

MEMORANDUM

TO: Duphus Dillinger

FROM: Christian Coleman

DATE: September 25th, 2024

SUBJECT: State Action, Net Neutrality, & My Side

PART ONE:

The state action is a constitutional requirement that protects speech rights. Under the Constitution, the First Amendment protects individuals from federal law and judicial power on free speech, but not private entities. For any claim on the First Amendment, there must be a level of state action that is involved. So a private company, such as RedBlue, is not a government actor they are not subject to those restrictions placed on the government.

The RedBlue members are arguing that they are allowed to say whatever they want on their platform due to the First Amendment. They were right in this sense because they are a private entity, and are not bound to the First Amendment as the government is. This allows RedBlue to set its own rules on user conduct, which could include members pulling back on insults. The state action requirement protects RedBlue's right to regulate speech on its platform without violating the First Amendment.

PART TWO:

The principle of Net Neutrality is that all internet traffic should be treated equally. This means eliminating favoritism of any specific platform, website, or content. It limits Internet Service Providers from charging extra fees for particular content and prevents them from blocking other products and services.

When under the Obama Administration, the Federal Communications Commission (FCC) introduced strong net neutrality rules in 2015 by classifying Internet Service Providers as "common carriers" under Title II of the Communications Act. This is what made it illegal for Internet Service Providers, to restrict content according to its source or political stance. These rules were actually reversed when it came to the Trump administration in 2017. The FCC claimed that the regulation restricted creative thinking. The Internet Service Providers had greater control because of this change. The Biden Administration has made a great push to restore the Obama-era rules on net neutrality. The US court had recently blocked his order this past August on this matter. Debates on this matter have surfaced as a key issue to address in today's America.

PART THREE:

I believe that the intention of net neutrality is meant well, but it isn't the best approach for improving the internet experience. I think that in the "Land of the Free", Internet Service

Providers should have the freedom to manage their networks and offer custom services. Not all data is the same, and all different types of high-data services are growing rapidly, it would be a shame to limit their flexibility on their internet traffic. If certain providers charge more for certain services, it will motivate other providers to improve their services and infrastructure to not get left behind. The world is moving at a fast pace, it would not make sense to hinder this through net neutrality.

Consumers can always switch over to the providers the suit their needs best. If one company becomes unfair with their content, it should be the decision of the consumer to stop using them, instead of depending on the heavy government regulations that would be put in place. I believe we should let the market influence the Internet Service Providers' practices, allowing them to use it as competition to provide the best quality services.

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