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Debate Script

Proposition: Net Neutrality Ensures Freedom of Speech on the Internet

Affirmative Rebuttal:

When we open up Google to search for something on the internet, whether that is information about the latest political election, the best places to stay in Hawaii, or even the different debates surrounding net neutrality, we expect all of that information (legal, of course) to be presented to us without interference from our Internet Service Providers (ISPs). That is the beauty of free speech on the internet - content providers, whether that is your best friend who writes blog posts or Netflix, have shot at being heard without harmful interference from ISPs, according to a 2017 article published by the American Civil Liberties Union (ACLU), a national organization that works daily in courts, legislatures and communities to defend the individual rights and liberties guaranteed by the Constitution and laws of the United States.

As reported in the 2017 article published by the ACLU, without regulations that come along with net neutrality, regulations like the ones repealed by the Federal Communications Commission (FCC) in December of 2017, ISPs have greater autonomy to censor freedom of speech on the internet

According to a 2017 *The New York Times* article by Keith Collins, a story editor on the Business Desk at *The New York Times*, two regulations in particular repealed by the FCC in 2017 worked to preserve an open internet where freedom of speech is protected: one prevented Internet Service Providers from blocking (discriminating against lawful content on the internet by blocking it) and the other throttling (slowing the delivery of legal content on the internet based on its nature).

Without these regulations, according to *The New York Times* article by Keith Collins, ISPs now have the power to harmfully interfere with the transmission of legal internet content, whether that means creating a tiered delivery service that favors certain content providers by

charging for faster delivery or creating separate packages for internet services, therefore limiting consumer's access to information and/or censoring content they disagree with/do not want to release. In other words, this autonomy over how to manage internet content providers ISPs with many avenues for limiting the free exchange of ideas across the internet.

Importantly, this talk about ISPs infringing on internet free speech is not as hypothetical as opponents of net neutrality like to argue. According to a 2017 article published by the ACLU, ISPs have regulated the free exchange of ideas through blocking or censorship in the past. The ACLU article cites these cases, among two others:

- August 2007 performance by the rock group Pearl Jam in Chicago, AT&T censored words from lead singer Eddie Vedder's performance.
- In 2005, the Canadian telecom Telus, involved in a bitter labor dispute, blocked its internet subscribers from accessing a website run by the union that was on strike against Telus. Researchers at Harvard and the University of Toronto found that this action resulted in Telus blocking an additional 766 unrelated sites. This spurred Canada to update its net neutrality regulations

The ACLU is not the only politically involved member concerned about the implications that the 2017 repeal of net neutrality regulations may have on free speech. David Kaye, an American law professor and the U.N. Human Rights Council's independent expert on freedom of expression, was interviewed in a 2017 article published by *Reuters*.

Kaye voiced his concerns to reporters, stating: "Net neutrality is a really, really important principle from the perspective of ensuring broad access to information by all individuals. My concern in the U.S. space is that over time the companies will make decisions based more on their business model than on the content of information and the breadth of information that people should have access to."

Considering the activity of ISPs in the past, along with the concern of freedom of speech experts, net neutrality is essential if the internet is to remain a place where free speech flourishes.

Negative Rebuttal:

Proponents of net neutrality like to argue that government regulation is needed in order to safeguard an open internet where ISPs aren't given too much power and freedom of speech is consequently protected.

But, according to a 2014 *Forbes* article by Frank Minter, a *Forbes* contributor, history has illustrated that FCC's regulations can negatively restrict service providers and content creators - that is, instead of protecting free speech like net neutrality proponents argue, FCC regulations actually hinder the ability to freely express and be heard on the internet.

One example of an FCC regulation that impeded free speech on media outlets was the 1949-1980s fairness doctrine, which, according to a 2011 *Washington Post* article by contributor Dylan Matthews, required licensed TV and radio stations to cover opposing opinions when their programming grappled with controversial topics. In other words, both sides of important public issues had to be aired on their programming - radio and tv stations could not block opposing opinions/content.

These regulations resemble those 2015 net neutrality regulations, which also required ISPs to refrain from blocking content, according to a 2017 *The New York Times* article by Keith Collins, a story editor on the Business Desk at *The New York Times*.

Although a surface-level analysis would bring one to the conclusion that the fairness doctrine helped foster free speech, it actually gave the government too much power over content, and represented harmful FCC overreach regarding free speech, according to that 2014 *Forbes* article by Frank Minter I mentioned earlier:

- It allowed FCC to fine TV and radio stations or revoke licenses if it didn't think broadcast were fair or balanced
- The FCC could also revoke licenses if the stations aired profanity, hate speech or other offenses

In other words, the fairness doctrine allowed the government to regulate content on TV

and radio stations so that programming fit with their idea of “neutrality,” creating an environment that did the opposite of foster freedom of expression and discussion opposing viewpoints. For example, as a result of the fairness doctrine, according to a 2014 *Forbes* article by Frank Minter, many radio stations were discouraged from including any political content in their programs.

According to a 2017 article by Brent Skorup, published by *National Review*, a credible conservative monthly-magazine that reports on politics, economics, and current events, the fairness doctrine’s negative effects on free speech should be taken as warning signs for modern net neutrality regulations that allow the government to regulate internet content, much like they were allowed to regulate TV and radio stations under the fairness doctrine, which we now understand was not conducive for freedom of speech. As illustrated, government protection does not always equal protection of expression and speech.

In addition to negative effects on expression, more government regulation of the internet could also mean an increase in government bureaucracy that makes it difficult to innovate, and therefore be heard on the internet, according to that 2017 *National Review* article by Brent Skorup:

- “Garrett Johnson and two friends created an enterprise-communications app in Florida and managed to gain funding for it from Ycombinator. His former company was compelled to register as a common carrier with the FCC, complete some 50 hours of paperwork annually, and pay fees and respond to inquiries from state public utility commissions. Internet services and apps offer an open frontier where anyone with a good idea and persistence can find success. No startup or broadband provider should spend precious time and capital navigating the Title II labyrinth.”

Net neutrality should be left in the past if free speech and innovation is to flourish in this country.

References

Affirmative:

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Negative:

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