

**KEYNOTE ADDRESS OF COMMISSIONER AJIT PAI
AT THE LGBT TECHNOLOGY PARTNERSHIP'S INAUGURAL POLICY FORUM
SEPTEMBER 12, 2013**

I feel I should start by acknowledging the symbolic elephant in the room. And in this case, I am that elephant. Since this event was announced, some have asked why a Republican FCC Commissioner is the keynote speaker for the LGBT Technology Partnership's inaugural policy forum. Well, you'll have to ask Chris and Joe why they selected me. But let me tell you why I accepted their kind invitation.

The answer is simple. It can be found in the very first provision of the Communications Act. Section 1 of the Act charges the FCC with, among other things, regulating "communication by wire and radio so as to make available . . . to all the people of the United States . . . a rapid, efficient, Nation-wide, and world-wide wire and radio communications service . . ." And to me, "all the people of the United States" means just that: *all* the people.

My commitment to inclusive communications policies is partly a product of personal experience. When I was about five years old, my family moved from Vancouver, British Columbia to Parsons, Kansas. Parsons is a town of about 10,000 people in the southeast corner of the Sunflower State. Even at that young age, I could tell that my world had changed. In Vancouver, for example, I went to a diverse preschool with students from many other races and ethnicities. In Parsons, I was often the only minority student in my elementary-school class. Now, don't get me wrong; Parsons was a wonderful place to grow up. The friends I made there are friends to this day. And I never felt like I faced any kind of discrimination. But I did sense at an early age what it was like to feel different—to walk into a room aware that I was the only person like me.

In those days, it also wasn't easy for my family to maintain our connection with Indian culture. My parents would often get together with the handful of Indian-American families in town. But to be part of a broader Indian-American community, we had to drive to Joplin, Missouri or even three hours north to Kansas City. And in the 1970s, it was hard for my parents to stay in touch with relatives back in India. For one thing, my grandparents would have to book an appointment at their Bangalore post office just to get a few minutes' access to a telephone. For another, long-distance phone calls were expensive for us. So our conversations tended to be brief.

But maybe I had it easy. In preparing for this morning's event, I spent some time thinking about what it must have been like for an LGBT teenager in Parsons back then. I had friends growing up who were gay but I didn't find out until much later. In fact, I don't recall there being any openly gay individuals in Parsons at the time, and there was certainly no LGBT community as such. If you were looking for help, there was no obvious place to turn. If you were looking to meet other gay people, there was no obvious place to go. If you were looking for a role model, there wasn't an obvious candidate. In short, if you were an LGBT resident of Parsons, you must have felt pretty isolated. Like me, you probably walked into a room feeling different—thinking that you were the only person like you.

Flash forward to today. Our culture has evolved considerably. There are now openly gay Parsonians. And technology has evolved too, probably outpacing the cultural change. Thanks to the Internet, people living in Parsons and rural communities throughout our nation are able to connect to the outside world in ways that were simply unimaginable when I was a child.

Today, while I'm not in Kansas anymore, my parents can have video chats with our relatives in India from the comfort of their own home. They can shop online for Indian groceries instead of driving hours to a store. And with a click of a mouse, they can read the latest news from India or from throughout the Indian-American community in the United States.

And what about LGBT teenagers living in Parsons today? Thanks to the Internet, they can access an amazing array of resources. For example, through the Trevor Project they can contact a trained

counselor online or connect with other gay youth on a secure social networking site. Through the It Gets Better Project, they can take comfort in and learn from the experiences of LGBT adults. And they can take advantage of almost all of these Internet resources anonymously, which is critical for teenagers who are in the closet.

To illustrate what a difference these resources would have made years ago, let me quote one of my good friends from Parsons. She and I were classmates from early elementary school all the way through high school. She's very happy now, as is her family, but it wasn't always that way. She emailed me a few days ago to say this: "I can tell you [that] it would have been a world-changer to have had Internet access To know I wasn't as alone as I thought I was until I actually left [home] and finally discovered I wasn't so alone after all. . . . I spent the early years of my young adulthood hiding and trying to convince myself it wasn't such a bad thing to be gay. If I had access to others like me, I might have been an entirely different person today."

Similarly, another childhood friend from Parsons told me: "It likely would have changed the course of my life to have had access [through the Internet] to gay culture when I was a kid. Mass media offered scraps—usually comic stereotypes or something brutally scary—but that was one-way communication."

Returning to the present, a few statistics illustrate the importance of broadband to LGBT teenagers in the United States. Gay teens spend an average of five hours online each day, more than their straight counterparts. Gay teens are more than two-and-a-half times more likely to have met a close friend online. And they are much more likely than their straight counterparts to search the Internet for health information.

Of course, LGBT teens' online experiences are not uniformly positive. Cyber-bullying, for example, is a real problem. But on the whole, the Internet has substantially benefited the LGBT community, just as it has benefited all kinds of Americans, by making it easier to connect, easier to learn, and easier to engage in self-expression.

So what does all this mean from a policy perspective? Two distinguished panels at this forum will share their views on how communications policy impacts LGBT communities. For my part, I want to kick things off by endorsing a simple idea: We have to ensure that the Internet, with all its power and promise, continues to thrive for all people, including those in the LGBT community. Domestically, that means we need to incentivize the deployment of next-generation networks by modernizing regulations. And internationally, that means continuing the fight to keep the Internet free from government control.

Let's start with the home front. In 1996, a Democratic President and Republican Congress came together to declare that "[i]t is the policy of the United States . . . to preserve the vibrant and competitive free market that presently exists for the Internet . . . unfettered by Federal or State regulation." And over the past seventeen years, the Internet has flourished to become the most open, vibrant, and democratic mode of communications in the history of the world.

That policy has certainly paid off when it comes to broadband deployment and adoption. From 2001 through 2009, the percentage of Americans with broadband at home skyrocketed from six percent to 63 percent—that's more than a seven-percentage point jump each year. But over the last four years, things have slowed down dramatically—the *total* increase has been only seven percentage points. The pace is even slower in rural parts of the country, where broadband deployment and adoption has lagged and gay teenagers go online less often than those in suburbs and cities. This means that those who are most likely to feel isolated and could most benefit from broadband are the least likely to have it.

One reason for this slowdown is that Internet providers are increasingly running up against obsolete regulations designed for an earlier era. Instead of maximizing incentives for providers to invest in the networks of the future, the FCC's rules too often saddle them with obligations rooted in the past. For example, we still require some telephone companies to spend time and effort maintaining lists of

every single piece of property they own, even the smallest, cheapest pieces of telephone plant. And every dollar that carriers are required to spend maintaining archaic networks is a dollar that can't be spent on laying fiber or building out broadband in rural areas. Or, as the National Broadband Plan put it three years ago, requiring carriers to maintain legacy infrastructure has the effect of "siphoning investments away from new networks and services."

Revising our rules to keep up with the times is important. It's especially important right now because we are in the midst of what I've called the Internet Protocol or IP transition. Copper-wire networks run by monopoly providers are fading; since 2001, the number of circuit-switched telephone lines in the United States has declined by over 45 percent. Not that there's anything wrong with that, of course, because copper is being replaced with faster, more resilient optical fiber and other technologies. Led by consumer demand, we are entering a competitive, digital, all-IP world. Voice, video and data are becoming mere applications—just packets of information carried on the same networks, whether they are wireline or wireless.

That all-IP world means better, faster, cheaper, and more reliable communications services for American consumers. So we need to expedite the IP transition. Our first step should be to start what those in the technology sector would call "beta testing." We should launch an All-IP Pilot Program. In a set of discrete wire centers, we should let carriers turn off the old Public Switched Telephone Network, make the transition to all-IP, and study the results. With localized trials in a diverse set of areas, we can see what works and what doesn't for all constituencies, including LGBT consumers. To help the nationwide transition go smoothly, there will be no substitute for actual experience.

We also need to clear out the underbrush of legacy regulation. Some in this nation would like to impose more rules on the Internet. For example, there are those who want to classify broadband as a Title II service and thus impose burdensome common carrier regulations onto Internet service providers. I have been and will continue to be committed to doing whatever I can at the FCC to thwart those efforts. But so long as outdated rules are still on the books, it is just too easy to import them into the Internet world. The only way forward is to get ahead of the curve and revise or repeal them.

If we take these steps, I'm convinced that we can preserve Internet freedom in this country. We will see more broadband build-out in rural America. And we will increase the deployment of higher-speed networks throughout our nation. These would be welcome developments for all Americans, gay and straight.

* * *

When it comes to Internet freedom, however, the greatest threats come from abroad. The Internet was built on a multi-stakeholder model of decentralized governance. No one entity, no government, no cabal controls how the Internet functions. But that model is currently under attack. It is under attack by those seeking to shift control over the Internet to multilateral, intergovernmental bodies such as the International Telecommunications Union (or ITU), an agency within the United Nations. The ultimate goal, of course, is to impose greater international regulation upon the Internet.

What kind of regulation? One idea is to create an international "registry" of IP addresses that could track every Internet-connected device in the world. Another is to give the ITU the authority to administer domain names such as .org and .com Web addresses. Still another is to subject Internet content to international regulation under the pretext of combatting spam, promoting cybersecurity, or addressing network congestion. I could go on, but you probably get the point. The bottom line is control: control of the networks that transmit online communications, and ultimately control of the people who use the Internet.

And which countries, you might be wondering, are leading the charge for this kind of Internet regulation? Chief among them are Russia, Iran, and many Arab states. These governments are no friends

of Internet freedom. Ceding online governance to international bodies where those governments have substantial influence would be a catastrophic mistake.

Indeed, if you want to find out what they would do in terms of international regulation, take a look at how they regulate the Internet at home. What that examination reveals isn't pretty, especially for LGBT individuals.

Consider Russia. If you've watched the news recently, you know about Russia's official crackdown on its LGBT population: the banning of gay pride rallies, the beatings of gay-rights protesters, and, of course, the legislation outlawing what the government has called "propaganda of nontraditional sexual relations to minors." What few have appreciated about the last item is how this legislation applies to the Internet.

Speech on the Internet is now illegal in Russia if it can be accessed by minors and: (1) is aimed at creating "nontraditional sexual attitudes"; (2) makes "nontraditional sexual relations" attractive; (3) equates the social value of traditional and "nontraditional sexual relations;" or (4) creates an interest in "nontraditional sexual relations." People who violate this law face heavy fines, and organizations engaging in such speech can even be shut down for up to 90 days. I'm only half-joking when I say that I wonder whether Ivi—Russia's counterpart to Netflix—will soon be removing *Brokeback Mountain* from its Internet streaming service. Or whether Russian children will be denied access to *Teletubbies* videos online.

Or take Saudi Arabia. Social behavior in the kingdom has long been governed by the so-called Committee for the Promotion of Virtue and Prevention of Vice. The *mutaween* who enforce the Committee's edicts can dispense fines, prison terms, and even lashings by whip for conduct contrary to sharia law, including same-sex relations. More recently, Saudi Arabia has implemented a pervasive Internet censorship regime managed by its Internet Services Unit (or ISU). The ISU blocks Saudis from accessing numerous websites of which the government disapproves. This includes most gay-themed sites, including those of the International Gay and Lesbian Human Rights Commission and the Gay and Lesbian Arab Society. Other Middle Eastern countries, such as Bahrain, Iran, Oman, Qatar, and Yemen, also use filtering software and other means to block citizens from accessing LGBT websites.

Of course, when it comes to online activity, repressive governments don't just target gay people. Religious minorities and political dissidents, among others, are also at risk. For example, websites that promote Christianity are blocked by Saudi Arabia and many other Muslim countries. In China, the government has arrested and imprisoned members of Falun Gong for online posts and text messages. And in Venezuela earlier this year, a woman was arrested and her computer seized for tweeting after Hugo Chavez's death that he had become a "wax doll." This tweet was deemed by the Venezuelan government to be "destabilizing [to] the county."

Governments like these would love nothing more than to exert control over the Internet. They would prefer to do so on a sovereign basis, of course. But they would also be happy to do so indirectly through an international forum where they and like-minded countries wield disproportionate power.

I will put it plainly. The international threat to Internet freedom is real. And the stakes are high. If a government or an international organization controls the Internet, ordinary people won't.

The good news is that there is a strong consensus in the United States in favor of maintaining the current multi-stakeholder model of Internet governance. The Obama Administration, Republicans and Democrats in Congress, FCC Commissioners, and the private sector have joined ranks to oppose any efforts to give international, intergovernmental organizations authority over the Internet.

The bad news, though, is that opponents of Internet freedom are gaining ground internationally. For example, last December at the World Conference on International Telecommunications in Dubai, the ITU for the first time expanded its jurisdiction to touch the Internet. The vote was 89-55 with countries

like Russia, China, Iran, Saudi Arabia, Cuba and Venezuela on the winning side and countries like the United States, Canada, the United Kingdom, Germany, and Japan on the losing side.

The language included in these International Telecommunications Regulations (or ITRs) may seem harmless to some. But that language is anything but benign. In terms of process, too, the precedent that has been set is dangerous. In Dubai, the ITU abandoned its longstanding tradition of acting only through consensus, making it easier for opponents of Internet freedom to make further headway in the future. And, as my former colleague Commissioner Robert McDowell has warned, “proponents of multilateral intergovernmental control of the Internet are patient and persistent incrementalists.” They do not see their victory in Dubai as their final destination. Instead, it’s just the first step towards ever-greater regulation of the Internet.

The next major battle for Internet freedom will take place at the ITU’s 2014 Plenipotentiary Conference, which will be held in South Korea. Based on what happened in Dubai, we’ll have our work cut out for us in Busan. As a nation, we must redouble our efforts to convince nations around the globe of the virtues of a free and open Internet. We should aim to persuade open-minded countries that signed onto the ITRs in Dubai not to ratify them. And we should also make it clear that we will not sit passively as the ITU attempts to expand its purview even further. If the organization decides to become an international regulatory authority for the Internet, we will have to ask ourselves whether the United States should remain one of its two top funders.

* * *

With respect to both the IP transition and Internet governance, the challenges ahead of us are daunting. But the opportunities are promising, too. We know that greater access to high-speed broadband improves our quality of life. We know that a free Internet facilitates economic development around the globe. We know that online technologies empower the vulnerable and promote liberty. These goals are worth fighting for. These aspirations should unite us whatever our partisan affiliation, race, gender, religion, or sexual orientation. The LGBT Technology Partnership can play a vital role by highlighting the importance of these causes for the LGBT community. I look forward to working with you in the months and years to come to do just that.