



Opinion

Brannen: Net neutrality could lead to government censorship

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Could the United States be heading down the Chinese path of government censorship of the Internet?

On the heels of the Federal Communications Commission's decision to push forward with net neutrality regulation of the Internet, the White House's deputy chief technology officer equated Internet provider network management practices with Chinese government censorship. He said that "if it bothers you that the China government does it, it should bother you when your cable company does it."

However, it's government censorship of the Internet in the name of net neutrality that should concern Americans.

Proponents of net neutrality offer no explanation of how our government's regulation of the Internet would differ from that of the Chinese government. In fact, the attack on providers for prioritizing data is odd, considering that there is consensus that prioritization is necessary; the FCC included a "reasonable network management" exception to each of the proposed rules.

Everyone agrees that to keep the Internet from looking like our freeways during rush-hour traffic, there will have to be management of the traffic, i.e., content. Management of the Internet cannot be neutral. The problem with net neutrality regulation is that it shifts management of Internet content from private service providers to the government.

In other words, the government will be regulating speech. The courts have already recognized that it is a problem.

In Comcast Cablevision v. Broward County, the court struck down a county ordinance that forced a cable company to give its competitors equal access to its communication infrastructure. The county government argued that their "open access" ordinance did not offend First Amendment free speech principles because it ensured the transmission of more, rather than less, information by more companies. The court rejected the argument and found that the "open" policy violated the First Amendment, holding that it prohibits government from forcing owners of communication infrastructure to transmit information against their will.

Most importantly, the court ruled that the government has no power to force the circulation of information because "liberty of circulating is not confined to newspapers and periodicals, pamphlets and leaflets, but also to delivery of information by means of fiber optics, microprocessors and cable."

Not only does net neutrality infringe on free speech, it is unnecessary. Internet service providers have done a remarkable job to ensure the growth and success of the Internet. The latest FCC data show that Texas had 137 high speed ISPs offering service to 9.11 million customers in 2008 up from 3.47 million customers in 2005 and 88 percent of end-user premises with access to DSL and 96 percent to cable broadband. And the FCC reported in 2008 that more than 96 percent of all U.S. zip codes were served by two or more broadband service providers.

Not only is the number of Internet users growing exponentially, but the speed at which those users can log on is increasing. So if you do not like the content management policies of your provider, you can simply switch.


Allowing the government regulatory authority over the Internet will hinder progress and create a regime of censorship and control just like in China.

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