

Priorities for a New Year and a New Congress

Free Press and Free Press Action work to defend and expand people's communication rights. We need networks that are open and affordable for everyone; journalists and media outlets that are just and accountable to the communities they serve; and technology tools that are safe for all, promoting progress and liberation rather than misinformation, monitoring and monetization.

During Trump's first two years in office, the White House and its willing accomplices in the outgoing Congress launched a devastating series of attacks on democratic values, especially targeting people of color, immigrants, refugees, women, and LGBTQ communities. They damaged and dismantled key parts of our communications infrastructure and demeaned our press corps. And the communities they systematically marginalized, neglected and targeted with hate are the same ones that giants in the cable, wireless, internet, tech and media industries too often exploit and abuse.

In a time of political upheaval, changemakers inside and outside of Washington have had to devote a great deal of energy to playing defense against this backslide into dangerous territory. This constant vigilance against assaults on people's rights (and their wallets) is necessary. But we also need a vision for a more just and equitable future, and concrete steps toward it.

This new Congress must restore protections the administration has destroyed, rein in its abuses with rigorous oversight of agency action, and fight for the media and technology people need and deserve. We've identified four major areas ripe for bold legislation, continued legal work at agencies and in the courts, corporate accountability measures and political organizing:

- ◆ **Restoring Net Neutrality and fostering broadband choice & internet affordability.**
- ◆ **Breaking up media conglomerates to promote local journalism and media equity.**
- ◆ **Strengthening privacy and civic discourse on the internet's biggest platforms.**
- ◆ **Making communities safer from surveillance by federal agencies and local police.**

Open & Affordable Internet

The open internet can be an incredible force for self-empowerment and social change, but big ISPs are more interested in using it to discriminate for profit. As the driver of so much of our economy, culture and politics, the internet has become an essential part of life for everyone from Black Lives Matter activists and Dreamers to startups and artists.

Yet millions of people in low-income communities and communities of color still can't afford to get online. Companies like AT&T, Comcast and Verizon hobble their competition and lobby away Net Neutrality rules. We need to take back the internet from these would-be monopolists. The price of inaction, like the price of fast and open internet access, is too damn high.

❖ **Restore Net Neutrality and the FCC's mandate to promote universal broadband.**

The House should vote now, as a bipartisan Senate did in May, to pass the Congressional Review Act resolution reversing the FCC's Net Neutrality repeal. If it instead ignores nearly 90% of voters who support this, we have several options in 2019.

- Free Press and allies' strong case against the FCC's repeal will be argued in February 2019 before the D.C. Circuit Court of Appeals. These federal judges could restore the FCC's broadband authority and the open-internet rules.
- Before that decision arrives, Congress could pass a new bill that correctly and definitively classifies broadband as a telecommunications service under Title II.
- Congress ultimately could legislate Net Neutrality, but any new bill must restore the full rights and protections of the FCC's 2015 Open Internet Order, accounting for Title II's affordability, competition, deployment and privacy measures as well.

❖ **Promote affordable internet with Lifeline, tax credits and resilient infrastructure.**

Closing the digital divide isn't just a matter of building more broadband. While internet access is technically *available* to many low-income families, too often it comes with terms and prices they can't afford. And our research shows people of color face a digital divide not tied solely to income disparities but traceable to systemic discrimination.

- The FCC should abandon its cruel attack on the Lifeline program, which subsidizes phone and internet access for low-income people, and adhere to the common-sense reforms already adopted to strengthen and expand this program.
- Congress should create a broadband-affordability fund granting a \$150 annual tax credit for internet access to households with incomes below \$35,000 a year.
- Congress should repair FCC authority over extortionate prison-phone rates by passing Sen. Tammy Duckworth's Inmate Calling Technical Corrections Act.
- The FCC should target support toward notable deployment gaps, such as those in hurricane-devastated Puerto Rico, where we must address colonialism and end exploitation to build strong infrastructure that truly serves the people.

❖ **Promote competition on existing networks through resale of wired broadband.**

Wireless is typically more affordable than wired internet because people have more choices. These include prepaid services that don't require discriminatory credit checks, offered by resellers that buy wholesale from big carriers like AT&T and Sprint. The lack of wired resale options is a market failure, and one we need to confront. But until we know the fate of Title II in the Net Neutrality court case and legislative debates outlined above, it's unclear whether the FCC could explore using tools in Title II to address it.

- ❖ **Preserve existing choices by rejecting the harmful T-Mobile/Sprint merger.** Combining two of the four nationwide wireless carriers would drive up prices for everyone and be especially disastrous for value-seeking customers in communities of color and low-income populations. Competition among T-Mobile, Sprint and their affiliates helps the whole wireless market. DOJ and the FCC must reject this merger.

Local & Equitable Media

When giant out-of-touch corporations own the news, local stories — especially those of people of color and other marginalized communities — go untold. The public needs access to diverse news sources that are locally controlled and reflective of community histories, not the cookie-cutter content and propaganda that pollutes our airwaves. It's time to turn the tide on waves of massive broadcast consolidation that have left communities without real choices.

- ❖ **Break up big broadcasters by lowering the national broadcast-ownership cap.** Congress alone has the power to adjust the national television-broadcast audience cap. We need a bill to reduce the cap to 15%, and to eliminate obsolete loopholes like the UHF discount or other tricks that could similarly undercount broadcasters' reach.
- ❖ **Restore localism by limiting each broadcaster to one license in each market.** Thanks to digital broadcasting, local TV stations can carry multiple network feeds, but big broadcasters continue to hoard licenses anyway. Congress should put a stop this, resetting local ownership limits to improve competition and diversity of voices.
- ❖ **Shut down shady sharing agreements broadcasters use to control more stations.** Broadcast giants like Sinclair have for decades set up so-called "sharing agreements" with shell companies to control three, four or more stations in a given city. Once they do, they fire journalists and outsource local news operations while pretending to maintain separate ownership for the FCC's benefit. Congress should move to close this loophole.
- ❖ **Promote diversity with tax credits for station sales to women and people of color.** Broadcast owners are predominantly White and male, and giant national conglomerates increasingly control local stations. Congress should revamp the Minority Tax Certificate, struck down more than two decades ago, to offer tax incentives for broadcasters that sell to local owners who are people of color, women, or from other underrepresented groups.

Online Privacy & Platform Accountability

As the internet becomes ever more essential to our daily lives, the largest Silicon Valley companies controlling the most popular social-media and sharing platforms have become more influential in our economy — and our politics. Due to their growing influence over digital advertising, they're disrupting and even damaging our media and journalism landscape, all while collecting and exploiting enormous amounts of user data.

Too many people in Washington want a one-size-fits-all solution to these problems. But this political moment calls for multiple laws (and agencies resourced to enforce them) to safeguard competition, prevent exploitation, increase awareness, and strengthen people's control over data collection and use. We also need new efforts to redirect some of online platforms' massive ad profits to fund the journalism we need, along with more responsible action from internet ecosystem players to combat the rising tide of online hate and the real-world violence it fuels.

- ❖ **Pass legislation giving people control over the collection and use of private data.**
Ad-fueled platforms that offer cost-free services and ISPs that control internet access both compile huge amounts of information on us. They face few restraints other than the promises they make — and often break — to their users. We need laws that will make all internet companies clearly and conspicuously disclose what they do with our data. They should be obligated to obtain consent not just generally, but for specific types of data collection, use and retention. This opt-in framework should be flexible but universal — not selectively applied only to information Congress deems “sensitive” on our behalf.
- ❖ **Outlaw uses of private data that target vulnerable people and violate civil rights.**
No matter how clear disclosures are and how easy opting in becomes, we must prohibit exploitative practices that target protected classes of people and activities with hateful, harmful or false information. We need transparency not only for data collection but for the algorithms that process data — and for the way information is exploited or shared with third parties such as data brokers, state actors and others who harvest it for purposes already banned by existing civil rights laws or by platforms' terms of service.
- ❖ **Fund public journalism by taxing large online platforms' advertising revenues.**
People need trustworthy news and information to participate fully in their communities. Internet platforms use news content to generate advertising clicks, but journalists and creators see little of that ad revenue. Congress should never influence news content, but the revenues from a new tax on the largest online platforms' advertising could fund a wide variety of public, noncommercial and community journalism and social-media ventures producing and distributing diverse and responsive information.
- ❖ **Pass the Honest Ads Act to make online political advertising more transparent.**
This 115th Congress' bill requires online platforms to be transparent about who is buying electoral ads, and whom their ads target. Such transparency is key to understanding how campaigns and political messengers impact elections and shape public perception.
- ❖ **Promote real corporate accountability and responsibility for stemming violence.**
Free Press and allies in October 2018 launched the Change the Terms campaign. It does not call for government intervention, but promotes model corporate policies for social-media companies and other internet-information services to reduce hateful activities, which are defined as those that incite or engage in violence, intimidation, harassment, threats, or defamation targeting an individual or group identity.

- ❖ **Antitrust and consumer-protection agencies must look harder at consolidation.** Calls to break up social-media and search giants have obvious political appeal, but they should be grounded in antitrust doctrine and backed by data about these companies' potential dominance. Congress should ensure that the FTC is resourced to enforce its past consent decrees with companies like Google and Facebook. Regulators and lawmakers alike should examine the need for strengthening antitrust laws and guidelines on vertical acquisitions of other companies in these giants' supply chains, as well as horizontal mergers not only with established competitors but also potential new competitors (e.g., as Instagram might have become, before Facebook bought it).

Safe & Private Communications

The United States has a long history of spying on activists and communities of color. In the 1960s, the infamous COINTELPRO program aimed to disrupt Black activists organizing for civil rights. Today, we see programs like “Countering Violent Extremism” that target Muslim populations with unwarranted surveillance, and reports on the FBI inventing a new category of “Black Identity Extremists” to target communities of color.

While technology lets us communicate with the world and organize for change, the lack of strong privacy laws has left people vulnerable to increasingly invasive surveillance. Law enforcement and government agencies abuse these same technological tools to spy on people, silence dissenting voices, criminalize people of color and violate everyone's right to privacy. We need strong laws to prevent government abuse of power and to protect those most often targeted by dangerous government surveillance.

- ❖ **Pass legislation to prohibit social-media monitoring by law enforcement agencies.** Social-media platforms are a tremendously powerful tool for activism and civic engagement, but both local and federal law enforcement agencies use these tools to spy on organizers, dissidents and journalists — particularly people of color organizing and working for racial justice. Legislation to rein in these abuses must prohibit police social-media monitoring of expressive activities based on race, religion, national origin, or political speech. It also must require law enforcement agencies to develop clear policies governing their use of social-media monitoring, in consultation with communities of color and low-income communities who are most often targeted. Congress should also institute public audits and oversight of any undercover social-media accounts.
- ❖ **Rein in unwarranted mass spying and surveillance powers set to expire in 2019.** Section 215 of the USA Patriot Act is scheduled to sunset at the end of 2019. We need to use this moment to raise up the disparate impact of government surveillance on people of color and demand an end to unwarranted mass and targeted surveillance of people both inside and outside of the United States, as well as those immigrating or traveling here.