

**MEMO: Discourse with Duphus**

DATE: February 13, 2024

TO: Duphus Dillinger, CEO, RedBlue

FROM: Branden Barnes

SUBJECT: Cyber Law

I'm writing to inform you that, "state action" is defined in the constitution under section 1 of the 14<sup>th</sup> amendment, as equal protection of basic rights to the people from a governing body (state, local, or federal). For the plaintiff to have grounds to sue, they must define that the government was in violation of their infringement of rights, as opposed to a private entity. For us, this is good news. As a private person, RedBlue cannot violate another person's 1<sup>st</sup> or 4<sup>th</sup> amendment rights. Government enforcement must be involved in the breach of free speech.

If a customer does not agree or follow the terms of service, RedBlue is within their rights to remove them from the platform. Private persons cannot violate freedom of speech rights defined in the 1<sup>st</sup> amendment. RedBlue can enforce rules of their choosing including "rules about their expression" if they stay within state laws. If punishment were to ensue on RedBlue, this punishment would be state action.

Net neutrality is the availability of internet content supplied by internet service providers (ISP) onto various platforms. The rules of net neutrality change as the FCC votes and presidents implement different policies. Positive net neutrality in America consists of a free and open internet. For example, without net neutrality, ISPs might give preferential treatment to specific types of data, limit others, or potentially restrict access to services, all while requiring consumers to pay for different levels of service. Fortunately, under the Biden administration net neutrality is in place. Anna Gomez recently was elevated to the FCC and the commission is positioned for pro-Biden action. She broke the long-standing deadlock once appointed to the FCC. Overall, this means internet service providers, under the law, cannot discriminate RedBlue based on the political content provided.

The Biden Administration undid Trump's actions while reinstating the Obama Administration's Net Neutrality Rules. Under Obama, transparency, anti-blocking, and no unreasonable discrimination were the "treat all data equally" stance of net neutrality. Broadband providers must keep their network mgt transparent by disclosing precise details of their terms for customers to make knowledgeable decisions. Those providers are prohibited to block consumers from being able to view content from lawful websites or competing carriers or services. Likewise, Broadband service providers may not discriminate towards lawful network traffic for any reason.

In 2017, the Trump Administration reverted Obama's net neutrality in handling ISPs. This disbanded everything described in Obama's free and open internet. It seemed that the only people who were for this FCC change was the ISPs themselves. This way they could make more

money and use their leverage against groups. Soon after, with a popular consensus about keeping the internet free and open to everyone, the FCC voted in favor of net neutrality when President Biden was put into office. Biden's Administration promoted new net neutrality rules, intended to reverse Trump's initiatives, and largely restore the state of affairs that existed during the Obama era.

Regardless of how it may affect RedBlue, I personally am against Bidens rules of net neutrality. I believe he has wasted taxpayer's dollars for political goals, given the FCC way too much power, centralized ISPs, provided governmental control over the internet, FCC controlled rate regulation, unbounded liability, and unconstitutional separation of powers, all disguised in "digital equity," "internet for all" cover. I believe the idea of net neutrality was initially good, but it has been manipulated into totalitarian power. The abolishment of net neutrality would open for free market innovations but should be mixed like what is seen in the U.S. economy. All in all, net neutrality is inherently good, but just like anything, not all change in policy is good. Net neutrality provides an equal playing field, protected freedom of expression, anti-discrimination, a steady price range for service, the elimination of fake news, and monitored criminal activity.

So, Mr. Dillinger under net neutrality laws RedBlue should never lose their adequate service provider based on their political view. This issue will need to be brought up in court for it is an unlawful hindrance of our open and free net neutrality rules.

Ariola, Z. (2023, December 28). *Net neutrality pros and cons: How the laws affect your business*. DesignRush. <https://www.designrush.com/agency/business-consulting/trends/net-neutrality-pros-and-cons#:~:text=If%20net%20neutrality%20regulations%20are,and%20accessible%20through%20fast%20lanes.>

Federal Communications Commission FCC 23-100 ... (n.d.). <https://docs.fcc.gov/public/attachments/DOC-398477A3.pdf>