

***First Unitarian Universalist Church of New Orleans***

2903 Jefferson Ave., New Orleans, LA 70115

TO: Federal Communications Commission

FROM: Rev. Paul Beedle

RE: preserving internet neutrality

I am writing in defense of the principle of internet neutrality, and in protest against this latest attempt to privatize a public good.

Privatization of public goods is always dangerous to democracy and domestic tranquility.

The current trend toward privatization of public goods – from the internet to water – stems from the legal theories of recently retired Judge Richard A. Posner, summarized in his collaboration with economist William M. Landes, *The Economic Structure of Intellectual Property Law* (Cambridge: Harvard University Press, 2003), where they remark: “Many public goods … are excludable in the sense that it is possible to condition access to them on payment.”

A public good is one whose consumption by one person does not reduce its consumption by another. That does not mean that the good is infinite, but that use of it by one person does not exclude its use by another. Public roads are public goods that illustrate the problem of “congestion” in use, which degrades the utility of the good. Licensing is the traditional tool to address this problem: cab medallions, fishing licenses, and so on, are issued in limited numbers to control congestion and conserve the resource. But Posner proposed the arbitrary assignment of property rights as a substitute for government licensing, theorizing that market processes will produce optimal distribution of the resource.

This idea has been used before now as a rationale for schemes that exploit the poor and enrich the powerful, often degrading the resource as well. Posner and Landes state that a benefit of assigning a property right is to create an incentive to improve the resource – “It enables people to reap where they have sown.” But they also state: “it does not follow that rampant propertization of information and other intellectual goods would have similar beneficent effects. Indeed, we doubt that it would.”

Thus, whether one believes in traditional licensing or this novel approach of assigning private property rights to public goods, the idea that compromising neutrality of access to information in the ways proposed by Chairman Amit Pai does not find support in the sciences of law or economics.

The chairman’s proposal to compromise net neutrality is unsound, and will serve only to enable economic exploitation and suppression of citizens’ access to information and democratic participation, undermining necessary mechanisms of accountability of agents of power to their neighbors.

I urge you not to adopt this proposal.

Sincerely,

Rev. Paul Beedle

BA, Economics, Cornell University

MBA, Washington University In St. Louis

Mdiv, Union Theological Seminary