



Freedom of expression at risk

BY MICHAEL CONNOR AND FARNUM BROWN
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COMCAST, Verizon and AT&T need to come clean.

Those three — and other cable and telephone companies — need to disclose exactly how they decide to restrict the freedom of expression of hundreds of millions of Americans. They need to explain exactly how they decide to limit Americans' access to the Internet and other information services. As consumers, investors and citizens, we have a right to know.

As should be clear, we're no longer dealing with our grandparents' telecom companies. In the old days, a large body of "common carriage" regulations required companies to be neutral carriers of whatever communications users chose to have. No more. Since 2005, federal regulations have given telecom and cable companies much more control over the information — voice, data, audio and video — that passes through the companies' "pipes."

Three recent examples suggest these companies are not yet prepared to handle these new powers responsibly:

- In August, AT&T censored its webcast of a performance by Pearl Jam, blocking the audio feed when singer Eddie Vedder ad-libbed some nonobscene but politically pointed lyrics. When confronted, AT&T blamed an overzealous subcontractor but admitted to a "handful" of similar incidents of censorship. The company has since disclosed a "new policy," but that policy apparently applies only to similar Web performances. AT&T is not saying how the First Amendment is being treated in other service offerings.

- In September, Verizon Wireless denied a request by NARAL Pro-Choice America, the abortion-rights group, to use the company's network for a text-messaging program for individuals who had agreed to receive the messages. Verizon said the subject of the text messages was too "controversial." Following a New York Times story on the incident, Verizon permitted the campaign, saying its earlier decision had been based on "an incorrect interpretation of a dusty internal policy." Verizon continues to assert its right to decide what text messages are permissible but has yet to disclose on what grounds such decisions will be made.

- In October, The Associated Press reported that its own tests indicate Comcast "actively interferes" with attempts by some high-speed Internet subscribers to share files on peer-to-peer networks. Comcast's interference apparently was both surreptitious and disguised to prevent user detection. Comcast acknowledged that it "delays" some Internet traffic, and customer service representatives were told to say: "We have a responsibility to provide all of our customers with a good experience online and we use the latest technologies to manage our network." Comcast hasn't made public its "network management" policies.

In each of these cases, a company with control over large portions of our communications infrastructure actively restricted the freedom of expression of its customers, even though it had no reason to believe those customers were breaking any law or regulation. Americans have a right to know why these companies did what they did — and how they will handle similar situations in the future.

As consumers, we have a right to know in advance when and if a service we pay for may be intentionally disrupted by our provider. If we're lawyers who do peer-to-peer file sharing of large digitized documents over the Internet, we may want to use an Internet service provider other than Comcast.

As investors, we want to know if a telecom company's "brand" is at risk. We want to know if AT&T has policies and procedures in place to avoid similar PR nightmares. Could it be good for AT&T's stock price that Pearl Jam fans, who number in the millions, now think of AT&T as the company that wants to Reach Out and Hush Someone?

Finally, as citizens of a democracy whose most cherished freedom is that of expression, we should be outraged whenever anyone is silenced without very good and clearly stated reasons.

So that's what we're asking for: an open, candid and public discussion of the reasons for such actions. Our hope is that such a discussion will lead us to a future where media, information and communication companies profit most by amplifying rather than restricting our freedom of expression.



Michael Connor, left, is executive director of Open MIC: the Open Media and Information Companies Initiative, www.openmic.org Farnum Brown is vice president of Trillium Asset Management and board chairman of Open MIC.