

POWERED BY **COLOR OF CHANGE**

THE BLACK TECH AGENDA

TECH POLICY + RACIAL JUSTICE

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THE AGENDA

Black communities need an **affirmative vision of technology that protects our civil rights and advances our needs.** Technology is an essential part of our daily lives and a determining factor in who gets access to educational, employment, health care and financial opportunities. True racial justice requires a comprehensive, proactive **agenda from Congress** addressing systemic discrimination and inequity in technology and telecommunications industries. Racial justice must be a priority in efforts to rein in Big Tech.



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ANTITRUST & SMALL BUSINESS

Antitrust enforcement with the goal of advancing racial justice will create conditions for better labor protections and working conditions for Black people. Disrupting corporate consolidation, or the shrinking of markets when companies purchase competitors, will create avenues for economic justice. Congress must pass antitrust laws that address issues impacting Black workers, small business owners and consumers. With a job market where employers are barred from anti-competitive hiring and employment practices, Black workers would be able to earn a living wage, get access to benefits and enjoy whistleblower protections. Opening competition would help level the playing field for Black entrepreneurs. Thriving Black businesses can provide economic support for our communities. Black consumers would have better options, including online spaces that reflect our needs and communities.

Congress must pass antitrust laws that address issues impacting Black workers, small business owners and consumers.

FAKE SOLUTION: Lock existing companies in place and let them continue to dominate markets unfairly.



REAL SOLUTION: Create fair markets where Black businesses can compete, Black workers can thrive and Black people have abundant options.



Without Antitrust Protections:

- **Amazon raised the prices of goods** after eliminating other competitors in the online retail space.¹
- Facebook server outages **shut down crucial lines of communication** with small businesses, customers and loved ones.²
- Non-compete clauses in consolidated or smaller, combined industries **limit where employees can work** and prevent searches for better opportunities.³

¹ Lee, T. B. (2020, July 30). Emails detail Amazon's plan to crush a startup rival with price cuts. ArsTechnica. <https://arstechnica.com/tech-policy/2020/07/emails-detail-amazons-plan-to-crush-a-startup-rival-with-price-cuts/>.

² Navlakha, M. (2021, October 5). Small business owners reveal just how much the Facebook outage affected them. Mashable. <https://mashable.com/article/facebook-outage-small-business-impact>; Talmazan, Y. (2021, October 5). Facebook, WhatsApp outage an annoyance for U.S., but a big deal in rest of the world. NBC News.

³ Hawley, K. (2021, July 14). How Biden's Recent Executive Order Could Help Restaurant Workers Find Better Jobs. Food and Wine. <https://www.foodandwine.com/news/restaurant-non-compete-clauses-biden-antitrust-executive-order>.

Antitrust Policy *in line* with the Black Tech Agenda will:

- **Challenge existing anti-competitive actions.** Legislation will outlaw self-preferencing or a company or social media platform from unfairly promoting their products or services over competitors, prohibit conflicts of interest and require data portability and interoperability to allow users to transfer their information to new sites and apps.
- Empower the FTC and the DOJ Antitrust Division to **reverse anti-competitive mergers**, including considering the impact and influence of a company on Black communities when determining if it is a monopoly.
- **Establish merger review with a racial justice lens** to reject a company's attempt to buy another company if the deal will disproportionately harm Black communities, including workers and small business owners.
- **Report the impact of antitrust enforcement on Black communities** and incorporate report findings in future laws and policies.

WHEN WE WIN, *results will include:*



Stronger Black-owned small businesses.



Better labor protections and more options for Black workers.



More choices for Black consumers & less misinformation and disinformation.

OPEN

PRIVACY

An end to surveillance would grant Black users equitable enjoyment of the internet and freedom from discrimination. As more essential functions move online, privacy legislation will protect Black communities from predatory tracking and data practices. Facial recognition technology is a racially biased tool with unchecked potential to limit civil rights and liberties. Its use increases the surveillance of Black people by corporate actors and law enforcement agencies. Congress must pass a comprehensive federal privacy law that incorporates anti-discrimination and anti-surveillance principles and a federal ban on law enforcement agencies' use of biometric surveillance technology. Strong anti-surveillance principles will prevent improper data collection and use. Anti-discrimination principles will ensure civil rights protections extend to digital spaces.

Congress must pass a comprehensive federal privacy law that incorporates anti-discrimination and anti-surveillance principles and a federal ban on law enforcement agencies' use of biometric surveillance technology.

FAKE SOLUTION: Put the onus on users to protect themselves by opting out of data practices.

Allow law enforcement agencies to break protocols for the use of biometric surveillance technology.

REAL SOLUTION: Ban companies from using harmful practices.

End the use of biometric surveillance technology by law enforcement agencies.



Without Privacy Protections:

- Apps send its users' health and wellness information to Facebook, which could target **advertisements for harmful or unproven mental health products** to the same person.¹
- Travel companies monitor their online booking sites and sometimes **raise travel ticket prices** when shoppers delay their purchase.²
- Companies created facial recognition surveillance technology **without getting consent** by scraping information from social media platforms and photos of people experiencing homelessness.³

¹ Osberg, M and Mehrota, D. (2020, February 19). The Spooky, Loosely Regulated World of Online Therapy. Jezebel. <https://jezebel.com/the-spooky-loosely-regulated-world-of-online-therapy-1841791137>; Jones, R. (2019, February 22). These Apps Reportedly Shared Sensitive Personal Information With Facebook. Gizmodo. <https://gizmodo.com/these-apps-reportedly-shared-sensitive-personal-informa-1832827887>.

² Collinson, P. (2010, August 6). Beware the cookies: they can cost you money. The Guardian. <https://www.theguardian.com/money/blog/2010/aug/07/computer-cookies-booking-online>.

³ Hill, K. (2020, January 18). The Secretive Company That Might End Privacy as We Know It. The New York Times. <https://www.nytimes.com/2020/01/18/technology/clearview-privacy-facial-recognition.html>; Elias, J. (2019, October 3). Google contractor reportedly tricked homeless people into face scans. CNBC. <https://www.cnbc.com/2019/10/03/google-contractor-reportedly-tricked-homeless-people-in-to-face-scans.html>.

Privacy Policy *in line* with the Black Tech Agenda will:

- Use bright-line rules to **outlaw certain data collection**, use and transfer practices, including the use of biometric surveillance technology.
- **Prohibit** discriminatory uses of data.
- **Create a specific agency to enforce our privacy rights.** The agency would be empowered to do nimble rulemaking and use strong enforcement mechanisms, such as destroying illegally collected data and disabling computer systems built using illegal data.



WHEN WE WIN, *results will include:*



Websites would be easier to navigate without deceptive designs and fewer pop-up ads.



Fewer discriminatory ads, including ones that lead to voter suppression.



Freedom from surveillance and our data being used against us.



ALGORITHMIC ACCOUNTABILITY

Algorithmic accountability legislation and policies will protect Black communities from biased algorithms that are not properly vetted. As more governments and businesses make important decisions using algorithms, or computer processes, proactive application of civil rights laws will ensure these decisions are made equitably. Congress must pass legislation requiring the evaluation of bias in algorithms and remedies for discrimination. We need routine, robust, independent evaluations of these algorithms to detect and disrupt discrimination. With these protections, Black communities will have equal access to opportunities decided by algorithms.

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FAKE SOLUTION: Let the companies self regulate and hide their discriminatory decisions.

REAL SOLUTION: Force companies to address discrimination in their decision-making through independent audits and repair the harm that has happened.



Without Algorithmic Accountability Protections:

- Algorithms **reject applicants** for job interviews.¹
- Algorithms **deny priority health care** for Black patients.²
- Algorithms give women **lower credit limits** than men who have the same income.³

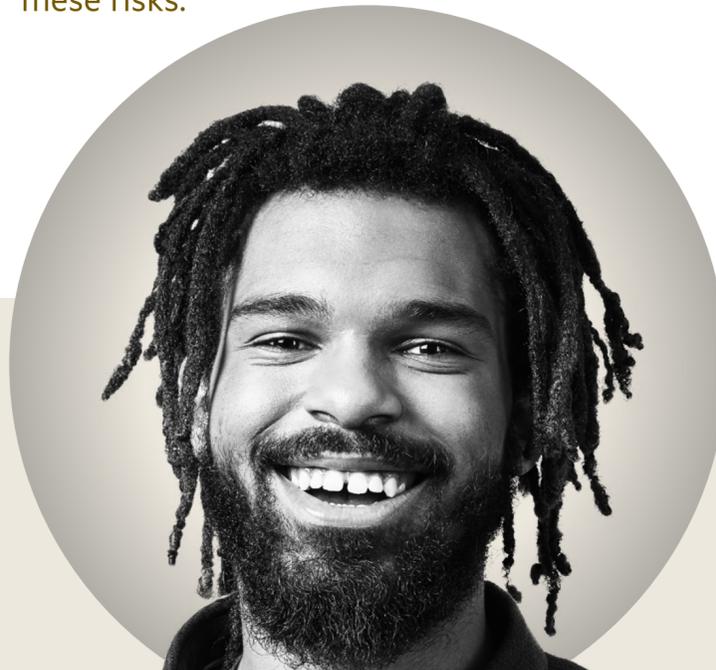
¹ Dastin, J. (2018, October 10). Amazon scraps secret AI recruiting tool that showed bias against women. Reuters. <https://www.reuters.com/article/us-amazon-com-jobs-automation-insight/amazon-scraps-secret-ai-recruiting-tool-that-showed-bias-against-women-idUSKCN1MK08G>.

² Tsai, J. (2021, June 27). Jordan Crowley Would Be in Line for a Kidney—if He Were Deemed White Enough. Slate. <https://slate.com/technology/2021/06/kidney-transplant-dialysis-race-adjusment.html>.

³ Vincent, J. (2019, November 11). Apple's credit card is being investigated for discriminating against women. The Verge. <https://www.theverge.com/2019/11/11/20958953/apple-credit-card-gender-discrimination-algorithms-black-box-investigation>.

Algorithmic Accountability *in line* with the Black Tech Agenda will:

- Require regular, public and independent **assessments of algorithms** for their impact on privacy and risk for discrimination.
- **Empower a federal evaluator** to conduct and verify assessments, including hiring experts on tech and civil rights.
- Require companies to **suspend the use of discriminatory algorithms** and eliminate these risks.



WHEN WE WIN, *results will include:*



Explicit extension of civil rights online and in digital spaces.



Equitable access to housing, health care, employment, education, credit and insurance.



Safer internet, with clearer and unbiased algorithms.



BROADBAND ACCESS

Ensuring all Black communities have access to fast, affordable and reliable broadband, or at-home internet connection, will require introducing and investing in different broadband provider options. Giving Black communities broadband access will ensure they can keep pace with economic opportunities, education and communications as they move online. Black communities need alternatives, such as local public broadband, to reduce the inequitable impact of private Internet Service Providers (ISPs). Congress must invest in expanding broadband infrastructure, support broadband alternatives and provide grants for broadband access.

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FAKE SOLUTION: Establish short-term giveaways to telephone companies and internet service providers.



REAL SOLUTION: Make sure everyone has high quality, affordable internet.



Without Broadband Access Protections:

- Black communities without reliable access to telehealth services are **more likely** to die from COVID-19.¹
- Students **struggle to complete homework** without at-home internet access.²
- **The price of broadband rises** without meaningful alternatives to ISP monopolies.³

¹ Landman, K. (2022, May 16). The surprising link between Covid-19 deaths and ... internet access. Vox. <https://www.vox.com/22979086/covid-pandemic-deaths-mortality-broadband-internet-access>.

² Schaeffer, K. (2021, October 1). What we know about online learning and the homework gap amid the pandemic. Pew Research Center. <https://www.pewresearch.org/fact-tank/2021/10/01/what-we-know-about-online-learning-and-the-homework-gap-amid-the-pandemic/>.

³ Mitchell, C. (2020, July). Fighting Monopoly Power: Broadband Internet Access. Institute for Local Self-Reliance. <https://ilsr.org/fighting-monopoly-power/broadband-monopolies/>.

Broadband policy *in line* with the Black Tech Agenda will:

- Ensure states and localities **cannot block** community and public broadband alternatives.
- **Break up ISP monopolies** that limit broadband options.
- **Invest** in broadband infrastructure within rural and underserved communities.



WHEN WE WIN, *results will include:*



Fast, affordable and reliable broadband.



More options for broadband access both in rural and urban areas.



Equal access to online opportunities.

NET NEUTRALITY

Net neutrality, or treating all internet traffic equally, will allow Black communities to thrive online without interference from corporate ISPs. The internet provides a platform for Black communities to organize to protect their interests. Net neutrality will protect their ability to be heard. Net neutrality also will keep internet access affordable by preventing monthly data cap surcharges. Congress must classify the internet as a Title II common carrier and designate the Federal Communications Commission as its regulatory body.

Congress must classify the internet as a Title II common carrier and designate the Federal Communications Commission (FCC) as its regulatory body.

FAKE SOLUTION: Put every-one at the mercy of Comcast, Verizon, Charter and AT&T to choose which traffic gets through.

REAL SOLUTION: Treat all internet traffic equally and put the FCC in charge.



Without Net Neutrality Protections:

- ISPs charge **additional fees** for access to non-affiliated websites.¹
- ISPs **throttle access to mobile data** by significantly reducing the speed of internet traffic.²
- ISPs charge fees for exceeding arbitrarily **set monthly data caps.**³

¹ Brodtkin, J. (2021, March 18). AT&T lies about Calif. net neutrality law, claiming it bans "free data". ArsTechnica. <https://arstechnica.com/tech-policy/2021/03/att-lies-about-calif-net-neutrality-law-claiming-it-bans-free-data/>.

² Brodtkin, J. (2018, August 21). Verizon throttled fire department's "unlimited" data during Calif. Wildfire. ArsTechnica. <https://arstechnica.com/tech-policy/2018/08/verizon-throttled-fire-departments-unlimited-data-during-calif-wildfire/>.

³ Hollister, S. (2021, December 16). Comcast delays new data caps for at least another year, which is weird because it should be forever. The Verge. <https://www.theverge.com/2021/12/16/22840165/comcast-data-cap-delay-isp-dec-2021>.

Net Neutrality Policy *in line* with the Black Tech Agenda will:

- **Restore** net neutrality.
- Make the FCC the **designated enforcer.**

WHEN WE WIN,
results will include:

Equal treatment of internet traffic.

Free and fair access to the internet for all.



DISINFORMATION & MISINFORMATION

Black communities need reliable information to plan life decisions, such as who to vote for and how to care for our health. Disrupting the disinformation and misinformation crisis will strengthen our democracy, public health and safety. Congress must incentivize online platforms to attack disinformation by increasing competition and reducing the spread of viral misinformation by regulating optimization algorithms. Holistic, interdisciplinary solutions will stop the spread of viral misinformation and ensure access to credible, accurate alternatives.

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FAKE SOLUTION: Deal primarily with content liability and keep the discussion about speech..



REAL SOLUTION: Change the incentives for profiting from harm by regulating optimization algorithms and reducing monopoly power.



Without Information Protections:

- People following **unverified guidance** on COVID-19 hoarded medicine to treat lupus, which prevented lupus patients, who are predominantly Black, from accessing needed medicine.¹
- Online **election misinformation** contributed to Black voter suppression in the 2016 presidential election.²
- **Right-wing leaders orchestrated the January 6 attack on the U.S. Capitol** by using election misinformation to energize a base of Facebook users,³

¹ Ornstein, C. (2020, March 22). Lupus Patients Can't Get Crucial Medication After President Trump Pushes Unproven Coronavirus Treatment. ProPublica. <https://www.propublica.org/article/lupus-patients-cant-get-crucial-medication-after-president-trump-pushes-unproven-coronavirus-treatment>; COVID-19 Pandemic Widens Disparities Among People with Rheumatic Diseases, Lupus (2020, July 14). Lupus Foundation of America. <https://www.lupus.org/news/covid19-pandemic-widens-disparities-among-people-with-rheumatic-diseases-lupus>.

² Shane, S. and Frenkel, S. (2018, December 17). Russian 2016 Influence Operation Targeted African-Americans on Social Media. The New York Times. <https://www.nytimes.com/2018/12/17/us/politics/russia-2016-influence-campaign.html>; Revealed: Trump Campaign Strategy to Deter Millions of Black Americans from Voting in 2016 (2020, September 28). Channel 4 News. <https://www.channel4.com/news/revealed-trump-campaign-strategy-to-deter-millions-of-black-americans-from-voting-in-2016>.

³ Silverman, C., Lytvynenko, J., and Dixit, P. (2021, January 25). How 'The Women for America First' Bus Tour Led to the Capitol Coup Attempt". BuzzFeed News. <https://www.buzzfeednews.com/article/craigsilverman/maga-bus-tour-coup>.

Anti-disinformation and misinformation Policy *in line* with the Black Tech Agenda will:

- Create **more competition** among online communication platforms.
- **Take away the optimization incentive** from businesses and require independent, thorough assessments of algorithms.
- Help **research and develop solutions** at the intersection of technology and civil rights.
- Expand the **Federal Election Commission's jurisdiction** to include online political ads.
- Require more **data disclosures** to ensure regulators understand online platforms and can properly develop and enforce policies.

WHEN WE WIN, *results will include:*

 **A limit of the spread of white nationalism and other threats to the security of Black communities.**

 **Increased Black civic participation.**

 **Better public health in Black communities.**

POWERED BY **COLOR OF CHANGE**

JOIN THE FIGHT FOR TECH JUSTICE.

THANK YOU

