



Written by [C. Mitchell Shaw](#) on May 19, 2017

FCC Votes to End Net Neutrality and Restore a Free Market Internet

The FCC voted Thursday to put an end to so called Net Neutrality, correcting one of the worst regulatory missteps in the history of the FCC. The 2-1 vote reverses the 2015 vote that reclassified Internet service as a public utility under Title II of the Communications Act of 1934.

When former FCC chairman Tom Wheeler pushed his Net Neutrality scheme through the FCC by a 3-2 vote in February 2015, it was sold to the American people as the dawn of a new era — an era of greater Internet freedom and equality. The reality was quite the opposite: Net Neutrality was a federal power-grab threatening the free and open Internet it claimed to protect.



In fact, Wheeler had tried twice before to regulate the Internet. Those plans were both short-lived because the courts ruled that the FCC lacked the authority to enforce Net Neutrality. As this writer said at the time in an article for the print version of *The New American* that was later [published online](#):

So, FCC Chairman Tom Wheeler began seeking a legal tool to make the third time a charm. When President Obama called on the FCC to reclassify the Internet as a public utility, Wheeler (who had originally opposed the idea) reversed his previous position and began pushing reclassification as the legal tool Net Neutrality advocates had been seeking. Having been denied the ability to regulate the Internet in the past because of a lack of legal authority, the FCC simply reclassified it as a Title II public utility, and — voilà! — the authority to regulate it suddenly exists.

One FCC commissioner that opposed both Net Neutrality and Title II reclassification was Ajit Pai. In January, President Trump appointed Pai to replace Wheeler as the FCC chairman. The end of the Obama administration and the Wheeler-era FCC also marked the [beginning of the end of Net Neutrality](#). As this writer said at the time of Pai's appointment:

One of those honest enough to call Wheeler out as Obama's minion was Ajit Pai, who served as a minority Republican member of the FCC until he was appointed by President Trump in January to replace Wheeler as the chairman of the FCC. When Wheeler introduced the new rules for regulating the Internet as a public utility under Title II of the Communications Act, he did so in a voluminous document that was meant to be seen only by commissioners and kept — at least initially — out of the reach of the public. Pai wasted no time decrying the plan as what it was: a "massive intrusion into the Internet economy."

As it became obvious that Pai intended to undo the tangled mess Wheeler had weaved by redefining the Internet to grant the FCC the authority to regulate it, the supporters of Net Neutrality braced for what they knew was coming. Now that it has come, they are spinning the facts in a way that would make



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even Wheeler look above board by comparison. Just a quick perusal of the headlines in the wake of Thursday's vote are a good indicator of the degree to which Net Neutrality proponents are willing to use half-truths, innuendos, and outright lies to demonize Pai for putting an end to something that required half-truths, innuendos, and outright lies to gain even moderate acceptance in the first place.

Some of the headlines are more subtle than others: ZDNet published an article Friday morning under the headline, "[New FCC proposal completes plan to gut net neutrality](#)." While the headline is on the light side of the spectrum, the content of the article is something else. It begins:

In George Orwell's [1984](#), Newspeak is a language where some concepts simply can't be expressed. For example, the Declaration of Independence would be translated as a single word: Crimethink. Today, the [Federal Communications Commission \(FCC\)](#) passed by a two-to-one vote the [First Step Toward Restoring Internet Freedom document](#).

Yeah. Right.

The Associated Press was likewise light on the headline and heavy on the hyperbole. Under the headline, "[FCC Begins Dismantling Obama-era Net Neutrality Rules](#)," AP's article begins, "A federal agency voted to kick off the repeal of "net neutrality" rules designed to keep broadband providers like AT&T, Verizon and Comcast from interfering with the internet."

The prize for inflammatory content under an inflammatory headline goes to Entrepreneur. Throwing subtlety to the wind, that article appears under the headline, "[The FCC Took the First Step to Dismantle Net Neutrality. Your Dreams of Success Are Now on Life Support](#)." Setting aside the fact that the headline reads like something from a news satire site, the article itself belies the writer's disdain for a free market. It begins:

Once upon a time, long ago (we're talking 2015), the Federal Communication Commission took the revolutionary step of passing a net neutrality rule that, simply put, barred internet service providers from using their control of that cable to your house or business to undermine competitors, favor their own content or squeeze premium rates in exchange for higher speed or wider bandwidth. Unsurprisingly, the ISPs, which have limitless money for lawyers and lobbyists, opposed this vigorously. Because their biggest asset is [Ajit Pai, onetime lawyer for Verizon and now chairman of the FCC](#), losing in 2015 did nothing to slow their drive to rule the internet like robber barons.

And there is the rub. Those who pushed so hard for Net Neutrality can't stand to see it fail because they seem to believe that a free market is a playground for "robber barons" and greedy capitalists. In this they take a cue from Wheeler himself. As this writer noted in a [previous article](#), Wheeler "claimed that it was regulation of the telephone industry that made the Internet possible in the first place." In Wheeler's own words:

The internet wouldn't have emerged as it did, for instance, if the FCC hadn't mandated open access for network equipment in the late 1960s. Before then, AT&T prohibited anyone from attaching non-AT&T equipment to the network. The modems that enabled the internet were usable only because the FCC required the network to be open.

Companies such as AOL were able to grow in the early days of home computing because these modems gave them access to the open telephone network.

Wheeler's disdain for the free market appears to be due to his failure to succeed in it. He — and those



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dancing to his discordant tune — seem to believe that government agencies which are unaccountable to the people can do what businesses that have to answer to their customers cannot do.

Wheeler’s claims of the glory of government regulation notwithstanding, the truth is that the Internet is not a product of regulation but of a free market. As Pai said ahead of Thursday’s vote, the death of the Obama/Wheeler plan to regulate the Internet will “substantially benefit consumers and the marketplace” and return the “flourishing free and open Internet” that existed before and without those regulations. Perhaps Jim Lakely, director of communications for the Heartland Institute, put it best. “Government-directed net neutrality was, is, and always will be a solution in search of a problem,” he said in an e-mail statement, adding “Market incentives created the modern Internet, and free-market competition will ensure it self-regulates to serve consumers with the best service and lowest prices.”

When the choice is between a free and open Internet unhindered by government regulation and so-called Net Neutrality — which amounts to heavy-handed government regulation including [rate regulation](#), [content regulation](#), and [increased taxes](#) — the choice is simple for those who value liberty. Net Neutrality is headed for the trash heap and it couldn’t have happened soon enough.



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