



## Obama's "Net Neutrality" Rules: Threat to Free Speech

President Obama's November 10 [announcement](#) that he would seek the "strongest possible rules" through the Federal Communications Commission (FCC) to enforce "net neutrality" is a strong threat to both the freedoms of speech and press, and will throttle the progress of the Internet.

The president hyped fears that larger Internet-service-providers (ISPs) could serve as content gatekeepers, denying access to Internet sites not hosted on their servers. "We cannot allow Internet service providers to restrict the best access or to pick winners and losers in the online marketplace for services and ideas," Obama [stated](#), suggesting "the FCC should create a new set of rules protecting net neutrality and ensuring that neither the cable company nor the phone company will be able to act as a gatekeeper, restricting what you can do or see online."



The president's order included four principles:

- No blocking
- No throttling
- Increased transparency
- No paid prioritization

In order to fulfill these claimed principles, Obama stated, that "is why today, I am asking the Federal Communications Commission to answer the call of almost 4 million public comments, and implement the strongest possible rules to protect net neutrality."

Whenever the president calls for the "strongest possible rules" on the world's largest transmission belt of free speech and free press, Americans can expect that it's not a move to maintain government separation from free speech and the free press.

### Mythology of the "Net Neutrality" Movement

Just as he did to achieve [passage of ObamaCare](#), President Obama is once again banking on the ignorance of the voters to win adoption of his "net neutrality" rules. "For almost a century," he [stated](#) on November 10, "our law has recognized that companies who connect you to the world have special obligations not to exploit the monopoly they enjoy over access in and out of your home or business."

The problem with such a statement is that there is nothing even approaching a monopoly on Internet access in America. Most metropolitan areas have a choice of more than one high-speed local cable



Written by [Thomas R. Eddlem](#) on November 13, 2014

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television hook-up, in addition to several high-speed satellite television connections, half a dozen 4G cellphone wireless connections, and hundreds of DSL connection providers. All of them are capable of streaming high-definition video.

Moreover, content blocking by ISPs is virtually a phantasm, though in at least one instance it has already happened with a small North Carolina ISP (which [temporarily blocked Internet-based telephone calls such as Vonage](#)) back in 2005. In addition, ISP giant Comcast (which also owns NBC and is a major content provider) [has been accused of](#) slowing down traffic from content rival Netflix during negotiations earlier this year over placement of additional servers within its network dedicated to Netflix.

The reality is that the largest high-speed ISPs — such as Comcast, Time-Warner, Verizon, and AT&T — largely invested their new high-speed upgrades in areas where there was no pre-existing high-speed service, in order to more quickly recoup their investment with new subscribers. So while in 2014 consumers possess multiple options for Internet speeds of 1-50 megabits per second (MPS), many areas have only one or two options for the higher speed 50-100 MPS. But the history of the Internet has not been one of slowing speeds, or even of static speed. Internet speeds have increased at a phenomenal rate since the 1990s, when the standard Internet connection was a 56K dial-up modem.

In essence, the argument against net neutrality is: What is it about the history of the speed of the Internet that has given consumers reason to believe that speed will slow down?

Yet misinformation by net neutrality advocates, and the general ignorance of the voters at large, have led to wide support for net neutrality rules against the phantom threat, according to polls. [Time](#) magazine (part of the Time-Warner Cable empire), notes, “83% of self-identified conservatives thought that Congress should take action to ensure that cable companies do not ‘monopolize the Internet’ or ‘reduce the inherent equality of the Internet’ by charging some content companies for speedier access.”

### **Where’s the Authority?**

Federal rules on broadcast media began in earnest when Congress passed the [Radio Act of 1927](#), which sought “to prevent interference between stations.” Back in the early days of broadcast radio, Congress issued rules and licensing procedures to protect stations’ signals from interfering with each other on the scarce space on the AM band. In many large cities, the entire AM band was populated by radio stations, and the issue was additionally complicated by the fact that AM band signals travel farther at night. Thus 50,000-watt stations such as Boston’s WBZ and St. Louis’ KMOX can be heard 1,000 miles away at night. So Congress issued rules protecting bandwidth for stations to prevent them from competing on the same public bandwidth under Congress’ interstate commerce power granted by the U.S. Constitution.

The Radio Act of 1927 stipulated:

All laws of the United States relating to unlawful radio apparatus, etc. restraints and monopolies and to combinations, contracts, or agreements in restraint of trade are hereby declared to be applicable to the manufacture and sale of and to trade in radio apparatus and devices entering into or affecting interstate or foreign commerce and to interstate or foreign radio communications.

Today, there is no comparable bandwidth issue that justifies federal interference in the ISP market, as bandwidth is virtually unlimited. But with that small, legitimate foot in the door back in the 1920s, Congress and the National Radio Commission (changed to the Federal Communications Commission in 1933) soon expanded exponentially. By 1933, federal officials had [shut down](#) Methodist preacher Robert



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Schuller on Los Angeles' KGEF, who had embarrassed L.A. city officials by exposing their corruption over the air. What followed was federal censorship of radio broadcasting, from banning profanity to imposing a "Fairness Doctrine" that squelched radio talk-show opinions.

Moreover, net neutrality rules that guarantee against charging more for faster access will definitely slow progress of Internet development. The mere proposal for new "net neutrality" regulations has [already halted technological progress](#). AT&T CEO Randall Stephenson [announced](#) November 12, "It's prudent to pause." He told investors, "We want to make sure we have line of sight on this process and where these rules could land, and then re-evaluate."

Robert McMillan of Wired.com [explained](#) that ISP giants have already built fast lanes for popular websites within their own networks in order to avoid burdening the Internet backbone:

The only trouble is that, here in the year 2014, complaints about a fast-lane don't make much sense. Today, privileged companies — including Google, Facebook, and Netflix — already benefit from what are essentially internet fast lanes, and this has been the case for years. Such web giants — and others — now have direct connections to big ISPs like Comcast and Verizon, and they run dedicated computer servers deep inside these ISPs. In technical lingo, these are known as "peering connections" and "content delivery servers," and they're a vital part of the way the internet works.

While many Americans fear that the large cable television providers (specifically Comcast, Verizon, Time-Warner, and AT&T) will monopolize both access to the Internet and television content available through the Internet, this is largely a phantom threat about a television content bundling market model already in decline. The "cable television" market is currently only temporarily propped up by the inertia of a network of content-provider contracts and bundles, and will likely fade as platforms such as Roku and AppleTV become more popular in tandem with a la carte content options such as Netflix and Hulu.



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