

**STATEMENT OF
COMMISSIONER JESSICA ROSENWORCEL,
DISSENTING**

Re: *Petitions for Declaratory Ruling on Regulatory Status of Wireless Messaging Service*,
WT Docket No. 08-7, Declaratory Ruling (December 12, 2018)

Some years back, famed American linguist William Lutz sat down for an hour-long interview with C-SPAN. At one point during the wide-ranging discussion, he tells a story about a garbage dump. Or to be more precise, a Kansas City proposal to build a new garbage dump. Everything about the story is pretty unremarkable except for one thing: in order to curb dissent from residents, as Lutz tells it, the dump was presented as a “resource development park.”

Now it doesn't take a linguist to put the truth to that lie. A dump by any other name is still . . . a dump.

In telling this story, Lutz was illustrating a classic linguistic trick used to manipulate listeners, called “doublespeak.” According to Lutz, doublespeak is language designed to evade responsibility, make the unpleasant appear pleasant and the unattractive appear attractive.

Lutz goes on to offer a prescient warning—that this type of purposeful rhetoric is especially dangerous when used by lawmakers. That's because language used this way can be corrupting in a democracy that depends on the active participation of its citizens. It can lead to cynicism. It can breed resentment. And it can tire citizens into withdrawing from the political process entirely.

You can't say he didn't warn us. But I fear his words are being ignored. These days, across Washington, it feels like we are awash in doublespeak. It feels like this agency is becoming part of the problem.

Take today's Declaratory Ruling. In it, the Federal Communications Commission continues its quest to dismantle the regulatory frameworks that protect Americans and that were intended to make phone, cable, and internet service more fair and more affordable.

We do that here by considering a petition that asks us to affirm what should be obvious—that text messaging is “telecommunications”—which is to say that when you send a text, you expect that your carrier will send it where you want it to go without changing its content or blocking it. It's that simple.

But instead of using this common-sense approach, this agency does the opposite. We twist the law to reach the conclusion that you no longer have the final say on where your text messages go and what they say. That means your carrier now has the legal right to block your text messages and censor the very content of your messages.

If that sounds familiar, it should. This agency did the same thing with internet service last year. That means on the one-year anniversary of the FCC's misguided net neutrality

decision—which gave your broadband provider the power to block websites and censor online content—this agency is celebrating by expanding those powers to also include your text messages.

I'm not celebrating. Because instead of being upfront about what is really happening, the FCC buries the lede by declaring that this decision is all about robocalls. That's dishonest. It's irresponsible. Carriers are already fully empowered by this agency to protect consumers from unwanted junk text messages. The FCC has made this abundantly clear in prior rulings. And as the *Washington Post* explained in an editorial just over a week ago, the approach we take now does not newly empower consumers, it "empowers companies instead" by letting them "censor content . . . at their whim . . . rather than at the consumer's will." At the same time, this approach makes a range of key FCC policies newly vulnerable—from roaming obligations to universal service. But you will find no discussion of these harms in today's decision. You will only find misleading commentary suggesting this new right to block and censor our texts is good for consumers.

Unfortunately, this kind of approach is growing familiar in these halls.

Today's decision is brought to you by the same agency that rolled back net neutrality rules and called it "restoring internet freedom."

Today's decision comes from the same agency that sought to take a broadband subsidy away from low-income individuals across the country and called it "bridging the digital divide for low-income consumers."

Today's decision comes from the same agency that described its decision to preempt the role of localities in wireless siting as "reaffirm[ing] local control over wireless infrastructure."

Enough. At the FCC, in Washington, and across the country, we can no longer afford to be passive consumers of deceptive language. We can no longer sit idly by when those in power tell us from above what is happening but the facts on the ground make it so obviously wrong. It saddens me that this agency is not immune from this broader trend. When evasive language becomes all too familiar, telling the truth can feel revolutionary. So here it is: Today's decision offers consumers no new ability to prevent robotexts. It simply provides that carriers can block our text messages and censor the very content of those messages themselves. Calling this decision anything else is just doublespeak. I dissent.