



Worry shifts to what 'Net Neutrality' issue means for Blacks

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For many pressing the Federal Communications Commission (FCC) not to repeal once obscure and wonkish “Net Neutrality” rules, the ultimate vote felt like the end of the Internet.

In a 3-2 vote split along party lines, the FCC voted to end Obama administration-era Net Neutrality rules. The federal agency tasked with regulating the telecommunications industry now allows various Internet Service Providers (or “ISPs”), like Comcast and Verizon, to potentially restrict access to the Internet or charge more for access based on usage and bandwidth. And not only did it effectively dismantle the rules offering consumers a fairly open and unrestricted Internet, as critics charge, but it handed oversight responsibility to a completely separate Federal Trade Commission.

Many observers are uncertain as to what comes next. Advocacy groups such as Public Knowledge are already considering legal action.

“It is now legal for your broadband provider to block a legal website or service without consumer consent,” argued Public Knowledge’s Chris Lewis. “It is now legal for broadband providers to set up their business to discriminate against some content and favor their own. This is not make believe or hysteria, but fact. Broadband providers have done it before and said publicly that they will do it again.”

Some Democratic lawmakers, such as Sen. Edward Markey (D-MA), were swift in the response and already introducing legislation to reverse the FCC vote. Markey’s Congressional Review Act resolution, signed by 15 other Democrats, would look to restore the 2015 Open Internet Order the agency repealed on Thursday.

“Without strong net neutrality rules, entrepreneurs, inventors, small businesses, activists and all those who rely on a free and open internet will be at the mercy of big broadband companies that can block websites, slow down traffic and charge websites fees in order to increase their profits,” Markey said.

At one point during final FCC deliberations, activists overwhelmed and temporarily disrupted proceedings. Outside, hundreds gathered to voice discontent with the impending decision, including Commissioner Mignon Clyburn, one of two Democrats on the Commission, who delivered a scathing dissent of FCC Chair Ajit Pai’s rushed vote despite the agency being deluged by calls, emails and outcries from lawmakers on the state, local and federal level (including some Republicans).

“Each of us raised our right hands when we were sworn in as FCC Commissioners, took an oath and promised to uphold our duties and responsibilities ‘to make available, so far as possible, to all the people of the United States, without discrimination ... a rapid, efficient, Nation-wide, and world-wide wire and radio communication service with adequate facilities at reasonable charges,’” Clyburn said. “Today the FCC majority officially abandons that pledge and millions have taken note.”

“There’s no resistance without a free and open internet,” argued former Sanders 2016 spokesperson and commentator Symone Sanders. “A vote against keeping the internet open and free is a vote against poor people in this country, against people of color, against activists, against democracy, and we’re not going to stand for it.”

Still, some observers, including the Cato Institute’s Julian Sanchez, point to fears from Net Neutrality supporters as hysteria.

“I suspect the doomsday approach to net neutrality is going to backfire badly,” tweeted Sanchez. “The actual harms are all going to be pretty much invisible to the end user. The visible effects will be the stuff people like.”

That perspective, however, doesn’t allay the concerns of many who brace for a new digital world in which already financially strapped and disproportionately low-income African Americans will be faced with yet another barrage of fees just to surf freely online. More worrisome is that the Internet has become a crucial utility for these communities in a time of widening inequality.

One constant worry among Black advocacy organizations and activists is how the destruction of Net Neutrality rules could worsen a persistent digital divide plaguing Black communities. Questions remain in the wake of the ruling: Will the price of broadband increase dramatically climb should ISPs decide to charge exorbitant fees to maintain increased speed? And with vulnerable communities as heavily reliant on Internet access for social mobility – from communications and crucial information consumption to K-12 education to searching for jobs – what will it mean if the price of entry is prohibitive? Advocates point to that reliance being critical in the need to openly tap into an estimated \$50 trillion digital economy, as well as the need for social justice initiatives to sprout in a space that has spawned such movements as Black Lives Matter while offering opportunities to diverse entrepreneurs typically locked out of mainstream industry channels.

“These perceived betrayals by broadband service providers will lead to first amendment violations, higher subscription rates and an internet where consumers, content creators, entrepreneurs, and small businesses cannot benefit from the digital economy,” explains Dr. Nicol Turner-Lee, a fellow in Governance Studies at the Brookings’ Center for Technology Innovation and its newly-launched Race, Prosperity and Inclusion Initiative.

African Americans account for the highest demographic proportion of U.S. adults who do not use the Internet, about 16 percent, according to recent data from the Pew Research Center. That’s higher than their proportion of the population. Blacks are typically 12 percentage points behind whites on broadband or high speed Internet adoption, a figure that’s troubling many observers watching the Net Neutrality debate closely. What has closed that gap is high mobile technology and social media usage rates among younger Black users – but if the absence of Net Neutrality rules prompts ISPs to restrict access to certain types of content or organizations as opposed to

others, what would that mean for the future of Black discourse and information access? Black mobile technology users, for example, are the most likely demographic to “rely heavily” on smartphones for job searching (55 percent), online banking (61 percent) and submitting job applications (31 percent).

“Some 13 percent of Hispanics and 12 percent of blacks are smartphone-dependent, meaning they don’t have a broadband connection at home and have few options for going online other than their cellphone,” notes Pew’s Monica Anderson. “In comparison, only 4 percent of white smartphone owners rely heavily on their cellphone for online access.”

With average Black median income at a little under \$43,000 annually, the digital divide in broadband usage becomes much more pronounced for that segment of the population. According to U.S. Census data, nearly 32 percent of households earning below \$50,000 a year do not have broadband access versus just 8 percent of households earning above \$50,000. Black school-age children matriculating from kindergarten to 12th grade suffer the most compared to other racial demographics.

Nate Davis, executive chairman of K12, Inc. argues that these disparities are accentuated by a lack of broadband and the absence of “smart infrastructure” in Black population centers. “Not expanding broadband aggravates a world dominated by the gap between the haves and have nots,” Davis worries. “Public schools in wealthy neighborhoods often have advanced technology while urban and rural public schools can barely afford good text books. There are too many students riding bicycles on the information superhighway while well-to-do children are riding it in Corvettes.”

“I believe limiting internet access and giving priority to those who can afford to pay more will only hurt the open marketplace of our internet and turn it in to yet another platform for the rich to get ahead and potentially spur inequality,” added Rep. Dwight Evans (D-PA).

In the meantime, the Internet is still the same as it was before the vote. The issue will find itself being debated in Congress next year while activists also pursue a round of litigation in the courts.

“Congress may be able to resolve the debate and quiet the dogma,” observes Turner-Lee.

“Congress should step in and advance a framework that balances rather than shames polarized interests.”