Senate bill would authorize US president to seize control of Internet

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A bill introduced by Joseph Lieberman, Independent Senator from Connecticut and Homeland Security and Governmental Affairs Committee Chairman, would give the US president wide-ranging powers, including the ability to order Internet providers to restrict access to the global network.

The bill, entitled the "Protecting Cyberspace as a National Asset Act" (PCNAA), was presented in the Senate June 10 by Lieberman, with the support of Republican Susan Collins of Maine and Democrat Tom Carper of Delaware.

Known by the short name "Protecting Cyberspace," the bill has been dubbed an Internet Kill Switch as it presents the Internet itself as a US national asset, over which the president would be given extraordinary powers in a declared "cyber emergency." Under PCNAA, already extensive powers to force private companies to comply with emergency decrees would be greatly expanded. Any company on a list created by the Department of Homeland Security that also "relies on" the Internet, telephone system, or any other component of the US "information infrastructure" could be taken under the control of a proposed new National Center for Cybersecurity and Communications (NCCC), which would be a section of Homeland Security.

A June 10 press release from the Senate Committee on Homeland Security and Governmental Affairs claims, "The bill authorizes no new surveillance authorities and does not authorize the government to 'take over' private networks." But in defending the bill, Lieberman said the president should be able to "say to an electric company or to say to Verizon, in the national interests, 'There's an attack about to come and I hereby order you to put a patch on this, or put your network down on this part, or stop accepting any incoming [traffic] from country A,'" CNET news reported.

The Obama administration has so far stopped short of endorsing Lieberman's bill, but Philip Reitinger, Deputy Undersecretary for the Department of Homeland Security, said that he agreed the executive branch "may need to take extraordinary measures." He preferred to have a single organization—that is, an arm of the DHS, rather than a new office—handle physical and Internet infrastructure. Reitinger pointed out that the 1934 Communications Act already gives the president broad emergency power. "Congress and the administration should work together to identify any needed adjustments to the act, as opposed to developing overlapping legislation," he said.

Under the 1934 act, the president may, under "threat of war," seize control of any "facilities or stations for wire communications." Though dated, that definition would clearly apply to broadband providers or Web sites. Anyone disobeying a presidential order can be imprisoned for one year. In addition to making explicit the inclusion of Internet providers, a central component of the Lieberman bill is a promise of immunity from financial claims for any private company which carries through an order from the federal government.

The Lieberman bill is by no means the first attempt to impose restrictions on Internet access in circumstances when it is deemed to be in conflict with the interests of US imperialism. The 2009 CyberSecurity Act introduced by Senators Jay Rockefeller (Democrat from West Virginia) and Olympia Snowe (Republican from Maine) proposed giving the president similar all-encompassing powers over the Internet. In the end, the most controversial proposals were pulled from the 2009 bill and instead the act required US government agencies to prepare emergency contingency plans.

The push for new security measures ultimately comes

from the White House itself. In a May 2009 press statement, Barack Obama revealed that the servers of his campaign during the presidential election had been hacked and the hackers had "gained access to emails and a range of campaign files, from policy papers to travel plans." Choosing not to comment on who might be responsible for such an action, Obama claimed this was a powerful reminder that "In this information Age, one of your greatest strengths—in our case, our ability to communicate to a wide range of supporters through the Internet—could be one of your greatest vulnerabilities."

The president stated that cybersecurity "is a matter, as well, of America's economic competitiveness," asserting that "E-commerce alone last year accounted for some $132 billion in retail sales." The president declared, "In short, America's economic prosperity in the 21st century will depend on cybersecurity."

Utilizing the kind of rhetoric most closely associated with the former Bush administration, Obama continued, "Our technological advantage is a key to America's military dominance. But our defense and military networks are under constant attack. Al Qaeda and other terrorist groups have spoken of their desire to unleash a cyber attack on our country—attacks that are harder to detect and harder to defend against. Indeed, in today's world, acts of terror could come not only from a few extremists in suicide vests but from a few key strokes on the computer —a weapon of mass destruction."

After pledging to "secure America's information and communications networks," Obama went on to claim that none of this would infringe on the democratic rights of ordinary citizens. "Let me also be clear about what we will not do. Our pursuit of cybersecurity will not—I repeat, will not include—monitoring private sector networks or Internet traffic. We will preserve and protect the personal privacy and civil liberties that we cherish as Americans. Indeed, I remain firmly committed to net neutrality so we can keep the Internet as it should be—open and free."

On the issue of monitoring private sector networks, it should be enough to point to the 3,580 data requests and 123 content removal requests made by the US government to Google between July 1 and December 31, 2009 which we noted on the WSWS in April this year. As for Obama's supposed defense of net neutrality, we have recently drawn attention to the attack on the WikiLeaks web site, which has published video coverage contradicting the US government's war propaganda. (See "Hands off WikiLeaks!" published June 14.)

In an appearance on CNN's State of the Union with Candy Crowley, Sen. Lieberman gave some insight into the real purpose of the proposed measures when he cited the example of China. Invoking "cybersecurity" as the motivation for the bill, Lieberman said, "So I say to my friends on the Internet, relax. Take a look at the bill. And this is something that we need to protect our country." Lieberman said that "Right now China, the government, can disconnect parts of its Internet in case of war and we need to have that here too."

China routinely shuts down or censors the Internet, not in response to war or "national emergency" but to social unrest and the threat posed by the emerging movement of the working class. That Lieberman chooses this as his example is an acknowledgement of the real purpose of the measures he proposes. As with all the attacks on democratic rights which have been carried through since 9/11, first by the Bush administration then continued under Obama, the proposed bill has nothing to do with fighting terrorism. Under conditions of increasing economic and social crisis, Lieberman longs for the type of repressive powers available to the regime in Beijing.