

Memorandum

Date: February 16, 2025

To: Duphus Dillinger, CEO, RedBlue

From: Zachary Six

Subject: State Action and Net Neutrality

I. State Action

Mr. Dillinger, in the United States, there is a concept known as “State Action” which limits the freedoms of the First Amendment in such a way that states only a government actor can break the First Amendment law by attempting to suppress speech of a citizen. This means that if the agent suppressing the speech is not of a government agency, the actions of the agent are not violating the individual’s First Amendment rights. The claims made by the users of RedBlue.com are invalid and untrue. Under the concept of State Action, RedBlue.com is not directly affiliated with the government or part of the government as an agency and, thus, has no means of violating the First Amendment rights of its users. RedBlue.com is a private forum that allows users to sign up within their own free will or continue to a different website if they are unhappy with the terms of use agreement. For example, if RedBlue.com was formed as a forum for a government agency and this agency had the mentioned item in their terms of service, it would then be a government actor attempting to suppress speech. Because the example contained a *government actor* instead of a private organization, the example situation would be considered an infringement of the individual’s First Amendment rights.

II. Net Neutrality in America

Net neutrality is a concept in America that is being heavily debated among the different political parties to determine the equality of information and how it is restricted on the internet. Under the definition of net neutrality, ISPs must treat all information on the internet as equal. This also means that if the ISP does not like the actions of a certain organization or the information being passed, the ISP can simply slow down the connection to the website or block it entirely. The first president to implement these rules being President Obama, presented these rules to provide an equal treatment of internet data using concepts of transparency, anti-blocking rules, and rules

against unreasonable discrimination. The anti-blocking laws run in two categories to provide rules for both fixed broadband and mobile broadband services. Under the administration of President Trump, all previous rulings from the 2018 Obama Administration were rescinded. However, in the Biden Administration, there was a new set of net neutrality rules that would largely re-instate the status-quo of the Obama Administration. On the second term of the Trump Administration in 2025, the rules set by President Biden will more than likely be rescinded. If this is the case, then there may be a large increase in ISPs promoting certain ideologies and slowing different websites based on its own beliefs or potentially on order from the government to slow/block specific websites and forums.

III. Net Neutrality in RedBlue.com

In my opinion, Mr. Dillinger, the rules pertaining to net neutrality should hold true and effective to the internet as a whole. The rules within net neutrality promote a balanced, equal internet in which information can be passed amongst individuals freely and without restriction. Limiting information on the internet or slowing down websites can be seen as a form of censorship to hide chosen information from being publicly accessible. ISPs may also be able to potentially sway information bias by making certain websites slower that way an individual may be convinced to go to another website that presents a different bias than the one previously attempted. This could be very harmful on the opinions of the people as they are being purposefully swayed a certain way and potentially vote a certain way. Because today's society is more in-tune with the internet and passing information across it, there should be a greater presence in the net neutrality debate as it will directly impact the way individuals will live and use the internet in their daily lives.