



Cybersecurity and Civil Liberties: The “Kill Switch”

- The term ‘kill switch’ has become shorthand for the government power to restrict access to or shut down parts of the Internet. While it is not technologically feasible to ‘turn off’ the Internet in its entirety, it is possible to shut down websites, servers, and otherwise substantially block Internet access, threatening a key engine of democracy and First Amendment rights.
- An administration official testified before Congress in 2010 that the President believes he has sufficient legal authority to respond to cyber threats in emergency situations. This could include the power to shut down sectors of the Internet. However, the administration has declined to name the authorities it is relying on, with the exception of the Communications Act of 1934, enacted long before the Internet was conceived.
- On August 16, 2011, the ACLU filed a Freedom of Information Act request with several executive agencies requesting information about existing policies to shut down and limit access to the Internet, and the legal basis for them. As of this date, no substantive response has been received.
- Congress should compel the administration to release information about whether and how current law permits it to interfere with the Internet in response to a cyber threat.
- Most legislative proposals in the 112th Congress rightfully do not include new ‘kill switch’ authorities. If anything, legislation is needed to narrowly define the Executive’s power to cut Internet access in cyber security emergencies.

Vote “no” on any efforts to create a new emergency “kill switch” authority.