



Written by [Joe Wolverton, II, J.D.](#) on April 24, 2013

## CISPA Supporters Outspent Opponents 38 to 1

The “[cooling saucer](#)” effect might be working in the Senate the way the Founders intended. According to various reports, the Senate is too weary from trying to hammer out bills relating to immigration and gun control to face the gauntlet that would come from taking up the [Cyber Intelligence Sharing and Protection Act](#) (CISPA).

By [a vote of 288-127](#), the House of Representatives passed CISPA, a measure that if enacted would have far-reaching and frightening effects on the right of Americans “to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures” as protected by the Fourth Amendment to the Constitution.

Representative Justin Amash (R-Mich.), one of a handful of lawmakers who consistently vote against unconstitutional bills, [tweeted this explanation](#) of the dangers latent in CISPA: “CIPSA destroys freedom of contract, prohibits companies from making legally binding commitment to users not to share personal data/e-mails.”

Later, just prior to the roll call vote in the House, Amash [warned on his Facebook page](#), “The bill threatens our due process rights protected under the Fourth Amendment and prohibits companies from guaranteeing your privacy.”

Amash is right. 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





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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 legal recourse whatsoever.

The *San Jose Mercury News* — a media outlet covering Silicon Valley — [reports that with regard to turning over private user data under CISPA](#), “Valley companies are largely in favor of the bill. Sharing information about cyberattacks has significant value to them, and freeing them from liability is a bonus.”

Again, supporters of giving the federal government this immense power to increase their scope of surveillance point out that companies are not required to hand over their customers’ data; CISPA makes participation voluntary.

What is not voluntary, however, is customer participation with the unconstitutional seizure of their private information. Under CISPA, no user would ever be informed of any request received by these companies by the federal government for his private data.

Recent legislation makes it clear that Congress (and the president) are determined to deprive Americans of their basic constitutionally protected civil liberties. ObamaCare robs business owners of their [right to freely exercise their religious beliefs](#), several bills being considered would unconstitutionally infringe on the right of citizens to [keep and bear arms](#), the rapid construction of the surveillance state is [demolishing the Fourth Amendment](#), the [National Defense Authorization Act](#) effectively repeals the Fifth and Sixth Amendments, and on and on.

What could compel so many congressmen to betray their oaths of office and vote to give the domestic surveillance apparatus unfettered access to citizens’ most private electronically stored information?

Here’s a hint from [a story published by National Journal](#):

According to data from the Sunlight Foundation, CISPA allies have spent \$605 million on lobbying since 2011. The biggest spenders were the U.S. Chamber of Commerce, which blew \$163 million, and AT&T, which spent \$34 million. In all, 52 groups donated at least \$100,000 each to members of Congress.

In a word: money.

What about the dollars doled out by groups fighting CISPA? The data tell the tale. Again, from the *National Journal* report:

Opponents of CISPA spent a grand total of \$4.3 million in Congress fighting it and other measures. For a better idea of what that looks like, for every \$1 spent by CISPA critics like the American Civil Liberties Union, proponents of the bill spent nearly \$38.

Though the amount of money being thrown around by those who would benefit from CISPA is daunting, the fight is not over.

Citizens concerned about their right to privacy and the right to use the Internet without fear of federal agents collecting their personal data are encouraged to contact their senators and encourage them to vote against CISPA when it comes to that chamber for a vote.



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