



Killing the Internet to Save Hollywood

By [Julian Sanchez](#)

All Hollywood wants for Christmas this year is to see Congress pass the Stop Online Piracy Act - and the industry's thrown Santa-sacks of cash at lawmakers in hopes of making the copyright scofflaws on their "naughty list" disappear.

But the law, which would empower the US government to start censoring foreign Web sites, would be a lump of coal in every Internet user's stocking.

The goal of SOPA (and its Senate counterpart, the PROTECT-IP Act) is legitimate enough: To fight copyright violators and counterfeiters who run sites beyond the reach of US courts. The trouble is the method. These bills empower the attorney general to seek orders compelling thousands of Internet service providers to block purported "rogue sites," forcing search engines to redact their results and requiring ad networks and payment processors to sever ties.

SOPA's supporters have made a New Years resolution to continue ramming these bills through as early as January, ignoring calls to pause to hear from experts about the bill's unintended consequences.

As Uncle Sam's own cybersecurity experts at Sandia National Labs have noted, the measure is "unlikely to be effective." Anyone with a tiny bit of technical know-how can easily bypass the proposed blocks in any number of simple ways.

For the computer illiterate, there are several one-click circumvention tools already in circulation. As we've seen again and again over the last decade, shutting down pirate sites and services ultimately does little to hinder piracy.

But SOPA wouldn't just be costly and futile: It would deter innovation, interfere with legal speech protected by the First Amendment and (as the geeks at Sandia put it) "negatively impact US and global cybersecurity and Internet functionality."

Under SOPA, any foreign site that allowed users to upload - or even just link to - content would have to fear being wrongly branded a "rogue site," effectively shut down and cut

off from revenue until it could prove its innocence in a US court. That's the kind of risk that sends investors running - and why tech entrepreneurs are among the voices loudly opposed to SOPA.

More than 100 eminent constitutional scholars have joined that chorus. They point out that blocking entire Web domain names after a one-sided hearing will inevitably shut down discussion forums where protected speech coexists with links to infringing content, and block Americans' access to their own legal files along with pirated material - as we've already seen happen under existing authorities. Such sweeping "prior restraint" flies in the face of our First Amendment traditions.

Perhaps even more troubling, SOPA would lead to the creation of a sophisticated legal and technological architecture for censorship - a single Internet blacklist implemented across the entire country. Once that machinery is in place, it would be easy, and all too tempting, for future administrations to turn that blacklist to other purposes. Citizens would have to trust the government to only block truly criminal sites - or join the pirates in evading the blocks to judge for themselves.

Network engineers hate SOPA too: A who's-who of the proud geeks who built the modern Internet has warned that domain blocking - and users' inevitable efforts to evade it - would have unpredictable and disruptive consequences for the network's architecture. Stewart Baker, a former top official with the Department of Homeland Security, has pointed to language in the bill that he fears will "kill" an expensive and ongoing effort to make the Internet more secure.

The same "anticircumvention" clause, though a joke to pirates, could threaten programmers who build the vital tools our own State Department has promoted and funded for dissidents seeking to escape the more aggressive online censorship of regimes like [China](#) and [Iran](#) - regimes that will surely be delighted to point out that the [United States](#), too, now blocks foreign sites it considers "harmful."

These are high costs to pay for a law that would, at best, amount to an impotent symbolic gesture against piracy. Lawmakers should be wary of meddling with technology they admit they don't understand, and instead focus on measures aimed at shutting off the flow of money to criminals, without starting down the dark road of Internet blacklists and government firewalls.

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