

The Honorable John Holdren
Director of White House Office of Science and Technology Policy

The Honorable Susan Rice
United States National Security Advisor

The Honorable Jeffrey Zients
Director of the White House National Economic Council

The White House
1600 Pennsylvania Ave NW
Washington, DC 20500

RE: Civil Society Input on Human Rights and Civil Liberties Protections Online

Dear Mr. Holdren, Ms. Rice, and Mr. Zients,

The undersigned organizations recognize that the U.S. government faces complex security challenges, and we appreciate the role of a variety of stakeholders including technology companies. However, we are writing to you today because we believe that when the government sits down with private sector entities to discuss the future of free expression and privacy online, civil liberties and human rights advocates need to be at the table, too.

Over the past year, technology companies have been under increasing pressure from a range of policymakers to weaken the security of their products and to aggressively monitor, censor, or report to the government users' communications, with the hope that such steps will help to prevent or investigate acts of terrorism. This campaign to push the tech sector to police the Internet at the government's behest was recently highlighted by the White House's high-profile visit to Silicon Valley for a confidential meeting with top tech company CEOs.

In international fora, the United States has consistently promoted a multi-stakeholder approach to decision-making concerning the Internet, an approach that includes not only government and corporate stakeholders, but civil society as well. As this Administration has regularly asserted, when billions of people rely on the Internet to exercise their human rights to speak freely and communicate privately, it only makes sense that experts and advocates whose primary goal is to protect those rights be included in discussions about the Internet's future. Such participation helps ensure that governments do not unduly pressure companies to take steps that would harm human rights, and where such pressure is applied, ensures that all stakeholders can respond accordingly with appropriate evidence and objections, and a suggested path forward.

We are heartened that, based on reporting about the memos circulated to attendees of the recent Silicon Valley meeting, the Administration appears to recognize that there are serious questions raised by enlisting broad voluntary assistance from Internet companies. The potential threat to human rights is especially acute because so-called U.S. counter-extremism

programs, while framed as not addressing a particular ideology or religion, currently overwhelmingly target Muslim and other marginalized communities and individuals.

However, the best ways to ensure that human rights are protected are:

First, for the Administration to engage in a dialogue with those civil society organizations that focus on the protection of human rights and civil liberties online, to the same extent that it is in dialogue with the Internet companies themselves, and to provide to civil society any proposals provided to those companies; and

Second, for both the Administration and the companies to be as transparent as possible regarding the steps being taken in response to the government's requests, especially in regard to any changes in the security features of any products or services, or any changes to policies or practices that determine what speech is censored or reported to the government.

Internet freedom begins at home. When the government sits down secretly with those companies that have practical control over a broad swath of public speech and private communication, and especially if and when those conversations lead to voluntary surveillance or censorship measures that would be illegal or unconstitutional for the government to undertake itself, the consequences are truly global. The U.S. government may embolden abusive governments around the world to continue exerting pressure on tech companies to assist in crackdowns on dissent and the targeting of human rights defenders. The U.S. could also set dangerous examples to ally governments who are likewise contemplating new counter extremism measures.

While the United States certainly faces complex national security risks, forfeiting human rights principles and the protections laid down in the Constitution is not the solution. Therefore we look forward to working with your team to ensure that as the government and the Internet industry discuss how best to address the threats the U.S. faces, the rights of all people—both in the U.S. and around the world—are duly represented.

Thank you,

Access Now
American Civil Liberties Union
American Library Association
Amnesty International
Brennan Center for Justice
The Center for Democracy and Technology

The Constitution Project
Free Press Action Fund
Human Rights Watch
New America's Open Technology Institute
Niskanen Center

cc:

Ms. Lisa Monaco
Ms. Megan Smith