

Net Neutrality: Preserving Freedom or A Trojan Horse?

Throughout the history of the United States, there have been many moments which served to rally the overwhelming majority in support of a unified goal. Some of these moments didn't just warrant the peoples' support but required it to uphold the freedoms and privileges afforded to US citizens, while others were born from propaganda campaigns crafted to shift national culture and sway the public towards favoring actions which serve the administration in question's agenda in response to national or global political events.

In the former, the people begin movements to make their voices heard and collectively affect change, while in the latter, the government uses media outlets, false flag events, military movements, and doom-filled announcements to shift public opinion in their favor, then passes legislation or implements policy which the public would have never approved of otherwise, and many times under a name designed to conceal the true purpose.

One of the most impactful of these was the USA PATRIOT Act of 2001, an acronym meaning "Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism." The act was passed as a response to the terrorist attacks of September 11, 2001, with the stated goal of protecting Americans and America's interests from another attack. However, the act expanded government surveillance powers to an excessive

level, allowing intelligence agencies to conduct widespread monitoring of citizens' communications. Revealed by Edward Snowden, this monitoring included the collection of phone records and emails, often without any checks and balances.

Following the USA PATRIOT Act, the Department of Homeland Security was created in 2002, combining a multitude of separate agencies into one organization to "safeguard the homeland" from terrorism and other threats. However, the DHS expanded its reach beyond fighting terrorism and involved itself in such things as enforcing immigration and surveilling protestors.

Six years later in 2008, amendments to the Foreign Intelligence Surveillance Act expanded the surveillance of foreign threats to include newer threats and technologies but resulted in the warrantless wiretapping of U.S. citizens' communications with foreign nationals. In 2015, the Cybersecurity Information Sharing Act was meant to improve cybersecurity and prevent cyberattacks through sharing information between companies and the government, a blatant surveillance measure that allowed the government to snoop on the activities of citizens without warrants. A year later in 2016, the Countering Foreign Propaganda and Disinformation Act was passed to combat disinformation and foreign interference in U.S. affairs, but also gave the government broad discretion to define what constitutes as "propaganda" and "disinformation," opening the door to suppress voices of dissent and political opposition.

These measures were all enacted under the guise of protecting American citizens and their interests, but they've all either been proven to have infringed on our constitutional rights, or at the very least have laid the groundwork for the government to infringe on our

constitutional rights whenever it deems necessary. I felt it important to provide numerous examples of this sort of underhanded and deceptive subjugation of the people before getting into the topic of this paper as otherwise, my position may sound unreasonable and like that of a tin-foil hat conspiracy theorist.

Net Neutrality is another of these government actions that sounds great on the surface, but like those that came before and after, it opens the door for several abuses the government can use against the people. Due to the growing prominence of internet usage in the last two decades, then-senator Barack Obama pledged support for Net Neutrality if elected President in 2008, and in 2010, the FCC introduced its protections preventing internet service providers from blocking websites and imposing limits on users, and thus introducing internet regulation for the first time.

Weeks later in January of 2011, Verizon Communications filed a lawsuit against the FCC which, three years later in January of 2014, would result in the overturning of the order by a Federal Appeals Court. The national conversation on the topic was divided, as it is with most actions the government wants to implement, but after a petition was created on the White House's We The People platform urging President Obama to restore Net Neutrality protections received over 105,000 signatures, the FCC opened a venue for the people to submit their comments on a notice of proposed rulemaking on internet regulatory structure.

The FCC received comments from almost 4 million Americans, and Obama urges them to enact the strongest rules possible. In February of 2015, the FCC votes in favor of its rule, and in June of 2016 a federal court of appeals upheld it.

However, in 2017 during the Trump administration, Ajit Pai, a former Verizon lawyer and head of the FCC under President Trump, pushed for and voted in favor of reversing the decision to regulate the internet, and so Net Neutrality was reversed. The move was unpopular, but Net Neutrality would remain dead until April of 2024, when the FCC voted 3-2 to restore the rules. This new life given to Net Neutrality did not last long, when in August of 2024, a federal court again blocked the rules. As of the time of writing, the rules are still being argued in court, and with the incoming 2nd Trump administration, are unlikely to be reimplemented if they are not before Trump takes office.

Net Neutrality was presented to the public as regulations which would prevent their service providers from overcharging for service, throttling speeds, or moderating content access. We were told that by putting the power of regulation into the hands of the FCC, access to this utility, necessary to function in modern society, would not be infringed.

On its face, this is an admirable goal and one that appears obvious to warrant support. However, the government has set multiple precedents in the past showing a penchant for abusing new powers it gains, as demonstrated in the first pages of this paper. Unfortunately, American culture in 2024 is so divided that reaching a public consensus on the matter is unlikely.

Regardless, it is important to consider what kind of potential abuses may arise from regulation of something as powerful as the internet. Any regulation enacted over any industry is going to require some kind of allowances based on the workings of that industry. When it comes to providing internet service, a massive and complex network of systems is involved, and

that network requires management protocols to ensure high operation time and low down time. Sometimes, those protocols will require temporary disruption of service, or providing the service in limited ways, and the regulatory rules governing those services needs to provide provisions for such situations. The FCC openly stated as much in 2015's Open Internet Order, acknowledging that certain network management practices might be justified to ensure network safety and integrity, and in 2024, the FCC's Safeguarding and Securing the Open Internet Order reinstated the rules with provisions allowing ISPs to manage networks in ways that protect against cyber threats and ensure public safety. The government can exploit these provisions by pressuring ISPs to throttle or block specific content, using the excuse of network management to do so, resulting in the censorship of information or opinions.

Using that same language, the government can invoke those exceptions for the purposes of surveillance. If internet services are used to influence public opinion through the spread and promotion of mis/disinformation, for communication between terrorist cells and other bad actors, or to cause damage to vital American institutions, all of which the internet is used for today, the government can use its regulatory powers to surveil internet data and collect that data indiscriminately, meaning including the general usage data of American citizens, much like what's already happened in the past. They may even use such powers to track political dissenters and target them to suppress their voices or worse.

Along similar lines, not all forms of speech are protected under the 1st Amendment. Laws already regulate speech when it comes to harmful and hateful speech. Given these regulatory powers, the FCC would have the ability to alter what is and isn't legally allowed speech by modifying the way it defines "harmful," "hateful," or "illegal" content. With the usage

of broad definitions, the FCC would be able to censor websites or block services deemed “dangerous” to public order or national security, and if history is any indicator, can be exploited to silence dissent or limit access to news sources outside of the mainstream narrative.

To take this point further, in recent years the conversation around fake news and foreign propaganda has grown loud, with verbal conflict reaching tribal levels of division. Should the danger to social stability and public civility become too great, the government could enforce filtering of content it deems a threat, providing yet another avenue for skirting censorship bans. It could target encrypted traffic, assuring the public that encryption of user data is not benign and constitutes suspicious activity, giving itself a “legitimate” reason to ban tools such as VPNs and other forms of data encryption, preventing users access to privacy protocols entirely.

One last method of censorship I’ll put forward here is that which results from licensing requirements. Once regulatory powers are granted to a government agency, those powers tend to grow greater in number and more complex over time rather than the inverse. Net Neutrality rules could be the first steppingstone towards full licensing requirements, meaning the government could implement a system where to operate your business in an online capacity, you would need to obtain a license or permit, all done under the guise of ensuring content quality or reliability. If a business could not afford to get a license, or doing so would go against the organization’s ethos, then said business would essentially become censored and excluded from the online marketplace.

Of course, the entire reason given for needing Net Neutrality rules is to prevent service providers from taking advantage of the power imbalance between themselves and their

customers to over-charge and prevent/limit access, with situations like this having precedence in this country.

In June of 2013, Verizon, AT&T, and T-Mobile blocked Google Wallet on their mobile devices, replacing it with the ignorantly named “ISIS”. This caused quite an uproar, with the service providers eventually backing down and allowing Google Wallet back on their devices once again. That same year, Comcast spent \$18,810,000 on lobbying for its interests, more than any other company except for defense contractor Northrop Grumman.

At the time, 96% of the population had access to at most two cable providers due to service providers leaving each other’s territories alone, ensuring local monopolies, though this has changed in the decade since, with home/business internet service available through mobile providers in most areas, adding to those areas’ service options.

Because of situations like this, the concern over service providers abusing their customers is valid. However, when the conversation on Net Neutrality became major news again during the Trump administration, though John Oliver recognized that ISPs have argued Net Neutrality could be protected by an act of congress, he argued that he did not trust the congress of that time or of any time, nor did he trust the President, **especially** President Trump, from enacting such protections in a way that was in the best interest of the people and without corruption. He then went on to beg his audience to submit public comments to the FCC in favor of protecting Net Neutrality.

If John Oliver’s distrust of the administration at the time was valid, I can see no reason to believe the argument I presented here would be any less valid. I do believe that internet access

is quickly becoming a necessity to participate in modern society, but I don't believe we're quite all the way there just yet. Even when we are at that point, meaning that without internet access one would be unable to feed, clothe, or house oneself, I do not believe it is wise to give the government regulatory powers over the public square, because that's what the internet is becoming.

The government cannot prevent me from going to a public space and engaging in conversations with people regarding national and social issues. To do so would be anti-American and anti-Democratic. Equally, they should not be able to prevent me from accessing a social media service and engaging with the political conversations had there. In the former scenario, the government would have to put up blockades to prevent access or detain/arrest me to prevent me from expressing my opinions, but in the online world, it would be as simple as placing access restrictions on any IP address associated with my person, and they could do so without my knowledge.

If online spaces and conversations are analogous to the "public square," and they are having an impact on national policy decisions, election outcomes, and other major national, social, and cultural events, then we must do what we can to ensure we have access to those spaces and conversations. When power over access is put into the hands of government regulatory bodies, then the people are subject to the rules which are imposed on them without much choice in the matter.

But when the market is unregulated, the people at least have some amount of choice. They have the power to collectively evoke change, and the markets have the potential to self-

regulate. That potential does not exist when regulatory power is given to the government, and instead the potential for authoritarian abuse of power exists in its place.

I understand my opinion may be in the minority, and judging by the responses in the class discussion, I believe this may be the case. But there are too many parallels to government abuses of power from the past, and if John Oliver can influence public policy by rallying his audience with a message of distrust towards the administration of the time, I believe my position, based on distrust of government in general, to be equally as valid. In my opinion, Net Neutrality must be permanently repealed, and the free markets allowed to flourish. This is the American way, and to do otherwise is to take one step closer towards the authoritarian transformation of American institutions.

Sources:

- Net Neutrality: Last Week Tonight with John Oliver (HBO), LastWeekTonight - <https://www.youtube.com/watch?v=fpbOEoRrHyU>
- Net Neutrality II: Last Week Tonight with John Oliver (HBO), LastWeekTonight - <https://www.youtube.com/watch?v=92vuuZt7wak>
- Net Neutrality: President Obama's Plan for a Free and Open Internet, Obama White House Archives - <https://obamawhitehouse.archives.gov/net-neutrality>
- The net neutrality battle lives on: What you need to know after the appeals court decision, CNET - <https://www.cnet.com/home/internet/net-neutrality-battle-lives-on-what-you-need-to-know-after-the-appeals-court-decision/>
- Net neutrality push is yet another big government power-grab by Biden, New York Post - https://nypost.com/2024/04/13/opinion/net-neutrality-is-a-big-government-power-grab/?utm_source=chatgpt.com