than a few cried. But who were the pirates?

Were they the peace activists following the sea paths of Rum Runners who illegally landed cargo ashore, or were they the armed forces who had been told to defend the land from pirates? But if a pirate is a buccaneer “who robs at sea or plunders the land from the sea without having a commission from any sovereign nation,”⁸ then how would that apply to a sovereign Navy attempting to defend a coastline? But that is not the only definition of piracy.

Pirates also hijack aircraft, ships and automobiles, and their actions can result in kidnapping, theft and death. Because the definition of piracy also includes someone who freeboots the words of another, it would be interesting to know how Dave Berry would respond if he read a pirated version of his own work. Would he laugh? Or would he cry: “lawsuit!”

PIRACY IS ENTERTAINMENT

While the subject of piracy can trigger intentional mirth when egged on by Dave Berry, it can also stimulate a reflex action causing involuntarily laughter, as Hillary Clinton discovered, or the tears of sorrow that the peace activists experienced. The reason for this contradiction is easy enough to explain: piracy is a word that has taken on an Orwellian INGSOC⁹ definition because the human mind has been programmed to hold simultaneous contradictory interpretations. Both the positive and negative interpretations of piracy are true, but usually only one of them will be drawn from memory. When both are drawn to recall at the same time in an inappropriate setting, this ‘doppelgänger of thought’¹⁰ can trigger an embarrassingly nervous display of spontaneous laughter resulting from an internal confrontation taking place within the human mind.

It’s not that there is a dearth of information about the real pirates of history, because their names and their deeds are well preserved.¹¹ In some instances, men like Sir Henry Morgan¹² were looked upon with favor by the government of England,¹³ even though his exploits were based upon murder and robbery. That is because his acts of

⁷ “Swedish author says Gaza flotilla attack was a brutal act of piracy” see Online at: http://www.timesonline.co.uk/tol/news/world/middle_east/article7144452.ece and: UN Human Rights Council finding: <http://www.bbc.co.uk/news/world-middle-east-11393836>

⁸ See cited definitions Online at: <http://www.thefreedictionary.com/buccaneer>

⁹ In George Orwell’s dystopic novel *Nineteen Eighty-Four*, Ingsoc is the ideology of the totalitarian government of Oceania. Ingsoc (‘Newspeak’ for English Socialism) ‘rejects and vilifies every principle for which the Socialist movement originally stood, and it does so in the name of Socialism’. Cited Online at: <http://encyclopedia.thefreedictionary.com/INGSOC>

¹⁰ As inspired by double, but contradictory interpretations of a word having practical meaning.

¹¹ See Online at: <http://brethrencoast.com/Bio.html>

¹² See Online at: http://www.achievements.co.uk/articles/henry_morgan.html

¹³ See Online at: <http://www.data-wales.co.uk/morgan.htm>

murder and robbery often worked to the benefit of the British Crown, and that example demonstrates the problem with this entire subject of piracy: it is a total contradiction of both common sense and logical reasoning.

Clearly it is difficult to discuss piracy from the standpoint that it is universally wrong, or that pirates are not the sort of people that we need to uphold as shining examples of the human race, because at the very moment that we are moralizing, we may be embracing piracy as pure entertainment for all ages. For that contradiction we should thank Walt Disney, because he believed that he could turn piracy into something that kids would enjoy, and clearly the entertainment industry agrees with him. They believe that we should hold on to this Orwellian contradiction, because they believe that the subject of piracy is a winning formula for commercial success.

In 2006, just before his death, Walt Disney introduced the character of *Jack Sparrow* for the revamp of his Disneyland theme park ride¹⁴ called *Pirates of the Caribbean*.¹⁵ *Sparrow* also became the hero in a series of children's books called *Pirates of the Caribbean: Jack Sparrow*,¹⁶ which were intended for young readers between nine and twelve years of age. *Sparrow's* character has also appeared in numerous video games.¹⁷

However, the biggest *Sparrow* commercial franchise is at the movies in a series of films called *Pirates of the Caribbean*. They made their screen debut in 2003 with *Pirates of the Caribbean: The Curse of the Black Pearl*. This one picture has so far (September 2010) grossed over \$654,264,015 at box offices worldwide,¹⁸ and that movie has been followed by profitable sequels. According to the Internet Movie Database, the character of *Jack Sparrow* who is played by actor Johnny Depp, came only second in line behind the popularity of *Indiana Jones*, but ahead of *James Bond*, as movie personalities.¹⁹

While the storylines in the children's book series focused upon the teenage years of the fictitious pirate character *Jack Sparrow*, the screenwriters featured *Jack Sparrow* as a pirate captain. Clearly *Pirates of the Caribbean* is being licensed and marketed as a complete tie-in package promotion, with children being identified as a huge slice of that commercial undertaking. Now it should be noted that on Walt Disney's *Pirates of the Caribbean* Internet web site, there is a warning that its content may be inappropriate for children! But what would Walt Disney know? He's dead.

¹⁴ The Disney web site says that content may be inappropriate for children! See Online at: <http://disney.go.com/pirates>

¹⁵ See Online at: [http://en.wikipedia.org/wiki/Pirates_of_the_Caribbean_\(attraction\)](http://en.wikipedia.org/wiki/Pirates_of_the_Caribbean_(attraction))

¹⁶ See Online at: http://en.wikipedia.org/wiki/Pirates_of_the_Caribbean_Jack_Sparrow

¹⁷ See a Playstation offering Online at: <http://www.amazon.co.uk/Pirates-Caribbean-Legend-Jack-Sparrow/dp/B000FGD5II>

¹⁸ Cited Online at: <http://boxofficemojo.com/movies/?id=piratesofthecaribbean.htm>

¹⁹ Cited Online at: <http://www.imdb.com/poll/results/2007-06-03>

We are therefore left with the distinct impression that murder, rape, robbery and torture are exactly the qualities that we should all attempt to impart to the next generation of impressionable minds, and all of this is good for a laugh, with popcorn available at an overly inflated extra charge! *The Los Angeles Times* reported that Johnny Depp based his character portrayal of *Jack Sparrow* upon *Rolling Stones* guitarist Keith Richards.²⁰ But according to the UK's *Daily Mail*:²¹ "the real pirate he is based on would have eaten the skittish *Jack Sparrow* for breakfast and spat out his bones into the deep blue sea." The *Daily Mail* identified Bartholomew Roberts as the real person that the character of *Sparrow* is based upon. Roberts went under the nickname of Black Bart and was the "most successful raider in the history of piracy, he took prisoner an astounding 470 vessels..."

Black Bart retaliated against those who challenged him with torture and death. Sometimes he stripped his victims of their clothing, then he strapped them to his mast in order to let the sun blister their bodies, and finally he mutilated them. He also cut off the ears of sailors who did not follow his orders, and he stole everything that he could both at sea and ashore. Black Bart captured slave ships and ransomed them back to their captains. When one captain refused, Black Bart burned his ship to ashes, along with its cargo of 80 slaves who were being held captive in the ship's hold. The report added that there was no 'golden age' of piracy, because there was "only the base metal of greed, ruthlessness, debauchery and vicious cruelty, which for 60 years or more bedevilled the Western seas." What a wonderful lesson to teach children!

There is no doubt about it, parents love pirates at the movies,²² and they share that enjoyment with their children in books,²³ or the pirate games that they have purchased for their young children to enjoy at home.²⁴ That is, if they are not enjoying 'quality family time' by paying Disneyland for the privilege of visiting a *Pirates of the Caribbean* theme park attraction. But then adult guys drinking beer and eating hot dogs in Pittsburgh, USA, fanatically follow their *Pirates* baseball team at the Ball Park; and pub loving blokes downing a pint of beer²⁵ in Cornwall, UK, love to watch their *Pirates* playing rugby at the local stadium.²⁶

²⁰ Cited Online at: <http://uk.movies.ign.com/articles/425/425848p1.html>

²¹ See Online at: <http://www.dailymail.co.uk/femail/article-457724/The-Real-Jack-Sparrow-He-eaten-Johnny-Depp-breakfast.html>

²² See a list of pirate movies Online at: <http://www.thepirateking.com/movies>

²³ See a list of pirate books Online at: <http://www.thepirateking.com/books/index.htm>

²⁴ See Online at: <http://pirateannie.fateback.com>

²⁵ The traditional British pint of beer is approximately 20% larger than the American pint and a "pint" of beer served in a tavern outside Great Britain and the United States may be a British pint, an American pint, or something different, depending on local laws and customs. See Online at: <http://en.wikipedia.org/wiki/Pint>

²⁶ See Online at: http://pittsburgh.pirates.mlb.com/index.jsp?c_id=pit and: <http://www.cornish-pirates.com>

PIRACY IS THEFT

In addition to all of these pirate attractions there is the popular Internet file-sharing web site *Pirate Bay*,²⁷ which Britain's Ofcom,²⁸ among many, would like to stop because they accuse it of theft. When Google purchased twenty-two months old YouTube²⁹ during 2006 in a \$1.6 billion transaction, it soon ran into a billion dollars lawsuit filed in 2007 by Viacom. YouTube was accused of building its business partly upon video productions that had been pirated from Viacom, and that was only the start of litigation. So far YouTube has managed to fight off domestic legal attacks, and now it has just fought off an attack by the Spanish TV channel Telecinco in a Madrid courtroom. Its attackers keep on appealing, but YouTube keeps on winning. In June 2010, another US judge in another US courtroom ruled against the appeal filed by Viacom in its ongoing lawsuit against YouTube.³⁰ In its defense YouTube claims that it is merely the delivery messenger from cyberspace, and not the sender of that message from Earth.

YouTube thrives because of the protected freedoms that it enjoys under the governance of the United States Constitution. Under provisions of the First Amendment to that document, YouTube is unimpeded by the US Government as it uplinks transmissions for worldwide distribution. Although the Internet developed out of university research projects, it soon became funded by the US government to create a non-localized, redundant means of communication between military, scientific, educational and government entities, should a nuclear strike be launched against the USA. In 1995 funding by the US National Science Foundation ended,³¹ and this technology was opened up to commercial interests, thus making its 'non-localized, redundant means of communication' available worldwide.

While the Internet may be freely available in cyberspace, when it comes to downloading, nations such as China, Iran and North Korea, attempt to block transmissions that they do not want their citizens to receive, and in this endeavor many commercial companies are constantly seeking similar opportunities. What is classified as

²⁷ 'Porn users list is leaked online' – Headline of Metro, the daily newspaper distributed free of charge on public transport in Scotland on September 28, 2010. The front page article reported that: "Thousands of internet customers have had their personal details leaked online alongside a list of pornographic films they are alleged to have downloaded and shared. The full names and addresses of at least 4,000 Sky broadband customers, all accused of illegal file-sharing, were among those published... They were uploaded to popular file-sharing website The Pirate Bay and seen by hundreds of users... The information was held by ACS:Law, which the leaks showed, made more than £630,000 from sending letters to alleged net pirates asking them to pay compensation of hundreds of pounds or face court.... Andrew Crossley, who runs ACS:Law... said... We were the subject of a criminal attack to our systems."

²⁸ See Online at: <http://www.bbc.co.uk/news/10183820>

²⁹ See Online at: http://money.cnn.com/2006/10/09/technology/googleyoutube_deal/index.htm?cnn=yes

³⁰ See Online at: <http://blogs.rnw.nl/medianetwork/youtube-wins-piracy-case-against-spanish-tv-station>

³¹ Drawn from a succinct explanation offered Online at: <http://www.wisegeek.com/what-are-the-origins-of-the-internet.htm>

freedom of expression to one party is theft of material by piracy to another. In this sense it is possible to pirate *Pirates of the Caribbean*. Clearly the word piracy has lost its original meaning, and it has become a contradiction so that what is right is wrong, but what is wrong is right, all at the same time.

Of course the movie industry does not want to encourage piracy of its multi-million dollar productions, and in this endeavor it is supported (to name but one group) by the New Zealand Federation Against Copyright Theft:

When some people hear the word 'copyright', they think of a complicated legal term that doesn't apply to them. Yet, copyrights provide us consumers with a guarantee of quality, the quality that the creator intended.³²

If you take time to listen Online to their actor-spokesperson Temuera Morrison,³³ he will tell you that piracy is theft, and that the motion picture industry may start searching the bags of patrons entering theatres, or even spying on them in theatres, in order to make sure that their paying patrons are not pirates!³⁴

The motion picture industry is not alone in both promoting and condemning the subject of piracy at the same time, because the recording and publishing industries are also closely allied in this endeavor. The legal 'glue' that holds all of their claims together is the joining of the words 'copyright' and 'licensing' under British law, because it provides a means to subjugate, rather than represent the interests of its inhabitants through manipulative control of the media. In the United Kingdom the daily press is allied to political parties, and Parliamentary legislation still restricts its electronic media from open access to political and religious expression.³⁵

PIRACY IS POWER

Paramount to the unique structure of government in the United States of America is its First Amendment to the U.S. Constitution. It mandates that its legislature:

...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.³⁶

³² See Online at: <http://www.stopmoviepiracy.co.nz>

³³ See Online at: <http://www.imdb.com/name/nm0607325>

³⁴ See Online at: <http://www.nzfact.co.nz> and watch Online at: <http://www.nzfact.co.nz/videos/TemVideo.html>

³⁵ In 2010 religious and political broadcasting is still tightly controlled and regulated in the United Kingdom. See Online at:

http://www.crossrhythms.co.uk/articles/life/Why_Christian_Broadcasting_is_Difficult_in_This_Country/7226/p1/ and: http://en.wikipedia.org/wiki/Religious_broadcasting#United_Kingdom_2

³⁶ See Online at: <http://topics.law.cornell.edu/constitution/billofrights>

The reason for that addition, was due to prior experiences of its authors with the structure of power governing the Kingdom of Great Britain (as it was known at that time.) (Gilder and Hagger, *The Pedigree of America* 217-26). Power was centered in the institution of the Crown, but in the new United States of America of 1789 it was transferred back to The People.³⁷

Ideological censorship vested in the Crown, goes back to the invention³⁸ and licensing of the printing press,³⁹ and although Henry VIII declared in 1540 that he was “the only Supreme Head in Earth of the Church of England,” he did not change his ideology. The principle of a list of forbidden books was adopted at the Fifth Lateran Council in 1515, and then confirmed by the Council of Trent in 1546. The first edition of the Index Librorum Prohibitorum by the Holy See dates from 1557,⁴⁰ and these are the ‘spiritual roots’ of press censorship. According to the *Catholic Encyclopedia*,⁴¹ one source of inspiration for the Roman Catholic methodology of ‘indexing’ forbidden books is found in a story about voluntary book burning as told in the *Book of Acts* 19:19:

And many of them who had followed curious arts brought together their books and burnt them before all. And, counting the price of them, they found the money to be fifty thousand pieces of silver.

This tale of a voluntary act involving the disposal of books that individuals did not want, and did not want others to have for fear of their corrupting influence, became a blueprint for a mandatory means of mass censorship control. Today the term ‘book burning’ has become associated with Adolph Hitler’s Nazi Party,⁴² and yet it was the same methodology originally employed by the Holy See.

Closely allied to the burning of texts by both the Church and State was the burning of human beings at the stake. That leap into tyranny was brought about by the deranged ratiocination that just as flames consumed the words of the printed page, so they could also consume thoughts emanating from the brain. It is not too difficult to connect

³⁷ ‘From every view that can be taken of the subject, reasoning on principle, the doctrine of divine or paternal right, as the foundation of a claim, in any one, to the sovereign power of the state, or to any power in it, is utterly absurd.’ Cited: *The People: The Sovereigns*, p.68, by James Monroe (Ex-President of the United States.) Lippincott, Philadelphia.

³⁸ Johann Gutenberg printed his edition of the Bible in 1450.

³⁹ ‘Publication without the imprimatur of the licensing authorities brought the severest hardship and punishment.’ Thayer 8, also: ‘A free press proved “essential unto Freedom” to prevent the nation from being placed in bondage, “for what may not be done to the people who may not speak or write, but at the pleasure of the Licensers.”’ Also: Levy 90.

⁴⁰ Cited Online at: <http://www.fordham.edu/halsall/mod/indexlibrorum.html>

⁴¹ See Online at: <http://www.newadvent.org/cathen/07721a.htm> and

<http://www.newadvent.org/cathen/03519d.htm>

⁴² See Online at: <http://www.usmmm.org/museum/exhibit/focus/kristallnacht/>

the dots from the Church first burning books and then burning heretics at the stake,⁴³ to Nazis burning books⁴⁴ and then cremating Jews at Auschwitz.⁴⁵ In both instances a controlling body in power wanted to eliminate human beings who were capable of disseminating ideas that the power structure disagreed with.⁴⁶ The reasoning of the Holy See was simple: control human thoughts and control human actions. By suppressing unlicensed documents from public view, the seeds of political rebellion against Rome were also removed.⁴⁷

The Holy See attempted to control the emperors, kings, queens, princes and princesses of Europe,⁴⁸ by claiming to be the gateway to God.⁴⁹ Instead of treating the Pope as just another 'Billy Graham' and head of a 'tin pot' micro state, in 2010 he was accorded the prestige of a State visit to the United Kingdom.⁵⁰ No one asked how this was possible, or even why there had ever been a history of Papal States prior to the present Papal territory being reconfigured by Benito Mussolini under the laws of fascist Italy.⁵¹

⁴³ Burning of heretics became official Roman Catholic policy in 1184 after its Synod of Verona, and reaffirmed in 1215 by the Fourth Council of the Lateran in 1229 by its Synod of Toulouse. Those murdered in this way included Joan of Arc in 1431; William Tyndale in 1536; Michael Servetus in 1553, and Thomas Cranmer in 1556.

⁴⁴ See Online at: <http://www.usmmm.org/wlc/en/article.php?ModuleId=10005852>

⁴⁵ See Online at: <http://www.holocaustresearchproject.org/othercamps/auschwitzt.html>

⁴⁶ Nazi examples include Adolph Hitler in *Mein Kampf*; Julius Streicher in *Der Stürmer*; the views of Joseph Goebbels regarding Jews as Reich Minister of Propaganda, and Heinrich Himmler as Reichsführer of the SS whose mother was a devout Roman Catholic: see Online: <http://www.jewishvirtuallibrary.org/jsource/Holocaust/himmler.html>

⁴⁷ See Online at: <http://www.hol.com/~mikesch/ILP-1559.htm>

⁴⁸ This is not to imply that everyone jumped into line and complied with this dictatorship, as the history of the wars within Europe involving the Holy See readily attest.

⁴⁹ Illustrated by the Papal keys, Online at:

http://www.vatican.va/news_services/press/documentazione/documents/sp_ss_scv/insigne/sp_ss_scv_stemma-bandiera-sigillo_en.html

⁵⁰ "The trip is the first to the UK by a Pontiff since John Paul II in 1982. It is also the first to be designated a state visit because the Pope has been invited by the Queen rather than the church." Cited Online at: <http://www.bbc.co.uk/news/uk-11313328>

⁵¹ 'Vatican and Italy sign pact recreating a Papal State: 60 years of enmity ended; Throngs cheer in streets. Acclaim Gasparri and Mussolini, Signers of Three Agreements.' By Arnaldo Cortesi. 'Wireless to The New York Times. Rome, Feb. 11.--The Pope is again an independent sovereign ruler, as he was throughout the Middle Ages, though his temporal realm, established today, is the most microscopic independent State in the world, and probably the smallest in all history.' Tuesday, February 12, 1929. Also: 'Mussolini and Gasparri sign historic Roman pact.' – p.1 (San Francisco Chronicle) Text of Lateran Treaty on Vatican web site Online at: http://www.vatican.va/roman_curia/secretariat_state/archivio/documents/rc_seg-st_19290211_patti-lateranensi_it.html. Also Online, a Pathe newsreel of Benito Mussolini visiting the Pope on the third anniversary of the Lateran Treaty, at: <http://www.blinkx.com/watch-video/mussolini-meets-pope-pius-xi-on-the-third-anniversary-of-the-signing-of-the-lateran-treaty-in-rome-italy/N0iHTVw5b9t66P3K8zEzAA>

Even though the Holy See was ultimately the motivation for the creation of major universities⁵² which produced political leadership, the Holy See had documents that it wanted to conceal from scrutiny. But for those who have taken the time to look, they find that the Holy See no longer hides the origins of its bogus temporal authority.⁵³ Its political charade began with fraudulent claims derived from the bogus *Donation of Constantine* when Emperor Constantine, was alleged to have given the western half of the Roman Empire to Pope Sylvester I. This mythology lasted for centuries,⁵⁴ and even after its exposure, it was still being claimed by some, which led John Calvin to debunk it again in his *Institutes*.⁵⁵

Long before these facts became known, both the kingdoms of England and Scotland had recognized this supposed superior claim of political power by the Holy See,⁵⁶ and when Henry VIII broke with Rome, he claimed that portion of those supreme powers as they related to his Crown.⁵⁷ From Henry VIII this counterfeit claim to power was transferred through his successors to the English Republic under Oliver Cromwell, after which it was transferred back to the Crown, and that is where sovereignty resides to this present day.⁵⁸

⁵² See Online at: <http://www.newadvent.org/cathen/15188a.htm>

⁵³ See Online: <http://www.jstor.org/pss/2857015> and http://asv.vatican.va/en/visit/p_nob/p_nob_1s_03.htm

⁵⁴ See Online: <http://www.guardian.co.uk/books/2001/nov/15/news>

⁵⁵ Book 4, Chapter 11:11: "At length the Roman Pontiff, not content with moderate districts, laid hands first on kingdoms, and thereafter on empire. And that he may on some pretext or other retain possession, secured by mere robbery, he boasts at one time that he holds it by divine right, at another, he pretends a donation from Constantine, at another, some different title." Read Online at: <http://www.ucla.edu/~ras2777/relpol/calvin.htm>

⁵⁶ See the 1320 Declaration of Arbroath in which Scotland appeals to the Pope as the Overseer of both the kingdoms of England and Scotland, Online at: http://www.geo.ed.ac.uk/home/scotland/arbroath_english.html

⁵⁷ Too much attention is paid to the power that Henry VIII claimed over the independent English (Catholic) Church, and not enough to the independent political power that he claimed after the break his Rome.

⁵⁸ Although this subject is bounced around in a convoluted manner over the question of whether the United Kingdom does, or does not have a written constitution, and where sovereignty resides, it is a matter that can be clarified relatively easily. The smoke and mirrors of obfuscation that are dragged into play by some in support of the present arrangement, only cloud the picture:

The claim that the UK has a written constitution is based upon an interpretation that all of the documents that reach back to the time of the 1215 Magna Carta and possibly earlier, all constitute a 'written constitution'.

It is claimed that these documents created a 'constitutional monarchy' that is currently occupied by Queen Elizabeth II. The monarch represents the institution of the Crown which holds the sovereignty of the nation called the United Kingdom.

Parliament claims that the institution of the Crown is now under its control (called the 'Crown in Parliament'): 'Parliamentary sovereignty ... (is) the supreme legal authority in the UK, which can create or end any law. Generally, the courts cannot overrule its legislation and no Parliament can pass

By the seventeenth century, with power concentrated in the sovereignty of the Crown, its censors had forced all of the printers and publishers to seek licenses from a regulatory monopoly.⁵⁹ ‘Freeborn John’ Lilburne (c.1614-1657) refused to

laws that future Parliaments cannot change.’ Cited Online from: <http://www.parliament.uk/about/how/sovereignty>

Nevertheless, regardless of who claims control of the Crown it still represents the sovereignty of the nation. Because the monarchy used to have 100% control of the Crown which claimed Royal Prerogative over the nation, it is these ‘Prerogatives’ which are now for the most part residing with Parliament. However, some still reside with the monarchy, or in this instance: Queen Elizabeth II.

According to former Labour Member of Parliament Tony Benn in 1988 (*Out of the Wilderness: Diaries 1963-7*. Arrow. Introduction. ISBN 978-0099586708): he was led ‘to the conclusion that the UK is only superficially governed by MPs and the voters who elect them. Parliamentary democracy is, in truth, little more than a means of securing a periodical change in the management team, which is then allowed to preside over a system that remains in essence intact. If the British people were ever to ask themselves what power they truly enjoyed under our political system they would be amazed to discover how little it is...’

This view is confirmed in a report published by The Guardian newspaper that Parliamentary ‘ministers exercise arbitrary power: The Royal Prerogative has been diminished but the authority has not been passed on to our representatives in the legislature.’ Cited Online at: <http://www.guardian.co.uk/uk/2000/dec/06/monarchy.comment4>

Actual power in 2010 is held by a select body of people who are sworn to secrecy as Privy Councillors. They are often drawn from MPs in office who use the ancient powers of the Royal Prerogative to create Orders in Council which are then signed as a mere formality by the Queen, but which can and do supersede Acts of Parliament, or achieve Acts that Parliamentary debate of Bills could not achieve.

There many examples of this power being exercised in the last 50 years: from redrawing and expanding UK territorial waters to bring international entities under existing UK law; to imposing law upon the Isle of Man by overriding its Legislature (Estuary Radio Ltd in 1966 and Radio Caroline North in 1967, see Gilder: *Mass Media Moments*); to taking a coral atoll in the Indian Ocean and then evicting inhabitants for military purposes. (Chagos Archipelago in 2004. See Online: <http://www.telegraph.co.uk/news/uknews/4200066/Britain-shamed-as-exiles-of-the-Chagos-Islands-win-the-right-to-go-home.html> On appeal: The judges ruled that orders in council were not immune to judicial scrutiny because, although they derived from the residual powers vested in the monarch, they were in reality the creation of ministers. They declared: “The decision was in reality that of the Foreign Secretary, not of Her Majesty, and is subject to challenge by way of judicial review in the ordinary way.” See Online at: <http://news.bbc.co.uk/1/hi/uk/7683726.stm>. This ruling was then appealed again to the House of Lords which upheld the original Order in Council.)

Consequently a republican movement now exists and both former Deputy Leader of the Labour Party Roy Hattersley, and former Labour Government Postmaster General Tony Benn are members. Both want to abolish the monarchy, but neither one is campaigning for a Constitution that is written by and for and in the name of The People that is based upon a similar structure to the Constitution of the USA. Hattersley told Hagger [on a CSPAN telecast rebroadcast by 4FWS in 1985], that it would be impossible to impose a written constitution upon the British system under its present arrangement, because it could be overridden at any time. The institution of the Crown would have to be removed and sovereignty transferred to The People.

⁵⁹ The Worshipful Company of Stationers and Newspaper Makers: also known as the Stationers’ Company. It was chartered in 1556 “to prevent the propagation of the reformed religion. See: Copinger, *The Law of Copyright*. (3d ed. 1893) pp.19-20.” Cited as footnote, page 14 of *The International Protection of Literary and Artistic Property* by Stephen P. Ladas., MacMillan, NY, 1938.

cooperate when he introduced unlicensed books into England. (Gregg: 52) Using the same media applications of today, he would have been branded as a pirate publisher. The arrest of John Lilburne began a series of events that the late U.S. Supreme Court Justice Hugo L. Black credited as inspiration for the US Constitution.⁶⁰ (Gilder and Hagger *The Pedigree of America* 217-26).

But in London, Parliaments which arose by authority of the Crown merely continued their traditional censorship of printed words written by authors, who dared to criticize a system built upon pirating freeborn rights.

By 1848 this enforcement was embodied within the British Treason Felony Act⁶¹ which stated that:

If any person whatsoever shall, within the United Kingdom or without, compass, imagine, invent, devise or to deprive or depose our Most Gracious Lady the Queen, ...from the style, honour, or royal name of the imperial crown of the United Kingdom... such compassings, imaginations, inventions, devices, or intentions, or any of them, shall express... by publishing any printing or writing, ...every person so offending shall be guilty of felony, and being convicted thereof shall be... transported beyond the seas for the term of his or her natural life.'

Because portions of this law are still on the books, it was challenged by *The Guardian* newspaper in 2003, but the issue was never addressed by the courts because they held that it was a hypothetical issue.⁶² In 2010, Queen Elizabeth II still represents the Crown which still sits in place of a written constitution authored by, for and in the name of The People. Her Parliament is also built upon a historically shaky foundation, because its body includes members from 'rotten' constituencies⁶³ which lost populations, but retained their right to representation. This issue surfaced as a major factor in the 2010 British General Election.⁶⁴ But just because such representation may be unethical, it does not mean that it is unlawful. Sir Henry Morgan can attest to that, because most of his actions as a pirate were authorized by the Crown.

On January 4, 1912, *The New York Times* reported: "England Hits Play Pirates. New Copyright Law provides for imprisonment, as here." (14, col. 3) Prior to the introduction of the new copyright law on July 1, 1912, copyright infringement was a civil matter. The new law made it a criminal offence. It also protected "...musical compositions from mechanical reproduction without the consent of the owner of the copyright, and a royalty is fixed by statute, as in the United States." Now the word pirate had also become tied to the word copyright, but it also became tied to the word obscenity

⁶⁰ The original first ten amendments

⁶¹ See Online at: <http://www.statutelaw.gov.uk/content.aspx?activeTextDocId=1038452>

⁶² See Online at: <http://www.guardian.co.uk/media/2003/jun/26/pressandpublishing.themonarchy>

⁶³ Watch BBC report Online at: http://news.bbc.co.uk/1/hi/programmes/the_daily_politics/8036393.stm

⁶⁴ See Online at: <http://www.electoral-reform.org.uk/>

as a result of *The Lady Chatterley's Lover Case* being raised at the House of Lords on December 14, 1960.⁶⁵

Lord Teviot rose to draw the attention of Her Majesty's Government to the verdict of the court in regard to the book entitled *Lady Chatterley's Lover*; to ask Her Majesty's Government whether they will take such steps as are possible to ban for all time writings of this nature.

This debate did not confine itself as to whether or not *Lady Chatterley's Lover* contravened the Obscene Publications Act of 1959,⁶⁶ but Lord Shackleton introduced additional topics regarding the writings of D.H. Lawrence; the "bawdy in Shakespeare... parts of the Bible... might be held by some to have a tendency to corrupt and deprave," to which Lord Amwell responded cryptically: "And the cinema." Lord Shackleton then raised the topic of blatant censorship:

Does the noble Lord now wish to... ban a book like Dr. Zhivago, which has certainly been a subject of considerable comment in the West because it is not available freely behind the Iron Curtain?

Then Lord Teviot refocused the debate upon the BBC:

I still adhere to my view that matters of international and national importance which are the responsibility of Ministers and the Government should not be exploited and advertised by the British Broadcasting Corporation... without the permission of the Government and those responsible.

All of these actions related to the stealing of individual freeborn rights, and then giving these stolen rights to a few people who set themselves up to be the arbiters of life for all of humanity. From these little arbiters, or pirates-in-deed, come the wars to see who will become 'Arbiter in Chief'.⁶⁷ But the word pirate should also be tied to the mythological actions of Robin Hood in Sherwood Forest. His character seems to have been contrived from a variety of stories about real people in which he robbed, stole and appropriated "from the rich to give to the poor."⁶⁸ While this fantasy theme may sell

⁶⁵ See Online at: <http://hansard.millbanksystems.com/lords/1960/dec/14/the-lady-chatterleys-lover-case>

⁶⁶ See Online at: <http://hansard.millbanksystems.com/acts/obscene-publications-act-1959>

⁶⁷ "He proposes that a declaration of war should be a kind of popular festival with entrance-tickets and bands, like a bull fight. Then in the arena the ministers and generals of the two countries, dressed in bathing-drawers and armed with clubs, can have it out among themselves. Whoever survives, his country wins. - Erich Maria Remarque, *All Quiet On The Western Front*, Translated from the German by A. W. When Fawcett Crest. Available Online at: <http://www.keepandshare.com/doc/1220332/all-quiet-on-the-western-front-remarque-431k?da=y>

⁶⁸ See and hear Online a discussion by the BBC about the origins of the Robin Hood story at: <http://www.bbc.co.uk/programmes/p005492h>

theatre tickets as an example of a 'good pirate',⁶⁹ actual attempts to use piratical power to redistribute wealth seem to end in disaster. The Soviet Union is one example and Robert Mugabe of Zimbabwe is another. Mugabe turned himself into a bad pirate after stealing the 2008 election for himself and his friends.⁷⁰ But that charge has also been leveled at the current government of Afghanistan.

POLITICS BY PIRACY

Because the British Crown already controlled the Royal Mail through its General Post Office, it deemed that the invention of the electric telegraph was an extension of the functions of the Post Office, so it took that over as well. It acquired those powers under the 1869 *Telegraph Act*, which "gave the Postmaster-General the exclusive privilege of transmitting telegrams within the United Kingdom." One year later the General Post Office took over the telegraph system itself. By following this same line of reasoning the GPO was able to get Parliament to pass 1904 *Wireless Telegraphy Act* which "extended the Postmaster-General's powers to control wireless telegraphy." Although the earlier *Telegraph Act* contained no reference to telephones, a landmark court case ruled that a telephone conversation was a telegram within the meaning of Section 4 of the *Telegraph Act, 1869*.⁷¹ This is how wireless telephony was then interpreted as being a mere extension of wireless telegraphy.⁷² Since wireless telegraphy and wireless telephony were not point-to-point transmissions, but capable of being received by any number of receivers, wireless telephony soon became renamed radio broadcasting.

While the United States Constitution made specific provisions for the takeover of the Post Office in America from the British,⁷³ it obviously made no provisions for telegraphy, wireless telegraphy or wireless telephony because they had not been invented. Consequently the subsequent arrival of those inventions had to be balanced against other parts of the U.S. Constitution such as the First Amendment. The U.S. Congress was also given the power to secure for authors the exclusive right to their works.⁷⁴ As a result of

⁶⁹ See a list of titles Online at: [http://www.imdb.com/find?q=Robin+Hood+\(1991\);tt=on](http://www.imdb.com/find?q=Robin+Hood+(1991);tt=on)

⁷⁰ See Online at: <http://www.guardian.co.uk/world/2010/sep/19/robert-mugabe-zimbabwe-election-torture> [Accessed: September 23, 2010].

⁷¹ *Attorney General vs. Edison Telephone Company of London Ltd.* - Law Report 6 Q B D244 See Online: <http://www.britishtelephones.com/histuk.htm>

⁷² *Wireless Telephony – New Short Distance Apparatus*: 'In the endeavour to arrive at a practical system of wireless telephony, the resources of the physicist and of the engineer have been severely taxed. Throughout the investigations and experiments successes and failures have been fairly well balanced, and the task has proved as perplexing as it is attractive. The modern line telephone came some time after the telegraph, and it has been a surprise to many that speech should be so difficult by radiation without wires.' *The Wireless World*

⁷³ See Article I, Section 8: "The Congress shall have power... to establish post offices and post roads."

⁷⁴ See Article I, Section 8: "The Congress shall have power... to promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries."

these safeguards against governmental intrusion into the freeborn domain of individual lives, the history of both copyright law and media development in the United States is totally different to that of the United Kingdom. Instead of continuing the application of imperial dynastical law enacted upon the minority whims of a few, organic majority law flowed from The People of the United States down to their representatives elected according to the terms of the written Constitution.

In 1922 the British GPO forced all of the major electrical companies doing business in the United Kingdom, to form one British Broadcasting Company. (Gilder and Hagger, *John Reith* 137-44.)

The GPO then issued that single company with an exclusive transmitting license, and at the same time it mandated that all receivers would also have to be licensed.⁷⁵ Then in order to eliminate the original Trust which had formed the BBC, in 1927 the GPO terminated the original BBC license and awarded another to a Crown chartered British Broadcasting Corporation. The assets of the original company were then sold to the new corporation.

While the United Kingdom does not lack media coverage of its political affairs in 2010, the administration of its electronic media is in the hands of very few people. This stranglehold is the result of a pirate war in which the pirates won, and then switched their identity for that of their victims. The Crown was the “pirate of the airwaves” through the GPO and its BBC. Although after a lengthy period of broadcasting wars that were directed from outside of the United Kingdom towards its listening public, the Crown eventually agreed to a limited form of licensed commercial broadcasting, it placed severe restrictions upon the ability of political or religious groups to buy airtime on the terrestrial British airwaves.⁷⁶ Polemics remain the exclusive domain of this Crown created media power structure. On March 20, 1931, *The Times* was already reporting complaints of party bias in BBC political broadcasts.⁷⁷ *The Wireless World* of Friday, July 6, 1934, reported⁷⁸ that:

⁷⁵ The original means of funding this company allowed for the sponsorship of some programs and a limited number of musical programs of this type were aired. But the other major means of funding was by allowing the BBC to sell its own brand of radio receiver manufactured by the participating trust that owned its shares. This plan quickly ran into problems when amateurs continued to build their own receivers, and so the licensing scheme was extended to cover both transmitting and receiving. See Radio Broadcast, Vol. 7, No. 2, June, 1925, page 177: How England planned broadcasting by F. J. Brown, Late Assistant Secretary of the British Post Office. See: ‘A photograph of one of the Post Office’s “pirate” hunting vans, reputed to be capable of locating wireless receivers.’ Picture and caption on page 416, *Wireless World* magazine, October 7, 1931.

⁷⁶ See Online: <http://www.christian.org.uk/briefingpapers/religiousbroadcasting.htm> and http://www.crossrhythms.co.uk/articles/life/Why_Christian_Broadcasting_is_Difficult_in_This_Country/7226/p1/

⁷⁷ On page 14 under Wireless Propaganda, Lord Radnor declared in the House of Lords that “in spite of an obligation to be impartial, the BBC was little short of a channel for Socialist and Communist propaganda.” Sir Winston Churchill came to agree with this interpretation, and when he became Prime Minister again in 1951, he used the opportunity to hit back at the BBC for banning him from the

Even the Income Tax authorities, who in the nature of things cannot hope for a large share of the public affection, obtain revenue from conscience-stricken tax defaulters than does the BBC (through the Post Office) from repentant pirates.⁷⁹

In this same article from 1934, it admonished:

...it is suggested that a more helpful outlook among BBC officials might be indicated by the adoption of the term 'subscriber' instead of 'listener.' They would have a constant reminder that they are public servants, depending on the favours of those who pay for the broadcasting service.

While not referring to the BBC by name, in 1938 Winston Churchill had this to say about censorship on an NBC broadcast because he was not allowed to deliver this kind of speech over the BBC. It was directed back to Britain from America and reported in *The New York Times*.⁸⁰

You see these dictators on their pedestal, surrounded by their soldiers and the truncheons of their police. On all sides they are guarded by masses around them and airplanes, fortifications and the like. They boast and vaunt themselves before the world. Yet in their hearts there is an unspeakable fear. They are afraid of words and thoughts, words spoken abroad, hopes stirring at home, all the more powerful because forbidden. These terrors – a little mouse, a little tiny mouse of thought, appears in the room, and they the mighty potentates are thrown into panic. They make frantic efforts to bar out thoughts and words. They are afraid of the workings of the human mind.

But the pirate radio wars of the Nineteen-Sixties have not been interpreted as being fought over the subjects of politics or religion, but music. Consequently when the floodgates of musical expression on the British airwaves were eventually opened, the victims were led to believe that they had won their war, when in fact, they had lost. (Gilder, *London, My Hometown* 234-277).

Ever since the birth of the original BBC in 1922, commercial, free-enterprise broadcasting challenges had attempted to provide listeners freedom of choice on their radio dial. Listeners who tuned in were branded as pirates as well because their receiving license did not permit them to tune in to these unauthorized stations. The stations that they tuned into were originally located on the continent of Europe and licensed by other

airwaves in the 1930s. Churchill's 'weapon' was approval of ITV as a commercial competitor to BBC-TV. [See: Gilder, *Mass Media Moments*.] During this period of European fascist growth in Italy, Germany and Spain, along with a failed coup in Austria, a plot to take over the BBC as part of a coup was also uncovered. See: *The Times*, November 9, 1934, p.7, col.1 and p.14, col.7; and Nov.14, p.7., col.3; and *The New York Times*, November 9, 1934, p.12, col.2.

⁷⁸ Vol.XXXV. No.1.

⁷⁹ This comment refers to listeners who were supposed to buy licenses for their receivers.

⁸⁰ October 17, 1938, page 5.

countries, but they broadcast English language programming that was intended for the audience in the British Isles. The advent of World War II ended that era, and it took until 1964 before another cycle began with a ring of radio stations that appeared around the coastline of Great Britain in international waters.

These offshore stations were branded as pirate radio stations because they were not licensed by any nation. Millions of British listeners tuned away from the BBC which forced the GPO to take action by introducing a draconian new censorship law. Concurrent with this action, the BBC was ordered to commence a popular music service to replace the output of the dozen commercial stations that carried more than one format of music, and whose airtime was primarily underwritten by a polemical program with a fiercely anti-European Union message (Gilder and Hagger, *Prophecies of Dystopic* 205-23).

However, several other programs with a religious format were also aired on these stations and they included Billy Graham's *Hour of Decision* and the Lutheran Hour's *Bringing Christ to the Nations*. Consequently the open door to freedom of the airwaves that the offshore stations offered was suddenly slammed shut by the GPO. The BBC had been instructed to replace them with one channel of music. Therefore it is not surprising that the end of the British pop music boom that reached America's shores as the *British Invasion* coincided with the closure of the offshore stations.⁸¹

PIRACY AND FASCISM

Working hand-in-glove with the BBC to achieve these restrictions was an organization that was originally formed in Mussolini's fascist Italy to control the licensing of performances of recorded music.⁸² To create alarm in the public mind

⁸¹ Because the biggest impact of the British music scene was the USA, it is interesting to note that the era of the British Invasion is generally agreed to have begun around early 1964, and concluded by the end of 1967. The offshore radio stations which had promoted their music in the UK were driven off the airwaves by law on August 14, 1967, with the last two offshore radio holdouts being forced to close down in March of 1968.

⁸² [See also Gilder: Mass Media Moments]. "Using the Copyright Act of 1911 as the basis for its argument, in early 1933 EMI (then called the Gramophone Company) brought a case against Stephen Carwardine & Co, a restaurant in Bristol, which had been keeping its customers entertained by playing the 1931 recording of 'Overture, The Black Domino', written by the French composer Auber and played by the London Symphony Orchestra. EMI said that playing the record in public without the permission of the copyright owners was against the law. The judge, Mr. Justice Maugham, agreed, therefore establishing the principle that those involved in creating a sound recording should be paid for the broadcasting and public performance of their work. Seizing upon the opportunity to earn more money for their companies and the musicians who helped to drive their business, EMI and Decca co-operated to form PPL and opened the organisation's first offices in London's Wigmore Street." Source Online at: <http://www.ppluk.com/en/About-Us/Who-we-are/Our-history/>
The verdict in the 1933 test lawsuit against Stephen Carwardine and Company and Hammond's Bradford Brewery Company Limited, was delivered in 1934. The Times, Tuesday, August 14, 1934, page xxvi, reported:

concerning the existence of the free enterprise stations, the GPO engaged in an underhanded maneuvering and staging of events. However, the memory of the public is very short when events move on.

Today, many of the standard history texts relating to this period carry very little information about the development of the General Electric Company of America and its undertaking that created EMI as a part of its cartel, whose aim was to prevent the collapse of its international recording industry by using the laws of fascist Italy,⁸³ and the restrictive broadcasting laws of Britain.⁸⁴

As a result of successfully obfuscating the definition of censorship by substituting the words copyright, licensing and piracy in its place, the last thing that the Government wanted to do was draw attention to its actual intentions.⁸⁵ It removed some

Copyright, Authors and Composers, Recent Test Action: "The rediffusion of broadcast programmed to the public by loud-speaker or other means became the next most important subject requiring a legal ruling following the definition of broadcasting as a public performance. The operation of loud-speakers in public establishments such as hotels, cafés, and public houses caused concern to the Performing Right Society, as its repertoire was being used for the benefit of such establishments and their clientele, but without advantage to the society's members. The BBC licence held by the B.B.C. confined the use of this repertoire to reception by listeners for private and domestic use, and the society contended that rediffusion constituted further public performance necessitating separate licencing."

PPL or Phonographic Performances Ltd. was an American name because in 1934 British terminology a gramophone referred to a device for playing disc records. In the USA this terminology was reversed so that a gramophone referred to an Edison-style cylinder player, and a phonograph referred to a device for playing disc records. The choice of legal wording for the name of Phonographic Performances Limited revealed its origins in the USA as a part of the General Electric/RCA/EMI/IFPI/PPL recorded music industry cartel at that time.

With the success achieved by the Gramophone Company, which became a part of the EMI cartel formed by the Radio Corporation of America, which was owned by General Electric Company of America, Phonographic Performances Ltd., was formed in London. Then, the PPL/EMI/RCA/GE cartel formed an international organization under the fascist laws of Benito Mussolini's Italian state. It was named IFPI, or the International Federation of the Phonographic Industry.

⁸³ This was the allegation made against US commercial radio of the Nineteen Thirties. A copyright was ensued that gave rise to BMI in the USA, and IFPI in Italy. By using the European laws it created a new branch of copyright law using the letter 'p' in a circle on records as its symbol. It represents mechanical rights, and limits replay to personal, private use if a separate license had not been obtained from PPL.

⁸⁴ The actions of IFPI/PPL worked with the Musicians' Union who opposed recorded music on the airways, to enter into an agreement with the BBC that it would employ live orchestras and impose a 'needle time' restriction upon the number of hours recorded music could be broadcast. [See Gilder: Mass Media Moments].

⁸⁵ Radio was originally referred to as wireless in the UK. By 1966 the term 'pirate radio' was widely used by the Government to brand unlicensed offshore stations. One example from a Question to the PMG in the House of Commons on April 25, 1966: 'Mr. Rowland asked the Postmaster-General what steps he proposes to take to prevent the operation of two new pirate radio stations, Radio England and Britain Radio, scheduled to start broadcasting illegally by the end of April. Mr. Benn There is nothing I can do at present to prevent these two stations from broadcasting. That is the problem. However, as the House knows, legislation to give us certain necessary powers will be introduced by the Government as soon as the legislative timetable permits.' The fact that there was nothing that the Government could do to stop them undermined the pejorative description of them 'broadcasting illegally'; especially since

of the stations by simply resorting to an Order in Council which had been drawn up by lawyers for the Privy Council and signed by the Queen. It simply redrew the coastline and brought into territorial waters the offshore stations on fixed platforms. They were then successfully prosecuted for broadcasting without a license under the existing *Wireless Telegraphy Act*. The larger floating offshore stations aboard ships were a different matter, because they were in international waters on foreign ships. They required a specific form of censorship law which could turn that which had been legal, into something that was illegal, and the only way to do that was to target British citizens, or persons residing in, or doing business in, the United Kingdom.

When Government lawyers handed Postmaster General Tony Benn a draft copy of the new law called '*Marine Etc Suppression Bill*', (*Tony Benn Diaries*: 208) he objected. It was not the text or co-text that the Postmaster General Tony Benn disagreed with, but the context of the word suppression that allied it with the word censorship. The lawyers then modified the legislation to read '*Suppression of Marine etc Broadcasting Bill*' but Benn wrote in his diary that:

It is a massive document creating dozens of new offences, all designed to strangle the pirates... The pirates are establishing themselves firmly in public favour and if we killed them it would be extremely unpopular. I can see ourselves moving steadily towards the starvation of the BBC through a failure to raise the licence fee and ultimately capitulation in favour of commercial sound broadcasting. That is unless we permit the expansion of broadcasting on the basis of public service with advertising revenue to finance it. (*Tony Benn Diaries*: 212)

That problem was resolved when the final version was unveiled as the *Marine, &c., Broadcasting (Offences) Act 1967*.⁸⁶ Before the advent of satellites and the Internet, the only means of broadcasting to a worldwide audience was by directing shortwave transmitter signals towards the ionosphere which then bounced them back towards targeted regions of the globe. Nations such as the USSR used to spend a lot of money upon the operation of their own transmitters that broadcast on the same frequencies as the incoming signals. By transmitting various forms of noise, these 'jammers' attempted to render incoming signals unlistenable by distorting their reception.

In one sense, China, Iran and North Korea are merely moving with the times by attempting to block the uncensored accessibility of Internet signals. But the most insidious form of 'jamming' has been carried out by governments who use a reinterpretation of terminology to cover-up unpalatable laws whose purpose is to steal freeborn rights. When you look at it that way, one wonders what these governments mean when their representatives talk about "freedom".

Mr. Benn for the Government admitted that it would have to introduce a law to make them illegal. Cited Online at: http://hansard.millbanksystems.com/written_answers/1966/apr/25/pirate-radio-stations#S5CV0727P0_19660425_CWA_8

⁸⁶ See Online at:

<http://www.statutelaw.gov.uk/content.aspx?LegType=All+Primary&PageNumber=61&NavFrom=2&parentActiveTextDocId=1185362&ActiveTextDocId=1185362&filesize=86262>

THE COTEXT AND CONTEXT OF PIRACY

To fully understand the co-text of the word piracy, it is necessary to understand the linguistic environment in which the word piracy is used within a text. Then of course we need to understand the context in which the text is used. But when it comes to the word piracy what it really means is: “*Don’t do as I do, do as I say!*”

Because the co-text of piracy is found within statute law that redefines specific acts as acts of piracy, then that same statute law can also define that act as being illegal under that law. But if the regime holding power and administering that law has obtained its power by unfair means, the mere existence of that regime should render all laws that it has enacted as illegal acts that are null and void. But unfortunately that is not how the system works. This is where rouge rendering of unfairness has to be employed so that unfair does not become illegal. John F. Kennedy once remarked that “*Life is unfair*”,⁸⁷ regarding the fact that some U.S. troops were being killed and wounded in Vietnam while “*some men never leave the country.*”

Many branded that war as being immoral, but immorality is not the same as illegality. As the years went by following the assassination of President Kennedy as Commander in Chief of the United States Armed Forces, the War in Vietnam resulted in the infamous massacre at My-Lai. That ‘incident’ was branded as totally illegal.⁸⁸ Now here we are again with more allegations of illegality with ‘incidents’ at Abu Ghraib prison⁸⁹ in Iraq and elsewhere, on top of the basic issue of the illegality of starting the wars in Iraq and Afghanistan in the first place. Just as Adolph Hitler manufactured evidence to commence his invasion of Poland, evidence was manufactured to start the war in Iraq.⁹⁰

While domestic laws of most countries accept the legal theory that property that has been illegally obtained does not become the lawful property of the holder, when it comes to stolen antiquities and national governments the issue is not so clear.⁹¹ If this same line of reasoning is extended to national governments stealing the freeborn rights of individuals living within their area of de facto jurisdiction, only in a few cases has this resulted in trials of crimes against humanity. Because then the issue descends on a very slippery slope, very fast. If the government is illegal, then surely the laws that it administers which have stolen the freeborn rights of individuals are also illegal? If that argument is adhered to it is doubtful that any system of laws could exist, since the vast majority of governments have in one way or another stolen the freeborn rights of individuals.

⁸⁷ March 21, 1962 during a press conference in reply to a reporter’s question about Vietnam War protests, see Online at: <http://benatlas.com/2010/08/the-history-of-the-quote-life-is-unfair/>

⁸⁸ See the My-Lai Case Online at: <http://www.law.umkc.edu/faculty/projects/ftrials/mylai/mylai.htm>

⁸⁹ See Online at: <http://www.telegraph.co.uk/news/worldnews/northamerica/usa/5395830/Abu-Ghraib-abuse-photos-show-rape.html>

<http://www.guardian.co.uk/politics/2009/dec/08/45-minutes-wmd-taxi-driver>

<http://www.mcdonald.cam.ac.uk/projects/iarc/culturewithoutcontext/issue%2013/gerstenblith.htm>

So what are we to make of these laws of piracy that brand publishers and broadcasters as thieves, when the State favors some publishers and broadcasters over others? It certainly takes a 'rouge rendering' to dress up this word in order for it to have the pretense of making sense, and it is indeed possible that it could start a joke which could start the whole world crying. But first The People of the world would have to understand the implications of legitimizing further use of the word piracy.

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