

SOPA Delay Provides Time to Reflect on Expert Warnings

by [Mark Stanley](#) [1]
December 20, 2011

It was [announced](#) [2] today that the House Judiciary Committee markup of the Stop Online Piracy Act (SOPA) would not proceed tomorrow, as previously planned. This comes after two contentious markup days last week of the Committee debating and voting down all but five in a cascade of proposed amendments. Ultimately, delay is not synonymous with victory in this instance, and it is likely that SOPA will pass out of Committee early next year once the House reconvenes. It is uncertain what amendments, if any, will be made to the bill before it faces a floor vote.

Going forward, and with the benefit of more time, CDT hopes Members will take to heart the legitimate objections raised about SOPA by both Republicans and Democrats during the markup.

In particular, CDT shares the concerns articulated by Representative Jason Chaffetz (R-Utah) regarding the lack of expert consultation we've seen thus far in the legislative process. It is worth quoting Rep. Chaffetz at length here:

I was trying to think of a way to try to describe my concerns with this bill, but basically, we're going to create - we're going to do surgery on the Internet, and we haven't had a doctor in the room tell us how we're going to change these organs. We're basically going to reconfigure the Internet and how it's going to work, without bringing in the nerds. Without bringing in the doctors. And again, I worry that we did not take the time to have a hearing, to truly understand what it is we're doing. And to my colleagues, I would say, if you don't know what DNSSEC is, you don't know what you're doing. And so my concern is that there is a problem but this is not necessarily the right remedy.

[A video clip of Rep. Chaffetz' comments is at the bottom of this post.]

On November 16, 2011, the House Judiciary Committee held its only hearing on SOPA. The witness list included five representatives from organizations supporting the bill: the Register of Copyrights, MPAA, Pfizer, MasterCard, and AFL-CIO. A lawyer from Google was the lone witness to oppose SOPA.

Stacking the deck like that not only obscures the controversial nature of the legislation. It also means the Committee has failed to give any serious consideration to the technical analysis and concerns of the expert engineers—the “nerds”—who have opposed SOPA on cybersecurity grounds. Brushing aside such technical questions without calling in independent experts seems reckless.

A [letter](#) [3] signed by Dr. Leonard Napolitano, Jr., Director of Computer Sciences and Information Systems at Sandia National Labs, a private company contracted by the Department of Energy to run the national laboratories, addresses the potential cybersecurity vulnerabilities that SOPA would create:

[We have reviewed SOPA and the Protect IP Act] and believe that the DNS filtering/redirection mandates . . . 1) are unlikely to be effective, 2) would negatively impact U.S. and global cybersecurity and Internet functionality, and 3) would delay the full adoption of DNSSEC and its security improvements over DNS.

Last May, a group of leading DNS designers, operators, and researchers [expressed](#) [4] similar concerns about DNS filtering in the Protect IP Act, writing:

[DNS filtering requirements in the bill] would weaken this important effort to improve Internet security. It would enshrine and institutionalize the very network manipulation that DNSSEC must fight in order to prevent cyberattacks and other malevolent behavior on the global Internet, thereby exposing networks and users to increased security and privacy risks.

[Dozens of other Internet engineers](#) [5] have written to Congress expressing concern about SOPA and Protect IP; they join a [formidable list](#) [6] of experts, companies, civil society and human rights groups opposing the bills.

It's understandable that some Members of Congress are not entirely familiar with the intricacies of how the Internet works; what is not acceptable, in our view, is rushing to pass a bill that could profoundly impact the Internet without first consulting the experts.



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