Communications Policy and Cultural Political Economy: Charting the Collapse of the Neoliberal Consensus in the United States

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This article charts the fracturing of the neoliberal consensus in the United States through the lens of communications policy activism. I employ a framework of cultural political economy to understand the productive role of communications policy discourse in structuring political alliances in this moment of crisis. Relying on public statements, media accounts, and secondary literature, I discuss debates over three policies—network neutrality, the Stop Online Piracy Act, and the Computer Fraud and Abuse Act—between 2005 and 2016. I argue that the ideological limits placed on these policy discourses exacerbated contradictions within what Nancy Fraser calls the progressive neoliberal bloc. This dialectical process contributed to emerging populist formations on both the right and the left. Thus, I demonstrate the important role of communications policymaking within our broader political alignments. I conclude that media activists may work to forge a multiracial, antineoliberal bloc to remake not just U.S. politics, but also the larger global political economic order, by "laboring" communications policy.

Keywords: political economy, cultural political economy, communications policy, network neutrality, Stop Online Piracy Act , Computer Fraud and Abuse Act, neoliberalism, historical blocs

Historical scholarship rooted in the political economy of communication has demonstrated the importance of labor unions, consumer rights groups, racial justice activists, and other public interest advocates in the communications policymaking process within the United States (Dolber, 2017; McChesney, 1993; Niesen, 2014; Perlman, 2016; Pickard, 2014; Stole, 2006). The terms of the debates in which these organizations must engage have often been constrained. Thomas Streeter (1999) explains that Washington is an "interpretive community," adhering to "a shared, relatively stable set of interpretations" (p. 116). While the process of communications policymaking may be contentious, it tends to occur "within a broad framework of underlying assumptions," at the risk of being "uninteresting, incomprehensible, or at best quaint" (p. 116).

These discursive limitations have had material consequences; despite allowing for meaningful although relatively modest public interest protections, powerful corporations have retained control over broadcasting and telecommunications networks in the United States. Media policy debates have been guided

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by a corporate libertarian ideology in the postwar era (Pickard, 2014). Beginning in the 1970s, the emerging neoliberal context magnified these constraints, culminating in the passage of the 1996 Telecommunications Act (Aufderheide, 1999). However, the emergence of digital technologies, alongside widespread dissatisfaction with the larger media system, brought about a critical juncture in U.S. media policy by the mid-2000s, expanding the range of debate and putting new possibilities for the media system on the table (McChesney, 2007).

This critical juncture has coincided with a much broader, organic crisis in the political culture, as the 2008 financial crisis shook neoliberalism's hegemony. I chart the fracturing of the neoliberal consensus in the United States through the lens of communications policy activism. I employ a framework of cultural political economy (Jessop & Sum, 2003) to understand the productive role of communications policy discourse in structuring political alliances in this moment of crisis. Relying on public statements, media accounts, and secondary literature, I discuss debates over three policies—network neutrality, the Stop Online Piracy Act (SOPA), and the Computer Fraud and Abuse Act (CFAA)—between 2005 and 2017. I argue that the ideological limits placed on these policy discourses exacerbated contradictions within what Nancy Fraser (2017) calls the progressive neoliberal bloc. This dialectical process contributed to emerging populist formations on both the right and the left. Thus, I demonstrate the important role of communications policymaking within our broader political alignments. I conclude that media activists may work to forge a multiracial, antineoliberal bloc to remake not just U.S. politics, but also the larger global political economic order, by "laboring" communications policy (Denning, 1997, pp. xvi–xvii).

Neoliberalism and Historical Blocs

David Harvey (2007) describes neoliberalism as a global political project that emerged in the wake of the economic crises of the 1970s as a refutation of Keynesian interventionism in order to reassert capitalist class power through financialization, deregulation, and globalization. Originating in the Mont Pelerin Society, cultivated at the University of Chicago, and first implemented following the 1973 coup against Salvador Allende in Chile, neoliberalism has always been a global project, maintained by what Antonio Gramsci (1971) termed a historical bloc. As described by Michael Denning (1997), a historical bloc is "a complex, contradictory and discordant ensemble of the superstructures," "an alliance of social forces and a specific social formation" (p. 6).

Such contradictory tendencies have been apparent in neoliberal formations. Within the United States, Nancy Fraser (2017) argues that neoliberalism has been maintained by alliances of competing coalitions that represent different factions of capital and the broader populace. Whereas the political right gave birth to the neoliberal political economy, "the 'rights revolution' and a slew of social movements descended from the New Left" (para. 10) prevented it from becoming hegemonic. Thus, progressive neoliberalism links a progressive politics of recognition, with ideals of diversity and multiculturalism, to the right-wing economic agenda. For Fraser, progressive neoliberalism is not merely an ideology, but a political alliance. Its corporate partners—"Wall Street, Hollywood, and Silicon Valley"—became connected to "the largest, the most visible segment[s]" (para. 13) of progressive social movements.

These movements were never on equal footing with their corporate partners; rather, they provided "an aura of emancipation" for regressive economic policies that "reactionary neoliberalism" could never achieve through its exclusionary cultural politics (Fraser, 2017, para. 13). Silicon Valley, in particular, has long worked to cultivate this utopian image, in accordance with what Barbrook and Cameron (1995) describe as the "Californian ideology," which connected the 1960s counterculture to Reaganomics. This raises an important question in considering debates over communications policy: How might progressive social movements challenge the power of media and tech corporations in the political realm, when they operate in tension with them in the same broad coalition?

Understanding historical blocs demands that we consider how distinct factions articulate themselves to, and apart from, each other. Thus, I ground my analysis in cultural political economy (CPE). CPE aims to further Marx's critique of classical political economy by emphasizing how semiosis helps secure the conditions for accumulation (Jessop, 2004, p. 172). Rather than seeing discourse as purely epiphenomenal, CPE attunes us to the ways in which policy discourse does productive work. Such an approach is useful in understanding the rise of neoliberalism, as "the market-friendly 'common sense' has been constructed in and through research reports, official statistical interpretations, speeches, policy documents, laws, business press, investors' chronicles, indices, popular economic literature, management courses/theories, etc.," and how resistant actors "transform these dominant codes" (Jessop & Sum, 2003, pp. 18–19).

Russell Newman (2019) uses such a framework to demonstrate how policy debates produce knowledge, with particular attention to the fight over network neutrality in the United States. He argues that "ersatz" knowledge contributed to the formation of a "thought collective" that was always already neoliberal (pp. 51–52). In this telling, neoliberalism consistently reconstitutes itself, even as it exists in perpetual crisis. By centralizing the emergence of crises in relation to broader structural contradictions, however, we may see how contestation over meaning shapes responses to the crisis through dialectical processes (Jessop, 2010, pp. 17–19). As such, I draw attention to the possibilities for new political alliances through a discussion of four key moments in communications policymaking since the mid-2000s.

First, during the fight over network neutrality, White progressives were pitted against working-class people of color through a discursive strategy that positioned efforts to protect network neutrality as antithetical to solving the digital divide. Second, in the midst of the Occupy movement, social movements that critiqued the neoliberal order became linked to the corporations and technologies of Silicon Valley during the fight over the Stop Online Piracy Act/Protect Intellectual Property Act (SOPA/PIPA) in 2011–2012. Third, following the death of anti-SOPA advocate Aaron Swartz, right-wing organizations and voices joined with progressives to call for reforms to the CFAA. These disruptions to progressive neoliberalism opened space for new populist discourses and formations on both the right and the left. Finally, although the 2015 Open Internet Order marked one victory for an emergent left populist formation, the reversal of that order under the Trump administration and the increased hostility toward Silicon Valley companies across the political spectrum suggest the continued instability of the hegemonic order. I conclude that an antineoliberal, multiracial movement around communications policy may work to solidify transformative political alliances.

From Media Reform to Network Neutrality

The fight over network neutrality, the policy that prevents private network operators from discriminating against particular content online, has been the central communications policy battle of the last two decades in the United States. Newman (2016) argues that network neutrality a priori cedes control of the networks to private capital. The term was coined by legal scholar Tim Wu, who argued for the policy in order to preserve "a Darwinian competition among every conceivable use of the Internet so that only the best survive" (as cited in Newman, 2016, p. 5975). As such, the terms of the debate were essentially neoliberal. Advocates and opponents of network neutrality—from the telecom to tech companies, to media policy reformers, to civil rights groups and labor unions—all articulated their arguments in informationist terms, suggesting that digital technologies under private ownership could ultimately serve democratic ends (Dolber, 2013).

The fight for network neutrality emerged out of a growing media reform movement responding to the wave of media consolidation in the late 1990s and early 2000s. Washington, D.C.-based public interest organizations, such as the Media Access Project, the Center for Media Education, Consumers Union, and the Consumer Federation of America—which Newman (2019) notes had played important roles in the earlier fight for open access—were bolstered with the founding of the organization Free Press in 2003. Cofounded as a progressive yet nonpartisan vehicle by media scholar Robert McChesney, progressive journalist John Nichols, and activist Josh Silver, Free Press worked to bring a democratic voice into the media policy arena and gained its legs in the struggles over media ownership rules during the Bush administration (McChesney, 2007).

This policy-focused approach, however, received criticism from media justice activists. Grounded in communities of color, the media justice movement argued that efforts to push legislative and regulatory bodies to limit corporate concentration and commercialism, and to ensure access to the public sphere for nonprofit, independent, and activist media were illusory; the most marginalized were always already excluded from the policymaking process (Berger, 2009; see also Snorton, 2009). Instead, media justice advocates promoted "a change model for media content, ownership and policy" through a "vision and strategy that prioritizes self-determination and structural change while developing the leadership of marginalized constituencies of media change-makers both as producers and consumers" (Cyril, 2005, p. 98).

The reform/justice split, then, might be seen as a schism within the larger progressive neoliberal bloc. This is not to say that Free Press, other Washington, D.C., public interest groups, or media justice activists were committed to a neoliberal project; far from it. Rather, it is to suggest that by articulating themselves through neoliberal discourses and to neoliberal institutions, they might all be understood as constitutive of larger neoliberal formations. This fracture deepened as media reformers shifted their attention to issues of Internet governance. In 2005, Free Press formed the SavetheInternet coalition, following the Supreme Court's *Brand X* decision, which stated that as Internet service providers were not telecommunications providers under the Telecommunications Act, they were not compelled to abide by common carriage principles. SavetheInternet comprised a diverse range of 800 organizations including traditionally liberal and progressive groups, such as the American Civil Liberties Union, some unions, and

consumer rights groups, as well as right-wing organizations, such as the Christian Coalition and Gun Owners of America (McChesney, 2007, pp. 184–185). But given online disparities, the issue had little resonance at the time with communities of color. Whereas 31% of White adults had broadband access at home in 2005, only 14% of African Americans had the same. Although access within the Black community increased by a rate of 121% in the next year, Blacks lagged substantially behind Whites and English-speaking Hispanics who had broadband adoption rates of 42% and 41%, respectively (Horrigan, 2006).

John McMurria (2016) argues that by privileging the values of economic efficiency and growth, net neutrality perpetuates racial inequality, "claiming that decentralization of application innovation invites a diversity of new entrants and that venture capital practices benefit diverse start-ups" (p. 5937). Thus, he suggests that the policy debate reinstantiated not only neoliberal capitalism, but also structural White supremacy. In the meantime, the telecommunications sector, which typically aligned itself politically with the Republican Party, extended its long-term strategy to connect with communities of color and temper criticism of market-based efforts to bridge gaps in service provision.

In 2006, AT&T, Verizon, and the National Cable and Telecommunications Association invested large sums in a massive public relations and lobbying campaign to persuade Black community leaders and members of Congress to support the Communications Opportunity Promotion and Enhancement Act, a piece of telecommunications legislation without network neutrality provisions. Perhaps most controversially, AT&T's SBC Foundation awarded a $1 million grant to the Rebirth of Englewood Community Development Corporation community center founded by Bobby Rush, the Communications Opportunity Promotion and Enhancement Act's lead Democratic sponsor (Dolber, 2013, p. 156). These efforts emphasized that network neutrality would inhibit the build-out of broadband infrastructure and limit access for communities of color.

Although the Communications Opportunity Promotion and Enhancement Act did not receive Senate approval to become law, it did pass the House of Representatives with the support of many legislators of color. As the White progressive blogger Matt Stoller acknowledged in 2006,

> Techies haven't been there in terms of broadband or telecom policy for a long time, so at least [Rush is] getting something. . . . Say what you will about perceptions of corruption, from Bobby Rush's perspective it sure looks like AT&T wants to serve your constituents more than, say, Google, or the blogs. (as cited in Dolber, 2013, p. 157)

Thus, the imperative that reform advocates rhetorically link themselves to a faction of capital, rather than presenting a fundamental challenge to the commercial nature of the Internet, left the door open for organizations representing people of color to claim that their interests would be better served in alliance with a different set of corporate interests.

Two years later, in the midst of the global financial crisis, President Barack Obama's 2008 election suggested a potential consolidation of forces among White progressives, communities of color, and Silicon Valley. Tech companies sought to position access to digital technologies as one way to encourage economic growth. Obama embraced this approach, appointing Julius Genachowski to chair the Federal Communications Commission (FCC). *Wired* touted Genachowski as one of 2009's "top seven disruptions."

His resume placed him at the nexus of media, technology, and finance, and politics placed him firmly within the progressive neoliberal bloc. A supporter of network neutrality, his central policy task was the creation of a national broadband plan that would bridge the digital divide and make Internet access affordable across the United States ("Top Seven Disruptions of the Year," 2009).

The National Broadband Plan was introduced as part of the American Reinvestment and Development Act of 2009. In 2010, Obama promised it would "make America's nationwide broadband infrastructure the world's most powerful platform for economic growth and prosperity" (as cited in Kruger & Gilroy, 2011, p. 12). Speaking the language of progressive neoliberalism, the plan sought to develop "a more productive, creative, efficient America in which affordable broadband is available everywhere" (as cited in Kruger & Gilroy, 2011, p. 10). Although the plan was distinct in the history of U.S. communications policy in its effort to serve historically underrepresented groups, demonstrating "a greater awareness and intentionality toward the incorporation of marginalized groups," it was predicated on "a democratic imperative that favors market orientations over social inclusion" (Castañeda, Fuentes-Bautista, & Baruch, 2015, p. 151).

With broadband deployment central to national economic revitalization, Internet service providers (ISPs) continued their efforts to divide the public along racial lines. ISPs worked alongside organizations representing communities of color to argue before the FCC that network neutrality would expand the digital divide (Dolber, 2013). Reverend Jesse Jackson's Rainbow PUSH Coalition cautioned the FCC against "unintended consequences of making broadband unaffordable" to "disadvantaged Americans" (as cited in Dolber, 2013, p. 157). Navarrow Wright at Black Web 2.0 went further, accusing network neutrality supporters of being racist "digital elites" (as cited in Dolber, 2013, p. 158). Network neutrality supporters of color, represented for example by the emerging organization Color of Change, were dubbed out of touch with the concerns of "low-income people who are not online" (as cited in Dolber, 2013, p. 158).

Corporate actors—the Silicon Valley companies and telecom sector alike—exploited these fractures to maintain control over the policymaking process, dismantling the potential for both inclusive broadband build-out and strong network neutrality protections. First, the U.S. Court of Appeals overturned the FCC's enforcement of antidiscrimination rules in *Comcast v. FCC* in April 2010. Thus, the FCC conceded that the ruling could prevent implementation of the National Broadband Plan as well. Four months later, Google and Verizon brokered an agreement, offering a template for FCC network neutrality rules. Verizon accepted a ban on discrimination by network providers of any specific online service, and Google consented to allow ISPs to charge more money for faster service. In addition, the rules differed between "wired" and "wireless" providers. Wireless companies—relied on by many communities of color without broadband to the home— could block apps and services if they did not compete directly with their own products (Kirchner, 2010).

Although Free Press had once called for policies that would enable the creation of "the next Google" (a major player in 2006, but certainly not the behemoth of today), they now dubbed the agreement "a backroom deal between industry giants" (as cited in Dolber, 2013, p. 158). Urging legislators to reject the policy framework, Free Press argued the proposal would "destroy the open Internet as a platform for small business innovation and job creation, cementing companies like Google's dominant market power online" (as cited in Dolber, 2013, p. 158). The FCC voted 3–2 to approve the proposed rules, the 2010 Open Internet

Order, in December. Revealing its strategy as a bait and switch, Verizon soon filed suit against the FCC, arguing that the body could not force regulations on Title I information services.

The Google–Verizon pact demonstrated that corporations had maintained ultimate authority in shaping communications policy, despite historically high levels of public input. Although the 2010 Open Internet Order failed to resolve the net neutrality question, it signaled progressive neoliberalism's limitations in serving the interests of its popular base. Amid widespread critique of the larger neoliberal order, the battle over SOPA/PIPA and the emergence of cyberlibertarian ideology would signal a second fracturing within the progressive neoliberal bloc.

Cyberlibertarianism and SOPA/PIPA

Although many civil rights organizations and Black political leaders broke from the progressive neoliberal bloc in alliance with telecommunications companies, progressive reform organizations continued to reaffirm the commercial nature of the Internet. Their connections to tech companies strengthened during the debate over SOPA/PIPA in 2011–2012. Introduced in the U.S. Congress with bipartisan support in October 2011, SOPA/PIPA would have held websites liable for copyright violations to protect the IP interests of the film, music, and gaming industries. This would have severely impeded the business models of platforms such as YouTube and social networking sites. Like network neutrality, the SOPA/PIPA debate marked a division between business interests. But whereas antineutrality telecom companies had tended to support Republican politicians, Silicon Valley and Hollywood alike had all been part of the progressive neoliberal bloc.

Connections between tech companies and progressive reformers were produced through a discourse of cyberlibertarianism. Bell, Loader, Pleace, and Schuler describe cyberlibertarianism as the belief "that cyberspace and the Internet should be regarded as uncontrolled and unregulated electronic spaces where anyone is free to be whatever they wish and express themselves however they like" (as cited in Fuchs, 2013, p. 355). Fuchs (2013) notes that whereas "socialist Internet politics" argue for "an alternative Internet free from corporations and instead controlled and owned by the users" (p. 356), right-wing cyberlibertarians oppose state intervention and argue for freedom of speech and information and against online censorship.

Such views came to the fore in public discourse, ironically, as the neoliberal order was met with growing scrutiny and resistance. WikiLeaks' release of 250,000 U.S. diplomatic cables inspired hope for a "networked fourth estate" (Benkler, 2013) and popular media accounts dubbed protest movements such as Arab Spring and Occupy Wall Street "Revolution 2.0" or declared that Facebook had "changed the world" (Pollack, 2011; Weintraub, 2011). Think pieces in elite publications were filled with debates over the extent to which social media would be responsible for social change (Gladwell, 2010; Shirky, 2010; Wasik, 2011).

The hacktivist collective Anonymous, which became well known by the general public through its role in Occupy Wall Street, perhaps best embodied this contradiction. Gabriella Coleman (2014) notes that Anonymous first emerged on 4chan message boards in 2008 for "the lulz"—"a deviant style of humor and a quasi-mystical state of being"—it became integral to the movements of 2011, "having established itself as

a social, political force" (p. 9). But although Anonymous could put its hacktivism toward progressive or socialist ends, Luke Goode (2015) notes that Anonymous navigated between contradictory philosophical impulses—collective and individualistic, utopian and dystopian—making for an irreducible but potentially messy politics. Fuchs (2013) shows that, on balance, these impulses tended toward right-wing cyberlibertarianism, particularly around issues of intellectual property, which it frames as an issue of state repression. In videos shared through online channels, Anonymous defined the issue in terms of government control, arguing that SOPA would

> effectively allow the US government to censor creative thought and Free Speech by making it a criminal offense for any one that "violates" existing copyrights, trademarks, or patents. . . . We will not allow the Government to decide what is "economic creativity" and "intellectual property." If you take away Innovation, Free Speech, Freedom to Access Information, and our Right to Privacy, we are SLAVES to the Government. . . . To the United States government, you should've expected us. (as cited in Fuchs, 2013, p. 363)

Free Press and the SavetheInternet coalition that had gained political traction in the ongoing network neutrality fight were also well positioned to contribute to the anti-SOPA campaign. Echoing Anonymous' cyberlibertarian ethos, SavetheInternet argued against SOPA as "a Web-censorship bill" that "could destroy free speech on the Internet," ("Why Is the Media," 2012, para. 2) a threat to individual liberty. Furthermore, reflecting its roots in media reform efforts, SavetheInternet called on major network news directors "to end the SOPA blackout" ("Why Is the Media," 2012, paras. 3 & 4) as media conglomerates supported the legislation. Thus, it disarticulated itself from one sector within the progressive neoliberal bloc (the media and entertainment industry) while touting its alliance with "social media sites like Reddit, Tumblr and Twitter, companies like Google, Yahoo! and eBay and some of the biggest websites on the Internet" ("Why Is the Media," 2012, para. 1).

Another Washington, D.C.–based reform organization, Demand Progress, was founded by Aaron Swartz, a child tech prodigy turned activist, explicitly to fight SOPA/PIPA. Unlike many of his Anonymous allies, Swartz had an unabashedly progressive vision for social justice. Having contributed to the creation of the Creative Commons license, Swartz was a fierce critic of Silicon Valley's corporate culture, interested in new technologies not for their own sake, or for his ability to profit from them, but for their potential to bring about a global democratic public sphere and empower the disenfranchised (Peters, 2016).

Peter Eckersley of the cyberlibertarian-leaning Electronic Frontier Foundation (EFF) described Demand Progress as the "left flank" in the SOPA fight (McCullagh, 2013, para. 11). As Eckersley said,

> They showed up and they'd send out these e-mails with a link to a page that had only two or three incredibly simple—sometimes overly simplified, sometimes just nailing it in two sentences—descriptions of the problem and a giant graphic saying "Take Action." And overnight he got close to a million people engaged in fighting this thing. (McCullagh, 2013, paras. 11–12)

The need for such simplicity, however, bred discourses that did not emphasize the relationship between free culture and larger social justice movements, but rather emphasized cyberlibertarian discourses that pointed to the threat of state–corporate censorship and the danger that "sites like YouTube [would have] to go to new lengths to police users' contributions, and put people in prison for streaming certain content online" (SOPA Petition, 2013, para. 7).

Resistance to SOPA culminated on January 18, 2012, as 75,000 Web pages went dark on both corporate and nonprofit sites, including Google, Amazon, and Wikipedia ("The Day the Internet Stood Still," 2017). Google circulated its own petition, garnering 4.5 million signatures (Goode, 2015, p. 346). News reports were in awe of the strategy. As *Bloomberg* reported, and was republished by *The Washington Post*,

> Websites are upending traditional lobbying in Washington, with the day of protest leading 13 lawmakers who co-sponsored the legislation to begin withdrawing support for the bills. By comparison, it took Wisconsin voters seeking a recall election of Republican Governor Scott Walker about two months to collect 1.9 million signatures. ("SOPA Petition Gets," 2012, para. 4)

Two days later, the House Judiciary Committee disbanded its plans for the legislation. In popular accounts, SOPA's defeat served as further evidence for a technoutopian future in which class power was erased. Anderson (2011) applauded how the anti-SOPA coalition comprised "Tea Partiers, progressives, computer scientists, human rights advocates, venture capitalists, law professors, independent musicians, and many more" (para. 11). Reflecting on the events five years later, TechCruch declared, "It didn't matter if you were a major corporation or an individual citizen. For one day, the line was drawn, and the fight for a Free Internet changed everything" ("The Day," 2017, para. 6). Some academics made similar claims. Miranda, Young, and Yetgin (2016) claimed that the SOPA debate "revealed social media to be emancipatory with regard to structural constraints" (p. 303). Benkler, Roberts, Faris, Solow-Niederman, and Etling (2015) argued that rather than "fragmentation and polarization," as critics of the digital public sphere presumed, the bipartisan support for and opposition to SOPA suggested,

> some combination of the libertarian (both right and left) ethos of the Internet as social and cultural practice, the fragmentation of authority and institutional media, and the weakening of traditional party institutions all work to permit more malleable, issue-specific coalitions to emerge, particularly along the fault lines of traditionalists (both Democrats and Republicans) versus radicals (of both wings). (p. 595)

Importantly, however, SOPA/PIPA itself had emerged from tensions within the progressive neoliberal bloc, brought about by conflicting business models between two factions. This worked to produce new alliances articulated around an emerging populist ethos, while sublimating structural critique of Silicon Valley, with both left- and right-wing variants.

From Cyberlibertarianism to Reactionary Populism: The CFAA and Aaron's Law

While leading the campaign against SOPA, Aaron Swartz faced indictment under the Computer Fraud and Abuse Act for allegedly downloading millions of academic articles from the JSTOR database through MIT's network. Initially passed in 1986 to protect digital financial transactions, the CFAA's scope expanded over the years to include activity on all computers connected to the Internet. Legal scholar Orin Kerr (2010) argues that the statute has become so expansive it should be considered void for vagueness.

Prior to Swartz's indictment, criticism of the CFAA was mostly the purview of right-wing think tanks. Afraid they would be held liable in defending their own networks against cyberattacks, they opted for digital vigilantism (Rosenzweig, 2013). In 2011, the American Civil Liberties Union, the EFF, and the Center for Democracy and Technology joined conservative think tanks Americans for Tax Reform, the Competitive Enterprise Institute, and the Tea Party-affiliated FreedomWorks, to oppose the expansion of the law to cover violations of Terms of Service Agreements (Murphy et al., 2011). Emphasizing individual freedom, they decried allowing "private corporations [to] in effect establish what conduct violates federal criminal law" ("Left-Right Groups," 2011, para. 3) in a letter to the Senate Judiciary Committee.

Criticism of the CFAA culminated in the aftermath of tragedy. On January 6, 2013, Swartz hanged himself in his Brooklyn apartment, having been pushed over the edge by the federal investigation. Sixteen organizations from across the political spectrum, including the Free Press Action Fund, the American Library Association, and Demand Progress, wrote to the Senate Judiciary Committee arguing for reforms to the statute. Contrasting those "who maliciously attack U.S. networks" with benign CFAA violators—"ordinary Internet users, academics, researchers and entrepreneurs"—the coalition stressed that proposed changes to the law would "make it a felony to lie about your age on an online dating profile" ("TechFreedom Joins," 2013, para. 11). As the EFF put it, the letter "explains how the CFAA stifles entrepreneurs and cripples the creation of innovative services" (Timm, 2013b, para. 1). Thus, the law is wrong-headed because it places the government in opposition to technological innovation, impeding the free market.

Swartz's case exemplified the ways in which the CFAA wrongfully punishes technological innovators. By not discussing Swartz's left populist politics, the letter simply described him as "a talented and promising young man" (as cited in Timm, 2013a, para. 9). By depoliticizing the Swartz case, CFAA reformers framed their cause as something on which everyone "across the political spectrum" can agree, "including many who thought Aaron should have been prosecuted, but not under the CFAA and not under threat of such harsh penalties" (as cited in Timm, 2013a, para. 9).

Public interest organizations and right-wing think tanks obfuscated that Swartz may have been a political target, embracing him as a poster child of neoliberal entrepreneurial tech culture; cyberlibertarians made their critique of the state clear. Anonymous hacked the Department of Justice Sentencing Commission website, and displayed a statement claiming that federal sentencing guidelines "enable prosecutors to cheat citizens of their constitutionally-guaranteed right to a fair trial" (Politi, 2013, para. 3). The EFF released a statement noting that the CFAA is "a powerful weapon for overeager prosecutors to unleash on people they don't like" (Hoffman, 2013, para. 23).

Reflecting an emerging reactionary populism, Internet conspiracy propagator Alex Jones took such fears of state repression to an exploitative extreme. On his InfoWars website, he argued that state–corporate forces had assassinated Swartz to implement

> a Chinese style, a communist style, a Russian Style net censorship. . . . They . . . said he committed suicide, but I don't buy that. . . . I believe that clandestine forces, maybe even corporate forces that want this 100 billion dollar a year cyber security spy grid, killed Aaron Schwartz [*sic*]. ("U.S. Government at War," 2013, para. 10)

Jones' speculation around an assassination signaled a growing willingness on the right to articulate concerns regarding corporations and their relationship to the state—in U.S. politics, in general, and media politics, specifically. Rather than putting forward a critique of capital per se, however, they offer a vision of "clandestine forces" that are at once all-powerful and unknowable ("U.S. Government at War," 2013, para. 10). Such forces threaten the American entrepreneur, who, in the right-wing imaginary, is central to the rehabilitation of U.S. economic and cultural power.

In June 2013, the same month that Edward Snowden's revelations of the National Security Agency's PRISM program made clear Silicon Valley's complicity in large-scale state surveillance, Representatives Zoe Lofgren (D-CA) and Jim Sensenbrenner (R-WI) and Senator Ron Wyden (D-OR) introduced Aaron's Law after soliciting feedback via Reddit, the online forum Swartz had created. The bill prohibited enforcement of private terms of service agreements on commercial websites, standing as a critique of the state overzealously defending corporate interests. But the discourse around the legislation focused on defending the entrepreneur against institutional power. In a column in *Wired*, Lofgren and Wyden (2013) argue that the Internet is in danger from both big corporations and big governments, warning of "foreign countries," "military regimes," and "Big Content" (para. 2). In addition, they suggest that prosecutorial overreach is problematic because "ill-conceived computer crime laws can . . . entrap more and more people—simply for creative uses of the technology" (para. 27).

Aaron's Law died in committee when the House Judiciary Committee Chairman Bob Goodlatte (R-VA), despite supporting CFAA reform, refused to bring it to the floor. Some speculated that the law went too far for many members of Congress, as other bipartisan efforts aimed to strengthen antihacker legislation; others attributed lobbying efforts by companies such as Oracle; and some argued that "a simple repackaging of the law without [Swartz's] name attached to it would have a better chance of making it through" (Brewster, 2014, para. 12). But as Orin Kerr noted, "This reform only captured the attention of a small group of people. It's not an issue that resonates with the public—at least yet" (as cited in Brewster, 2014, para. 5). Despite attracting the support of an array of organizations, the cyberlibertarian discourse around Aaron's Law failed to connect with an organic base of support that could push the legislation. Such was not the case with network neutrality, which was beginning to be articulated as a racial justice issue.

#BLM, Wonkish Populism, and the 2015 Open Internet Order

In 2014, the D.C. Circuit Court struck down the 2010 Open Internet Order, ruling in favor of Verizon in a lawsuit against the FCC. As had happened in the prior Comcast ruling, the court determined that the

FCC could only implement nondiscrimination rules if it reclassified the Internet as a telecommunications service. Such a move seemed unlikely as Tom Wheeler, a former telecom lobbyist, was appointed chair of the FCC. But the body ultimately voted to classify the Internet under Title II provisions of the Communications Act in February 2015, protecting network neutrality and stripping away the distinctions between mobile and to-the-home networks.

Danny Kimball (2016) credits this victory to the reform organizations that engaged a "wonkish populist" discourse. Wonkish populism is

> wonkish in the spaces in which it facilitates intervention (policy-making proceedings in regulatory agencies like the FCC) and the language it deploys (technical jargon and specific policy details). It is populist in organization (connecting with everyday people in/as publics) and orientation (posing demands as in the interest of common people). (Kimball, 2016, p. 5959)

Like cyberlibertarianism, it is marked by an imprecise articulation of the relationship between the state and capital. Thus, its character is "ideologically neutral" (Kimball, 2016, p. 5959). "In some cases," Kimball argues, "'the people' oppose corporations, in others government—and this comes with consequences," (Kimball, 2016, p. 5959) in the form, for example, of right-libertarian arguments against network neutrality that invoked fears of "socialist" government control of the Internet.

Also crucial was the emergence of a new cycle of protest within Black communities following the murder of Trayvon Martin in 2012 and the acquittal of George Zimmerman the following year. The slow diffusion of Internet technologies within communities of color had previously enabled establishment civil rights leaders to work with telecom providers against network neutrality. This position became less tenable as a new generation of movement activists used these tools themselves. Early in 2015, #BLM leaders and online civil rights groups met with the FCC to lobby for network neutrality. Activists articulated digital access as resource for free speech and democratic participation. As Dante Barry, director of Million Hoodies Movement for Justice, put it, "If we don't have access to open Internet, and we don't have net neutrality, then it limits the ability for Black people to save themselves" (Sledge, 2015, para. 3).

Multiracial grassroots mobilization and populist discourses decisively strengthened the network neutrality coalition. As Newman (2019) quotes Free Press President Craig Aaron, "It was not a legion of White geeks" (p. 332). On Title II reclassification, Malkia Cyril, the executive director of the Center for Media Justice, credited the work of organizations representing communities of color and immigrants, such as Color of Change, National Hispanic Media Coalition, and Black Lives Matter, with the victory (Fang, 2015, para. 9). Cyril says that they "took it to the streets, to the doorstep of the ISPs" (Fang, 2015, para. 9) "What happened?" asked Cyril, "The people happened, organizing happened" (Fang, 2015, para. 10).

Newman (2019) suggests that these organizations were similarly part of a larger apparatus that filtered ersatz knowledge to elite policymakers (p. 348). Thus, even as network neutrality remained an essentially neoliberal policy, racial justice organizations performed the "cultural labor" necessary to justify the neoliberal order (p. 340). Although this is undoubtedly true, the emergence of an antineoliberal, racial

justice movement that used but did not fetishize tech companies or products (Mislan & Dache-Gerbino, 2018) and linked its larger struggle to tech policy suggests a significant fracture in progressive neoliberalism.

Such movements inspired backlash as reactionary populist elements—some of which had their roots in cyberlibertarian communities and had been on display in the debates over the CFAA—coalesced around Donald Trump's 2016 presidential campaign. By positioning the corporate media and tech sectors as part of a left-wing cabal that threatened White supremacy, Trump offered a mirror image of many arguments for progressive media reform while imagining politics rather than profit as their motivating factor. For example, Trump said he would use antitrust law against media mergers such as the proposed AT&T–Time Warner deal worth $85 billion. This position, however, was predicated on an animosity toward the media as an oppositional political force. As the administration openly discussed using the deal as leverage against CNN (Levin, 2017), progressive neoliberals were left to defend the monopolization of the public sphere. Trump also signaled opposition to Big Tech, arguing during his campaign that Apple should assist the FBI in hacking the phone of the San Bernardino shooter, wrapping state surveillance policy in anticorporate, conspiracy theory-laden rhetoric. "There's something going on. We have to be very careful, we have to be very vigilant," said Trump on *Fox and Friends* (Wright, 2016, para. 3)*.* "But to think that Apple won't allow us to get into her cell phone, who do they think they are?" (para. 4).

Soon after Trump's election, the FCC, under the leadership of the newly appointed chairman Ajit Pai, rescinded the 2015 rule with the Open Internet Order of 2017. Right-wing efforts to discredit network neutrality as a mode of censorship fueled the policy shift, echoing reactionary populist notions that powerful entities were working to silence right-wing voices (Newman, 2019, pp. 432–435). In addition, Pai's FCC enabled far greater media consolidation. New rules directly assisted the decidedly right-wing broadcaster Sinclair and gutted other public interest requirements (Kroll, 2017).

A full discussion of the Trump administration's use of populist discourse against the media to silence critics and build a loyal base of support is beyond the scope of this article (see Fuchs, 2018). However, Trump's attempt in the last days of his term to strong-arm Congress to repeal Section 230 of the Communications Decency Act, which would make websites liable for content posted by third parties, and Trump's ban from social media following the January 6, 2021, insurrection all suggest that the relationships among different factions of the body politic, and media and tech corporations are playing an increasingly central role in shaping our dynamic, unstable social formations. They face growing criticism from organized movements around their labor practices, their gender politics, their privacy policies, their role in propaganda campaigns, and their relationships to the military and intelligence communities. This opening—reflective of progressive neoliberalism's ongoing crisis—demands that media policy activists begin to offer new conceptualizations of digital politics.

Toward a Laboring of Communications Policy

As some critics have noted, media histories rooted in the political economy tradition have tended to produce decline narratives. Michael Schudson (2008) charges this body of work with being overly nostalgic for the past and overly pessimistic about the present and future, while Paul Starr (2008) argues they rely on a "radical narrative . . . of struggle and betrayal" in which media history is characterized by "the

suppression of alternatives" (p. 40). These critiques fail to engage with class power's historical role in shaping communications, but ironically also point toward a central problem in communications historiography from a Marxist perspective: To what extent do these decline narratives allow us not to simply analyze the past, but to change it?

The history I have offered here, grounded in CPE, demonstrates how communications policy discourses illuminate ideological shifts in relation to larger social transformations. Although I have focused on the United States, neoliberalism's crisis is global. Scholars may consider taking similar approaches to understanding communications policymaking in other national contexts. Such understanding is crucial not only to democratize communications systems, but also to win the larger struggle for hegemony. Fraser (2017) argues that although reactionary populism has emerged around the globe, it has tended, particularly in the case of the United States, to employ an extreme politics of exclusion to mobilize a base of support for extreme neoliberal economic policies. Calling this formation "chaotic, unstable, and fragile," Fraser asserts instead that a progressive populism that challenges both neoliberal economics and exclusionary politics has the greatest potential to coalesce a new, counterhegemonic bloc (para. 30). Scholars and policy reformers alike may help forge such a bloc by considering what discursive frameworks will not only win preferable policies within a limited range of options, but also will do the strategic work of forging new political coalitions.

Google, Apple, Facebook, Amazon, Microsoft, and the broadband providers are increasingly understood to be integral to the system of financialized capitalism that has come under growing scrutiny on both the left and the right. McChesney (2014) suggests that need to nationalize major telecom and Silicon Valley entities. Victor Pickard and David Elliott Berman (2019) call for a "New Deal for the digital age," which treats broadband as a public utility. A CPE perspective can illuminate how such policies might be framed to articulate them in ways that might build new solidarities. The enactment of the 2015 Open Internet Order suggests the need to demonstrate the real economic, social, and political harms that tech firms inflict with particular attention to the ways they are experienced as they intersect with race, gender, class, and other social categories, rather than articulating technoutopian hopes.

To borrow from Michael Denning (1997), the "laboring" of a communications policy agenda might provide the basis for the forging of a new, multiracial, antineoliberal historical bloc (pp. xvi–xvii). Highlighting the ways in which White supremacy is shot through the digital economy, Safiya Noble (2018) explains,

> Black people provide the most grueling labor for blood minerals [mined for hardware]. . . .
> In the United States, Black labor is for the most part bypassed in the manufacturing sector
> . . . due to electronics and IT outsourcing to Asia. African American identities are often a
> commodity. . . . Meanwhile, the onus for change is placed on the backs of Black people, and
> Black women in particular. (pp. 160–161)

Movements such as "We Won't Build It," in which tech workers have forced employers such as Amazon to refrain from creating facial recognition software that is known to misidentify people of color at higher rates than White people and have challenged corporate contracts with Immigration and Customs Enforcement,

have emerged (Conger, 2018). Campaigns to organize racialized workforces of app-based drivers and delivery workers further suggest the viability of centering digital politics within multiracial labor organizing (Dolber, 2019). Tech firms and their CEOs have amassed enormous wealth during the COVID-19 pandemic, which has wreaked havoc on workers and people of color, highlighting tech's role in reproducing inequality within the larger global capitalist system (Hanna & Brennan, 2020).

The point, here, is not to criticize the strategies of the past; we all operate in conditions that are not of our choosing. A CPE analysis demonstrates that political conditions have changed, not only enabling but necessitating new discursive approaches. By drawing attention to the ways in which we all labor under digital capitalism, communications policy activists may help build the growing progressive populist resistance and work to dismantle neoliberalism's hold on how we imagine our digital future.

References

Anderson, N. (2011, November 16). *At Web censorship hearing, Congress guns for "pro-pirate" Google*. Retrieved from https://arstechnica.com/tech-policy/2011/11/at-web-censorship-hearing-congress-guns-for-pro-pirate-google/

Aufderheide, P. (1999). *Communications policy and the public interest: The Telecommunications Act of 1996*. New York, NY: Guilford.

Barbrook, R., & Cameron, A. (1995, September 1). *The Californian ideology*. Retrieved from http://www.metamute.org/editorial/articles/californian-ideology

Benkler, Y. (2013). WikiLeaks and the networked fourth estate. In B. Brevini, A. Hintz, & P. McCurdy (Eds.), *Beyond WikiLeaks: Implications for the future of communications, journalism and society* (pp. 11–34). New York, NY: Palgrave Macmillan.

Benkler, Y., Roberts, H., Faris, R., Solow-Niederman, A., & Etling, B. (2015). Social mobilization and the networked public sphere: Mapping the SOPA-PIPA debate. *Political Communication*, *32*(4), 594–624. doi:10.1080/10584609.2014.986349

Berger, D. (2009). Defining democracy: Coalition politics and the struggle for media reform. *International Journal of Communication*, *3*, 3–22. Retrieved from https://ijoc.org/index.php/ijoc/article/view/285

Brewster, T. (2014, August 4). Aaron's Law is doomed leaving U.S. hacking law "broken." *Forbes*. Retrieved from https://www.forbes.com/sites/thomasbrewster/2014/08/06/aarons-law-is-doomed-leaving-us-hacking-law-broken/?sh=799fd2af42e3

Castañeda, M., Fuentes-Bautista, M., & Baruch, F. (2015). Racial and ethnic inclusion in the digital era: Shifting discourses in communications public policy. *Journal of Social Issues*, *71*(1), 139–154. doi:10.1111/josi.12101

Coleman, G. (2014). *Hacker, hoaxer, whistleblower, spy: The many faces of Anonymous*. London, UK: Verso.

Conger, K. (2018, June 21). *Amazon workers demand Jeff Bezos cancel face recognition contracts with law enforcement*. Retrieved from https://gizmodo.com/amazon-workers-demand-jeff-bezos-cancel-face-recognitio-1827037509

Cyril, M. (2005). Media and marginalization. In R. W. McChesney, R. Newman, & B. Scott (Eds.), *The future of media: Resistance and reform in the 21st century* (pp. 97–105). New York, NY: Seven Stories.

The day the Internet stood still. (2017, January 18). *TechCrunch*. Retrieved from https://techcrunch.com/2017/01/18/the-day-the-internet-stood-still/#:~:text=On%20Wednesday%2C%20January%2018%2C%202012,sites%20in%20an%20unprecedented%20blackout

Denning, M. (1997). *The cultural front: The laboring of American culture in the twentieth century*. New York, NY: Verso.

Dolber, B. (2013). Informationism as ideology: Technological myths in the network neutrality debate. In Z. Stiegler (Ed.), *Regulating the web: Network neutrality and the fate of the open internet* (pp. 143–163). Lanham, MD: Lexington.

Dolber, B. (2017). *Media and culture in the U.S. Jewish labor movement: Sweating for democracy in the interwar era*. Cham, CH: Palgrave Macmillan.

Dolber, B. (2019). From independent contractors to an independent union: Building solidarity through Rideshare Drivers United's digital organizing strategy. Philadelphia, PA: Media Inequality and Change Center. Retrieved from https://www.asc.upenn.edu/sites/default/files/2020-11/Dolber_final1.pdf

Fang, L. (2015, February 26). Net neutrality in here—thanks to an unprecedented guerilla activism campaign. *The Intercept*. Retrieved from https://theintercept.com/2015/02/26/net-neutrality-thanks-unprecedented-guerrilla-activism-campaign/

Fraser, N. (2017). From progressive neoliberalism to Trump—and beyond. *American Affairs, 1*(4). Retrieved from https://americanaffairsjournal.org/2017/11/progressive-neoliberalism-trump-beyond/

Fuchs, C. (2013). The Anonymous movement in the context of liberalism and socialism. *Interface*, 5(2), 345–376. Retrieved from http://www.interfacejournal.net/wordpress/wp-content/uploads/2013/11/Interface-5-2-Fuchs.pdf

Fuchs, C. (2018). *Digital demagogue: Authoritarian capitalism in the age of Twitter and Trump*. London, UK: Pluto.

Gladwell, M. (2010, October 4). Why the revolution will not be tweeted. *The New Yorker.* Retrieved from https://www.newyorker.com/magazine/2010/10/04/small-change-malcolm-gladwell

Goode, L. (2015). Anonymous and the political ethos of hacktivism. *Popular Communication, 13*(1), 74–86. doi:10.1080/15405702.2014.978000

Gramsci, A. (1971). *Selections from the prison notebooks* (Q. Hoare & G. N. Smith, Eds.). New York, NY: International.

Hanna, T., & Brennan, M. (2020, December 21). *There's no solution to big tech without public ownership of tech companies*. Retrieved from https://www.jacobinmag.com/2020/12/big-tech-public-ownership-surveillance-capitalism-platform-corporations

Harvey, D. (2007). *A brief history of neoliberalism*. New York, NY: Oxford University Press.

Hoffman, M. (2013, March 18). *In the wake of Aaron Swartz's death, let's fix draconian computer crime law*. Retrieved from https://www.eff.org/deeplinks/2013/01/aaron-swartz-fix-draconian-computer-crime-law

Horrigan, J. B. (2006, May 28). *Home broadband adoption 2006*. Retrieved from https://www.pewresearch.org/internet/2006/05/28/home-broadband-adoption-2006/

Jessop, B. (2004). Critical semiotic analysis and cultural political economy. *Critical Discourse Studies*, *1*(2), 159–174. doi:10.1080/17405900410001674506

Jessop, B. (2010). Cultural political economy and critical policy studies. *Critical Policy Studies*, *3*(3–4), 336–356. doi:10.1080/19460171003619741

Jessop, B., & Sum, N. L. (2003). On pre- and post-disciplinarity in (cultural) political economy. *Economies Et Sociétés*, *37*(6), 993–1015. Retrieved from https://eprints.lancs.ac.uk/id/eprint/229/1/E-2003c_sum-jessop2003.pdf

Kerr, O. (2010). Vagueness challenges to the Computer Fraud and Abuse Act. *Minnesota Law Review*, *94*(5), 1561–1587. Retrieved from https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1527187

Kimball, D. (2016). Wonkish populism in media advocacy and net neutrality policy making. *International Journal of Communication*, *10*, 5949–5968. Retrieved from https://ijoc.org/index.php/ijoc/article/view/4678/1869

Kirchner, L. (2010, December 21). FCC passes net neutrality policy (sort of). *Columbia Journalism Review*. Retrieved from http://www.cjr.org/the_news_frontier/fcc_passess_net_neutrality_poli.php?page=all

Kroll, A. (2017, October 25). *Sinclair could be a winner from the FCC's latest deregulation move*. Retrieved from http://www.motherjones.com/media/2017/10/sinclair-fcc-main-studio-rule/

Kruger, L. G., & Gilroy, A. A. (2011). *Broadband Internet access and the digital divide: Federal assistance programs*. Darby, PA: DIANE.

Left-right groups want computer hacking law fixed. (2011, September 6). Retrieved from https://cdt.org/press/left-right-groups-want-computer-hacking-law-fixed/

Levin, B. (2017, July 6). Did the White House just use the Time Warner–AT&T deal to threaten CNN? *Vanity Fair*. Retrieved from https://www.vanityfair.com/news/2017/07/donald-trump-cnn-time-warner-merger

Lofgren, Z., & Wyden, R. (2013, June 20). Introducing Aaron's Law, a desperately needed reform of the Computer Fraud and Abuse Act. *Wired*. Retrieved from https://www.wired.com/2013/06/aarons-law-is-finally-here/

McChesney, R. W. (1993). *Telecommunications, mass media, and democracy: The battle for the control of U.S. broadcasting, 1928–1935*. New York, NY: Oxford University Press.

McChesney, R. W. (2007). *Communication revolution: Critical junctures and the future of media.* New York, NY: New Press.

McChesney, R. W. (2014). Be realistic, demand the impossible: Three radically democratic Internet policies. *Critical Studies in Media Communication*, *31*(2), 92–99. doi:10.1080/15295036.2014.913806

McCullagh, D. (2013, January 22). How Aaron Swartz helped to defeat Hollywood on SOPA. *CNet*. Retrieved from https://www.cnet.com/news/how-aaron-swartz-helped-to-defeat-hollywood-on-sopa/

McMurria, J. (2016). From net neutrality to net equality. *International Journal of Communication*, *10*, 5931–5948. Retrieved from https://ijoc.org/index.php/ijoc/article/view/4654

Miranda, S., Young, A., & Yetgin, E. (2016). Are social media emancipatory or hegemonic? Society effects of mass media digitization in the case of the SOPA discourse. *MIS Quarterly*, *40*(2), 303–329. doi:10.25300/MISQ/2016/40.2.02

Mislan, C., & Dache-Gerbino, A. (2018). Not a Twitter revolution: Anti-neoliberal and antiracist resistance in the Ferguson movement. *International Journal of Communication*, *12*, 2622–2640. Retrieved from https://ijoc.org/index.php/ijoc/article/view/8080

Murphy, L. W., Cobb, K. W., Harris, L., Smith, F., Hofman, M., Kennedy, C., & Brough, W. T. (2011, April 3). CFAA sign on letter. Retrieved from https://www.eff.org/files/cfaa_sign-on_ltr_final.pdf

Newman, R. (2016). The debate nobody knows: Network neutrality's neoliberal roots and a conundrum for media reform. *International Journal of Communication*, *10*, 5969–5988.

Newman, R. (2019). *The paradoxes of network neutralities*. Cambridge, MA: MIT Press.

Niesen, M. (2014). *Crisis of consumerism: Advertising, activism and the battle over the U.S. Federal Trade Commission, 1969–1980* (Doctoral dissertation). University of Illinois Urbana-Champaign, Urbana, IL. Retrieved from http://hdl.handle.net/2142/46602

Noble, S. U. (2018). *Algorithms of oppression: How search engines reinforce racism.* New York: New York University Press.

Perlman, A. (2016). *Public interests: Media advocacy and the struggles over U.S. television*. New Brunswick, NJ: Rutgers University Press.

Peters, J. (2016). *The idealist: Aaron Swartz and the rise of free culture on the Internet*. New York, NY: Scribner.

Pickard, V. (2014). *America's battle for media democracy: The triumph of corporate libertarianism and the future of media reform*. New York, NY: Cambridge University Press.

Pickard, V., & Berman, D. E. (2019). *After net neutrality: A new deal for the digital age.* New Haven, CT: Yale University Press.

Politi, D. (2013, January 26). *Anonymous threatens data leak to avenge Swartz*. Retrieved from https://slate.com/news-and-politics/2013/01/anonymous-hacks-sentencing-commission-website-vows-to-release-sensitive-documents.html

Pollack, R. (Executive Producer). (2011). *How Facebook changed the world: The Arab Spring* [TV series]. London, UK: BBC.

Rosenzweig, P. (2013). *Cyber warfare: How conflicts in cyberspace are challenging America and changing the world*. Santa Barbara, CA: Praeger.

Schudson, M. (2008). Public spheres, imagined communities, and the underdeveloped historical understanding of journalism. In B. Zelizer (Ed.), *Explorations in communication history* (pp. 181–189). New York, NY: Taylor & Francis.

Shirky, C. (2010, December 20). *The political power of social media: Technology, the public sphere, and political change*. Retrieved from https://www.foreignaffairs.com/articles/2010-12-20/political-power-social-media

Sledge, M. (2015, January 20). Police reform organizers pitch net neutrality to FCC. *Huffington Post*. Retrieved from https://www.huffingtonpost.com/2015/01/09/net-neutrality-fcc_n_6446302.html

Snorton, C. R. (2009). New beginnings: Racing histories, democracy, and media reform. *International Journal of Communication*, *3*, 23–41. Retrieved from https://ijoc.org/index.php/ijoc/article/view/286/301

SOPA petition. (2013). DemandProgress.org. Retrieved from https://act.demandprogress.org/letter/pipa_sopa

SOPA petition gets millions of signatures as Internet piracy legislation protests continue. (2012, January 19). *The Washington Post*. Retrieved from https://webcache.googleusercontent.com/search?q=cache:3kAZSTdzkVYJ:https://www.washingtonpost.com/business/economy/sopa-petition-gets-millions-of-signatures-as-internet-piracy-legislation-protests-continue/2012/01/19/gIQAHaAyBQ_story.html+&cd=1&hl=en&ct=clnk&gl=us

Starr, P. (2008). Democratic theory and the history of communications. In B. Zelizer (Ed.), *Explorations in communication history* (pp. 35–45). New York, NY: Taylor & Francis.

Stole, I. (2006). *Advertising on trial: Consumer activism and corporate public relations in the 1930s*. Champaign: University of Illinois Press.

Streeter, T. (1999). *Selling the air: A critique of the policy of commercial broadcasting in the United States*. Enskede, Sweden: TPB.

TechFreedom joins right-left coalition opposing amendments to Computer Fraud and Abuse Act. (2013, April 2). *TechFreedom.* Retrieved from https://techfreedom.org/techfreedom-joins-right-left-coalition-opposing/

Timm, T. (2013a, April 2). *Bipartisan group of organizations and experts oppose the House Judiciary Committee's expansive CFAA draft bill*. Retrieved from https://www.eff.org/deeplinks/2013/04/diverse-group-organizations-and-experts-oppose-house-judiciary-committees

Timm, T. (2013b, March 12). *Startups and innovators send letter to Congress demanding CFAA reform*.
    Retrieved from https://www.eff.org/deeplinks/2013/03/startups-and-innovators-send-letter-
    congress-demanding-cfaa-reform

Top seven disruptions of the year. (2009, December 28). *Wired*. Retrieved from
    https://www.wired.com/2009/12/top-7-disruptions-of-the-year/

U.S. government at war with truth tellers: Alex Jones on Aaron Swartz' death. (2013, June 5). Retrieved
    from https://www.infowars.com/us-government-at-war-with-truth-tellers-alex-jones-on-aaron-
    schwartz-death/

Wasik, B. (2011, December 27). Gladwell vs. Shirky a year later: Scoring the debate over social-media
    revolutions. *Wired*. Retrieved from https://www.wired.com/2011/12/gladwell-vs-shirky/

Weintraub, S. (2011, February 10). Google executive calls Egypt Revolution 2.0. *Fortune*. Retrieved from
    https://fortune.com/2011/02/10/google-executive-calls-egypt-revolution-2-0/

Why is the media ignoring SOPA? (2012). *Free Press*. Retrieved from
    https://act2.freepress.net/sign/media_sopa

Wright, D. (2016, February 17). Donald Trump: Apple should hack San Bernardino shooter phone. *CNN*.
    Retrieved from https://www.cnn.com/2016/02/17/politics/donald-trump-apple-encryption-
    debate/index.html