

John T. Stankey, AT&T
W. Erik Carlson, Dish Wireless
Mike Sievert, T-Mobile/Sprint
Laurent Therivel, U.S. Cellular
Ronan Dunne, Verizon Wireless

October 21, 2020

Re: Ensure internet and voice connectivity for expected public gatherings and demonstrations before, during, and after U.S. presidential election

Dear Sir,

We are writing to request that your company ensure mobile internet and voice connectivity during expected public gatherings and demonstrations in major cities across the United States before, during, and after the November 3, 2020, U.S. presidential election. We call on you to provide adequate bandwidth through technology like Cell-On-Wheels¹ support, free wifi access points, or other equivalent technology and infrastructure, to allow participants to maintain secure and open communications channels.

The internet is an essential enabler of human rights, and mobile and voice connectivity are particularly important for people to exercise their rights to freedom of assembly², freedom of expression, and access to information. Robust wireless access to networks, applications, and services enables people to communicate with their loved ones, reach emergency services, and document rights abuses if they occur.

It is common for mobile networks to be overwhelmed^{3, 4} by network congestion during public assemblies. People drop calls or are unable to connect to the internet, preventing them from sharing updates with family and friends, accessing information, or reaching emergency services. In extreme circumstances, journalists' attempts to report on protests have been hindered by government authorities⁵ and private actors who intentionally disrupt access.

¹ Chris Sambar, *Reaching New Heights in Network Disaster Recovery*, AT&T Technology Blog (December 3, 2019), https://about.att.com/innovationblog/2019/12/fn_flying_cows.html.

² *Defending Peaceful Assembly and Association in the Digital Age*, Access Now (July 2020), <https://www.accessnow.org/cms/assets/uploads/2020/07/Defending-Peaceful-Assembly-Association-Digital-Age.pdf>.

³ *A First Look at Cellular Network Performance During Crowded Events*, Department of Computer Science and Engineering, Michigan State University (June 2013), https://homepage.cs.uiowa.edu/~mshafiq/files/crowded_sigmetrics.pdf.

⁴ Cecilia Kang, Davey Alba and Adam Satariano, *Surging Traffic is Slowing Down Our Internet*, The New York Times (May 20, 2020), <https://www.nytimes.com/2020/03/26/business/coronavirus-internet-traffic-speed.html>.

⁵ Eva Galperin, *BART pulls a Mubarak in San Francisco*, Electronic Frontier Foundation (August 12, 2020), <https://www.eff.org/deeplinks/2011/08/bart-pulls-mubarak-san-francisco>.

Given the expected public gatherings and demonstrations⁶ in response to a likely contested election⁷, there will be a high demand for bandwidth. Journalists will rely on the internet to report their stories and users will upload citizen video to document intimidation at the polls⁸ and demonstrations, just as they did during the Black Lives Matter protests⁹ in the wake of the killing of George Floyd.

According to the *UN Guiding Principles on Business and Human Rights*, companies have a duty to respect human rights and take steps to mitigate and remedy violations as they occur. This duty extends beyond simply following the law, and at times can require active pushback against orders that conflict with your human rights responsibilities. In addition, the UN Human Rights Committee — a body of independent experts that officially interprets the *International Covenant on Civil and Political Rights*, of which the United States is a party — maintains in its recent General Comment No. 37 (Right to peaceful assembly)¹⁰ that “state parties must not [...] block or hinder Internet connectivity in relation to peaceful assemblies.”

We urge you to be prepared for a range of threats to the rights of your users and to ensure that your company provides adequate network coverage throughout the duration of the demonstrations. Proactive preparation will help you enable the exercise of rights, as well as enhance your reputation among users, over this critical election period.

We respectfully request a reply to this letter by **October 28, 2020**.

Signed,

Access Humboldt
Access Now
Electronic Privacy Information Center (EPIC)
Fight for the Future
Free Press
MediaJustice
National Hispanic Media Coalition
Public Knowledge
The Greenlining Institute
WITNESS

Contact: Jennifer Brody, jennifer@accessnow.org, Legislative Manager, Access Now

⁶ Protect the Results, <https://protecttheresults.com/partners/>.

⁷ Barton Gellman, *The Election That Could Break America*, The Atlantic (November 2020), <https://www.theatlantic.com/magazine/archive/2020/11/what-if-trump-refuses-concede/616424/>.

⁸ Jennifer Steinhauer and Zolan Kanno-Youngs, *Election Officials are Preparing for Potential Unrest at the Polls*, The New York Times (October 12, 2020), <https://www.nytimes.com/2020/10/07/us/politics/voter-intimidation-harassment-election.html>.

⁹ *In Videos: Protests Against Police Violence Rage Across the U.S.*, The New York Times (June 6, 2020), <https://www.nytimes.com/article/videos-george-floyd-protests.html>.

¹⁰ UN Treaty Body Database, https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fGC%2f37&Lang=en.