

Sunday, April 5, 2009

The Constitution Dies - To Thunderous Applause

Gee, you folks who thought [Obama was the be-all and end-all to "solve" violations of The Constitution](#) under President Bush:

A pair of bills introduced in the U.S. Senate would grant the White House sweeping new powers to access private online data, regulate the cybersecurity industry and even shut down Internet traffic during a declared "cyber emergency."

Senate bills No. 773 and 778, introduced by Sen. Jay Rockefeller, D-W.V., are both part of what's being called the Cybersecurity Act of 2009, which would create a new Office of the National Cybersecurity Advisor, reportable directly to the president and charged with defending the country from cyber attack.

This **sounds** reasonable, at first blush.

But I've read [the actual draft bill](#) that allegedly was proffered, and while most of the time what is published on WND is about as diametrically opposed politically to my views, this isn't one of those times.

On page 21 and 22 it is established not only certification of "security professionals" in the computer field but **mandatory licensing** for anyone performing compute security services not only to the government **but also to any "critical infrastructure system or network."**

This would immediately make part of what I do - selling spam-interdiction software **to state and local public safety organizations such as police departments** - unlawful unless I went through whatever "process" the government sets forth.

Got that? As a guy who has been writing spam **filtering** software for more than a decade, as the guy who first offered it to his ISP customers back in the 1990s as part of our service to **every** user, what I did in the 1990s would be made illegal (since we had literally thousands of accounts billed to a government agency of one form or another) and my provision and support of that software ("Spamblock-Sys") would be unlawful **going forward** unless I submitted to whatever licensing criteria the government set forth in the future.

Might I be willing to submit to that? Maybe. Will it dramatically increase the cost of that software? Absolutely. Who's going to pay for it? You are, in higher taxes.

Second, page 40 has some truly frightening implications, among them granting The Department of Commerce **plenary authority to invade networks and access the data therein irrespective of Constitutional or legal restrictions against that action.**

Finally, there is a provision within this draft allowing The President to order disconnection of any "critically important" infrastructure - but it does not define what that is, once again, granting **effective plenary authority** to The President to silence communications irrespective of Constitutional protections regarding Free Speech.

First Amendment?

What First Amendment?

Gee, I wonder if the Second Amendment means anything these days, and whether we'll defend **that** if we won't defend The First!

Posted by Karl Denninger at 13:21