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NET NEUTRALITY REPEAL CREATES DARK CLOUD OVER STUDENT AND RESEARCHER INTERNET ACCESS AND EQUITY

Heidi McKee's *Computers and Composition* article in 2011, "Policy Matters Now and In the Future: Net Neutrality, Corporate Data Mining, and Government Surveillance," identifies three key policy issues she believes will continue to have influence on the future of the Web and Internet-based communication, one of which is net neutrality. "Net neutrality" is the philosophy that Internet users have the freedom to decide where they want to go online, and that no matter what sites they are trying to access, the Internet's pathways allow users to travel at the same speed, regardless of content. McKee warns that if net neutrality is not present:

> [W]e face a future where the Internet is like cable television where behemoth corporations control and produce the majority of content, controlling what we can see, read, hear, and write online" (280).

Later in the article, McKee projects wistfully into the future that "perhaps by the time this article goes to press, the FCC may have, for example, acted to reclassify the Internet as a common carrier (doubtful, but one can always hope!) . . . "Four years later, her hopes were realized (but only temporarily).

TIMELINE

On Feb. 26, 2015, under President Barack Obama's administration, the Federal Communications Commission (FCC) voted to classify the Internet as a "public utility," a common carrier, under the Title II of the Communication Act of 1934. While some (Karr; Shaw, "Regulating") decried this move as stifling free market competition, others (McKee; Ross-Brown) viewed the action as a victory for "net neutrality" advocates, a positive step toward social justice and greater Internet access to all. This act came in part because broadband suppliers like Comcast were slowing down ("throttling") some heavily used services and blocking other services and charging more for faster speed and access. However, this dream of neutrality was short-lived.

On Dec. 14, 2017, under President Donald Trump's administration, the FCC voted, with a 3-2 Republican majority to repeal that vote and return to a "light-touch regulatory scheme," with the "Restoring Internet Freedom" Act, essentially reclassifying the Internet from a "telecommunication system" (or "public utility") to an "information service." The FCC sees the action as a move back to the less regulated legal environment of the first 20 years of the Internet.

By the first week of February 2018, Montana, New Jersey, Hawaii, and New York had all signed executive orders for a statewide net neutrality order (Fung, "This;" Mlot; Segerstrom), with California and Massachusetts predicted soon to follow. On March 5, 2018, Washington's Governor Jay Inslee signed into law a statewide net neutrality ruling. Washington Post reporter Brian Fung says the "initiatives have put states on a collision course with the FCC . . . [that] could drive the fight over the

Internet's future into hazy legal territory" ("Washington"). The states' strategies require internet service providers to do business with them only if they follow the guidelines from the more strict net neutrality rules.

On April 23, 2018, the "Restoring Internet Freedom" Act will go into effect, with the exception of amendatory instructions 2, 3, 5, 6, and 8 (of a total of 8 sections in the ruling, about two thirds of the document), the effective dates of which will be determined at a later time.

NET NEUTRALITY—PROS AND CONS

Tim Berners-Lee, who invented the World Wide Web, points out that the Web Foundation had two specific goals at its outset: access and neutrality:

> We'd imagined that if we keep the Web neutral, get everybody equal access, and keep it non-discriminatory, then surely humanity will do the right thing. Last year, we realized that we can't just assume people will make the right choices to provide justice or truth or democracy. So now the Web Foundation and other organizations are making a conscious, strategic decision to think about the next layer. (Hoffman, 105)

One of the "fathers" of the Internet, Vincent Cerf (who, with Robert Kahn, developed the TCP/IP protocols, used in the early days of ARPANET, the Internet's precursor, and which are still used today) pointed out in his Communications of the ACM column that "the Internet has always been open," and "what we should not and must not tolerate is the arbitrary shutting down of pathways that can link together our increasingly global societies" (7). Clearly, those who helped bring the Internet into being want to help create a better society.

Organizations like Free Press, Common Cause, Color of Change, Demand Progress, SavetheInternet ("Net Neutrality;" Nichols), and over 100 others are gearing up to reverse this repeal in the coming year and, particularly, to show their dismay at the polls in the fall. Nichols, writing before the passage of the ruling, describes the repeal as:

> A blank check to create `fast lanes' for paid content from corporations and billionaire-funded politicians, while relegating the essential information-sharing of civil society to `slow lanes' on the periphery of the information superhighway" (5).

A coalition of 23 attorneys general have already filed a petition in the U.S. Court of Appeals for the D.C. Circuit as of Feb. 27, 2018 (Johns).

However, some don't see the repeal as such a big problem. Andrea O'Sullivan believes that people are getting worked up over nothing and denies that the Internet was ever really "neutral" in the first place. Nor have transmission speeds been all that consistent during the so-called "net neutrality" period, either. C. Mitchell Shaw alleges that:

> Far from protecting the free and open Internet, . . . net neutrality was never about neutrality; it was about regulating the Internet, something the courts had already correctly decided on two previous occasions that the FCC lacked the authority to do. (41)

S. Padmaja's analysis of net neutrality notes that neither the FCC, nor the U.S. government, has the capacity to take over the infrastructure, although whether the

Internet is a "fundamental liberty "has not yet been debated (although it seems to be where the net neutrality advocates are going with their argument.) Christopher S. Yoo maintains that as Internet users rely more and more on wireless networks, the variability in the signal transmissions, the congestion in the wireless pathways, and dropped signals will need to be worked out still. So, speeds are not going to be consistent anyway, due to these factors. With wireless communication, the pathways for communication and access are inconsistent, and the speed of transmission and clarity of connection are more dependent on the surrounding environment which never remains stable.

Ultimately, 2018 will become, indeed, is already becoming a year of the net neutrality wars.

IMPLICATIONS FOR MINORITIES, STUDENTS, RESEARCHERS

Seven months before the passage of the repeal, the lone Democrat on the FCC, Mignon Clyburn, sought feedback from Skid Row residents (including some homeless people) and community activists to learn their opinions on net neutrality and their Internet needs. Some attending the meeting said a constant concern was locating free Wi-Fi or simply a place to charge their cell phones. Some said they blogged to have a voice, while others felt "invisible" if they couldn't get onto the Internet (Johnson 20).

Despite this disparity in access, when the uprising in Ferguson, Missouri, occurred, it took a million tweets before CNN took notice of what was going on. As the #BlackLivesMatter movement grew, it was the Internet that enabled a faster spread of information. Ross-Brown argues that it's hard to imagine the groundswell of activism that grew from these events occurring "if these [Internet] protections didn't exist." The executive director of the Center for Media Justice, Malkia A. Cyrus, stresses that the Internet enabled the BlackLivesMatter movement to organize by being open and accessible to those who wanted to use it and had access.

To consider how the loss of net neutrality will affect students and researchers, we should take a look at the state of the Internet just before net neutrality went into effect in 2016. Ross-Brown mentions that the Comcast-Time Warner merger was just occurring, creating concerns about monopolistic tendencies occurring because it left two thirds of Americans with no other choice for high speed Internet.

Four years ago (before the 2016 net neutrality ruling), 75% of teachers required students to download assignments and upload completed ones online, with 40% of students required to participate in online discussion boards. However, 87% of teachers don't believe their students have all the digital tools they need at home to accomplish these tasks. And as for job seekers, over 4/5 of Fortune 500 companies require applicants to apply online. Ariana Figueroa reported that a 2017 Pew Research study found 5 million, mostly low-income, school-aged children without access to the Internet.

Even when kids are in school, the speed of the ISP service might change quickly, if the school district doesn't switch to premium services (Bjerdo 13). Depending on budget constraints, schools might be able to sign up for "paid prioritization" (otherwise known as a "fast lane" on the Internet), but if costs are going elsewhere, then traffic may be "throttled" or slowed. Lindsay McKenzie, writing for *Inside Higher Ed,* reports that colleges are especially concerned about the delays they may begin to experience after the

changes go into effect. She notes that, especially in the last couple of years, many online educators have been experimenting with innovative technologies, but when choice of service providers are limited or non-existent, the school's ISP may charge more. Organizations like the American Library Association are among those who are protesting the net neutrality repeal ("ALA"), but may be powerless to do anything but submit a statement. Educators Jill Berkowicz and Ann Myers point out that without being "in control of the information to which we have access," we will lose our academic freedom to those who can pay the most. Although not many academic research organizations have responded directly to the net neutrality repeal issue, the publisher of the Public Library of Science, publisher of PLoS journals, lamented that handing over the power to ISPs to regulate traffic "poses a threat to scholarly journals and research," (147) according to an editorial in Nature ("Loss").

We need to become more well versed in statistics like the Pew Research Center has available to us so that we can use this data in our pleas for fairness in Internet access and in our statements about net neutrality. As educators, we owe that to ourselves and our students.*

*We are starting to get a little help from an unlikely quarter, however, in Burger King's recent commercial about the net neutrality issue, which makes the fast lane/slow lane analogy crystal clear to its customers and any viewers. See https://www.youtube.com/watch?v=ltzy5vRmN8Q

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