

Remarks of FCC Commissioner Mignon L. Clyburn (as prepared for delivery)

“Internet Freedom Now: The Future of Civil Rights Depends on Net Neutrality”

The Voices for Internet Freedom Coalition

Washington, D.C.

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Thank you to Francella for that wonderful introduction, and to the Coalition today, for convening this briefing on the intersection of civil rights and an open internet. I am proud to stand with you, Representatives Ellison and Khanna, as well as my colleague at the FCC, Commissioner Rosenworcel.

I feel that it is necessary to begin by giving voice to the FCC majority’s latest attempt, to weaken the only Universal Service program, that directly addresses the affordability gap when it comes to telephone and broadband service for individuals. If the goal of the current FCC majority is to widen existing divides, and ensure that our nation's most vulnerable are less likely to be connected, the Lifeline proposal before us, and slated to be voted on later this month, sets us squarely on that path.

Too many of our fellow citizens are stuck on the wrong side of the digital and opportunities divide. All of this was reinforced for me last week, during my visit to the Harlem Dowling West Side Center and the Vaughn Harper Computer Center in New York City, where efforts are underway to affordably house the economically vulnerable, bridge the technology divide, and connect the unconnected. While there is tremendous potential for economic growth and development around every block in Harlem and the other boroughs, I know that many families find themselves living paycheck to paycheck or with no job at all, and are choosing between food, and being digitally connected.

Not only should they not be forced to make such a choice, the FCC should not make it more difficult for them. The adults over 60 and the administrators I met at the Senior Planet Exploration Center last week, shared with me the challenges these seniors face in affording broadband. They also expressed their fear, which I share, that the challenges when it comes to digital inclusion, will be magnified by the proposed changes in Lifeline, including our ability to provide broadband support, to those who qualify.

So, in my mind, there is no question that broadband access is a civil rights issue. Why? Because seekers of justice today, use the internet, like civil rights leaders in the 1960s used the telephone, and the threat of being blocked by gatekeepers is as real now, as it was then. To get the word out about arrests, beatings, or other unspeakable acts, activists back then, would dial a Wide Area Telephone Service line to bypass a potentially unfriendly switchboard operator, who may have attempted to block their call. And as Congressman John Lewis once said, if they had the internet during the civil rights era, they “could have done much more.”

Access to broadband advances justice, and can lift up the most disenfranchised. Those with access are further uplifted, because they are better able to advance their education, access telehealth services, or apply for a job or government services. But if the FCC majority is successful, affording a broadband connection will not be the only barrier these families face. We

are weeks away, from broadband providers being given the green light, to freely engage in paid prioritization, blocking, throttling, or unreasonable discrimination at interconnection points. We are weeks away from the probability, of an entirely new and even wider divide – of those that can afford to pay for priority access, and others that cannot.

Now we established a set of bright-line rules, using the strongest legal authority we have, known as Title II, in order to avoid this in 2015, and the D.C. Circuit upheld those 2015 rules last year. So why do we find ourselves weeks away from being saddled with an Order that will dismantle these protections?

I'll tell you why. The current FCC majority has once again chosen, to side with the big providers, while they turn their back on consumers and small business owners. Now I hear when they say that they support an open internet, but after you read their proposal, the next question you should ask, is why they are doing away with almost every legally upheld protection, adopted two years ago? Ask the current majority why, if they are so supportive of an open internet, do they even question the need for a requirement, that broadband providers be transparent with their customers?

Last week, I met with a group of micro-business owners, during a roundtable discussion at Etsy's Brooklyn headquarters. They represented a business segment too often left out of the net neutrality discussion: sole proprietors, that if you look, actually make up, over 70 percent of our nation's businesses. Those single-person businesses, because of Etsy's online platform, no longer have to spend thousands of dollars to exhibit at craft shows, they no longer have to endure hours of standing outside in the freezing cold and away from their families, to get their products to market. They now have an online market through the internet, that game changer, which has allowed them to spend more time with their families and focus on what they love doing the most: creating their crafts while earning a living.

Like you, those creative entrepreneurs are worried, that the one platform that has improved their quality of life and the 2015 Open Internet Order that has directly enhanced their ability to produce and distribute their crafts, is now at risk. Now we speak extensively at the FCC about enacting policies to help the nation's smallest businesses, but what I have never heard, is anybody talk about what impact a change in our Open Internet rules, would have on the lives of those sole-proprietors that are now thriving online. Why? Because when the current FCC defines that term "small business," we often include companies that are worth millions or sometimes even billions of dollars.

We are not speaking about Molly, the gemologist in Brooklyn, who can continue to create and distribute her jewelry, while she prepares for the arrival of her newborn.

We are not thinking about Craig, who together with his wife, uses that online platform to avoid thousands of dollars in trade-show fees and hours away from their two children. Today, they can make a quality living from home, just blocks away from their kids' school.

No, the FCC majority is fixated on those billion dollar-plus public companies, and what is best for their bottom lines, at the expense of micro-businesses, sole proprietors, and

individuals that do not have the financial resources to pay a toll imposed by their broadband provider, who are now fearful of what rolling back the clock will mean for their bottom lines.

And that is why I am here. That is why I remain grateful to the Coalition, for convening today's discussion, and for carrying on the fight for robust, open internet protections. We cannot remain silent while so many of our citizens are without access. We cannot hang our heads, while the need to close those digital canyons still exists. And we cannot get discouraged or weary. We must continue to push back, against those seeking to close the door for civic and economic opportunities for every American. We must continue to be heard.

You are right to align the current fight for civil rights, with the fight for a free and open Internet. You are on the right side, and history will reward you mightily. I, for one, am proud to stand with you and I join the many in thanking you.