Jim Harper: The Internet is not government's to regulate

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Imagine that Congress passed a law setting up a procedure that could require ordinary citizens like you to remove telephone numbers from your phone book or from the "contacts" list in your phone. What about a policy that cut off the phone lines to an entire building because some of its tenants used the phone to plot thefts or fraud? Would it be okay with you if the user of the numbers coming out of your phone records or the tenants of the cut-off building had been adjudged "rogue" users of the phone?

Cutting off phone lines is the closest familiar parallel to what Congress is considering in two bills nicknamed "SOPA" and "PIPA" – the "Stop Online Piracy Act" and the "Protect IP Act."

Simplify put, every computer and server has an IP (or "Internet Protocol") address, which is a set of numbers that uniquely identify its location on the Internet. The IP address for the server hosting Cato's Spanish language site, elcato.org, for example, is 67.192.234.234.

Now, these numbers are hard to remember, so there is a system that translates IP addresses into something more familiar. That's the domain name system, or "DNS." The domain name system takes the memorable name that you type into the address bar of your computer, such as elcato.org, and it looks up the IP address so you can be forwarded along to the IP address of your choice.

One of the major ideas behind SOPA and PIPA is to cut Internet sites that violate copyright out of the domain name system. No longer could typing "elcato.org" get you to the website you wanted to visit. Much of the debate has been about the legal process for determining whether to strike out a domain name.

But preventing a domain name lookup doesn't take the site off the Internet. It just makes it slightly harder to access. The government would require law-abiding citizens to "black out" phone numbers – or Internet service providers to do the same with domain names. It doesn't make sense. The practical burdens on the law-abiding Internet service provider would be large.

"Blacking out" an entire building – just like a website – would cut off the lawful communications right along with the unlawful ones. It's through-the-looking-glass information control, with enormous potential to obstruct entirely lawful communications and impinge on First Amendment rights.

That's why many websites on Wednesday were "blacking out" in protest.

In various ways, sites like Craigslist.org, Wikipedia and many others are signaling to their visitors that Congress is threatening the core functioning of the Internet with bills like SOPA and PIPA. And threatening all of our freedom to communicate.

The Internet is not the government's to regulate. It is an agreement on a set of protocols – a language that computers use to talk to one another. That language is the envelope in which our communications – our First-Amendment-protected speech – travels in hundreds of different forms.

The Internet community is growing in power. (Let's not be triumphal – government authorities will use every wile to maintain control.)

Hopefully the people who get engaged to fight SOPA and PIPA will recognize the many ways that the government regulates and limits information flows through technical means. The federal government exercises tight control over the electromagnetic spectrum, for example, and it claims authority to impose public-utility-style regulation of Internet service provision in the name of "net neutrality."

Under the better view – the view of freedom behind opposition to SOPA and PIPA – these things are not the government's to regulate.