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Heritage Foundation Address on Internet Freedom

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Good afternoon and welcome. Thank you for joining us this afternoon. It is great to be with you to be discussing an issue I think of exceptional importance to our country and to the future.

The Internet has been one of those transformational inventions that has changed how we communicate, how we do commerce, how we live our lives. For many, especially young people here, it's hard to even imagine life before the Internet. But you look at what the Internet has done -- it has created an oasis of freedom.

One of the great problems with someone trying to start a small business is what are known as 'barriers to entry.' It's often difficult to start a small business because it's expensive. It used to be, a few decades ago, if you wanted to start a small business, you had to figure out a good or service to sell. You had to figure out production facilities. You had to figure out storage. And then you needed a distribution network. You needed wholesalers. You needed retailers. You needed display space. And you needed advertising.



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What the Internet has done is dramatically reduce the barriers to entry for anyone who wants to be an entrepreneur. You're a man or woman somewhere across the country, or even a boy or girl somewhere across the country, or across the world, and you have an idea -- a service you want to sell or a good you want to make -- you can put up a website and instantly you've got an international marketing ability. You have a portal to communicate with people, and anyone can go online and order whatever your good and service is, and between that and FedEx or UPS you can ship it anywhere in the world. That is an extraordinary and transformational ability.

That freedom -- that you don't have to go get anyone's approval, you don't have to go the Board of Business Authorization if you want to create a new business, if you want to take on, say, the existing taxi regimes, you start an Uber, and with the power of a whole bunch of cellphones, you transform how people get from place to place in one location -- the Internet is democratizing in that effect.

The Internet empowers those with nothing except for hopes and dreams to be able to achieve those ambitions. And when it comes to free speech, you know it wasn't too long ago that speech was controlled by a handful of TV networks, a handful of newspapers -- the gatekeepers -- they decided what was news. They decided all the news that's fit to print. And if it so happens that they didn't think it was fit to print, that it was inconsistent with their political views, then it didn't get said. The Internet is now a place where anyone of us can go online and say darn near anything, and I've got to admit, I've read some crazy things on the Internet.

But it's an amazing ability that takes power out of the entrenched elites and brings it to the people. You know, it wasn't that many years ago that Dan Rather was a respected network news anchor... until a bunch of bloggers in pajamas began fact checking his stories and took down one of the biggest names in news. That could never have happened prior to the Internet. That ability to research, to communicate, to get a voice out, to expand virally could never have happened prior to the Internet.

Now, what do we also know? We also know that whenever there is an oasis of freedom, as surely as night follows day, there will be government regulators who want to get their grubby, little mitts on it. That is the nature of government power -- to want to control, to tax, to regulate, to make sure that freedom meets the prior approval of government.



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Right now, the Obama Administration's proposal to give away the Internet is an extraordinary threat to our freedom and it's one that many Americans don't know anything about. It is scheduled to go into effect September 30, 2016. We are not far away.

From the very first days of the Internet, the United States Government has maintained its core functions to ensure equal access for everyone with no censorship so that when you type in a website, it actually goes to that website. Now the government doesn't monitor who says what, it doesn't prevent people from saying what they might believe, but it ensures when you type in a website, it actually goes to that website and not somewhere else. And yet, that can change.

The Obama Administration is pushing through a radical proposal to take control of Internet domains and instead give it to an international organization, ICANN, that includes 162 foreign countries. And that means, as a necessary result, if that proposal goes through, that will empower countries like Russia, like China, like Iran to be able to censor speech on the Internet. These are not our friends.

The United States has the First Amendment, an incredible blessing that protects the right of everyone to speak their mind even if they're wrong, and I would say especially if they're wrong. You know, the First Amendment is not about popular speech. The First Amendment is about unpopular speech. The First Amendment is about offensive speech. That's what it was created for. You don't need a First Amendment if nobody is offended at what you're saying. It is only when someone says, 'I am offended and would silence you,' that's the only time the First Amendment matters -- when there are those seeking to use government power to muzzle opinions that frighten them, opinions that threaten their power. I'm very much of the school of John Stuart Mill, that the best cure for bad speech is more speech. But a lot of countries don't share those views.

Imagine searching the Internet and instead of seeing your standard search results, you see a disclaimer that the information you were searching for was censored. If you're in China, that situation could well come with the threat of arrest for how dare searching for such a thing. But thankfully, that's not yet happening in America. This transfer from the Obama Administration, this radical proposal, could lead to that threat. And Congress has yet to step in and affirmatively stop this.



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You look at the influence of foreign governments within ICANN, it should give us greater and greater concerns, do we want control over Internet domains in an area where foreign governments can exercise direct influence? For example, ICANN's former CEO Fadi Chehadé left ICANN to lead a high-level working group for China's World Internet Conference. Mr. Chehadé's decision to use his insider knowledge of how ICANN operates to help the Chinese government and their conference is more than a little concerning. This is the person who is heading ICANN, which we're being told 'trust them with our freedoms,' went to work for the Chinese Internet Conference, which by the way, the Chinese Internet Conference has rightly been criticized for banning members of the press such as The New York Times and The Washington Post...two groups that are among my favorites. But you know what, even knuckleheaded reporters have the right to report and say what they believe. And yet, the World Internet Conference banned them, which led Reporters Without Borders to demand an international boycott of the conference, calling China the 'enemy of the Internet.' Do you want the enemy of the Internet having power over what you're allowed to say, what you're allowed to search for, what you're allowed to read online?

It's also concerning that ICANN currently employs an individual named Tarek Kamel as a Senior Advisor to the President of ICANN. Now clearly, anyone with a title like that -- 'Senior Advisor to the President of ICANN' -- is someone with a great deal of expertise and dedicated commitment to freedom of the Internet. Wouldn't it that were so? Tarek Kamel previously worked for the Egyptian government and is infamous for shutting down Egypt's Internet during the Arab Spring Revolution in 2011. The move led the Obama Administration to publicly chastise Mr. Kamel in an open letter saying, 'Unless you act now, in your final hours as Minister, to reverse the Internet cutoff, your name will forever be associated with an unprecedented human rights violation on a national scale, and an economic catastrophe triggered by a shortsighted regime's drive for self-preservation.' I'm going to say a sentence that I rarely utter: I agree with the Obama Administration. Tarek Kamel made his name shutting down the Internet in Egypt to stifle free speech that was threatening to the government, and now, the Obama Administration is months away from handing over control of the Internet to ICANN, which employs him as 'Senior Advisor to the President of ICANN.'

I would note as well that once this transition happens, there are strong indications that ICANN will seek to flee U.S. jurisdiction and flee U.S. laws. Indeed, just last week ICANN held a global conference in Finland in which jurisdiction shopping was part of their agenda, 'let's find a jurisdiction.'



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Indeed, a representative of Iran already is on record stating, '[w]e should not take it [for] granted that jurisdiction is already agreed to be totally based on U.S. law.' Our enemies are not hiding what they intend to do.

Not only is there a concern of censorship and foreign jurisdictions stripping U.S. law from authority over the Internet, there are also real national security concerns. Congress has received no assurances from the Obama Administration that the U.S. Government will continue to have exclusive ownership and control of the .gov and .mil top-level domains in perpetuity, which are vital to our national security. The Department of Defense, the Army, the Navy, the Air Force, the Marines all use the .mil top-level domain. The White House, the CIA, the FBI, the Department of Homeland Security all use the .gov. The only assurance ICANN has provided to the Obama Administration regarding .gov and .mil is that ICANN will notify the government in the future if it decides to give .gov and .mil to another entity. So if someone is going to the IRS, or what you think is the IRS, and you're comforted that it's on a .gov website so it must be safe, you may instead find yourself a victim of a foreign scam, a phishing scam, some other means of fraud with no basic protections.

Congress doesn't have to sit by and let this happen. Congress doesn't have to sit by and let censorship happen. Now, some defenders of this proposal say 'this is not about censorship. It's about handing control to a multi-stakeholder unit. That would never dream of censoring content on the Internet.'

Well recently, leading technology companies in the United States -- Facebook, YouTube, Twitter, and Microsoft -- reached an agreement with the European Union, to remove 'hate speech' from their online platforms within 24 hours. Giant U.S. corporations signing on with government to say, 'we are going to help you censor speech that is deemed unacceptable.' And by the way, the definition of 'hate speech' we have seen can be very, very malleable. For example, the Human Rights Campaign, which is active within ICANN, has featured the Family Research Institute, the National Organization for Marriage, the American Center for Law and Justice, and other conservative and religious groups in a report entitled 'The Export of Hate.' We are facing the very real possibility of speech being censored in the name of 'hate speech.' It is hate to express a view different from whatever the prevailing orthodoxy of the government is.



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And I would note just this week, YouTube used its Hate Speech Policy to remove a video posted by Counter Jihad that was critical of the Muslim Brotherhood's 'Civilization Jihad.' We are entering very dangerous territory, where giant U.S. companies participate in censoring speech because to speak of something like jihad, to speak of the Muslim Brotherhood, to speak of the forcible export of Sharia Law, is deemed inconsistent with political correctness.

Now surely, some might say, the U.S. government wouldn't actively censor. We have seen just in the weeks following the horrific Orlando terrorist shooting, the United States Justice Department editing the Orlando terrorist's 911 call to remove references to ISIS, pledges of allegiance to al-Baghdadi. Just editing it out, it does not exist. For anyone who wants a chilling example of where this ends up, I would encourage everyone here to go back and read George Orwell's classic 1984. At the time it was written, it was meant to be futuristic. Big Brother censoring speech, defining speech. We saw the leader of France, Mr. Hollande, the White House put out his remarks and simply edited out the portion discussing radical Islamic terrorism, deleted it from the video. Who in their right mind would want the Internet subject to that kind of editing?

One thing dealing with government organizations that try to stifle speech, that is profoundly inconsistent with who we are as Americans. But to hand over control of the Internet, to muzzle everybody on the Internet, to ensure that what you say is only consistent with whatever is approved by the powers that be, that ought to frighten everybody. And there is something we can do about it. Along with Congressman Sean Duffy in the House, I have introduced the Protecting Internet Freedom Act, which if enacted will stop the Internet transition, and it will also ensure the United States Government, keeps exclusive ownership and control of the .gov and .mil top-level domains. Our legislation is supported by 17 groups across the country, advocacy groups, consumer groups, and just this afternoon, we heard it is receiving the formal endorsement of the House Freedom Caucus.

This should be an issue that brings us all together. Look, there are partisan issues that divide us, there always will be. We can have Republicans and Democrats argue till the cows come home about the top marginal rate of taxation, and that is a good and healthy debate to have. But when it comes to the Internet, when it comes to basic principles of freedom, letting people speak online, without being censored, that ought to bring everyone together. Listen, I think much of what Bernie Sanders says is nonsense. But, he has every right to yell it from a mountaintop, and I will vigorously protect his right to yell it from a mountaintop.



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And if you disagree with my friend Bernie, that socialism is a great economic system, the answer is not to muzzle him and prohibit him from saying it, it is to stand up and say where socialism has been implemented it has lead to misery, and suffering, and despair, it doesn't work. The answer is to respond with facts, evidence, and persuasion.

And let me say, young people in particular have a vested interest in this fight. Now, it is easy for young people to not be engaged in the immediate battle that is going on in Congress, 'something about Internet domain, ICANN -- I don't know what all that nonsense means.' But, young people, we are talking about the next generations to come to speak your mind without the government giving prior approval. And this is an omelet that will be very difficult to unscramble. If the Obama Administration jams this through, hands control of the Internet over to this international organization, this mini United Nations, they take it overseas. It's not like the next President can magically snap his or her fingers and bring it back. Freedom and free speech ought to bring us all together.

One final observation. What is it about those on the radical left that they refuse to defend American interests? I remember when I was a kid in the 1970s, Jimmy Carter had this 'great idea' -- 'let's give away the Panama Canal.' Why? Well, America had built it. Americans had died, had bled, but yet Jimmy Carter said 'No, it's not right for America to own the Panama Canal that we built, that we paid for. Instead, we should give it away to just be global citizens of the world. I have to admit sometimes, I wonder at times what on earth is the Obama Administration thinking? We built the Internet, and America maintains it as free for all. We don't use it in an imperialist manner to impose our views on others, we maintain it as an oasis of freedom. Because we are a nation dedicated to principles, that are reflected in the Bill of Rights and especially the First Amendment. What is going through the minds of Obama Administration, when they say 'let's just give it away.'

Who in their right mind looks at the Internet and says 'You know what we need. We need Russia to have more control over this.' What is the thought process behind that? And I might note what the Obama Administration is doing is also likely illegal. The United States Constitution prohibits transferring government property to anyone else without the authorization of Congress.



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The Obama Administration does not have the authorization of Congress, and yet, they are endeavoring to give away this valuable, critical property, to give it away with no authorization in law. That ought to trouble all of us.

So I would encourage the folks listening to this, you have a powerful tool to stop this. Speak out. Speak out online, speak out to your friends. Use the Internet, use social media. If you liked that video, share the video. If you didn't like the video, make a better one. That's the great thing about the Internet. Maybe each one of you can do it a hundred times better, knock yourselves out. That is what the Internet is about; it is a portal to freedom. And people need to be aware we have a limited window of time to protect that oasis of freedom, so that we can speak our minds and that the future is not a future of government control, empowering our enemies at the expense of America.

I believe the Internet should be free of taxes, should be free of regulation, should be free of censorship. We need to keep the Internet free, and when government bureaucrats and politicians say 'I want control over what you say and do on the Internet.' We should say tell them collectively to go jump in a lake. That's a formal technical.

So that's what I encourage each of you to do, speak out for freedom. This should be an issue that brings everyone together. One question to ask is, why are so few Democrats speaking out against this? There was a time when Democrats considered themselves champions of civil liberty. There was a time when Democrats considered themselves the defenders of the First Amendment and free speech. Where are the Democrats standing up and saying 'we don't want the Internet censored by Russia, and China, and Iran'? Where are the Democrats defending free speech? Where are the Democrats defending American interests? Let me encourage you to encourage friends on the left, there may be issues on which we disagree with, but free speech and Internet freedom ought to unite us all.

And so, I appreciate the chance to be here today, and I appreciate that I didn't have to get prior government approval before coming.

Thank you very much.