

Statement of

The Honorable Richard J. Durbin

United States Senator
Illinois
March 2, 2010

Opening Statement of Senator Dick Durbin
Chairman, Subcommittee on Human Rights and the Law
Hearing on "Global Internet Freedom and the Rule of Law, Part II"
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This hearing of the Judiciary Committee's Subcommittee on Human Rights and the Law will come to order.

The title of today's hearing is "Global Internet Freedom and the Rule of Law, Part II."

After a few opening remarks, I will recognize Senator Coburn for an opening statement, and then we will turn to our witnesses.

This Subcommittee held our first hearing on global internet freedom in May 2008. At that hearing, we learned that repressive governments around the world censor the internet and persecute human rights and democracy advocates who express their views online. Since then, the scale and scope of internet censorship has increased dramatically.

At our hearing two years ago, I showed some pictures of censored internet searches on Google and Yahoo. Today, I'm going to demonstrate that this censorship continues.

If you go to Google.com and search for "Tiananmen," you will find pictures of the famous Tiananmen Square protests in 1989, especially the iconic photo of a demonstrator standing in front of several tanks.

But if you go to Google.cn, Google's China search engine, and search for "Tiananmen," you will only find beautiful postcard images.

Let me be clear. I'm not singling out Google. Yahoo!, and Bing, Microsoft's search engine, also censor the internet in China. And Baidu, the leading Chinese search engine, censors even more content than these American companies.

I do want to commend Google again for announcing that they plan to stop censoring their Chinese search engine. I look forward to getting an update today on their plans.

At our first hearing, we discussed the Global Network Initiative, or GNI, which was then being negotiated. The GNI is a voluntary code of conduct that requires technology companies to take reasonable measures to protect human rights.

Following the hearing, Senator Coburn and I encouraged Google, Microsoft, and Yahoo! to complete the GNI negotiations, and the code was launched in October 2008. I again want to commend these three companies for taking this leadership role in promoting internet freedom.

Since then, I have asked several dozen other companies to consider joining the GNI. Without objection, the companies' written responses will be entered into the hearing record. They also will be made available on my website.

I am very disappointed that, a year and a half after the GNI started, no new companies have joined.

Based on the responses I received, only three companies, AT&T, McAfee, and Skype, have even committed to participating in a dialogue about joining the GNI. One company, Websense, has indicated that they will join the GNI if the membership fee is waived.

Many companies told me the GNI is not relevant to their company's business. The last two years have shown that simply is not true.

The explosive growth of social networking services, like Twitter and Facebook, has helped human rights activists organize and publicize human rights violations in Iran and elsewhere. However, repressive governments can use these same tools to monitor and crack down on advocates.

I invited Facebook and Twitter to testify today but they refused to appear.

Last year, the Chinese government announced that they would require all computers sold in China to include software called "Green Dam," which censors political content and records user activity.

Thanks to opposition from the U.S. government and companies, the Chinese government eventually backed down. This incident highlighted the human rights challenges faced by computer manufacturers.

I invited Hewlett Packard and Apple to testify about these challenges but they also refused.

Filtering software produced by American companies has allegedly been used to censor the internet in several countries with repressive governments.

I invited McAfee, which produces filtering software, to testify today. McAfee initially agreed to appear, but on Friday informed us that they were pulling out.

The bottom line is this: with a few notable exceptions, the technology industry seems unwilling to regulate itself and unwilling even to engage in a dialogue with Congress about the serious human rights challenges the industry faces.

In the face of this resistance, I have decided that it is time to take a more active role. At our hearing two years ago, I indicated that Congress could step in if the industry failed to take concrete action to protect internet freedom.

Today I am announcing that I will introduce legislation that would require internet companies to take reasonable steps to protect human rights or face civil or criminal liability. I look forward to working with Senator Coburn and my other colleagues to enact this legislation into law.

I recognize that the technology industry faces difficult challenges when dealing with repressive governments, but Congress has a responsibility to ensure that American companies are not complicit in violating the freedom of expression, a fundamental human right that is enshrined in the 1st Amendment of our Constitution and the Universal Declaration of Human Rights.