Complaint to AD regarding further censorship of MODPOD list

Daniel J. Bernstein, 2025-09-04

This is a complaint to the "Area Director" (AD) for the "General Area" of the "Internet Engineering Task Force" (IETF) regarding a censorship action in early September 2025 by both of the chairs of an IETF "Working Group" (WG) named "MODPOD".

This is separate from my complaint, first to the AD and then (https://cr.yp.to/2025/20250827-modpod.pdf) to the "Internet Engineering Steering Group" (IESG), regarding a censorship action in late July 2025 by one of the MODPOD chairs.

Procedurally, I have two independent grounds for requesting AD attention to this matter:

- BCP 9, in conjunction with BCP 94, appears (see below) to authorize bringing this dispute "to the attention of the Area Director(s) for the area in which the Working Group is chartered", after which "The Area Director(s) shall attempt to resolve the dispute".
- Standardization organizations are obliged by law to be open to all interested parties, and to attempt to resolve objections by interested parties, among other obligations; see below. IETF's handling of this specific matter so far is not meeting these obligations.

This document reviews the background, the chair action at issue, and my resolution efforts so far.

1 Criminal antitrust law

I'll begin by explaining what I said above about legal obligations. I'll focus on United States antitrust law here.

First point: **an agreement in restraint of interstate commerce is a felony.** Here's what the law says (source: https://uscode.house.gov/view.xhtml?req=(title:15%20section:1%20edition:prelim)):

> Every contract, combination in the form of trust or otherwise, or conspiracy, in restraint of trade or commerce among the several States, or with foreign nations, is declared to be illegal. Every person who shall make any contract or engage in any combination or conspiracy hereby declared to be illegal shall be deemed guilty of a felony, and, on conviction thereof, shall be punished by fine not exceeding $100,000,000 if a corporation, or, if any other person, $1,000,000, or by imprisonment not exceeding 10 years, or by both said punishments, in the discretion of the court.

Antitrust law is in the news mainly in the corporate context—Intel being forced to pay $1.25 billion to AMD (see, e.g., https://www.nbcnews.com/id/wbna33882559), for example, or Google being forced to provide its search data to rivals (see, e.g., https://www.reuters.com/sustainability/boards-policy-regulation/google-keeps-chrome-apple-deal-must-share-data-big-antitrust-ruling-2025-09-02/)—but https://web.archive.org/web/20250424170656/https://www.ussc.gov/sites/default/files/pdf/about/commissioners/selected-articles/Howell_Review_of_Antitrust_Sentencing_Data.pdf shows that quite a few people have been sent to jail for violating antitrust law. Sometimes executives of large companies have been jailed; see, e.g., https://www.justice.gov/archives/opa/pr/denso-corp-executive-agrees-plead-guilty-price-fixing-automobile-parts-installed-us-cars.

Second point: **the law makes an exception for standardization, but invoking the exception requires conduct to meet the law's definition of "standards development activity", and to by carried out by an organization meeting the law's definition of a "standards development organization"**. Here's the exception in the law (source: https://uscode.house.gov/view.xhtml?req=(title:15%20section:4302%20edition:prelim)):

> In any action under the antitrust laws, or under any State law similar to the antitrust laws, the conduct of-
>
> (1) any person in making or performing a contract to carry out a joint venture, or
>
> (2) a standards development organization while engaged in a standards development activity,
>
> shall not be deemed illegal per se; such conduct shall be judged on the basis of its reasonableness, taking into account all relevant factors affecting competition, including, but not limited to, effects on competition in properly defined, relevant research, development, product, process, and service markets.

Third point: **an organization is not a "standards development organization" under this law unless it meets the OMB A-119 criteria**. Here's the definition of "standards development organization" in the law (source: https://uscode.house.gov/view.xhtml?req=(title:15%20section:4301%20edition:prelim)):

> The term "standards development organization" means a domestic or international organization that plans, develops, establishes, or coordinates voluntary consensus standards using procedures that incorporate the attributes of openness, balance of interests, due process, an appeals process, and consensus in a manner consistent with the Office of Management and Budget Circular Number A-119, as revised February 10, 1998. The term "standards development organization" shall not, for purposes of this chapter, include the parties participating in the standards development organization.

Fourth point: **the OMB A-119 criteria place specific requirements upon consensus, along with requiring openness, due process, and more**. Here's the OMB A-119 definition of a voluntary consensus standards body (source: https://www.govinfo.gov/content/pkg/FR-1998-02-19/html/98-4177.htm):

> A voluntary consensus standards body is defined by the following attributes: (i) Openness. (ii) Balance of interest. (iii) Due process. (vi) An appeals process. (v) Consensus, which is defined as general agreement, but not necessarily unanimity, and includes a process for attempting to resolve objections by interested parties, as long as all comments have been fairly considered, each objector is advised of the disposition of his or her objection(s) and the reasons why, and the consensus body members are given an opportunity to change their votes after reviewing the comments.

Fifth point: **activity by a standards development organization is still not "standards development activity" under the law unless it has one of the standardization/conformity-assessment purposes specifically listed in the law *and* avoids the activities specfically excluded in the law**. Here's the definition of "standards development activity" in the law (source: https://uscode.house.gov/view.xhtml?req=(title:15%20section:4301%20edition:prelim)):

> The term "standards development activity" means any action taken by a standards development organization for the purpose of developing, promulgating, revising, amending, reissuing, interpreting, or otherwise maintaining a voluntary consensus standard, or using such standard in conformity assessment activities, including actions relating to the intellectual property policies of the standards development organization. . . . The term "standards development activity" excludes the following activities:
>
> (1) Exchanging information among competitors relating to cost, sales, profitability, prices, marketing, or distribution of any product, process, or service that is not reasonably required for the purpose of developing or promulgating a voluntary consensus standard, or using such standard in conformity assessment activities.
>
> (2) Entering into any agreement or engaging in any other conduct that would allocate a market with a competitor.
>
> (3) Entering into any agreement or conspiracy that would set or restrain prices of any good or service.

To summarize: Relabeling an agreement to restrain commerce as "standardization" is not a get-out-of-jail-free card. The exception in antitrust law for standardization applies only under a series of restrictions, including the following. All actions must be for the purpose of standardization or conformity assessment, and must be taken only with consensus. A consensus declaration does not require unanimity, but it must be preceded by

- general agreement;
- fair consideration of each comment;
- a process of attempting to resolve each objection; and
- documentation—for any objection that was not resolved but that was instead overridden by general agreement—of why that objection was overridden.

As further protections, there must be openness, a balance of interests, an appeals process, and due process. When *all* of these requirements are met, the standardization activity is not "deemed illegal per se", and a court will instead evaluate "reasonableness" as the dividing line between the activity and a felony.

2 IETF

The "Internet Society" is a 501(c)(3) organization incorporated in 1992. The Internet Society's revenue is above $40 million USD in a typical year; assets are above $60 million USD.

The "Internet Engineering Task Force" (IETF) is an activity by the Internet Society that has issued nearly 10000 "requests for comments" (RFCs) regarding how the Internet works, along with many more "Internet Drafts".

Despite the gentle "request" name, RFCs are often used as purchasing requirements. The purpose and effect of RFCs is to restrain Internet behavior, promoting some activities while barring others. There is also increasing usage of Internet Drafts for the same effect.

Formally, the Internet Society moved IETF activity to a subsidiary, IETF Administration LLC, in 2018. In reality, both before and after this subsidiary was formed, practically all RFCs were actually prepared by a wide range of third parties, such as employees of Internet companies, receiving the imprimatur of IETF and the Internet Society with only occasional direct supervision.

RFCs are approved by "working-group chairs" and then by an "Internet Engineering Steering Group" (IESG), which also appoints the working-group chairs in the first place. IESG members are appointed via non-transparent procedures by a "Nominating Committee" (NomCom). Membership in NomCom is restricted to people who can afford to frequently attend IETF meetings, for example because they're being paid by Internet companies to attend. The voting members of the 2024 Nominating Committee were Hang Shi from Huawei, Giuseppe Fioccola from Huawei, Quan Xiong from ZTE, Eliot Lear from Cisco, Thomas Fossati from ARM industry consortium Linaro, Alexander Jonathan Stein from the U.S. government, Kiran Makhijani from Huawei subsidiary Futurewei, Benno Overeinder from NLNet Labs, Nick Doty from CDT, and Michael Richardson from Sandelman Software Works.

IETF policies are given casual names such as "Best Current Practice" (BCP). These names do not make clear whether the policies are requirements or merely guidelines. Furthermore, the policy details—unlike the RFCs that restrain Internet behavior—are far too vague to make clear what is required.

For example, BCP 9 (RFC 2026), "The Internet Standards Process – Revision 3", refers to "the importance of establishing widespread community consensus", but does not say that consensus is *required*, never mind explaining how consensus is defined. An "informational" RFC 7282, "On Consensus and Humming in the IETF", indicates that "rough consensus" suffices for IETF to approve an RFC, and proposes "new ways to think about rough consensus", while acknowledging that "many of our current practices are not consistent with these principles".

These documents display no awareness of the fact that consensus has a legal definition that IETF *must* follow to avoid falling afoul of antitrust law. The 2020 "IETF Administration LLC Statement on Competition Law Issues" (https://www.ietf.org/blog/ietf-llc-statement-competition-law-issues/) includes a statement "Decision-making requires achieving broad consensus via these public processes", but similarly ignores the question of what "consensus" means. RFC 9680, "Antitrust Guidelines for IETF Participants", also dodges this issue.

Unsurprisingly, it is very easy to find examples of IETF working-group chairs declaring "consensus"—or "rough consensus"—without fair consideration of all comments, without attempting to resolve objections, and without documenting why each objection was overridden, never mind having any clear rules for deciding what constitutes "general agreement".

Example: In a recent incident described in detail in https://cr.yp.to/2025/20250812-non-hybrid.pdf, chairs of the IETF TLS working group called for consensus for the working group to adopt a document authored by one of the chairs as a work item. During the adoption-call period, there were statements from 20 people unequivocally supporting adoption, 2 people conditionally supporting adoption, and 7 people unequivocally opposing adoption. The overall pattern of comments was that objectors were trying to engage in discussion, while supporters were not: there was a brief note by one supporter tangentially related to one of the objections, but most of the statements in favor of adoption were very short (e.g., just the words "I support adoption" with no further comments). None of the objections received an official response. At the end of the call period, the chairs declared "It looks like we have consensus to adopt this draft" without explanation. After this was challenged, the chairs said that they had declared consensus "because there is clearly sufficient interest to work on this draft"—again without addressing the objections to adopting the draft in the first place.

Because IETF doesn't guarantee an official response to each objection, people objecting often feel compelled to repeat their objections so that the objections aren't forgotten. Often one sees a discussion repeatedly bouncing back and forth between

- majorities claiming something without explanation and
- minorities objecting with explanation.

If the number of messages is balanced between the claims and the objections then each *person* in the minority is sending more messages on this than each person in the majority. Often the majority targets members of the minority on this basis, complaining about the inefficiency of those people repeating themselves, sometimes even arguing for censorship on this basis. (See examples below.) The underlying problem here is IETF's failure to require an official response to each objection. Of course, the majority benefits from this failure, and thus has an interest in instead blaming people for repeating themselves.

For comparison, ANSI's Essential Requirements (https://share.ansi.org/Shared%20Documents/About%20ANSI/Current_Versions_Proc_Docs_for_Website/ER_Pro_current.pdf) include the following requirement: "In connection with an objection articulated during a public comment period, or submitted with a negative vote, an effort to resolve all expressed objections accompanied by comments related to the proposal under consideration shall be made, and each such objector shall be advised in writing (including electronic communications) of the disposition of the objection and the reasons therefor." There are also requirements regarding rules for deciding consensus, requirements regarding documentation of what happened, requirements regarding how appeals will be handled, etc. Similar comments apply to ISO: see, e.g. the straightforward rule "Committees are required to respond to all comments received" in https://www.iso.org/sites/directives/current/consolidated/index.html#_Toc16530499.

IETF has none of these protections. Ultimately big companies such as Cisco and Huawei end up free to come to IETF to negotiate rules that match what those companies want, ignoring objections from smaller parties. IETF endorsement of those rules then gives those companies a market advantage.

An IETF-wide survey carried out by IETF LLC in 2024 asked a variety of questions, including whether "The IETF produces RFCs that reflect IETF consensus". Allowed answers were "almost always", "often",

"sometimes", "rarely", and almost never". Only 31% of 1060 respondents agreed with "almost always". (See https://web.archive.org/web/20250716022742/https://www.ietf.org/media/documents/IETF_Community_Survey_2024.pdf, page 19, Q25; beware that the text is not searchable.) The majority of survey respondents, several hundred people, thus said that IETF's specifications *don't* always have consensus. This hasn't stopped IETF LLC from claiming that IETF's "decision-making requires achieving broad consensus".

3 IETF as a criminal organization

There are many clear dividing lines between (1) what happens in IETF and (2) the standardization exception to antitrust law. For example:

- IETF does not specify a dividing line for "general agreement", let alone require "general agreement" to be achieved.
- IETF does not require fair consideration of each comment, does not require a process of attempting to resolve each objection, and does not require documentation of why an objection was overridden. On the contrary, the records show that IETF habitually resorts to votes as an excuse to *ignore* objections. People who perceive themselves as being in the majority typically issue brief positive votes (such as "I support") without commenting on prior objections.
- IETF is not open to all interested parties. On the contrary, IETF provides easily abused mechanisms for the people in power to selectively exclude other parties from discussions. (See below for examples.)
- IETF does not provide a balance of interests. IETF is dominated by well-funded Internet companies, leaving only a minority voice for the interests of billions of Internet users.
- IETF fails to provide due process—for example, it does not require rules to be clear. More examples of due-process failures appear below.
- IETF activities often have purposes other than standardization and conformity assessment, and sometimes even cross the line into purposes specifically barred by law, such as engaging in "conduct that would allocate a market with a competitor".

Clearly IETF doesn't qualify as a "standards development organization" under antitrust law. Consequently, IETF's activity to restrain commerce is illegal per se.

IETF Administration LLC claims that "The IETF LLC has no role in the oversight or steering of the standards process". The claim isn't true—there's clear evidence of the IETF LLC Executive Director steering the standards process—but even if the claim *were* true then it wouldn't shield IETF Administration LLC and the Internet Society from liability. Another standards organization, ASME, tried essentially the same we-didn't-know-what-was-happening argument, and lost in the Supreme Court (see https://supreme.justia.com/cases/federal/us/456/556/). The other corporations and individuals conspiring to restrain commerce are also liable; ignorance of the law is no excuse.

IETF LLC admitted in https://web.archive.org/web/20220514032045/https://mailarchive.ietf.org/arch/msg/antitrust-policy/f1iHM9p8N-U8p_pXen2ruDqjPPQ/ that "we received private feedback from other lawyers that, from the perspective of antitrust litigators, our current processes and procedures would not provide strong mitigation of antitrust risk and that could only be achieved with a detailed compliance policy". Unfortunately, instead of fixing the IETF procedures, IETF LLC found other lawyers to review the description of IETF's operations in the third paragraph of https://web.archive.org/web/20220514020927/https://www.ietf.org/blog/ietf-llc-statement-competition-law-issues/ and to conclude on this basis that IETF's procedures "manage the antitrust risk well". The reason that different lawyers are coming to different conclusions is that some lawyers are looking at the description of IETF in that paragraph (e.g., "IETF procedural rules, which include robust appeal options, are well-documented in public materials, and rigorously followed") while other lawyers are looking at IETF's actual policies and practices.

Here is one of many examples of IETF not even *trying* to follow the description in that paragraph. In https://web.archive.org/web/20250904185234/https://mailarchive.ietf.org/arch/msg/mod-discuss/NMDOQiNYstKzTrtr3hYQs5e_14s/, I quoted part of that paragraph saying "IETF activities are conducted with extreme transparency, in public forums. Decision-making requires achieving broad consensus via these public processes", and objected to this being violated. An IESG member said (https://web.archive.org/web/20250904185120/https://mailarchive.ietf.org/arch/msg/mod-discuss/HmeNYEU6LLPiyAkCJbZ9aMwFHCM/) that IETF doesn't have to follow this: "A blog post is not a valid reference to IETF processes. You need to quote RFCs instead."

4 Hiding actions from interested parties

As an example of how IETF's procedures fail to ensure a balance of interests, there is nothing in IETF's procedures preventing the following scenario, an example of sabotage of the required balance of interests.

Companies colluding on controversial proposal X form a WG whose charter communicates boring topic Y. The charter has some weasel words that will later allow the companies to say that proposal X is within the scope of topic Y, but the charter doesn't forthrightly announce that the goal is X.

IETF's rules force the charter to be sent around IETF-wide, but most of the recipients don't realize what's going on. The resulting WG ends up as a small group dominated by these companies. Maybe the concealment of controversial proposal X is so successful at biasing the WG that X sails through the working group with *no* objections. Or maybe some opponents of X find out in time to object, but their objections are dismissed as being supposedly isolated.

In the end the WG declares consensus on X—or just "rough consensus", which IETF claims is enough. IESG still has the power to stop X at that point, but won't do so if X serves the interests of big Internet companies; recall the companies listed in Section 2 in the context of who has the power to select IESG members.

IESG is procedurally forced to send around an IETF-wide notice soliciting final comments, but this notice still doesn't forthrightly state X: it merely states the document title, which, of course, the companies have chosen to be vague rather than to communicate X. The document itself is structured so that casual readers who follow a link to the document still won't see X unless they take the time to read carefully.

Even if some opponents see what's going on, there are only a few weeks left to spread the word. Most people who are interested in stopping X are effectively disenfranchised: they never hear what's going on.

Even if large-scale opposition is rapidly mobilized, even if IESG receives *more objections to X than the number of positive votes that X ever received*, there is nothing in IETF's procedures forcing IESG to admit that the document does not have general agreement. IESG is free to falsely declare X as having "IETF consensus".

5 The collapse of IETF's protections for dissent, part 1

RFC 2418, "IETF Working Group Guidelines and Procedures", includes the following statement: "Disputes are possible at various stages during the IETF process. As much as possible the process is designed so that compromises can be made, and genuine consensus achieved; however, there are times when even the most reasonable and knowledgeable people are unable to agree. To achieve the goals of openness and fairness, such conflicts must be resolved by a process of open review and discussion."

Where does this open review and discussion happen? According to https://web.archive.org/web/20250603130154/https://www.ietf.org/about/introduction/, each WG "has its own mailing list with most of its interaction, and all of it official work, conducted on this list". Notice the word "all". WGs might make tentative decisions at meetings, but those decisions are not official WG decisions unless they are confirmed on the WG mailing list. The same document claims that "Anyone can participate by signing up to a working group mailing list".

However, there are at least two currently active IETF "BCP" documents authorizing IETF LLC agents, specifically WG chairs and IESG, to place limits on this participation. (See Section 2 regarding the question of whether BCPs are IETF policies.) This section covers the first document, RFC 3683. Section 6 covers the second document, RFC 3934. Section 7 covers a more extreme proposal that is currently in WG last call.

BCP 83, RFC 3683, claims without citations that there had been a few cases where "a participant has engaged in what amounts to a 'denial-of-service' attack to disrupt the consensus-driven process", typically by "repeatedly posting messages that are off-topic, inflammatory, or otherwise counter-productive" whereas "good faith disagreement is a healthy part of the consensus-driven process". BCP 83 gives IESG authority to publicly cite messages "that appear to be abusive of the consensus-driven process" and to respond with a ban of the author from the IETF mailing list containing those messages; it also gives maintainers of other IETF mailing lists authority to apply the same ban.

BCP 83 has been used five times, according to https://web.archive.org/web/20250729043709/https://www.ietf.org/about/groups/iesg/posting-rights-actions/. Looking at the most recent example, from 2022, shows how easy it is to use BCP 83 to suppress dissent.

The context of this example is that there were proposals to rename various words that have taken on technical meanings, such as "master" and "slave". Many different meanings of the noun "slave" in English are listed in https://www.oed.com/dictionary/slave_n: for example, meaning I.1 is "A person who has the (legal) status of being the property of another, has no personal freedom or rights, and is used as forced labour or as an unpaid servant; an enslaved person", and meaning II.5 is "A component that is controlled by, or closely follows the action of, another component of a system". An IETF document https://web.archive.org/web/20190228100827/https://www.ietf.org/archive/id/draft-knodel-terminology-00.txt described the latter meaning as "an oppressive metaphor that will and should never become fully detached from history"; said that the meaning was "unprofessional", was "inappropriate", was "arcane", was "historically inaccurate", and "stifles participation"; and (following various earlier documents) suggested replacing "master" and "slave" with, e.g., "leader" and "follower". The document also suggested replacing "blacklist" and "whitelist".

Followup proposals suggested replacing other words, such as "nonce". This is a standard English word (see https://www.merriam-webster.com/dictionary/nonce) meaning "the one, particular, or present occasion, purpose, or use", or "the time being", or, as an adjective, "occurring, used, or made only once or for a special occasion". The word is used in various security contexts to refer to a number used once. The reason for replacement stated in https://web.archive.org/web/20220525110152/https://mailarchive.ietf.org/arch/msg/gendispatch/cP244qdJoBrBTONaOHlcSW6KHbc/ is that "nonce" is "slang for a paedophile" in "British English". This slang was then claimed to be archaic. Then https://web.archive.org/web/20220525110142/https://mailarchive.ietf.org/arch/msg/gendispatch/skIWS_5qSS7QvbN0A8WAIlsVwCY/ stated the following: "I haven't lived in the UK for over 10 years but when I was there this was not archaic but was sort of regional (London and surrounding area + criminal culture such as prisons, gritty TV shows) and common parlance in that context. I was surprised when I discovered the security usage in my 20s but I've never considered there to be much chance of confusion between the two communities that use the word differently."

Dan Harkins objected to the proposal to rename "master" and "slave", for example writing the following in https://web.archive.org/web/20220521093059/https://mailarchive.ietf.org/arch/msg/gendispatch/YhPI9zZ_3xfidt5V-ORRnET36yY/: "I want racial equality too (and a cure for cancer!). But imposing speech codes and calling people racist is not the way to go about achieving that. ... It seems that you're suggesting that publication of your draft, and the changing of certain metaphors in RFCs, is an effective way to achieve racial equality in the IETF. That is magical thinking. It's unhinged from reality." In reply to the proposal to rename "nonce", Harkins in https://web.archive.org/web/20220525110144/https://mailarchive.ietf.org/arch/msg/gendispatch/-On8AHrdnnCMlJOOyb1M1nlYMpk/ suggested replacing the keyword "native" with "indigenous" in the Java programming language. Obviously he wasn't actually endorsing replacing "native"; he was using "native" as an example to question the principles behind the replacement proposals.

These two messages from Harkins are among the messages that IESG claimed in https://web.archive.org/web/20240522061822/https://mailarchive.ietf.org/arch/msg/last-call/d_OfXZu0hJZP3Rgw

aPtqFzLt3g8/ were "inconsistent with the IETF Guidelines for Conduct (RFC 7154) and thereby 'disrupt the consensus-driven process' (RFC 3683)". IESG said that some unspecified subset of the messages "express racism in the form of denying, belittling, and ridiculing anti-racist sentiment and efforts" and "are rude and abusive, and often amount to insulting ridicule".

The suggestion by Harkins to replace "native" with "indigenous", in response to the suggestion to rename "nonce", seems to be what IESG meant by "ridiculing anti-racist sentiment and efforts". Whatever one thinks of this, the notion that these Harkins messages were disrupting the consensus-driven process is absurd. IESG wasn't protecting the process: it was sabotaging the process by censoring dissent.

Not all of the applications of BCP 83 were to suppress dissent. For example, in 2019, IESG revoked posting rights for "Pradeep Kumar Xplorer", in response to postings to IETF mailing lists that were *obviously* off-topic, such as "I need to father a child. I am pegged to californians and not let in and i can moveon with thai English but I need my money as cash to restart my life. I am 49" in email to ietf-smtp@ietf.org dated 26 Apr 2019 17:21:54 +0000. Of course, this revocation did not stop "Pradeep Kumar Xplorer" from continuing to post to IETF mailing lists, as https://web.archive.org/web/20250404032604/https://mailarchive.ietf.org/arch/msg/ietf-smtp/2pmOMQnWWvwp_etFatbE5OvkCtU/ illustrates.

6 The collapse of IETF's protections for dissent, part 2

IETF BCP 94, specifically RFC 3934, gives WG chairs the following authority:

> As in face-to-face sessions, occasionally one or more individuals may engage in behavior on a mailing list that, in the opinion of the WG chair, is disruptive to the WG process. Unless the disruptive behavior is severe enough that it must be stopped immediately, the WG chair should attempt to discourage the disruptive behavior by communicating directly with the offending individual. If the behavior persists, the WG chair should send at least one public warning on the WG mailing list. As a last resort and typically after one or more explicit warnings and consultation with the responsible Area Director, the WG chair may suspend the mailing list posting privileges of the disruptive individual for a period of not more than 30 days.

It's very easy to abuse this to censor dissent: the WG chair simply has to claim that the dissent is disrupting the WG process, and that the disruption is severe enough that it must be stopped immediately. The limitation to 30 days is meaningless when, e.g., a document is in a last-call period.

Sometimes a WG chair will feel uncomfortable invoking the "must be stopped immediately" provision. But then the WG chair is not *required* to engage in direct communication (this is merely "should"), to provide a public warning (this is also merely "should"), or to consult with the responsible AD (this is merely "typical"). The only requirements are

- that "the behavior persists" (which is normal for dissent, and the only option available when an objection is not fully addressed after the first time it is raised) and
- that suspension is a "last resort" (so the WG chair has to take *some* steps before suspension).

It seems (see Section 15) that the subject of censorship can complain to an AD—but the AD is merely required to "attempt" to resolve the dispute. If this complaint doesn't work, that the subject of censorship can appeal to IESG—but IESG is merely required to "review the situation and attempt to resolve it in a manner of its own choosing". That's the complete description of the appeal process: there are no requirements for an investigation of whether any part of the WG process was in fact disrupted, for example, and there are no procedural protections such as having appeals handled by a neutral party (WG chairs are appointed

by IESG in the first place). Similar comments apply to appeals to IAB. There's no further recourse within IETF.

Given the lack of any protections in this appeals process, one would expect appeals to rarely be upheld—and, indeed, https://web.archive.org/web/20220514032045/https://mailarchive.ietf.org/arch/msg/antitrust-policy/f1iHM9p8N-U8p_pXen2ruDqjPPQ/ admits that there is a "dearth of upheld appeals" (while claiming that this somehow shows "the robustness of our processes before the appeals stage"). This is not just for appeals of RFC 3934 actions: every appeal of an IETF standardization decision follows this path.

Even if an appeal *is* upheld, the dissent will have been delayed. Meanwhile many other people censor themselves, downplaying their most serious objections out of fear that speaking honestly will result in a ban by the people in power.

Unlike BCP 83, RFC 3934 does not require public records of its suspensions. Victims also have to worry that publicly objecting to what happened will result in retaliation.

The main protection that RFC 3934 provides against censorship is that some WG chairs won't be willing to place themselves in a fantasy world where dissent is *disrupting*, rather than *following*, the WG process.

7 The collapse of IETF's protections for dissent, part 3

There's a new proposal https://web.archive.org/web/20250902092254/https://datatracker.ietf.org/doc/draft-ietf-modpod-group-processes/ to obliterate the minimal RFC 3934 guardrails that I described in Section 6 above. Here are five ways that the proposal authorizes censorship far beyond RFC 3934.

First, the proposal creates five new IETF-wide censorship positions, labeled as an "IETF Moderator Team". If a chair refuses to declare that dissent is disruption, surely one of the five "moderators" will be willing to substitute.

Second, the proposal no longer refers to disruption *of the WG process*. In the proposal, "disruptive behavior" is a free-floating concept without regard to *what* is being disrupted.

Imagine, for example, that enough people raise objections to a spec that standardization of the spec is stopped. The censor can claim that the spec would normally have been standardized, and that this was *disrupted* by those troublemakers raising objections. (For comparison, the same claim cannot trigger RFC 3934: it isn't claiming that *the WG process* was disrupted.) Or the censor, following the proposal itself, can simply say "disruptive behavior" without even bothering to say what was supposedly disrupted.

Third, the proposal declares various open-ended categories of material to be "disruptive" by fiat—so the censors merely have to assert that the dissent is within one of those categories, not that the dissent is actually disrupting anything.

For example, the censor can declare that the dissent includes "incessant requests for evidence"—that's one of the categories listed in the proposal. IETF's procedures don't oblige proponents to provide *any* evidence of the problem that their specs supposedly address, so of course there are many examples of people asking for evidence; the proponents can simply stonewall, and then the censor can silence any further requests for evidence as "incessant".

Or the censor can declare that the dissent is "uncivil commentary"—that's another category listed in the proposal. After listing six categories, the proposal says "These items are just examples. The moderator team's task consists of subjective judgement calls. Behaviors not listed here might require moderation, and it is not possible to write a complete list of all such behaviors"; in other words, censors are authorized to make up their own ad-hoc excuses for censoring whatever content they want to suppress.

Fourth, all of RFC 3934's concrete escalation recommendations and requirements are gone, replaced by a vague "expectation" to "attempt" the "minimal action necessary to maintain the comity of a forum". Suppression

is no longer a "last resort".

Fifth, the proposal provides "the widest possible freedom of action to administrators and moderators" up to and including "temporary or permanent bans in one or more fora"—so there is nothing stopping a censor from issuing an IETF-wide ban. For comparison, RFC 3934 allows only a 30-day ban in one forum by the chair of that forum regarding messages on that forum. Similarly, BCP 83 allows IESG to issue bans for a forum only in response to messages on that forum; it does let WG chairs copy the ban for their own lists, but an IETF-wide ban would require many WG chairs to act.

Given the tremendous powers of the censors and the lack of any meaningful guardrails, most IETF participants will censor themselves rather than risk doing anything that might trigger the censors.

8 The MODPOD WG

The proposal described in Section 7 is currently in last call in IETF's "MODPOD" ("MODeration PrOceDures") working group.

Note that the English word "moderator" refers broadly to "someone who presides over an assembly, meeting, or discussion" such as "a person who administers an online forum, chat room, or group" (https://www.merriam-webster.com/dictionary/moderator). This is a broad concept. It *can* include extremes such as censoring dissent, but it doesn't *say* that.

IESG created this working group in October 2024. As required for each new working group, IETF issued an IETF-wide announcement (https://mailarchive.ietf.org/arch/msg/ietf-announce/TBaquQhQAndS0o8kBlfWpjBcSSo/) of the creation of, and the charter of, the working group.

Typical readers will understand the charter (quoted below) as saying that the goal of MODPOD is a tedious task of resolving inconsistencies in existing procedures. Readers were certainly not informed that the goal of MODPOD was specifically to add new censorship powers, as in Section 7.

The statement of WG background was as follows:

> The IETF Guidelines for Conduct (RFC7154) state that IETF participants ''extend respect and courtesy to their colleagues at all times'' and ''have impersonal discussions.''
>
> The IETF has a number of processes to address moderation of participants in non-face-to-face venues (e.g., RFC3934, RFC9245, BCP83, and ''IESG Statement of Disruptive Posting'') in response to behavior which violates the IETF guidelines for conduct (RFC7154). Experience implementing moderation in the IETF has found:
>
> - that BCP83 has led to substantial strife within the community; - Inconsistency between working group and plenary lists policies; - A lack of defined policies for forums beyond email (e.g., chat, wikis); - Inconsistent application of existing policies due to community disagreement on the thresholds for reacting to disruptive behavior; and - Application of RFC3934 or posting-rights action (BCP83) to be perceived as cumbersome, slow, making it ill-suited to situations that escalate quickly.

IESG provided no evidence to back up these claims about experience "implementing moderation in the IETF". Consider, e.g., the claim "that BCP83 has led to substantial strife within the community". Most IETF participants will not know that BCP 83 is "A Practice for Revoking Posting Rights to IETF Mailing Lists". Participants who look this up still will not know what "strife" IESG is referring to, and will usually not even know how to get started on evaluating the merits of the dispute, so as to assess pros and cons of different options. The same failure to provide evidence has been a persistent feature of subsequent MODPOD discussions.

After the statement of WG background, there was a broad statement of the WG's "Scope of Work":

> The MODeration PrOceDures (MODPOD) work group will revise existing and define new moderation procedures suitable for all IETF communication channels. The approaches the WG defines will (in no particular order of importance):
>
> - Aim to ensure that consistent and fair moderation procedures exist for all channels/forums in the IETF - Determine who can take moderation actions on a per channel/forum basis, how they are selected and the terms of their service, and the authority afforded to them - Determine who can initiate or propose a moderation action - Balance the need between privacy and dignity of individuals involved with the need for transparency to evaluate moderator adherence to policies. - Be flexible to varying circumstances, allowing for timely, appropriate responses in each situation. - Be capable of responding to patterns of behavior across channels/forums and moderating them collectively - Enable the use of more consistent moderation actions across channels/forums - Have a clear, consistent, and efficient path for appeals - Have a process to review previous moderator actions
>
> The WG will elaborate on how the moderation role and associated procedures interact or overlap with other roles such as working group chairs and the IETF Ombudsteam.
>
> As a starting point, the working group will consider draft-ecahc-moderation and draft-lear-bcp38-replacement, and associated discussions. An eventual proposal for the working group can be based on adopting aspects from these inputs or from a new approach.
>
> The revising or redefining of related Ombudsteam policies or practices such as RFC7776, Sections 1 and 2 of RFC 9245, or the IETF Guidelines for Conduct (RFC7154) is out of scope.

If it occurs to the reader to ask "Does this scope allow MODPOD to appoint an IETF Censor with power over all IETF mailing lists?" then the reader sees that the answer is "Yes, it seems to". But the reader is certainly not told that this is what MODPOD is doing.

In short, the IETF-wide threat posed by the current MODPOD draft (see Section 7) was not forthrightly communicated by the MODPOD charter that was sent around IETF-wide. Unsurprisingly, MODPOD is a very small group of people; see Section 9.

The IESG announcement concluded with "Deliverables":

> At a minimum, the working group will update or obsolete BCP83, and may update or obsolete other related RFCs such as BCP45.
>
> Milestones:
>
> Mar 2025 - WG adoption of one or more drafts on moderation procedures
>
> Nov 2025 - WGLC of draft(s) on moderation procedures

Notice the November 2025 date announced as a milestone for "WGLC", meaning "Working-Group Last Call".

9 MODPOD mailing-list discussions

Between list creation and the 3 September 2025, there were 1703 messages to the MODPOD mailing list (mod-discuss). The top 10 posters were Keith Moore (205 messages), Rob Sayre (199 messages), Eliot Lear

(195 messages), Brian Carpenter (141 messages), Ted Lemon (122 messages), Stephen Farrell (95 messages), Rob Wilton (70 messages), Pete Resnick (53 messages), John Klensin (52 messages), and George Michaels (39 messages), together accounting for 2/3 of the list traffic.

I did eventually find out about MODPOD. I joined the mailing list in May 2025. After catching up on what had happened, I sent email in July (https://web.archive.org/web/20250904193821/https://mailarchive.ietf.org/arch/msg/mod-discuss/KXrfpbTGvqShy9Xl3GLO7qHv6To/) objecting that the MODPOD proposals were violating various requirements of antitrust law.

There were two replies claiming that non-lawyers shouldn't discuss the law (I answered one of these), followed by a message from one of the chairs declaring that "this contribution is not one which the WG at large can fruitfully discuss" (I answered this) and saying that she would "lock" the thread. I complained about this "lock" to the AD, cc'ing the list for transparency; the AD replied; I complained to the IESG, cc'ing the list for transparency; the IESG acknowledged receipt. Notice that most of these messages were because of the refusals to address the *content* of my objection.

Recall from Section 8 that the official charter had stated a milestone of "Nov 2025 - WGLC of draft(s) on moderation procedures". On 25 August 2025, the chairs suddenly announced working-group last call on version 10 of the MODPOD document. The chairs announced ending dates of 8 September 2025 and 11 September 2025 for input, and then withdrew the 8 September 2025 date, so the ending date is 11 September 2025—just a week from now. In IETF, a working-group last call means that the document will move forward unless there are objections before the ending date, so the WG chairs were suddenly creating a rush.

At this point the content of my July objection still had not been addressed. The list archives also show various objections from other people that had never been addressed, such as the following objection from Keith Moore on 6 May 2025, which sounds like an indictment of the entire approach taken by the draft:

> To me, the "potential downside of a team of moderators getting ahead of themselves" is to promote situations like the one in which a decision was made to launch Challenger in very cold weather, over the objections of engineers who understood that the temperature would degrade the effectiveness of the rubber o-rings in the solid rocket booster joints. I believe that having a "team" of moderators will result in WGs being "echo chambers" that discourage people from speaking up about problems that they observe, simply because those problems are inconvenient and the people who raise such issues are seen as "disruptive". (It's much easier to "blame the messenger" than to consider the potential merit in an alternative view.) I don't think any competent engineering organization, especially one which manages a system as important and complex as the Internet, can afford to discourage marginal voices, even when the people who are raising such issues are frustrated.

Between 25 August 2025 and 3 September 2025, there were 188 messages on the mailing list: 41 from Eliot Lear, 33 from me, 19 from Stephen Farrell, 16 from Rob Sayre, etc. These messages were from just two dozen people. Every moment in the list archives shows the same limited diversity of input. (There were gradual changes in participation, such as Keith Moore disappearing after stating the above objection.)

My own messages stated various objections to the procedures set up in the draft, and various objections to claims that the draft is better than alternatives. I objected, for example, that the procedures "will inevitably be used to silence minorities within WGs pointing out problems"; that the guardrails in the draft were practically meaningless; that the document had reached last call with no evidence having been provided to the WG of the problems that the document was supposedly addressing; that mentions of racism, sexual harassment, etc. were fake arguments for the draft since anyone checking the draft sees that the draft does nothing about those problems; and that the stated categories of supposedly bad behavior justifying censorship (e.g., "repeating arguments that had been already addressed") were so broad as to cover various messages that the draft proponents had sent to the mailing list.

I also presented an alternative proposal for IETF to follow the legal requirements listed in Section 1 above,

as practically every standards-development organization does; and a more specific proposal for IETF to have its moderation procedures obey the ANSI Essential Requirements (https://share.ansi.org/Shared%20Documents/About%20ANSI/Current_Versions_Proc_Docs_for_Website/ER_Pro_current.pdf), as many other standards-development organizations do.

Reactions to these objections included agreeing with some points (Stephen Farrell agreed that censorship is "a risk that we ought to address", for example, and Pete Resnick agreed that the draft doesn't stop racists from sending racist messages to IETF mailing lists), denying some points (for example, there have been many messages repeating the claim that the draft does not authorize censorship, while ignoring my point-by-point comparison of the dictionary definition of "censor" to the text of the draft), claiming that some points were challenging the charter and therefore did not have to be discussed (that's not true—the charter allows my alternative proposals and does not require censorship), and ignoring some points (my objection that the draft's procedures violate antitrust law, for example, and my objection to the "repeating arguments" prohibition).

10 The new censorship incident, part 1

The chairs sent me email dated 1 Sep 2025 18:14:23 +0000 asking me to "restrain your volume of posting to ≈25% of your last week's volume (nobody's measuring exactly, but hopefully a guideline helps)". I decided to

- immediately comply with this request—purely out of fear of retaliation if I did not comply—and
- send a complaint to the chairs—I would normally have done this on mod-discuss for transparency, but that seemed unwise since it was clear that the chairs were counting all of my messages against me.

I sent just one message to the list after that on the 1st, a total of two messages on the 2nd, and nothing on the 3rd, whereas I had sent 30 messages in the previous week. In the meantime many new errors have appeared in postings from other people, and I have figured out new objections to the draft (see, e.g., "free-floating" in Section 7), but I fear that if I point out errors and post my objections then I will be kicked off the list.

For the AD to be able to review what happened, the rest of this section shows my complaint to the chairs, of course using "you" to refer to the chairs. The indented text is from the chairs. The "Jay Daley" mentioned below is the Executive Director of IETF LLC, steering the standards process in violation of "The IETF LLC has no role in the oversight or steering of the standards process".

> Several participants have told us chairs unsolicited that the volume is
> hampering their ability to keep up

There are a few dozen people posting to the list, together producing 1660 messages, not to mention all the material on GitHub.

I've sent a grand total of 35 messages. I started in July, after subscribing in May and then catching up on what had happened. You rushed to issue a last call in August, where the official list of group milestones says last call in November 2025.

You could try to blame me for showing up "late" to a project that started much earlier. But the charter that you and your co-conspirators prepared for IETF-wide distribution was lying to the IETF about the group's goal: pretending that the goal was to fix inconsistencies, not admitting that the goal was to create new censorship powers.

In other words: pro-censorship people are hiding in a corner to quietly declare that they agree with each other; once that's done, those people will insist that everybody else has to do what they say, since, see, there was this process of declaring agreement. IETF has no protection against this sort of abuse. All that's

needed is IESG approval, which ultimately means approval from big tech companies, the beneficiaries of this censorship.

To be clear, I wrote "lying" not because that's what the financial incentives indicate, but because you would have already taken corrective action if this misinformation were an accident. You could have stopped at any moment to say: wait, we don't have enough people here; we didn't warn IETF that new censorship powers are on the table; this is violating IETF's promise of "broad consensus" for each decision; the way the group was formed is not ensuring a balance of interests; we need to send more IETF-wide announcements and get more people showing up before we make any decisions.

You can *still* do this right now. Your failure to do it tells me that you don't mind the glaring illegitimacy of this group. On the contrary, given the well-established fact that censorship is controversial, you're *happy* that you've created a small one-sided group so that you can get your document approved without grappling with the controversy.

As for "volume": 35 messages is a very small fraction of 1660 messages. My average message length takes under 2 minutes to read at substandard general-population reading speed (200wpm), and that's *including* the quotes of the misinformation I'm replying to.

Procedurally, I have a right *under law* to express my comments, to have them fairly considered, and to receive an official response to each objection, a response stating the disposition of the objection and, if the objection isn't accepted, the rationale for not accepting it. The records show that *some* of my comments are being considered but others are being ignored. Funny how the most powerful arguments against the current MODPOD draft are also the arguments that the draft proponents aren't quoting and aren't responding to.

Sometimes people even repeat misinformation that I had already debunked. Because you're failing to centrally track objections and failing to guarantee a response to each objection, I feel compelled to repeat the debunking in these cases—not *every* time but at least often enough to make sure the message isn't forgotten. Of course there's then a power play where the majority of this tiny pro-censorship group takes the repetitions as an excuse for one-sided censorship.

> and contribute.

This doesn't pass the laugh test. We're talking about a mailing list, not a meeting. People can post whenever they want.

> It is not necessary for each person to restate disagreement every time somebody says something that differs.

See above.

> you've amply explained your position

"Position"?

This is a perfect example of what's wrong with IETF. All you care about is being able to demonstrate that—within a group created in the first place by pro-censorship people coming together and then lying to the IETF about their goals so that other people wouldn't show up—you have a majority position *for* the draft instead of *against* it. You assess counterarguments politically: you're concerned about them only if they're threatening to change the majority position within this group. There's nothing forcing the content of counterarguments to be addressed.

Jay Daley showed up on 1 September falsely claiming that ISO *isn't* following the rules that I stated. In any legitimate standards organization, chairs would say: hmmm, let's take the time to resolve this dispute. In IETF, all you care about is whether his posturing is adequate to keep the majority in place. I responded by explaining in detail why he was wrong; suddenly you demand that I shut up.

For the record, have you been coordinating with Jay Daley about this?

> as chairs we need the reduction in volume so everyone can be heard.

Still doesn't pass the laugh test. Again, we're talking about a mailing list, not a meeting.

As a separate matter: Your evident goal—both in this email and, more importantly, the illegitimate document that you're ramming through IETF's broken procedures—is to stifle dissent. So please stop pretending that your goal is for everyone to be heard.

11 The new censorship incident, part 2

Even though I was—again, out of fear of retaliation—complying with the chair request and posting far less than before, the chairs sent me email dated 2 Sep 2025 11:53:08 -0700 informing me that they had put all of my future messages to the mailing list "in moderator hold". This email top-quoted my complaint without responding to anything I had written.

I complained again to the chairs. For the AD to be able to review what happened, the rest of this section shows this complaint. The indented text is from the chairs.

Please answer the following questions for the record:

- Are you preventing any other people's messages from appearing immediately on the list, or just mine?
- Is this a limited-time action? If so, what's the time limit?
- Do you claim that your action is authorized by RFC 3934?
- Do you claim that my messages are "disruptive to the WG process"? (If you think you've answered this already: No, you haven't. Words have meanings. See below.)
- If so, which step of the WG process do you claim was disrupted? (The only valid form of an answer would be a specific quote from the official IETF description of WG processes.)
- Are you claiming to have complied with the "behavior persists" prerequisite in RFC 3934?
- Are you claiming to have issued a "public warning on the WG mailing list" about this?
- Are you claiming that your (partial) suspension of "posting privileges" (specifically, stopping my messages from appearing on list immediately as they otherwise would) meets the "last resort" condition in RFC 3934?
- Did you coordinate with Jay Daley about this? (I asked before and you didn't answer.)

I'll take any further evasion as admitting that you did coordinate this with Jay Daley, that you're allowing through only messages from proponents of the draft, and that you know you aren't complying with RFC 3934.

If you don't claim to have authorization for your action, please undo it immediately. Either way, please immediately confirm receipt of this message. I realize that you're evaluating this situation politically, so try to keep in mind what it looks like when (1) in August you issue a limited-time last call where the official list of WG milestones says November 2025 and (2) you play further games to run out the clock.

> We disagree with much of what you've said in this email, but I'm not going to enter into debate about everything.

The reason you're not responding to *anything* I wrote is that you know that your claims don't hold up to scrutiny.

> I did want to clarify that although your 35 messages are not a lot over the whole history of the mailing list, they have indeed had a disruptive effect as they've been sent over a much shorter time period.

There have been more than 100 messages from other people on the list during the same shorter time period, including raising new topics (see, e.g., the discussions of "Issue 210" and "Issue 211"). The reason you resort to vague "disruptive effect" wording without identifying any examples of what was supposedly disrupted is that you know that the disruption claim is a lie.

"Disruptive effect" also leaves completely unclear whether you're claiming that *the WG process* has been disrupted. If objections that follow the WG process succeed in stopping standardization of a document, RFC 3934 can't be triggered by WG chairs claiming that the normal path would have been standardization and that this was "disrupted" by the objections. Anyway, if that's the type of disruption you're talking about, then you're lying in claiming that my messages "had" this effect.

12 The new censorship incident, part 3

The chairs sent me email dated 3 Sep 2025 05:44:41 -0700, again not responding to anything I had written. The complete text of that email: "To clarify, I've turned on 'administrative hold' on your messages. We may approve your messages to be released from hold to the mailing list, or may let you know if we reject a message and why. As with everybody, we're requesting messages stay roughly on topic, in scope, and avoid repetition."

13 This censorship action is beyond the authority of RFC 3934

RFC 3934 has only a few requirements (see Section 6), but the WG chairs are not following those requirements. Even after my questions directly on point, the WG chairs did not *claim* that they are following these requirements. (For comparison: "IETF procedural rules, which include robust appeal options, are well-documented in public materials, and rigorously followed.")

First, the chairs have not claimed, nor could they plausibly claim, that my messages are *disruptive to the WG process*. RFC 2418 states that "Disputes are possible at various stages during the IETF process" and that "To achieve the goals of openness and fairness, such conflicts must be resolved by a process of open review and discussion". I have been engaging in open review and discussion, whereas the chairs are sabotaging this process.

Second, the chairs have not claimed, nor could they plausibly claim, that what I was doing "is severe enough that it must be stopped immediately". They instead invoked the "attempt to discourage the disruptive behavior by communicating directly with the offending individual" path—but they then violated the "If the behavior persists" condition. I had, out of fear of retaliation if I did not comply, made *exactly* the change that they had demanded! Note that the text "If the behavior persists" quoted above from RFC 3934 does not say "If the behavior persists or the individual files a complaint about what the chair is doing".

Third, the chairs violated the "last resort" condition. They jumped immediately from "communicating directly" to preventing my messages from appearing promptly on the mailing list—and perhaps preventing some or all of them from *ever* appearing on the mailing list. I can't try simply sending each message I have in mind and seeing what the results are: if I send a message and it gets through, then I'm risking that a more important subsequent message will be deleted by the chairs on the grounds of "volume". So I'm forced to self-censor.

There are also various due-process violations here. For example, the chairs didn't specify the period for the limitation. Note that there's only a week left in their sudden last call so, unless there are enough objections from other people to stop the document, 30 days are tantamount to forever, as noted above. As another example, the chairs didn't say what the supposed authority for their action is, so I've been forced to waste time searching for procedures that they could possibly imagine justify their behavior.

14 This censorship action violates antitrust law

Beyond merely violating IETF procedures, this chair action flunks a variety of requirements from antitrust law. For example:

- Was this censorship action taken with consensus? No, this was a unilateral abuse of power by the chairs. Furthermore, the purpose and effect of this action is to limit group consideration of my objections, whereas consensus requires a process of attempting to resolve each objection.
- Is this censorship consistent with the requirement of openness? No, it's a direct violation of that requirement.
- Does this censorship provide a balance of interests? No, it flunks this requirement in two ways. First, it was a decision made without input from (to use IETF Administration LLC's wording) a "wide range of perspectives" reflecting "interests from multiple industry sectors, academia, government and non-governmental organizations (NGOs), from around the globe". Second, its evident effect is to limit the range of perspectives allowed as input to MODPOD decisions.
- Did this censorship provide due process? No: the decision was not made by a neutral decision-maker, for example, and there was never a statement of the policy supposedly authorizing the action.
- Did this censorship provide an appeal process? No. There was no response to the content of my objection, and the chairs followed through on censorship without giving me an opportunity to first invoke what IETF labels as an appeals process—never mind the question of whether that process, lacking any real procedural or substantive constraints, can qualify as an appeals process under the law.

15 Overview of resolution efforts so far

Because the chairs didn't identify the supposed authority for this censorship, it is also unclear what resolution mechanisms are available. However, the most closely related document seems to be RFC 3934, which says "Like all other WG chair decisions, any suspension of posting privileges is subject to appeal, as described in RFC 2026 [RFC2026]."

There are multiple procedures in RFC 2026, but what RFC 3934 *seems* to be alluding to (and extending to cover all WG-chair decisions) is Section 6.5.1 of RFC 2026, which includes the following paragraphs:

> A person who disagrees with a Working Group recommendation shall always first discuss the matter with the Working Group's chair(s), who may involve other members of the Working Group (or the Working Group as a whole) in the discussion.
>
> If the disagreement cannot be resolved in this way, any of the parties involved may bring it to the attention of the Area Director(s) for the area in which the Working Group is chartered. The Area Director(s) shall attempt to resolve the dispute.
>
> If the disagreement cannot be resolved by the Area Director(s) any of the parties involved may then appeal to the IESG as a whole. The IESG shall then review the situation and attempt to resolve it in a manner of its own choosing.

I am hereby invoking the "bring it to the attention of the Area Director(s)" paragraph. Let me emphasize that my complaint to the AD is grounded not just on this IETF policy but also on antitrust law.