

**REMARKS OF FCC COMMISSIONER AJIT PAI
ON RECEIVING THE INAUGURAL HERBERT BROWNELL AWARD
AT THE TECH ELDERS' FIRST ANNUAL HERBERT BROWNELL DINNER**

WASHINGTON, DC

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It is a great honor to receive the inaugural Herbert Brownell Award, which is presented to the “government official doing the most to advance the cause of Internet independence.” It’s flattering to be mentioned in the same breath as Herbert Brownell, given his distinguished career in public service. We heard earlier tonight about the work he did in the communications space. In particular, as President Dwight D. Eisenhower’s first Attorney General, he negotiated a consent decree with AT&T in 1956. That agreement helped put the nascent computing sector beyond the reach of the Federal Communications Commission and the utility-style regulation that applied to Ma Bell’s 20th century monopoly. For almost 60 years thereafter, the computing industry—and in turn, the Internet—flourished free from government regulation. Think of it as the Magna Carta to the 1996 Declaration of the Independence of Cyberspace.

But I also think it’s important to pause and remember that Attorney General Brownell was a civil rights pioneer. He was a key architect of the federal government’s strategy and *amicus* brief in *Brown v. Board of Education*, and he later played a crucial role in enforcing the Supreme Court’s decision and ending segregation. He also drafted legislation that became the Civil Rights Act of 1957, which was the first civil rights bill passed by Congress since Reconstruction. Appropriate, then, that the famed NBC news anchor John Chancellor once remarked that “the trouble with people like Herbert Brownell is . . . there are not enough of them.” I can assure you that people say no such thing about me, and so receiving an award named after Herbert Brownell is truly an unwarranted honor.

It is also a humbling experience for me to stand before this group of innovators, entrepreneurs, and technologists. You, the Tech Elders, are the ones who deserve recognition and our gratitude. You helped deliver the digital world, developing the Internet services that have transformed the way millions of Americans and billions of people around the world communicate. You are the ones I look up to.

Take Les Vadasz. In 1968, he was a founding member of a little company called Intel. In fact, he was employee number three. He headed up the design department that developed the first microprocessor, and he helped develop many other technological breakthroughs that are ubiquitous today.

Or take Daniel Berninger. As a tech entrepreneur and architect of new communications services, he’s been involved in a number of industry firsts, including the first call completed between the public switched telephone network and the Internet.

Or take Tim Draper. As the founder of Draper Fisher Jurvetson, one of the nation’s preeminent venture capital firms, he’s been a strong advocate for entrepreneurs and free markets. And he’s literally put his money where his mouth is, with successes including Skype, Twitch, and many other technology companies.

Or take John Perry Barlow. He helped found the Electronic Frontier Foundation and led the charge against government control of the Internet. He’s also a Wyoming cattle rancher and a former lyricist for the Grateful Dead to boot! An “estimated prophet,” to borrow from his and Bob Weir’s 1977 song.

The list goes on, and we’d be here well past my bedtime if I were to highlight the accomplishments of every member of this august group. But since he introduced me tonight, I’d be remiss if I did not mention Jeff Pulver. On a personal note, I am very grateful to see this hail fellow well met, given all he’s been through over the past year. And I admire his perspective on the things that really matter, especially his determination to “let[] myself fall in the flow of my life.” On the technical side,

Jeff is the father of VoIP. What a revolution he kickstarted. And not just technologically speaking; he was instrumental in getting the FCC to issue the seminal *Pulver Order*, the 2004 decision in which the agency classified computer-to-computer VoIP as an unregulated information service, not a Title II telecommunications service. In English, he kept the government's hands off the Internet.

This last point is something I'd like to say a few more words about tonight. This group, perhaps more than any other, understands what made the U.S. broadband market what it is today. As one of your members, Mark Cuban, aptly put it: "There is no better platform in the world to start a new business than the Internet in the United States."

That was no accident. The Internet has flourished precisely because it was kept independent from government control. From Attorney General Brownell's actions in the 1950s to the Clinton Administration's decision in 1995 to dissolve the National Science Foundation Network and place the Internet in private, commercial hands, the government consistently preserved the freedom to innovate online.

Indeed, in 1996, Congress decided on a bipartisan basis to "preserve the vibrant and competitive free market that presently exists for the Internet . . . unfettered by Federal or State regulation." For almost 20 years thereafter, the federal government largely stayed faithful to that approach. Over the years, some wanted to get the public sector's hands on the Internet. But every FCC Chairman, Republican and Democrat, rejected that approach. They embraced light-touch regulation—regulation that gave the private sector strong incentives to build high-speed broadband networks.

Those policies were incredibly successful. Since the passage of the Telecommunications Act of 1996, telephone companies, cable operators, wireless providers, and others invested more than \$1.4 trillion to connect Americans with digital opportunities. And the results speak for themselves: the Internet is helping people live longer, better, smarter, richer, and more. There's been a democratization of entrepreneurship, too. It doesn't matter who you are or where you live; if you have a good idea and a broadband connection, you can compete. Our Internet economy is the envy of the world.

We see this—an Internet free from government oversight—as something to be celebrated. We understand that the Internet is the greatest free-market innovation in history. We know that it would not be what it is today had it been saddled with government rules. And we understand that there are few greater threats to its advancement than a government regulator who boasts "I'm here to help."

But some disagree. They disdain a free-market approach to the Internet because they believe that every major sector of our economy should be subject to extensive government regulation. They believe that the Internet is too big and too important not to be subject to government control.

And unfortunately, they won at the FCC. In February's 3-2, party-line vote, the agency decided to abandon our highly-successful, decades-long, and bipartisan approach to the Internet. By reclassifying broadband Internet access service as a Title II telecommunications service, the FCC seized unilateral authority to regulate Internet conduct, to direct where Internet service providers put their investments, and even to decide what service plans will be available to the American public.

I opposed the agency's decision, and I was far from alone. One member of this group, George Gilder, who is an economist and tech author, said: "The U.S. has four times the investment in fixed broadband than Europe, with its government intervention, and twice the investment in wireless. Most of Internet traffic in the world flows through the U.S. What on earth is wrong that the FCC thinks it has to reduce it to a public utility?" Good question. Having read the agency's 313-page long decision, I don't think the FCC offers a persuasive response.

Or take John Perry Barlow, who I mentioned earlier tonight. He noted that "Title II is for setting up monopolies, not tearing them apart. We need competition, not regulation. We need engineers not lawyers." I couldn't agree more. But the FCC's Title II decision takes the Internet's future out of the

hands of those engineers, technologists, and innovators and puts it in the hands of politicians, lawyers, and regulators. They will now be the Internet's referees. Putting the government in charge will end the permissionless innovation that has spurred the Internet's explosive growth up until today. It is already resulting in less investment in our broadband networks.

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This event and this topic are timely. Tomorrow morning, the D.C. Circuit will hear oral argument in the case brought by Daniel Berninger and others, challenging the FCC's Internet regulations. That case seeks to put us back on the successful, bipartisan path to spurring investment and innovation in our broadband networks. To steal a line from *The Hunger Games*, "may the odds be ever in your favor."

In the meantime, I am glad to stand with the Tech Elders in favor of Internet independence. I am heartened by your efforts to free the Internet from government regulation. I am determined to do what I can to return Internet policy to the realm of facts, rather than fear. I am in awe of the digital world you've helped create. I am inspired by your willingness to enter the public square and speak out. And I am so very grateful to you for bestowing upon me the inaugural Herbert Brownell Award. Thank you once again for this honor.