ARGUMENT SCHEDULED FOR DECEMBER 4th, 2015

No. 15-1063 (and consolidated cases)

IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

UNITED STATES TELECOM ASSOCIATION, *ET AL.,*
Petitioners,

v.

FEDERAL COMMUNICATIONS COMMISSION and UNITED STATES OF AMERICA,
Respondents.

On Petitions for Review of an Order of the Federal Communications Commission

DRAFT BRIEF OF AMICUS CURIAE ZEPHYR TEACHOUT, SASCHA MEINRATH, and USERS OF THE INTERNET FOR AFFIRMANCE IN SUPPORT OF APPELLEE/RESPONDENTS

Phillip R. Malone
Jef Pearlman
Juelsgaard Intellectual Property and Innovation Clinic
Mills Legal Clinic at Stanford Law School
559 Nathan Abbott Way
Stanford, CA 94305
Telephone: 650-725-6369
Facsimile: 650-723-4426
Email: jipic@law.stanford.edu

Counsel for *Amicus Curiae*

STATEMENT REGARDING CONSENT TO FILE AND SEPARATE BRIEFING

All parties and intervenors have consented to the filing of this brief. *Amici Curiae* filed their notice of intent to participate on _____.

Pursuant to D.C. Circuit Rule 29(d), *amici curiae* Zephyr Teachout, Sascha Meinrath, and users of the Internet certify that they are submitting a separate brief from other amici curiae in this case due to the specialized nature of each amici's distinct interests. This is a brief of users of the Internet focused solely and directly on the critical dependence of citizens and government on an open, neutral Internet infrastructure, and the long history of public commitment to an open communications network.

Pursuant to Fed. R. App. P. 29(c), amici state that no counsel for a party authored this brief in whole or in part, and no counsel or party made a monetary contribution intended to fund the preparation or submission of this brief, with the exception of the following: intervenor Demand Progress paid approximately [$3,000--amount confirmed prior to filing] to host a web server so that users of the Internet could add their names to this brief.[1]

[1] A description of the method by which names of amici were collected will be included as Appendix A. A complete list of amici will be included as Appendix B.

Amici anticipate the following other amicus briefs: a lawmakers brief focusing on the legislative history of Title II, a National Hispanic Media Coalition brief focusing on the importance of the rules for historically underserved communities, a Santa Clara Law brief focusing on access interests, a Consumers Union brief focusing on consumer interests, a Library Association brief focusing on the importance of an open Internet to research institutions, an Administrative Law Scholars brief focusing on administrative law issues, and a brief by Tim Wu focusing on the difference between basic and enhanced services. None of these other briefs focus on the central importance of neutrality for politics or the long history of common carriage principles in the communications sphere. Given these divergent purposes, amici certify that filing a joint brief would not be practicable.

CERTIFICATE AS TO PARTIES, RULINGS AND RELATED CASES

A. Parties

All parties are listed in the Brief of Appellee/Respondents.

B. Rulings Under Review

References to the ruling at issue appear in the Brief for Appellee/Respondents.

C. Related Cases

Amici curiae adopt the statement of related cases presented in the Brief for Appellee/Respondents.

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GLOSSARY

FCC	**Federal Communications Commission**
IP	**Internet Protocol**
ISP	**Internet Service Provider**
MGPS	**Megabits Per Second**

INTEREST OF AMICI CURIAE

We represent Americans from all walks of life, of all ages, and of all political affiliations. We represent ourselves as individuals who use the Internet to share our views, organize, and petition the government. We have been involved in the efforts to pass Network Neutrality, either through submitting comments to the FCC or otherwise educating friends and family about the importance of the FCC decision, and are well-suited to address the high governmental interest in protecting an open Internet for organizing.

SUMMARY OF THE ARGUMENT

The public interest in an open, neutral platform for the free exchange of ideas is a collective interest of the highest order. A neutral platform is particularly important for dissidents, those with unusual political ideas, groups who would challenge governmental choices, and activists who want to challenge concentrated private power. An open Internet is also critical for wide-open public discussion and debate where a broad range of clashing, complementary, and eccentric viewpoints can be spoken and heard. The Internet has become the beating heart of collective action, where organizing happens, where groups form and strategize to protest,

support each other, and challenge power. The Internet is the single most important platform in America for organizing, speaking, learning, and protesting.

It would be a tragic irony if this Court struck down the Network Neutrality rules and allowed internet service providers (ISPs) to shut down, slow down, or otherwise make difficult the kind of extraordinary activism that enabled the Network Neutrality rule in the first place. Over 4 million Internet users commented on the FCC's Network Neutrality proposal. Network Neutrality organizing was a high point of American civic activism, a moment of civic flourishing, where thousands of disconnected groups came together. Millions of people, young and old, educated themselves about an arcane topic and shared their unique viewpoints. Because of an open Internet, a great glorious labyrinth of voices representing Americans from every background commented on the proposed Net Neutrality rules.

Some petitioners argue that the Net Neutrality rules are incompatible with the First Amendment. It is our position that the First Amendment is not implicated in this case. However, if it is, the arrow points in the right direction: First Amendment values are served, not harmed, by Net Neutrality rules. The governmental interest in speech, organizing, protest, and political freedom justify the regulations. Finding otherwise would be a radical departure from two centuries

of practice and jurisprudence. For over 200 years, this country has been committed to providing neutral platforms for dissident political speech.

ARGUMENT

I. The Open Internet Order Serves Fundamental Democratic Interests

A. The Internet is an essential platform

The Internet's vital role as a conduit between government and the people would be irrevocably damaged if this Court accepts some petitioners argument that the Net Neutrality rules violate their First Amendment interest in exercising unfettered "editorial discretion" over the Internet content that their customers choose to send or receive.

For the overwhelming majority of Americans, using the Internet is not optional. As Barack Obama recently stated, "The Internet is not a luxury, it is a necessity." (Drew Olanoff, *President Obama: The Internet Is Not A Luxury. It Is A Necessity*, July 15, 2015, http://techcrunch.com/2015/07/15/ Internet-for-everyone /#.m5jqwk:Utwl). It is essential for finding work, doing work, going to school, learning after school, meeting friends, maintaining friendships, finding love, maintaining relationships, creating art, listening to music, watching movies and tv,

and creating videos. The Internet is also at the heart of civic and political life. It is how Americans go about paying taxes, learning about government benefits, learning about governmental activity, communicating with representatives, objecting to governmental behavior, investigating claims made by elected representatives, proposing new ideas, finding others with shared political interests, discussing politics, investigating news stories, creating and maintaining political communities and registering support and protest in collective community. In the 1990s, when the internet was not yet as integrated into daily life as it is today, the Supreme Court approvingly cited a District Court's conclusion that "it is no exaggeration to conclude that the content on the Internet is as diverse as human thought." (Reno v. ACLU, 521 U.S. 844 (1997), citing ACLU v. Reno, 929 F. Supp. 824, 883 (E.D. Pa. 1996)). Nearly 20 years later, the internet has become a crucial tool for civic engagement. Between 2000 and 2015, the percentage of Americans who use the internet increased from 52% to 84%. (Andrew Perrin, Maeve Duggan, *Americans' Internet Access: 2000-2015*, Pew Research Center (June 26, 2015), http://www.pewinternet.org/2015/06/26/americans-internet-access-2000-2015/). Citizens have come to rely on the premise that every kind of political idea can be found and debated without ISP interference, and that they can organize without ISP interference or "editorial discretion" over ISP customers' speech.

The internet is at the center of modern politics and civic engagement. Groups and individuals that cannot speak and organize online, or whose speech and organizing is disfavored or slowed down, cannot have their voices heard. Rashad Robinson, the Executive Director of the online advocacy organization, *Color of Change* explains that, "Our ability to be heard, counted, and visible in this democracy now depends on an open Internet . . . because it allows voices and ideas to spread based on their quality—not the amount of money behind them." (Rashad Robinson, *Civil Rights Groups Applauds FCC, Calls New Rules Major Civil Rights Victory*, February 26, 2015, http://colorofchange.org/press/releases/2015/2/26/fcc-new-rules-net-neutrality).

It is also at the center of organizing directed at governmental action. A 2013 study by Pew Research concluded that 34% of Americans contacted a public official or spoke out in a public forum online. (Aaron Smith, *Civic Engagement in the Digital Age*, Pew Research Center (April 25, 2013), http://pewinternet.org/Reports/2013/Civic- Engagement.aspx). The Internet is increasingly the government's tool of choice to communicate with Americans, and to hear from Americans. Regulations.gov is a website serving more than 35 federal regulatory agencies where citizens can view and comment on proposed regulations. Regulations.gov, *About Us,* http://www.regulations.gov/#!aboutpartners (last

visited Sept. 12, 2015). In 2011, the White House launched an online platform called *We The People* to enable citizens to submit online petitions to the government. Since then, the government has grown *We the People* so that online petitions distributed by non-governmental advocacy organizations can be incorporated into the *We the People* platform. By doing so, the government has recognized the important role that advocacy organizations play in encouraging citizens to engage in civics, particularly by engaging with government websites. (*See*, Jason Goldman, *How We're Changing the Way We Respond to Petitions*, July 28, 2015, https://www.whitehouse.gov/blog/2015/07/28/how-we-are-changing-way-we-respond-petitions). The U.S. government has created an infrastructure that requires an online component for meaningful political organizing. The Government has developed an application programming interface for groups like the Sierra Club, Planned Parenthood, the ACLU, the Christian Coalition of America to use, explicitly naming and elevating the importance of activism organizations. The infrastructure relies on neutrality for its legitimacy. If ISPs could pick and choose which viewpoints and ideas were favored, these governmental websites used to solicit citizen feedback would lose credibility, because citizens would see it not as a sampling of public thought, but as a censored, or filtered sample.

In short, the Internet is the dominant platform for all speech in society today. The modern pamphleteers include website links on their pamphlets. Television advertisers link to website, radio advertisers tell people to learn more on websites, candidates for office include website links on all lawn signs. Almost all organizing is now done with some reliance on the internet. The governmental interest in preserving the legitimacy of public comment and the space for speech, including dissident speech, is an interest of the highest order.

B. The idea that ISPs would suppress speech and organizing is not speculative

In the United States, long standing Net Neutrality rules have meant that we have been relatively free of ISPs using their power to slow or censor political speech and organizing to date. However, the threat that ISPs could suppress political speech and organizing is not merely speculative.

Petitioners' brief explicitly asks for the for the right to conduct viewpoint-based data discrimination: "The rules deprive broadband providers of their editorial discretion by compelling them to transmit all lawful content, including Nazi hate speech, Islamic State videos, pornography, and political speech with which they disagree." Joint Brief for Petitioners Alamo Broadband Inc. and

Daniel Beringer at 7, United States Telecom Association v. Federal Communications Commission, No. 15-1063 (D.C. Cir. Jul. 30, 2015). An ISP need not even ban a service entirely--simply slowing down disfavored websites and favoring others could have enough of an effect on user behavior to chill discourse. For example, Microsoft found that "both abandonment rate and the time to click increased significantly from the fastest page load times to the slowest page load times." (See, *Slow Search: Information Retrieval without Time Constraints*, Microsoft Research, available at http://research.microsoft.com/en-us/um/people/sdumais/hcir13-SlowSearch.pdf). Google and Amazon research found that increasing page load time "by as little as 100 milliseconds decreased the number of searches per person" (See, Eric Schurman, Jake Brutlag, *The User and Business Impact of Server Delays, Additional Bytes, and HTTP Chunking in Web Search*, O'Reilly Velocity Conference (Jun. 23, 2009), available at http://velocityconf.com/velocity2009/public/schedule/detail/8523). As these researchers concluded, "'Speed matters' is not just lip service." (*Id*.)

Comcast, currently serving more US customers than any other ISP, is a major media owner of NBC and MSNBC. (See, Amy Chozick, Brian Stelter, *Comcast Buys Rest of NBC in Early Sale*, N.Y.Times (Feb. 12, 2013), http://mediadecoder.blogs.nytimes.com/2013/02/12/comcast-buying-g-e-s-stake-in

-nbcuniversal-for-16-7-billion/. It has every right to discriminate on the basis of content or viewpoint in its role as a media owner, but the public has an interest of the highest order in its neutrality as an ISP. If Net Neutrality is overturned, and ISPs are given free reign to use their infrastructure to discriminate against lawful political web traffic with which they disagree, as petitioners ask, we risk loss of the free flow and exchange of ideas central to democracy. Because if ISPs can favor user access to their own news agencies over others, this means they can favor user access to some news topics over others, too.

Net Neutrality has been the de facto rule since the beginning of the Internet, based on a changing series of legal regimes but maintaining throughout the same principles of nondiscrimination by those who carry our speech. When *Reno* was decided, non-discriminatory treatment of Internet content was taken for granted. This is because most people accessed the internet through their phone companies, using dial-up service. If a dial-up ISP discriminated on the basis of content or viewpoint, people could easily switch. But when 97% percent of households have 2 or fewer options for high-speed internet access (as defined by the FCC, high speed Internet access is at least 25 Mbps download/3 Mbps upload) (See, NTIA Broadband Initiative Data (Dec. 2013) Broadband Statistics Report, http://www2.ntia.doc.gov/files/broadband-data/Provider_by_Speed_Tier_Dec2013.

pdf; see also Jon Brodkin, *Most of the US has no broadband competition at 25Mbps, FCC chair says*, Ars Technica, Sep. 4, 2014, available at http://arstechnica.com/business/2014/09/most-of-the-us-has-no-broadband-competition-at-25mbps-fcc-chair-says/), the vast majority of citizens can no longer switch in the face of politically-non-neutral treatment of content.

If the Net Neutrality rules were overturned on the basis of the First Amendment, we would expect ISPs to gradually shape the viewpoints that were favored online. They might, for instance, provide faster service to particular political viewpoints, if a politically-oriented, well-funded group or media organization, paid them to do so. A content provider could ask for or pay for special treatment, or ask for the opposing views to get worse treatment. If the ISPs were constrained only by the market and their whims, we would expect tampering with the free flow of speech.

One example of political speech that might have been blocked or hampered without Net Neutrality protections is opposition to some Internet-related legislation, such as the voices of internet users and websites that rose up against the Stop Online Piracy Act (SOPA) and Protect IP Act (PIPA) in 2012. Because some ISPs (such as Comcast) had spent hundreds of thousands of dollars lobbying for these bills, they might have a strong incentive to block or throttle anti-SOPA/PIPA

opposition that might threaten that investment. (See Andrew Feinberg, *Comcast spent heavily in support of anti-online piracy bills*, The Hill, Apr. 8, 2012, *available at* http://thehill.com/policy/technology/220467-comcast-spent-heavily-in-support-of-anti-online-piracy-bills). Net neutrality protections ensured ISPs would treat voices that opposed SOPA/PIPA the same as voices that supported the bills. As a result, 75,000 websites took part in SOPA/PIPA protest; internet users added 4.5 million signatures to Google's petition to protest SOPA/PIPA, sent over 2.4 million SOPA/PIPA-related tweets on one day alone, and sent their representatives over 350,000 e-mails. (See Chenda Ngak, *SOPA and PIPA Internet blackout aftermath, staggering numbers*, CBS News, Dec. 19, 2012, available at http://www.cbsnews.com/news/sopa-and-pipa-internet-blackout-aftermath-staggering-numbers/). Together, this effort sent the bipartisan bill to defeat.

Without Net Neutrality protections, ISPs might have had a strong incentive to block or throttle anti-SOPA/PIPA voices, and this bill might have sailed through Congress without organized opposition. Because of net neutrality, citizens were able to flex their political voices online, contact their representatives, and protect their interests. But whether web users will continue to be a potent lobbying force rests is by no means certain. If we allow ISPs to decide what information users can

access on the basis of viewpoint alone, their political power will surely be curtailed.

We have examples of what a non-neutral internet can become. In other countries, a non-neutral internet has shut down political speech and organizing. Dissenting ideas are shut out of public discourse, buried behind firewalls and sources more favorable to governments in power. Citizens operating on non-neutral platforms are less likely to be able to discover new ideas, organize with one another, and ultimately create political change.[2]

The next time millions of internet users came together to demand something similar to Net Neutrality rules, the ISPs could slow their speech, de-prioritize it, or even block certain messages related to organizing. Only neutral platforms allow for

[2] The non-neutral Internet in China, for instance, means that citizens who search for "Tiananmen Square" have to search hard to find evidence of a protest that happened in 1989. When Chinese citizens started posting Instagram pictures of a student protest in Hong Kong in September 2014, the Chinese government shut down access to the Instagram service entirely--while continuing to allow access to the heavily-censored Weibo social platform. As Xiao Qiang, an adjunct professor for the School of Information at the University of California at Berkeley, put it to CNN: "Chinese authorities … can shut down 'autonomous communication space' where public discussions can take place." When Hong Kong police unleashed tear gas on demonstrators, there was no mention of it that night on China's state-run TV news; citizens who sought information on China's top search engines Baidu and Sogou found that sympathetic coverage was removed from their search results. (See Madison Park, *China's Internet Firewall Censors Hong Kong Protest News*, CNN, Sep. 30, 2014, available at http://www.cnn.com/2014/09/29/world/asia/china-censorship-hong-kong/). For social media and search engines hoping to operate in China, access to that market means actively working with the Chinese government to censor and block content.

citizens to communicate with each other and organize, precursors for driving democratic change.

C. American history shows two centuries of commitment to open communications platforms

"The best test of truth," Oliver Wendell Holmes wrote in 1919, "is the power of the thought to get itself accepted in the competition of the market." What Americans seek, Holmes said, is "free trade in ideas." *Abrams v. United States*, 250 U.S. 616 (1919) (Holmes, J., dissenting). An open internet enables a free trade of ideas. A politically-biased internet would stifle that trade, and undermine a foundational principle that our government has upheld and promoted for centuries.

Petitioner's argument that the First Amendment is designed to enable ISP speech censorship turns the history of our country on its head.

From the beginning of our nation, Americans have understood the importance of keeping certain essential platforms open and neutral. Congress, the Executive, and the Supreme Court have repeatedly acknowledged that safeguarding the American ideals of liberty and democracy requires that the powers controlling these key platforms and networks not be allowed to control the

debate. This anti-discrimination principle formed the basis of "common carriage" laws, which required central facilities like ferries and railroads to treat all citizens equally. *See, e.g.*, Interstate Commerce Act, Pub.L. 49-104, 24 Stat. 379 (1887).

Nowhere is this principle more vital than in communications industries, where sweeping control by a handful of actors empowers them to serve as bottle-necks, manipulating not just commerce but speech. Recognizing that freedom of expression and the unfettered flow of ideas are key to sustaining a vibrant democracy, the government has repeatedly intervened to forestall the dangers posed by concentrated control over our communications channels. The jurisprudential history of the First Amendment, too, has generally been animated by principles seeking to ensure universal access to spaces and mediums for speech. Marvin Ammori, *First Amendment Architecture*, Wis. L. Rev., Vol. 2012, No. 1, at 29-53 (2012).

America confronted the hazards of concentrated control over communications platforms early, under the British Crown. Leading up to 1776, the Crown postmaster would neglect to deliver newspapers sympathetic to the revolutionary cause. As a result, publishers struggled to disseminate newspapers and media at a critical national moment—an experience that proved foundational. When designing a postal system some years later through the Post Office Act, the

United States held firmly that the network should enable anyone to send messages without constraint or discrimination. Post Office Act of February 20, 1792, 1 Stat. 232; *see also*, Ammori at 39 ("After Constitutional ratification, the first Congress fired the postmaster, who had previously engaged in discrimination, and passed the first major Post Office Act, removing postmasters' discretion over admitting or denying newspapers.").

As Congress debated whether to issue a flat or graduated rate for the delivery of newspapers, one recurring concern was how the decision would implicate the First Amendment. Newspapers "ought to come to the subscribers in all parts of the Union on the same terms," declared Massachusetts Congressman Shearjashub Bourne. Senator Elbridge Gerry, also from Massachusetts, identified the stakes, noting, "However firmly liberty may be established in any country, it cannot long subsist if the channels of information be stopped." Annals of Congress, 2d Cong., 1st sess., 284-286.

Wading into the debate, President George Washington echoed these concerns. In his Fourth Annual Address of November 6, 1792, he urged Congress to reconsider newspaper postage, stressing the "importance of facilitating the circulation of political intelligence" around the country. Protesting postage rates that they considered unduly high, editors argued that the "tax" on information

would "curtail newspaper circulation among all but the wealthy" and "have the effect of permitting only the 'rich and better sort' to monitor and criticize the affairs of government." *The Press, Post Office, and Flow of News*, 3 Journal of the Early Republic, Vol. 3, No. 3 (Autumn, 1983), at 263 (citations omitted). Keeping the postal network open and ensuring that it did not discriminate among producers of news was a democratic duty--and one that paid off. In his survey of American society, Alexis de Tocqueville credited newspapers and other media delivered through the postal system as vital to the country's vibrant culture of democracy. *See* Alexis de Tocqueville, *Democracy in America*, 1835.

The Post Office was only the beginning. Keeping the citizenry informed through open communications platforms--and forestalling the threats of concentrated private control--remained a central goal for our government throughout the next centuries. During the Civil War, Western Union amassed control over telegraph trunk lines across the country, eventually achieving near monopolistic dominance through buying up rivals. As its network expanded, Western Union prioritized "serving business clients" at the expense of "social obligations, such as universal service." Sascha Meinrath & Victor Pickard, *Transcending Net Neutrality: Ten Steps Towards An Open Internet*, Internet Law, Vol. 12, No. 6 (Dec. 2008). In response, Congress passed a series of public service

protections into the telecommunications regulatory structure, to ensure that our nascent communications infrastructure aligned with the public interest. In 1866, for example, decades before the inception of antitrust law, Congress passed the Telegraph Act, which blocked a private company from gaining monopoly control of the very first electronic medium of communication. 1866 National Telegraph Act, ch. 230, 14 Stat. 221; *see generally*, Richard R. John, *Network Nation: Inventing American Telecommunications* (2010); Paul Starr, *The Creation of the Media: Political Origins of Modern Communications* (2004).

Moreover, our government asserted that companies that did command significant control over media platforms should not be able to use that power to control the debate in the political economy of speech and ideas. This basic principle animated the Supreme Court in its famous 1945 decision, *Associated Press v. United States*, 326 U.S. 1 (1945). The case grew out of a policy by the Associated Press that made its news available only to newspapers who became AP members. The news company further prohibited any of its members from selling news to non-members, *and* gave its members the power to block their competitors from membership--effectively locking out thousands of existing newspapers and discouraging new ventures from emerging. The Court ruled that the AP's policy amounted to discrimination among newspapers, and that blocking the policy was

not only within the government's power--but necessary to safeguard the First Amendment. 326 U.S. at 20.

"It would be strange indeed however if the grave concern for freedom of the press which prompted adoption of the First Amendment should be read as a command that the government was without power to protect that freedom," the Court held. *Id*. The First Amendment "rests on the assumption that the widest possible dissemination of information from diverse and antagonistic sources is essential to the welfare of the public, that a free press is a condition of a free society." The Court continued, "Surely a command that the government itself shall not impede the free flow of ideas does not afford non-governmental combinations a refuge if they impose restraints upon that constitutionally guaranteed freedom." *Id.*

The Court further reasserted the government's right to demand open and nondiscriminatory communications networks in *Turner Broadcasting v. FCC*, 512 U.S. 622 (1994). Upholding the government's right to impose must-carry rules on cable television providers, Justice Kennedy wrote for the majority, "Assuring that the public has access to a multiplicity of information sources is a governmental purpose of the highest order, for it promotes values central to the First Amendment." 512 U.S. at 663. Critically, "The First Amendment's command that government not impede the freedom of speech does not disable the government

from taking steps to ensure that private interests not restrict, through physical control of a critical pathway of communication, the free flow of information and ideas." *Id.* at 657.

Through key periods of history, our officials have viewed the concentrated control over our media platforms with appropriate alarm and caution. Following rapid consolidation throughout the media industry in the 1970s, Congress held a multi-session hearing to assess any potential threats. Opening the hearing, North Carolina Senator Robert Morgan stated, "We need to discuss and determine at what point concentration of ownership becomes a true threat to freedom of the press." United States Cong. Senate. Committee on Small Business. *Economic Concentration in the Media--Newspapers*. Hearings, May 24, 25, 1979. 96th Cong. 1st sess.

Around that time the Federal Trade Commission, too, held a multi-day symposium to understand how concentration of control implicated our political and social values. "We must examine whether the right of free speech can be disassociated from the economic structure of the media which gives access to that speech," said Michael Pertschuk, chairman of the Federal Trade Commission, at the hearing. "The first amendment protects us from the chilling shadow of government interference with the media. But are there comparable dangers if other

powerful economic or political institutions assume control of the media?" Opening Address, Symposium on Media Concentration, Federal Trade Commission: Bureau of Competition, Dec. 14, 1978.

Long-standing practices are relevant to Constitutional adjudication. *See Eldred v. Reno*, 239 F.3d 372, 377 (D.C. Cir. 2001) aff'd, Eldred v. Ashcroft, 537 U.S. 186 (2003). This history shows two things: first, just how radical petitioner Berninger's brief is. By challenging the capacity of the government to ensure a neutral political communications system, the logical implications of the brief threatens to undermine or overturn every common carriage rule of the last 230 years. But it also shows that a platform enabling a true multiplicity of views has been a central democratic value for the history of our country.

CONCLUSION

For all of the foregoing reasons, the FCC's Network Neutrality Rules should be upheld.

Respectfully submitted,