



Written by [Joe Wolverton, II, J.D.](#) on April 27, 2013

CISPA Reportedly Dead — for Now

Refusing to [follow in the footsteps of their colleagues in the House of Representatives](#), the Senate will reportedly decline to take up debate on the controversial Cyber Information Sharing and Protection Act (CISPA).

[A story in U.S. News reports](#) that a “representative of the U.S. Senate Committee on Commerce, Science, and Transportation” said that CISPA is unlikely to make its way to the Senate floor for consideration.



Within its many provisions, CISPA contains direct assaults on the “right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures” as [guaranteed by the Fourth Amendment](#).

CISPA’s threat to our most fundamental rights is real and irreversible if passed by the Senate and signed by the president (the [president has repeatedly insisted](#) that he would veto the bill, however).

For example, CISPA would obliterate (and invalidate) all Internet privacy laws presently in force. Companies large and small would be permitted to turn over to the federal government users’ e-mails, usernames, passwords, browsing history, and most other forms of electronically stored information.

That’s not all. According to information distributed by CISPA’s two largest opponents — [the Electronic Frontier Foundation](#) (EFF) and the [American Civil Liberties Union](#) (ACLU) — the data the government is targeting with CISPA includes medical records, credit reports, and most other “personally identifiable information” that might be caught in a cybersecurity net.

Who would be the most likely recipient of this cache of personal digital profiles? The National Security Agency (NSA). Agents of the this domestic surveillance mammoth would need no warrant before approaching Internet companies with requests for their customers’ otherwise private information.

Although proponents of the bill point out that Internet companies could redact their customers’ most private information, the text of CISPA contains no provision for such protection of privacy.

Beyond simply “allowing” Internet companies (Google, Yahoo, Microsoft, Apple, etc.) to pass private information along to the NSA (and other federal departments, including the Pentagon), CISPA shields these corporate collaborators from all civil and criminal liability for their betrayal.

In fact, although most customers enter into valid, enforceable contracts with Internet companies requiring the latter to protect their privacy, CISPA voids these agreements in the face of federal requests for personal data.

And, thanks to the indemnification clauses, should companies share information with federal agents, users would be left without any legal remedy.

In light of this bill’s abrogation of some of our most cherished civil liberties, it is good news that the source quoted by *U.S. News* claims that the bill will lie dormant for the time being.



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Dormant, but not dead.

The same Senate insider told *U.S. News* that “Staff and senators are divvying up the issues and the key provisions everyone agrees would need to be handled if we’re going to strengthen cybersecurity. They’ll be drafting separate bills.”

That doesn’t sound like an end to CISPA, but merely a delay.

The ACLU praised the senate committees anticipated scuttling of CISPA.

“I think it’s dead for now,” ACLU lawyer Michelle Richardson said in the *U.S. News* report. “CISPA is too controversial, it’s too expansive, it’s just not the same sort of program contemplated by the Senate last year. We’re pleased to hear the Senate will probably pick up where it left off last year,” Richardson added.

The Senate seems too preoccupied with immigration, gun control, and sequestration to take on another big project, which CISPA certainly would be.

Again, although CISPA seems unlikely to reach the Senate floor, it is almost certain that some sort of cybersecurity legislation will soon squeeze its way onto the agenda, especially in light of [President Obama’s insistence](#) that “the cyber threat is one of the most serious economic and national security challenges we face as a nation” and that “America’s economic prosperity in the 21st century will depend on cybersecurity.”

Of course, even the [president’s plan to veto CISPA](#) should it ever arrive on his desk is based not on his belief in the sanctity of the right to be free from such intrusion and violations of the rights protected by the Fourth Amendment. His problem with the bill in its current form is that it doesn’t do enough to hold corporations accountable to Washington for their adherence to the bill’s mandates.

In this case, as with so many other federal programs that are steadily and stealthily chipping away at our civil liberties that are the very foundation of our Republic, the will in Washington is to place every aspect of the lives of every American under the close watch of the federal government. Accordingly, although it might be on the back burner for now, it is almost certain that CISPA or something like it will be revived with its many unconstitutional provisions altered only just enough to garner majority support in Congress.

And, contrary to the president’s declaration that American prosperity depends on cybersecurity, friends of freedom know that the perpetuation of our Republic and the rights we enjoy is a return to first principles of liberty and a fearless defense of the Constitution that stands as sentinel of those timeless rights granted to all men by their Creator.

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