



United States Mission to the OSCE

OSCE Meeting on the Relationship between Racist, Xenophobic and Anti- Semitic Propaganda on the Internet and Hate Crimes

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Side Event: Guaranteeing Media Freedom on Freedom of the Media
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Distinguished Delegates, Ladies and Gentlemen, I would like to thank the Representative on Freedom of the Media for organizing today's side-event as well as for his kind invitation to speak to you today.

At this meeting in Paris, we are focusing on racist, xenophobic, and anti-Semitic speech on the Internet. In preparation for this gathering, I took the opportunity to study some of the websites containing this hate speech. Needless to say, I was appalled and disgusted by the sentiments expressed on these sites, which serve as a vivid reminder that bias and prejudice remain alive throughout the world.

At this meeting, however, it is vitally important, to use an old expression, that we not lose sight of the forest for the trees. Examined as a whole, the development of the Internet represents an enormous step forward in the history of communications and holds significant promise for a wide range of human endeavors. For this reason, it is the policy of the Government of the United States to promote the continued development of the Internet and to encourage as many Americans as possible to enjoy Internet access. We also believe that to realize the full potential of the Internet, government regulation must be kept to a minimum, and the fundamental freedoms of speech, expression, and the press must be respected.

One of the most valuable features of the Internet is the manner in which it empowers individual citizens. It empowers them, first of all, by putting an amazing array of knowledge at their fingertips. Thanks to the Internet, it is easier than ever for individuals to learn about virtually any topic known to man;

vast quantities of information can be accessed with a minimum of effort and expense. Perhaps more importantly, the Internet empowers individuals in another way as well: by giving them a far greater ability than ever before to voice their views, participate in the public discourse, and ultimately influence the public debate. Twenty years ago, for example, if you wanted your views to be disseminated widely, your options were rather limited. Unless you owned or wrote for a major newspaper or magazine, such as the *New York Times*, the *Economist* or *Le Monde*, or owned or worked for a major broadcast network, such as NBC or ITV, you were pretty much out of luck.

Today, however, that fortunately has all changed. As the United States Supreme Court observed in 1997, thanks to the Internet, "any person with a phone line can become a town crier with a voice that resonates farther than it could in from any soapbox." While the average person in the industrialized world doesn't have the resources to start a newspaper, magazine, or television network, he or she does have the wherewithal to establish a website that can be read throughout the world. In the United States, for instance, thousands of individuals from all across the political spectrum have taken advantage of this opportunity to set up weblogs, where they regularly voice their unedited views on issues of the day. Many of these weblogs are widely read, and some, in fact, have readerships that rival or exceed those of many newspapers. This phenomenon, moreover, is by no means limited to the United States. To cite a particularly encouraging example, many Iraqis have recently set up weblogs where they are sharing a wide range of perspectives on events in their country. As a result of all of this activity and more, the marketplace of ideas is more crowded and vibrant throughout the world today than at any other point in human history.

This proliferation of information, dialogue, and debate facilitated by the Internet is a trend to be applauded and encouraged. The more information and points of view to which individuals are exposed, the better situated they are to make up their own minds on important issues of the day and the more likely they are to become active participants in democracy. To be sure, many points of view expressed on the Internet are repugnant to ideals that we cherish. Just as the Internet can be used to promote tolerance and equal treatment under the law, it can also be used to spread messages of hate. And just as the Internet can be used to discuss the virtues of liberty and democracy, it can be used to praise despicable regimes of the past. In a free society, however, the people must be trusted to distinguish good ideas from bad after browsing in the marketplace of ideas.

In many cases, those who favor greater regulation of speech on the Internet are no doubt well-intentioned. After reading racist, xenophobic, and anti-Semitic websites on the Internet, it is easy to understand the impulse to restrict such speech. In the United States, however, we believe that this is an impulse that must be resisted; indeed, such a belief lies at the heart of our constitutional tradition.

In the first place, eliminating racist, xenophobic, and anti-Semitic speech from the Internet is all but an impossible task; government simply cannot wave a magic wand and make such expression disappear or easily block it from reaching their citizens. While I am not an expert on these matters, many in the field have written persuasively about how technological measures to restrict hate speech on the Internet are easily circumvented. It is often said, for example, "the Internet interprets censorship as damage and routes around it."

But even if censorship were to represent a feasible course of action, it is an exceedingly unwise road down which to travel. To begin with, the difficulties in agreeing on the boundaries of the hate speech to be restricted are manifold. In the United States, for example, there is often vigorous debate over whether particular comments entering the public discourse are racist or anti-Semitic and attempting to forge an international consensus as to which speech constitutes incitement to hatred would be, to say the least, a challenging endeavor.

Even more fundamentally, however, efforts to restrict hate speech represent a clear and present danger to robust political debate. Once government is given the power to censor speech simply because it expresses an unpopular viewpoint, the potential for abuse is manifest, particularly in the regulation of such an ill-defined area as hate speech. Laws restricting hate speech, whether such expression is transmitted through the Internet or some other medium, may be hijacked and used by government as a guise for silencing opposition voices and cementing its own hold on power. Moreover, we know in practice that while such laws are often enacted in order to protect racial or religious minorities, it is members of minority groups who are often prosecuted for violating laws restricting hate speech.

Unfortunately, as some call for greater regulation of hate speech on the Internet, there is an insufficient supply of concrete information on how laws restricting hate speech are being enforced around the globe. Therefore, the Representative on Freedom of the Media could make a significant contribution to the debate in this area if his office were to undertake a comprehensive study of how those nations around the world that do restrict hate speech have been enforcing such

laws. In particular, such a study should focus on the following questions: (1) Are such laws restricting hate speech enforced consistently or do enforcement efforts vary from country to country or even within nations?; (2) Are such laws being enforced in a discriminatory or selective manner in any nation?; and (3) Are such laws being enforced in any nation as a means of silencing or punishing government critics? Such information would serve as a valuable resource as we continue to discuss the question of regulating hate speech on the Internet in the months and years to come, and the Government of the United States strongly encourages the Representative on Freedom of the Media to conduct such a study.

In closing, the Internet of today would not exist were it not for strong protections given to the freedoms of speech and expression. And in seeking to combat hate speech on the Internet, we must be exceedingly careful not to kill the goose that laid the golden egg.

Simply put, the answer to hate speech on the Internet is not censorship but more speech. Just as the Internet offers myriad avenues for those preaching bias and prejudice, it also offers a plethora of opportunities for the teaching of tolerance and the fostering of mutual respect and understanding. We should therefore focus at this meeting and beyond not on methods of restricting hate speech but rather on identifying effective ways of utilizing the Internet to advance the goal of combating bias and prejudice.

Thank you very much for your attention, and I look forward to listening to the other presentations.