



Written by [C. Mitchell Shaw](#) on February 12, 2015

Net Neutrality Is a Trojan Horse Virus Infecting the Internet

Last week Tom Wheeler, chairman of the FCC, published an op-ed piece for *Wired* which laid out his strategy to “ensure net neutrality” by treating the Internet as a public utility and applying the same types of regulations that are used for phone and electric companies. Many groups favor the move because of the promise of reining in irresponsible Internet Service Providers (ISPs). Net neutrality promises to protect Internet users by barring ISPs from limiting use of the Internet or charging extra fees for streaming services such as Netflix and Amazon.



There is a real problem, to be sure. ISPs have used a method called “choking” to limit the speeds of streaming services and downloads. By identifying the addresses of the services that use large amounts of bandwidth and slowing down the connections to those services, they have made them practically unusable.

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Users have complained and the ISPs have ignored their complaints. Since many ISPs offer their own streaming services or cable or satellite television services, they view these services as competing with them and cutting into their revenues. So, they make it difficult to use those services.

It is bad business and it inconveniences Internet users. But is government regulation the answer to the problem? Constitutionalists have noted that in this case the antidote is worse than the poison: granting government the ability to regulate the Internet will grant government *control* of the Internet.

At least one FCC commissioner sees the newly proposed regulations as a real threat to the liberty of Internet users. Commissioner Ajit Pai tweeted a picture of himself (right) holding the plan with a picture of President Obama in the background. His tweet read, “Here is President Obama’s 332-page plan to regulate the Internet. I wish the public could see what’s inside.” He also [issued a press release](#) listing several points that call the 332-page secret document into question. His release begins by setting the tone in clear, bold language: “The American people are being misled about President Obama’s plan to regulate the Internet. Last week’s carefully stage-managed rollout was designed to downplay the plan’s massive intrusion into the Internet economy and to shield many critical details from the public. Indeed, Chairman Wheeler has made it clear that he will not release the





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document to the public even though federal law authorizes him to do so.” Pai then lays out, point by point, why this is bad news for all who value Internet freedom.

Any one of his six major objections to FCC regulation of the Internet is damning all on its own; when seen *in toto*, they are frightening indeed. Pai says he has studied the document “in detail” and determined that it is worse than he thought. For example, he says that regulation will include rate regulation, rules that stifle competition and innovation, tax hikes on broadband services, provisions that morph the FCC into a sort of “Department of the Internet” with authority to “micromanage the Internet,” and future utility-style regulations. In other words, this is the beginning of a complete government takeover of the Internet.

While some groups that are known for favoring an open and free Internet have supported the FCC’s plan, it appears they are being short-sighted. If the FCC and President Obama get their way, the Internet will be regulated in price, content, structure, and available technology, not to mention whatever future changes would be introduced as the “Department of the Internet” expands in size and scope. The result would be about as far from a free and open Internet as one can get.

In his [op-ed piece](#) in *Wired*, FCC Chairman Wheeler claims that it will be the dawn of a new era of more choices and greater freedom for Internet users. “My proposal assures the rights of internet users to go where they want, when they want, and the rights of innovators to introduce new products without asking anyone’s permission,” he claims.

It sounds a little too much like, “If you like your Internet, you can keep your Internet. If you like your data-plan, you can keep your data-plan.” That similarity is really at the root of the problem. Just as the main problem with nationalized healthcare is that it is not the proper province of the federal government, so also, neither is regulation of the Internet its proper province. Both are lacking any resemblance to the list of enumerated powers found in Article 1, section 8 of the Constitution.

Rather than accepting Wheeler’s argument that since the FCC and similar agencies already regulate other utilities, they should also regulate the Internet, Americans should instead see that as a reason to dismantle the FCC and other unconstitutional agencies. Unfortunately, as Thomas Paine observed in his introduction to *Common Sense*, “A long habit of not thinking a thing wrong, gives it a superficial appearance of being right, and raises at first a formidable outcry in defense of custom.” Because the American people have had overreaching government for so long, many of them have come to accept and expect it. They defend their oppressor.

Wheeler continues in an attempt to justify regulation of the Internet by claiming that it was telecom regulation that made the Internet possible. He asserts, “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.”

This is a glaring example of *post hoc, ergo propter hoc* (“after, therefore because of”) — that is, because B follows A, A must have caused B. The argument assumes that because the Internet happened after government regulation of telecom, it must be the love-child of an improper relationship between business and government. The free market answer to that is that the Internet would have simply evolved differently. Other technology would have made the connections needed for people to access the Internet. The modems that required government intrusion into private sector business simply would not have been needed because there would have been something else that did not require government



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intrusion.

Wheeler seems to recognize the need for a free and open Internet for liberty to flourish. He at least sees that people recognize that principle. In the most pandering passage of his op-ed piece he makes that clear and attempts to co-opt that principle to sell his poisonous antidote. “The internet must be fast, fair and open. That is the message I’ve heard from consumers and innovators across this nation. That is the principle that has enabled the internet to become an unprecedented platform for innovation and human expression.”

In the digital age, there is no line of demarcation between digital freedom and other freedom. If citizens give the federal government control of the Internet — that “unprecedented platform for innovation and human expression” — they will lose liberty they may never regain in their lifetimes or the lifetimes of their children.

The Internet belongs to all. May concerned citizens make every effort to keep it free from government regulation.



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