



February 8, 2018

House State Affairs Committee
Alaska State House of Representatives
State Capitol
Juneau, AK 99801

Re: Saving the Open Internet: ACLU of Alaska Support for HJR 31

Dear Chair Kreiss-Tomkins, Vice-Chair LeDoux, and Members of the House State Affairs Committee:

There is a growing threat to freedom of speech on the internet from network providers. I am providing this testimony to give a specific perspective on the net neutrality debate: the threat to our civil liberties. As the internet has grown and become one of the primary means of communication in modern society, restoring meaningful rules to protect internet users from censorship is critical to free speech in the modern era.

The ACLU has been a long-time defender of the First Amendment and, for two decades, has been a principal participant in nearly all the U.S. Supreme Court's internet censorship and neutrality cases. The ACLU, in *Reno v. ACLU*,¹ convinced the Court to strike down the speech-suppressive Communications Decency Act: The Court agreed with the ACLU that the government cannot engage in blanket censorship of speech in cyberspace. And we argued in *Brand X*,² one of the forerunning cases to today's net neutrality debate that letting cable companies completely control their customers' access to the internet threatened Americans' free speech and privacy.

The internet, as we know it today, has experienced exploding growth under net neutrality rules. With the FCC's decision in December 2017 to eliminate net neutrality and to allow internet service providers to control the content we can all access, we saw one of the most significant threats to our free marketplace of ideas.

The internet as we know it plays a special role as a venue for free speech. By enhancing speech through its decentralized, neutral, nondiscriminatory system of carrying information from source to destination without interference, internet

¹ 521 U.S. 844 (1997).

² 535 U.S. 234 (2002). The ACLU's amicus brief is available at 2001 WL 740913 (June 28, 2001).

neutrality promotes open discourse. Internet users can decide what sites to visit by “pulling” information of their choice, rather than having information chosen by others and “pushed” to them. By giving everyone an equal chance to be seen and heard on the internet, “Any person with a phone line can become a town crier with a voice that resonates farther than it could from any soapbox.”³ Whether it is through online news, podcasts, blogs, or any other means, the web provides for a true diversity of political discussions, with unprecedent contact among people from all around the globe.

The threats to the marketplace of ideas are real. Without net neutrality rules in the United States and elsewhere, we have seen content slowed and blocked based upon the political views and business interests of ISP companies:

- AT&T censored a live Pearl Jam concert stream in response to criticisms of President George W. Bush by the band’s lead singer Eddie Vedder;
- Verizon blocked text messages from the pro-choice advocacy group NARAL because Verizon deemed them to be “controversial”;
- Telus, a Canadian Telecom company, blocked the website of a union with which it was engaged in a labor dispute;
- AT&T limited its customers’ use of FaceTime to coerce them into buying more expensive data plans; and
- AT&T, Sprint, T-Mobile, and Verizon all blocked mobile wallet applications, like Google Wallet, that competed with their own mobile wallet application.

When the FCC ended net neutrality, it eroded users’ privacy: ISPs can track—and sell—not only what websites you access, but how often. Alaskans have always closely guarded their privacy and have led the way on protecting our rights to be let alone, not just from the government, but from behemoth corporations as well.

We laud Representative Kawasaki and the co-sponsors of House Joint Resolution 31 for recognizing that core rights of free speech, association, and privacy are placed at grave risk through the elimination of these regulations. By passing HJR 31, Alaska will join a national chorus of states and bipartisan groups of internet users to announce that the elimination of net neutrality rules is unacceptable.

Sincerely,



Tara A. Rich
Legal & Policy Director

³ See *Reno v. ACLU*, 521 U.S. at 870.