

NET NEUTRALITY AND PRESERVING FREEDOMS OF THE INTERNET

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Net neutrality is a concept that promotes equality amongst all entities that use the Internet. In a completely neutral cyber world, information packets, regardless of size or wealth of the sender, would be handled as they arrive. The concept has proven to be controversial, however, as Internet Service Providers seek to sell prioritization which could affect the functionality of the entire Internet. The paid plans have the risk of reducing competition and free trade, limiting freedom of speech, and the diminishing general use of the Internet. Laws governing the Internet are tricky, though several new laws supporting net neutrality are about to go before Congress.

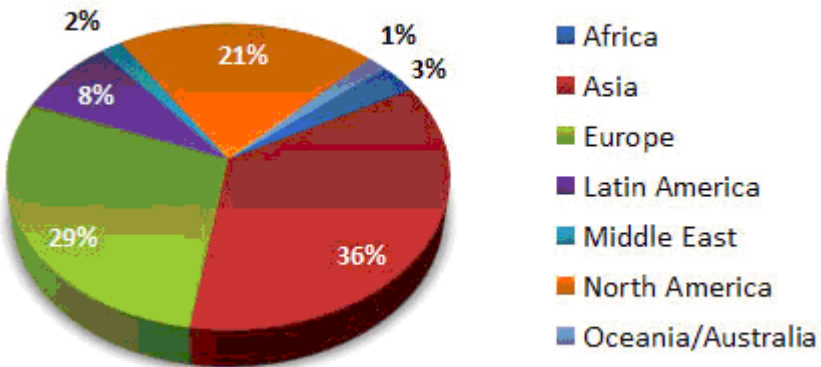
The net neutrality bill addresses a significant upcoming tech-based ethical issue that could change the Internet as we know it. Net neutrality “prevents large ISPs from deciding which Web sites work best for an individual...based on what site pays them the most.”¹ In recent years, Internet Service Providers (ISPs) have created obstacles and challenges to popular bandwidth eating services such as Google, YouTube, Microsoft, Skype, iTunes Music Store, and online gaming services. ISPs argue that because the large Internet based companies, such as Google and Microsoft, account for a majority of the data transfer over their networks, those companies should compensate ISPs for their extensive use. Giving ISPs the power to choose what media is transferred over their cable lines would give them the power to completely favor their own Internet-based services over others. This would in turn create large corporate loopholes to quash fair competition, solidify a monopoly stranglehold on small and large communities, and affect a vast number of people around the world.

1 “Fighting for Internet Freedom.” Save the Internet. 5 Aug. 2006 <<http://www.savetheInternet.com>>.

WHO USES THE INTERNET?

According to Miniwatts Marketing Group, over 233 million² access the Internet in the United States, which composes approximately 69.6 percent of the population and has increased 24 percent in the past five years.³ The latest statistical data provided by the U.S. Census Website⁴ as of 2005 shows that Internet usage ranges between 19.3 - 44.1 percent, with the highest percentage of users surprisingly coming from 35-54 year old adults, followed by 18-34 year old adults and lastly those above 55 years of age.

World Internet Users



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Furthermore, high-speed Internet access has increased 32.3 percent to 42.9 million lines; an addition of 10.4 million lines from June 2004 to the June 2005.⁵ Approximately 16.9 percent of the world is connected to the Internet and on a worldwide scale, North America comes in third on Internet usage; the most Internet users reside within

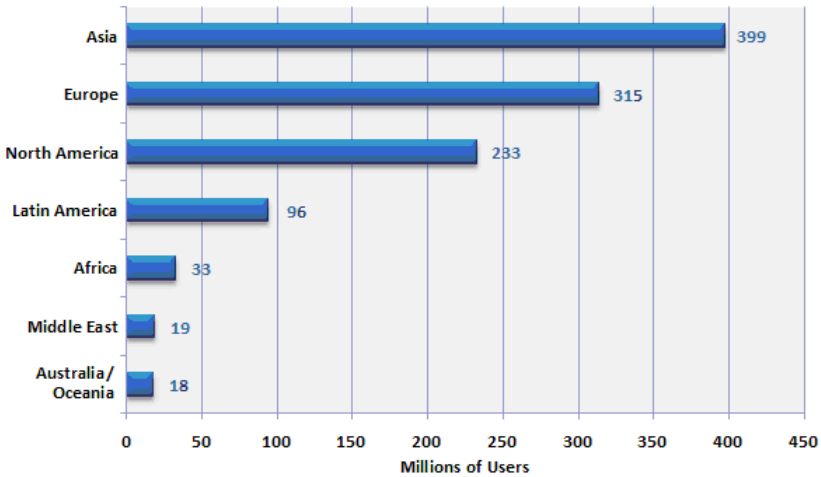
2 "Internet Usage Statistics - the Big Picture." Internet World Stats. 2007. Miniwatts Marketing Group. 25 Apr. 2007 <<http://www.Internetworldstats.com/stats.htm>>.

3 "United States of America - Internet Usage and Broadband Usage Report." Internet World Stats. 2007. Miniwatts Marketing Group. 25 Apr. 2007 <<http://www.Internetworldstats.com/am/us.htm>>.

4 United States. Information and Communications. Census Bureau. Statistical Abstract of the United States. 2007. 25 Apr. 2007 <<http://www.census.gov/prod/2006pubs/07statab/infocomm.pdf>>.

5 "United States - Internet Usage and Broadband Usage Report." Broadband Statistics Update. 2007. Miniwatts Marketing Group. 25 Apr. 2007 <<http://www.Internetworldstats.com/am/us.htm>>.

Internet Users by World Region



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Asia with 366 million, and in second 315 million in Europe.⁶ These statistics have no doubt further increased over the past few years of technological innovation. The Internet is a daily source of current information that is integral to the new age of free speech and competition within the United States. Giving large companies the freedom to control the free flow of information used by a large majority of the world's population is beyond unfair and moves close to criminal.

WHAT EXACTLY IS NET NEUTRALITY AND WHY DO ISPs WANT TO CHANGE THE SYSTEM?

Net Neutrality is a principal that promotes equality within the developing Internet and thus inhibits Internet Service Providers from creating a preferred or tier-leveled system controlling the order and speed that different types of information is passed over the Internet. In other words, "The term describes one side in the debate in the United States over whether Internet service providers should be able to control the order in which they route packets of data...or even be able to reject those packets...or whether they should be required to be neutral on

⁶ "Internet Usage Statistics - the Big Picture." Internet World Stats. 2007. Miniwatts Marketing Group. 25 Apr. 2007 <<http://www.Internetworldstats.com/stats.htm>>.

the matter.”⁷ Because of the wide spread use of the Internet and new bandwidth consuming services such as YouTube, Skype, and Download.com, corporate leaders at the ISPs devised a plan to make more money by hiking fees to the highest bandwidth users for the high connectivity speed expected and needed to exist. The most popular option now is a proposed tiered system where Internet service providers are currently seeking the right to charge companies as well as individuals proportionate to the types of data or “packets” and speed they transmit over their lines. Furthermore, whatever cost is incurred by Internet companies could ultimately be forwarded to customers creating a “double dipping” environment. With this bill in effect two major things would happen to our e-commerce economy. First, large companies will be able to out-buy small companies, rendering faster connections to their websites, and thus smashing any upcoming competition. Second, small companies that cannot pay for Internet bandwidth will be forced to operate at a loss, with compromised customer satisfaction, or be required to shut down. This impact will not provide the incentives to small companies to contribute to the growth of the Internet and means that the next Google, YouTube, or Facebook may never come.

WHAT IS THE NEXT STEP?

At first, the concept that using more lines should warrant additional surcharge seems reasonable. The real question is, however, what will be the next step for Internet Service Providers? With the destruction of net neutrality, ISPs would be able to favor companies *they owned* or selected to do business with, further providing them with the opportunity to edge out the competition. The ISPs could potentially have the power, for example, to make connections to popular Internet services such as Google slower and Yahoo faster. Luckily, our politicians have been working hard to find a middle ground that maintains net neutrality. On April 26, 2007, U.S. Senator Byron Dorgan (D-ND) proposed the Internet Freedom Preservation Act, one that proposes non-discrimination among data usage over the Internet. “The Internet became a robust engine of economic development by enabling anyone with a good idea to connect to consumers and compete on a level playing field. The marketplace picked winners and losers, not some central gatekeeper. That freedom – the very core of what makes the

7 Markoff, John. “A Pioneer of the Web Campaigns for Internet ‘Neutrality.’” The New York Times 27 Sept. 2006, Late ed., sec. G: 6. ProQuest. UCSB Davidson Library, Santa Barbara. 25 Apr. 2007 <<http://proquest.umi.com/pqdweb?did=1135896641&sid=1&Fmt=3&clientId=1563&RQT=309&VName=PQD>>.

Internet what it is today—must be preserved.”⁸ The measure would allow prioritization of content, applications or services only if it is done for all types of that particular content, application or service—and without a fee. That would likely mean, for instance, that Verizon could choose to set aside a dedicated connection for all user-generated video content, but it would have to make that connection available to all user-generated video sites, and for free.⁹

According to Google, here is where the United States is with respect to net neutrality, “Net neutrality is a major issue as the U.S. considers new telecommunications laws. The U.S. House of Representatives passed its telecommunications bill, H.R. 5252, in May, without adequate net neutrality protections. Now the fight has moved to U.S. Senate. On June 28, the Senate Commerce Committee passed its own telecom bill, S. 2686. While an amendment to the bill that would have added meaningful net neutrality safeguards failed 11-11, this tie vote marks a significant political victory and gives the effort new momentum. The debate now shifts to the full Senate, where advocates will be working to get strong net neutrality language in any bill that the Senate considers.”¹⁰

HOW DOES THIS AFFECT ME?

Because ISPs want the right to control the content that flows over an Internet connection, everyone who uses the Internet will be affected.

SEARCH ENGINES

If the net neutrality bill fails to pass in the legislative system, an individual may not be able to access their preferred search engine any longer. For example, if an ISP strikes up a deal with Google and not with smaller search engines, such as WebCrawler, Google’s searches could be pre-set to open faster than the smaller search engines on your computer, ultimately limiting the individual’s choice and fair market competition.

8 “Senators Dorgan, Snowe Introduce Legislation to Preserve Internet Freedom.” Free Press. 9 Jan. 2007. The Free Press Action Fund. 25 Apr. 2007 <<http://www.freepress.net/news/20215>>.

9 Broache, Anne. “Net Neutrality Proposal Revived in Senate.” CNET News.Com. 9 Jan. 2007. CNET Networks, Inc. 25 Apr. 2007 <http://news.com.com/Net+neutrality+proposal+revived+in+Senate/2100-1028_3-6148751.html>.

10 “A Guide to Net Neutrality for Google Users.” Google Help Center. Google Inc. 25 Apr. 2007 <<http://www.google.com/help/netneutrality.html>>.

SMALL COMPANIES

Additionally, large corporations that have paid extra for faster Internet could edge small companies and startups out of the competitive arena. The smaller companies will be made less useful or obsolete due to the hassle of connecting to slow servers and customers will be swayed to use the faster Internet connections afforded by larger companies. Finally, because of speed issues, smaller companies will not be able to use nor transmit valuable visual advertising media, such as Flash and QuickTime that are prevalent on almost all modern websites.

MUSIC SERVICES

Music download services such as iTunes, supporting the most popular mp3 player¹¹, the Apple iPod, could be slowed in favor of other companies such as Microsoft that are pushing their own mp3 services such as the Zune.

WEALTHY RADICAL GROUPS

Political, religious, and other high profile wealthy organizations could also have the power to impede information flow over the Internet. This could potentially slow the flow to government websites, political campaigns, select religious websites, and the like.

NON-PROFIT ORGANIZATIONS

Many non-profit organizations are already scrounging for money and provide important social services. Increased fees levied on phone companies, web-hosting services and other Internet services will impact the ability for non-profits to deliver services.

ONLINE RETAILERS

If there is one aspect about the Internet that is truly great for consumers, it is the strong competition among retailers that helps to keep prices low. If the net neutrality bill does not go through, the ISPs will be able to disrupt fair competition silently, providing quicker Internet to higher priced Internet sites, and slowing connection speed and reducing ever-dwindling profit margins for bargain sites.

11 "MP3 Players Reviews." ConsumerSearch. Mar. 2007. 25 Apr. 2007 <<http://www.consumersearch.com/www/electronics/mp3-players/index.html>>.

FREE SPEECH

Moreover, the importance of a free Internet encompasses more than just e-commerce and political stances, but the issue of free speech itself. Free speech takes on a new form when the Internet is involved, specifically in web blogs, video posts and personal websites. Furthermore, organizations ranging from the Christian Coalition to the Gun Owners of America have banded together to protect their rights of freedom of speech, in fear of ISPs slowing or banning their websites from their network. If Internet companies have free reign over the content streaming over “their lines,” citizens might lose the fundamental right that makes America a free country.

THE FEDERAL COMMUNICATIONS COMMISSION

The net neutrality issue affects a wide variety and number of people. Politicians, ISPs and advocacy groups have worked together to find an acceptable final solution for the matter. Until August 2005, when the FCC initiated the first press release, net neutrality was the law of the land, known as the Internet.

The Federal Communications Commission today adopted a policy statement that outlines four principles to encourage broadband deployment and preserve and promote the open and interconnected nature of public Internet: (1) consumers are entitled to access the lawful Internet content of their choice; (2) consumers are entitled to run applications and services of their choice, subject to the needs of law enforcement; (3) consumers are entitled to connect their choice of legal devices that do not harm the network; and (4) consumers are entitled to competition among network providers, application and service providers, and content providers.¹²

Although the press release is worded to please the public, some obvious omissions still protect large companies instead of the population as a whole. The issue of price-based speed and whether ISPs should have the right to favor or discriminate among companies that use their network is one of the many issues that are not covered by the release.

WHAT HAS HAPPENED THUS FAR?

One of the better known legal cases in the history of net

¹² FCC Adopts Policy Statement. FCC. 5 Aug. 2006 <http://hraunfoss.fcc.gov/edocs_public/attachmatch/DOC-260435A1.pdf>.

neutrality is the Madison River Case. In 1994, the Madison River Telephone company/Internet Service Provider in North Carolina decided to block all access to VOIPs, like Skype or Vonage, in order to deter landline telephone subscribers from switching to the new cheaper service. A red flag rose quickly at the FCC and Madison River Inc. was fined \$15,000 for the mishap.

In August 2005, the FCC created a bill that rejected net neutrality and an amendment to federal policy was passed. Activist groups reacted, however, and sent the issue to legislators to develop and debate. In April 2006, AOL Time Warner stopped emails containing www.dealaol.com. It turns out that www.dealaol.com is a group that opposed AOL's pay-to-send e-mail scheme. On May 25, 2006 the Internet Freedom and Nondiscrimination Act of 2006¹³, was passed by the House, and prevents ISPs from discriminating on transmitting content, refusing to connect to certain servers, or block or prohibit the access of content. Around the same time, Senator Byron Dorgan (D-ND) came out with the Internet Freedom Preservation Act of 2006, which provides better-defined and stricter net neutrality laws and is still in debate in the Commerce, Science and Transportation Committee.¹⁴ On June 28, 2006, Senator Ted Stevens (R-AK) made the now famous "Series of Tubes" speech, criticizing net neutrality though many acknowledged he lacked understanding of the complexity of the Internet¹⁵. Most recently, before the AT&T - Bell South merge was complete, the company was required by the FCC to "pledge to provide Internet users unobstructed Internet connections,"¹⁶ or otherwise net neutrality, for at least two years.¹⁷ As a condition of approving the AT&T-BellSouth merger, the

13 United States. Cong. House. To Amend the Clayton Act with Respect to Competitive And. 109th Cong., 2d sess. HR 5417. 29 June 2006. 25 Apr. 2007 <http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=109_cong_bills&docid=f:h5417rh.txt.pdf>.

14 "S 2917: Internet Freedom Preservation Act." Free Press. 26 May 2006. Free Press Action Fund. 25 Apr. 2007 <<http://freepress.net/congress/billinfo.php?id=175>>.

15 Singel, Ryan. "Your Own Personal Internet." Wired Blog Network. 30 June 2006. 25 Apr. 2007 <http://blog.wired.com/27bstroke6/2006/06/your_own_person.html>.

16 Bajaj, Vikas. "AT&T Offers Concessions on Its Deal for BellSouth." The New York Times 29 Dec. 2006, Late ed., sec. C: 2. ProQuest. UCSB Davidson Library, Santa Barbara. 25 Apr. 2007 <<http://proquest.umi.com/pqdweb?did=1186982931&sid=1&Fmt=3&clientId=1563&RQT=309&VName=PQD>>.

17 "Protecting Internet Democracy; [Editorial]." The New York Times 3 Jan. 2007, Late ed., sec. A: 20. ProQuest. UCSB Davidson Library, Santa Barbara. 25 Apr. 2007 <<http://proquest.umi.com/pqdweb?did=1188542101&sid=1&Fmt=3&clientId=1563&RQT=309&VName=PQD>>.

Federal Communications Commission required AT&T to guarantee net neutrality on its broadband service for the next two years.

SUPPORTERS OF NET NEUTRALITY

SavetheInternet.com is perhaps the most prevalent leader on promoting net neutrality and advocates that Net Neutrality is a fundamental right that no company should be able to take away. It is of their belief that FCC guidelines are currently too weak to prevent ISPs from choosing favorites on the playing field based on monetary compensation. The Internet needs to be an area of fair game for everyone. “Cable and telephone companies are talking, however, about creating a two-tiered Internet with a fast lane and a slow lane. Companies that pay hefty fees would have their Web pages delivered to Internet users in the current speedy fashion.¹⁸ Companies and individuals that do not would be relegated to the slow lane.” For many, the Internet has meant a new life, a new world of opportunities, and a means to participate in global communication. Losing net neutrality on the Internet would be a loss to competition, free speech and democracy.

OPPONENTS OF NET NEUTRALITY

Opponents of net neutrality regulations make the argument that the Internet is the same as any other market and should be subject to fee hikes, and sole regulation by the companies governing them. They believe that it is an attack on their freedom and oppresses companies from acting as they please, and make the point that it is no different from FedEx or UPS charging more for overnight delivery.¹⁹ They argue that companies such as Google and Microsoft should take advantage of the situation, by paying a little more to weed out smaller competition. Opponents of net neutrality believe that this is the way to obtain true “net neutrality.” ISPs want control of the Internet and balk at government intervention. In addition, the ISPs would also like to see multibillion-dollar e-commerce companies, as well as each individual, pay proportionately for their ever-increasing Internet usage. They argue that there will really be an increase in competition, but if ISPs are allowed

18 “Protecting Internet Democracy; [Editorial].” The New York Times 3 Jan. 2007, Late ed., sec. A: 20. ProQuest. UCSB Davidson Library, Santa Barbara. 25 Apr. 2007 <<http://proquest.umi.com/pqdweb?did=1188542101&sid=1&Fmt=3&clientId=1563&RQT=309&VName=PQD>>.

19 Holcberg, David. “It’s a Free Market for All; [Letter].” The New York Times 8 Jan. 2007, Late ed., sec. A: 18. ProQuest. UCSB Davidson Library, Santa Barbara. 25 Apr. 2007 <<http://proquest.umi.com/pqdweb?did=1190713191&sid=1&Fmt=3&clientId=1563&RQT=309&VName=PQD>>.

the opportunity to choose and otherwise rule, only companies of their liking will prosper, while others will be squashed. Deborah Platt Majoras, the FTC's Republican chair, said extensive Net neutrality legislation currently pending in the U.S. Senate is unnecessary because there has been no demonstrated harm to consumers, that normal market forces would likely prevent any problems, and that new laws would cause more problems than they solve.²⁰

CONCLUSION

The net neutrality issue will define and dictate how society's economic and communications infrastructure will evolve in the near future. By giving large companies the right to control our communal destinies, a significant amount of our individual freedom will be sacrificed. Net neutrality has the ability to affect free speech, the music industry, politics, business practices and communications. These elements are essential to a free world and should not be monitored or influenced by a few powerful ISPs. Instead, the net neutrality bill has the ability to create an equal environment and an atmosphere where competition is integral and freedom reigns. According to Tim Berners-Lee, one of the inventors of the Internet, "The neutral communications medium is essential to our society. It is the basis of a fair competitive market economy. It is the basis of democracy, by which a community should decide what to do. It is the basis of science, by which humankind should decide what is true. Let us protect the neutrality of the net."²¹ Perhaps, net neutrality was not what our fore fathers were originally imagining, but net neutrality is an important concept that deserves to be protected under the Constitution.

20 McCullagh, Declan. "FTC Chief Critiques Net Neutrality." CNET News.Com. 21 Aug. 2006. CNET Networks, Inc. 25 Apr. 2007 <http://news.com.com/FTC+chief+critiques+Net+neutrality/2100-1028_3-6107913.html>.

21 "A Guide to Net Neutrality for Google Users." Google Help Center. Google Inc. 25 Apr. 2007 <<http://www.google.com/help/netneutrality.html>>.

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