

August 2, 2012

The Honorable Harry Reid
The Honorable Mitch McConnell
United States Senate
Washington, DC 20510

Dear Leader Reid and Leader McConnell,

If the Senate considers amendments to the Cybersecurity Act, we urge you to support the Franken-Paul amendment, which would ensure companies do not gain new, ill-defined authorities to monitor and block Internet users' private communications.

The Franken-Paul amendment would strike section 701 of the Cybersecurity Act, which grants companies the authority to monitor private Internet traffic and take "countermeasures" against traffic they suspect contains cyber threat indicators.

Section 701 will completely override critical privacy protections currently provided under electronic surveillance laws and the Communications Act of 1934. Therefore, this section poses a major threat to Internet users' privacy and civil liberties.

It is unclear why it is necessary to grant companies this new power to monitor, modify, block, or redirect users' communications, because companies already have ample authority under federal law to intercept, use, and disclose information in the ordinary course of business and to protect their rights and property.

Also troubling to us, Section 701, in conjunction with Section 706, would immunize breaches of contract. If a company were to promise customers that it would not monitor their communications, immunity provisions in the bill would prevent the customer from enforcing this promise in court.

Because a compelling case has yet to be made why these new, broad authorities are necessary, Section 701 should be removed. Signers of this letter have diverse views on cybersecurity legislation, and this letter should not be read as an endorsement of the underlying bill, but we are united in believing that the Franken-Paul amendment will preserve user trust that network operators are not intercepting or blocking traffic without good and narrowly-focused justification; preserving such trust is vital to fostering innovation.

Sincerely,

American Civil Liberties Union

Alexis Ohanian – Reddit, Breadpig

American Library Association
Association of Research Libraries
Center for Democracy & Technology
Center for Media and Democracy
Center for Media Justice
Competitive Enterprise Institute
Data Foundry
Demand Progress
Electronic Frontier Foundation
Entertainment Consumers Association
Fight for the Future
Free Press Action Fund
Liberty Coalition
Mozilla
OpenMedia
PolitiHacks
Reporters Without Borders
Techdirt
TechFreedom
The Rutherford Institute
Tim O'Reilly – O'Reilly Media*
Union Square Ventures

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