

Chairman Julius Genachowski
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

October 21, 2009

Dear Chairman Genachowski,

The organizations signed below, which work with or advocate on behalf of people of color, low-income individuals, and historically marginalized communities, urge you to remain firm in your support for net neutrality, the principle that prohibits discrimination of content on the Internet. We also ask that you apply the same strong non-discrimination standards to any device or method of connection used by consumers to access the Internet, including both wireless and wireline. Applying these rules to wireline and wireless networks are essential for extending the proven benefits of the Internet to poor people and people of color.

The Internet, for those who have access to it, has quickly become a necessity not unlike telephone and electricity service. Millions of low income consumers and people of color use the Internet today to apply for jobs, grow their businesses, enhance their education, communicate with their doctors, influence their elected officials, and keep in touch with friends and family. Undoubtedly, the Internet has revolutionized the civic, economic and social fabric of modern society.

However, it is well documented that people of color and low-income individuals are among the least-connected segments of the U.S. population. In 2009, 46% of African Americans had broadband at home, and only 35% of households with incomes \$20,000 and under had access, compared to the national average of 63% of adult Americans.¹ That means millions of African Americans and low income individuals fail to get jobs that their connected neighbors get; their children struggle more to complete their homework; and their voices are not heard as loudly in important civic debates. The very real divides between race and class in U.S. society continue to be perpetuated on the Internet.

We applaud the FCC and the Obama Administration for its work in crafting a National Broadband Plan, which could lead to improved broadband access and adoption for our communities. We urge you to be bold and aggressive as you develop that plan.

We are also steadfast in our support for efforts at the FCC that would prevent Internet Service Providers (ISPs) from discriminating content on the Internet. These network neutrality rules are needed for people of color and low income

¹ *Home Broadband Adoption 2009*, Pew Internet & American Life Project, June 17 2009.

individuals to be creators of Internet content that is relevant to their communities, not just consumers of content that is profitable for big cable and phone companies.

Discrimination of content on the Internet does not benefit those who are not connected.

We thoroughly reject the argument made by some Internet Service Providers that “network management” will allow them to restrict usage by so-called “bandwidth hogs” in the interest of other Internet users, including low income consumers and people of color.

To begin with, the FCC should view any argument that characterizes heavy Internet users as “hogs” with suspicion. Indeed, encouraging access to and use of the Internet is a goal of the American Recovery and Reinvestment Act’s broadband projects, and undoubtedly will be a priority of the upcoming National Broadband Plan.

We view the ISP’s argument as a cynical attempt to divide public interest organizations that represent people of color from our allies in other sectors. To accept the premise that existing heavy users – who are largely white and wealthy, according to statistics – should be discriminated against for the benefit of others is flatly offensive. Throughout our history, our communities have struggled for justice and equality for all people, not a diminishment of the rights of others for one group’s narrow benefit.

Second, accepting this argument requires that you believe that people of color do not wish to, or are not capable of, becoming heavy Internet users themselves. This has no basis in fact, and ignores our history of vibrant, innovative creation of media content. In fact, the signers of this letter would like nothing more than for our communities to earn the title of “bandwidth hogs.” That would mean people of color are using the Internet to create and distribute content that allows us to control our own image, tell our own stories, and enrich our cultural, economic and civic lives. It would also mean we are consuming large amounts of content including audio and video, using innovative e-health applications that can save lives, and are vigorously part of the information society. We look forward to the day when federal and state Internet policy makes such a thing possible. In the meantime, we vigorously defend the open, neutral Internet that every single U.S. resident deserves to access.

Closed, proprietary networks hurt people of color.

Under one often discussed “network management” scheme, some web-based applications or sites would be relegated to a “slow lane,” where content is de-prioritized, unless they pay up to get preferential treatment. Some content and applications could even be blocked altogether if the ISP decided they posed a threat to their own profits.

It is already a challenge for people of color to gain access to capital to start or advance their own businesses. We see the Internet as an opportunity to level the

economic playing field for businesses owned by people of color. Allowing ISPs to discriminate against businesses as they see fit is yet another barrier to the economic equality we seek.

Furthermore, we have already seen telecommunications companies block applications that are incredibly useful to people of color. Skype, the web-based voice service, is a free or low-cost service that is extremely popular for recent immigrants that wish to keep in touch with family around the world. But most phone companies block the application from their broadband-enabled mobile devices. It would be an incredible disservice to people of color if ISPs were permitted to also block Skype from land-line broadband, or charge Skype exorbitant fees that would be passed on to users that depend on the free or low cost service as an alternative to expensive international calling rates.

Network neutrality rules are also important to segments of our communities that are still terribly represented in the media. If you watch television, listen to the radio, or read the newspaper, youth are painted as hoodlums; artists portrayed as “gangstas,” women demeaned, and entire ethnic groups are characterized as law-breaking, disease carrying invaders. If ISPs are permitted to make up the rules on what content can be distributed, we yet again face another barrier to owning our images and telling our stories in ways that accurately reflect the rich contributions our communities make to global society.

We do not trust that the private market alone will serve our communications needs.

Internet Service Providers have claimed that government interference in the private market in the form of net neutrality rules would be a burden, leading to service that is more costly or less available for our communities. We read this argument from the ISPs as an attempt to convince people of color that someday, when profit and revenues rise even higher due to so-called “network management” practices, they will finally serve our communities.

It is extraordinarily difficult for our communities to trust that we will be adequately served without strong public interest government policies.

Despite years of profit and rising revenues, incumbent cable and phone companies have failed to adequately serve our communities thus far, as evidenced by the striking number of people of color that are not on-line. As you know, years of relying solely on the private market to meet our nation’s broadband needs has been inadequate: the U.S. is far behind other nations when it comes to broadband adoption, ranking 15th in the world according to the Organization for Economic Cooperation & Development. Entire rural and Native American communities do not have access to any high-speed broadband providers at any price, and most other communities lack meaningful competition in the broadband market. A large majority of low-income individuals and African Americans have no broadband at home.

Similarly, without government intervention requiring non-discrimination rules in housing, credit and banking, transportation and scores of other industries, where would people of color be today? Patiently waiting for the private market to serve us equally and adequately is a disservice to ourselves, and to our history.

Federal policy must recognize the distinct needs of people of color.

We are aware of a recent letter from leading national civil rights groups that urges FCC to be cautious in its approach to net neutrality policy to avoid negative unintended consequences for people of color. We could not agree more, and for this reason, we strongly urge that any net neutrality provisions extend to wireless devices. Failure to extend these rules to mobile devices, as many ISPs have urged, would cause even greater harm to people of color.

While home Internet access lags for people of color, mobile device usage is strong. In fact, according to recent research,² African Americans and Latinos eclipse others when it comes to use of mobile devices for non-voice data applications, such as web browsing or email:

“More striking is use among African Americans and Latinos. Some 56% of English-speaking Hispanics with a wireless handheld device use a non-voice data or information application on the average day, and 50% of African Americans with wireless handhelds do so. These groups lagged in “desktop” online access in the late 1990s and early part of the decade, but the report shows a very different pattern for wireless access on the go. African Americans and English-speaking Hispanics are more likely than white Americans to use cell phones or PDAs for non-voice data applications.”

This growth occurred despite significant barriers by leading wireless providers: most mobile devices use proprietary software that blocks popular applications, long-term contracts prevent consumers from taking advantage of the latest innovations, and monthly service contracts with data access can be costly. While the wireless industry argues that robust competition in the cell phone market dictates that government should stay away from pro-consumer rules, we beg to differ.

Failure to extend net neutrality rules to mobile devices would, in essence, be signaling to people of color that they deserve second-class access to the Internet.

In closing, we applaud the Obama Administration for its strong support of net neutrality rules, and recognize your leadership in advancing these policies in the face of significant opposition from powerful cable and phone companies. The

² *Mobile Access to Data and Information*, Pew Internet and American Life Project study, March 5 2008; <http://www.pewinternet.org/Reports/2008/Mobile-Access-to-Data-and-Information.aspx>

decisions made by the FCC will determine whether our communications system can be used by champions of civil rights to advance economic equality, democratic participation, and self-determination for people that have long been disadvantaged and discriminated against.

Sincerely,

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