

CDT Joins With Bipartisan Coalition To Oppose Dramatic Expansion of Computer Crime Law

April 2, 2013

Today, CDT joined with a diverse coalition of advocates from across the political spectrum to [send a letter](#) [1] to Congress opposing a troubling draft bill that would dangerously expand the federal computer crime statute, the Computer Fraud and Abuse Act (CFAA). As we [wrote last week](#) [2], the draft bill—which may be considered by the House Judiciary Committee as soon as next week in time to reach the House floor for an anticipated “Cyber Week” in mid-April—would push the law in the exact wrong direction, dramatically heightening penalties while giving the government and civil litigants more latitude to prosecute or sue average Internet users who happen to violate a Web site’s terms of service or an employer’s computer use policy.

A wide range of organizations and individuals have also weighed in to share [similar](#) [3] [concerns](#) [4] with the draft, many of which signed on to today’s letter. The politically diverse signers include the ACLU, Americans for Tax Reform’s Digital Liberty, the Competitive Enterprise Institute, [Demand Progress](#) [5], [EFF](#) [6], FreedomWorks, TechFreedom, and former prosecutor and outspoken [CFAA critic Orin Kerr](#) [7]. The letter points out just how out of step the draft CFAA expansion is with the popular support for narrowing the law in the wake of Aaron Swartz’s death, and stresses how severely and broadly the CFAA can already be applied, concluding:

It is unreasonable to expand CFAA penalties when the statute already makes illegal so much of what Americans do with computers every day. Expanding the scope of the CFAA to cover even more conduct is even more dangerous.

The letter comes ahead of a [week of action](#) [8] starting next Monday and involving the [Internet Defense League](#) [9], an activism platform bringing together many of the organizations and Web sites that helped to defeat the SOPA and PIPA bills last year. We hope that Congress will listen to their and our message that CFAA must be reformed rather than expanded—a message that we and others have been [communicating](#) [10] [for](#) [11] [years](#) [12]—and will instead seriously consider [proposals](#) [13] that would steer the CFAA in a more sensible direction.

- [House Judiciary Committee](#)
- [Computer Fraud and Abuse Act](#)
- [CFAA](#)

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Links:

[1] https://www.cdt.org/files/pdfs/LetterOpposingCFAADraft_final-1.pdf

[2] <https://www.cdt.org/blogs/andrew-mcdiarmid/2703house-judiciary-committee%E2%80%99s-draft-computer-crime-bill-rehashes-old-propos>

[3] <http://www.lawfareblog.com/2013/03/house-judiciary-cfaa-bill/>

[4] <http://www.techdirt.com/articles/20130324/14342822435/rather-than-fix-cfaa-house-judiciary-co>

mmittee-planning-to-make-it-worse-way-worse.shtml

[5] http://act.demandprogress.org/letter/no_cfaa/

[6] <https://www.eff.org/deeplinks/2013/03/congress-new-cfaa-draft-could-have-put-aaron-swartz-jail-decades-longer-he-was>

[7] <http://www.volokh.com/2013/03/25/house-judiciary-committee-new-draft-bill-on-cybersecurity-is-mostly-doj-proposed-language-from-2011/>

[8] <http://www.commondreams.org/newswire/2013/04/01>

[9] <http://internetdefenseleague.org/>

[10]

<https://www.cdt.org/blogs/mark-stanley/148hacking-law-must-be-revised-prevent-its-gross-misuse>

[11] <https://www.cdt.org/blogs/brock-meeks/219leftright-groups-praise-computer-crimes-amendment>

[12]

<https://www.cdt.org/blogs/greg-nojeim/3007why-fibbing-about-your-age-relevant-cybersecurity-bill>

[13]

http://www.reddit.com/r/IAmA/comments/17pisv/im_rep_zoe_lofgren_here_is_a_modified_draft/%5D.