



BLOGS & STORIES

Can Obama Shut Down the Internet?

by *Philip Shenon*

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A new bill rocketing through Congress would give the president sweeping powers to police the Web for national-security reasons. Could this be a way to block WikiLeaks?

Is cyberspace about to get censored?

Confronting threats ranging from Chinese superhackers to the release of secret documents on WikiLeaks and other whistleblowing websites, the Obama administration may be on the verge of assuming broad new powers to regulate the Internet on national-security grounds.



The powers are granted to the White House under a bipartisan bill that was introduced in the Senate only last week but is already moving quickly through Congress toward passage. The legislation has generated considerable buzz on tech blogs—but drawn little notice so far by major news organizations.

“The way it seems to be worded, the bill could easily represent a threat to free speech,” said Wayne Crews of the Competitive Enterprise Institute.

The bill would grant President Obama the power to declare a “national cyber-emergency” at his discretion and force private companies tied to the Web, including Internet service providers and search engines, to take action in response—moves that could include limiting or even cutting off their connections to the World Wide Web for up to 30 days.

While the bill’s sponsors say it is intended to create a shield to defend the United States and its largest companies from the growing threat of cyberattacks, civil-liberties activists tell The Daily Beast they fear the bill could give the White House the ability to effectively shut down portions of the Internet for reasons that could prove to be politically inspired.

“We have seen through recent history that in an emergency, the Executive Branch will interpret grants of power very broadly,” said Gregory Nojeim of the Center for Democracy and Technology, a group that promotes Internet freedom. He said the bill, which he described as moving “at lightning speed in congressional terms,” was too loosely worded in its definition of which companies would be regulated and what they would be required to do in an emergency.

Wayne Crews, vice president of the Competitive Enterprise Institute, a free-enterprise think tank, said he believed the bill was so broadly worded that it might even allow the White House to take aim at whistleblowing websites that were believed to pose a national-security threat, such as WikiLeaks, in the guise of a “cyber-emergency.”

“That would be a concern of mine,” Crews tells The Daily Beast. “The way it seems to be worded, the bill could easily represent a threat to free speech.”

WikiLeaks, which is nominally based in Sweden and promotes itself as a global resource for whistleblowers, announced this week that it is preparing to post a classified Pentagon video depicting an American airstrike in Afghanistan last year that left as many as 140 people dead, most of them children and teenagers.

The Protecting Cyberspace Act was introduced last week by Senator Joseph Lieberman, the Connecticut independent who is chairman of the Senate Homeland Security Committee, and Senator Susan Collins of Maine, the panel's ranking Republican. Counterparts in the House Homeland Security Committee have endorsed identical legislation, meaning that a final bill could be adopted by the full Congress within weeks. The White House has not taken a stand on the legislation so far.

Lieberman said the bill was intended to prevent a "cyber 9/11" in which "cyberwarriors, cyberspies, cyberterrorists and cybercriminals" take aim at the United States and try to shut down infrastructure that is dependent on the Internet—a list of targets that include everything from nuclear power plants to banks to Pentagon computer networks.

"The Internet may have started out as a communications oddity some 40 years ago, but it is now a necessity of modern life and, sadly, one that is under constant attack," he said. Lieberman and the bill's other sponsors cited the massive cyberattack several months ago on the search-engine company Google—an attack believed to have been organized by the Chinese government—as an example of the sorts of attacks that could be routine in the future.

Lieberman's committee spokeswoman, Leslie Phillips, said the bill was an effort to defend the nation's most important electronic networks, "the networks that are most central to our daily lives," not at attacking anything. She was particularly agitated at any suggestion that the bill might give the White House the opportunity to try to shut down individual websites on national-security grounds.

"In no way is the senator's cybersecurity legislation directed at websites—WikiLeaks or anyone else's," she said. WikiLeaks founder Julian Assange did not reply to a request for comment via email.

The bill would create a new federal agency, the National Center for Cybersecurity and Communications, within the Department of Homeland Security, with a director who would require Senate confirmation.

The center would work with private companies involved in what is described in the bill as "critical infrastructure"—a list including companies involved with electric grids, telecommunications networks and the Internet—to come up with emergency measures in the event of a crisis. Under the bill, the White House could demand that the emergency measures be put into place, including restrictions on their access to the Internet, if the president declared a national cyber-emergency.

Philip Shenon, a former investigative reporter at The New York Times, is the author of The Commission: The Uncensored History of the 9/11 Investigation.
