As the coronavirus recession requires the Internet

to take on an even more central role in our

economy, its major stakeholders are changing the

landscape. The Justice Department set to put

forward a plan as soon as today to roll back

legal protections that online platforms have

enjoyed for more than two decades.

There's a lot of line here in terms of the soul of

the country. The president becomes increasingly

concerned that some of these platforms are

perhaps violating free speech and also bias

against conservatives. Twitter attempted to

control the narrative by starting to fact check

tweets on its platform, specifically those by

world leaders. President Trump responded with an

executive order re-examining the ability for

social media platforms to monitor speech.

What they choose to fact check and what they

choose to ignore or even promote is nothing more

than a political activism group or political

activism. And it's inappropriate.

But I think one of the most terrifying parts of it

involves a suggestion that the government should

be setting ground rules for what speech is or is

not allowed on a platform.

That video that can demonstrate the eight minutes

of torture that an African-American man had under

the police can be put on a medium like Facebook

or Twitter and have different interpretations.

But I don't think that Facebook or Internet

platforms in general should be arbiters of truth.

The battle over who regulates the platform and the

Internet overall started long before social media

was even an idea with the actual hardware of the

network. The dark side began to appear when money

became the driver. And while our digital avatars

become ever more important to our physical

livelihoods and our understanding of the world

around us, one question remains: who controls the

Internet? The Internet was originally

developed by computer scientists so they could

better share their research with each other.

The U.S. Department of Defense's Advanced

Research Projects Agency, or ARPA, financed the

project. It was an uncontrolled new environment.

Start at the end research.

The research was everything.

Arpanet, as it was called, was focused on sharing

packets of digital information.

I developed basically a mathematical theory of

packet to achieve network the networks we have

today called the Internet. ARPA said we need a

network. Here finally was the promise that we

could implement this technology that I had been

working on for so many years.

So sure enough, in less than nine months,

Berrinagon Nooman, the company that won the

contract delivered the first switch.

What, we now call a router to UCLA.

We connected it up to our computer.

And a month later, in October 1969, Stanford

Research Institute, 400 miles of the north, got

their router. And we deployed a high speed link

between the two and now had two node network.

Over time, more research facilities started

joining the network. And it started to grow.

The National Science Foundation, or NSF, also

opened up the networks users from just computer

scientists to any researcher or educational

institution that could reach it, free of charge.

NSF built the hardware that became the backbone

of the network. Personal computers were also

becoming more common, and the graphical interface

of the World Wide Web was being developed.

All of these items together grew into what is now

known as the Internet.

At the same time, private companies started

building their own networks.

In 1991, then Senator Al Gore sponsored a bill to

help fund what he calls the Information

Superhighway. That bill injected 600 million

dollars into the development of the Internet.

Al Gore put together an a wonderful constituency

of academia, industry and government to basically

deploy a very high speed gigabit per second

backbone network. So people like to snicker at

that. He made a major contribution in deploying

the backbone. This bill encouraged the Internet

to grow in both private and public sectors.

In 1995, NSF then awarded contracts for access

points for private companies to maintain the

backbone of the Internet and decommissioned its

own NSF net backbone in April of that year.

Over the next three years, NSF helped create the

framework the Internet has today officially

ending its direct role in the Internet in 1998.

That's an example where the government creates

really something innovative like it did with the

Internet and then handed over to the private

sector to take that and make it something that's

usable for the common person.

Many of these innovations have been able to evolve

due to the light touch regulatory framework that

we've had since the Clinton-Gore administration.

I thank the vice president who fought for this

bill for so long on behalf of the American

people. And I thank the members of Congress

in both parties, starting with the leadership who

believed in the promise and the possibility of

telecommunications reform.

So the '96 Communications Act update really

provided for more spectrum, because what

regulators found was that as these systems were

actually evolving, they needed more fuel.

It was a very much a consensus bill and

it really did pave the way for the Internet that

we see today. With so many new stakeholders in

the backbone of the Internet.

More voices started gaining traction.

This now became a world that the consumer could

enter and business could enter.

Now, once that happens, there's a major change in

the taste and the character of this network,

namely, it is now a money machine.

The Federal Communications Commission, or FCC,

regulates the infrastructure that supports the

Internet. How far that regulation extends, has

been a challenge for policymakers.

There's a belief that the FCC should step in and

dictate the extent to which this subdominant of

company when it comes to their content.

And again, whether or not they preference that

content, by putting it over others or they

discriminate against other content by not letting

you see it or the throttle it, slow it down.You

know, all of that comes under the net neutrality

provision, which the FCC kicked out.

Many question if the Internet should be considered

a public utility or remain a service provided by

private companies.

The coronavirus pandemic heighten the debate

after companies like Facebook, YouTube, Netflix

and others responded to a request from the

European Union to stream their content in a lower

quality in Europe.

However, the network in the U.S.

was able to withstand the increase in data usage

without having to throttle.

And I'm very proud that it didn't collapse.

That it was right there.

It hardly basically shuddered when this demand

came in. Paid prioritization would allow

companies to sell what they call a fast lane.

Can the Federal Communications Commission, the

FCC, dictate where the businesses

must lay cable?

The underlying speeds that they may maintain and

whether they can do a paid prioritization?

What I personally don't want is to allow a

provider to decide who gets bandwidth, who gets

how much bandwidth and if and when that benefit

gets turned off. At the end of the last

administration, the Federal Communications

Commission declared that there can be no paid

prioritization. Then in 2016, the U.S.

Congress enacted a bill to override that

decision by the Federal Communications

Commission, which handed back to the broadband

deployers the option to do paid prioritization.

So that's kind of where it stands now.

While the courts are still deciding who regulates

access to the Internet.

The conversations taking place online are growing

increasingly tense.

Today, I'm signing executive order to protect and

uphold the free speech and rights of the American

people. Currently, social media giants like

Twitter receive an unprecedented liability shield

based on the theory that they're a neutral

platform, which they are not.

Not an editor with a viewpoint.

My executive order calls for new regulations.

Under Section 230 of the Communications Decency

Act to make it that social media companies that

engage in censoring or any political content will

not be able to keep their liability shield.

That's a big deal. Days after President Trump

signed this executive order, it was challenged in

the courts. On the false assumption that's being

made is you either are a neutral platform or you

moderate content. And that's a false choice.

And that's not what the law requires.

The law says you can be whatever type of platform

you want. And when you remove content that you

consider to be objectionable, you're not going to

assume liability for that.

I think for the most part, tech companies don't

want their content to lead to unlawful activity,

but they actually have a huge challenge when it

comes to the recent activities of the president's

tweet that in some way could have been perceived

as inciting violence.

Twitter obviously came through and said, hey,

we're just going to mark this as a potential for

that. Facebook, Mark Zuckerberg basically said

Facebook is staying out of it because they're not

the arbiter of anybody's troop.

When it came to the president's executive order,

it's there's a lot of different components in it

that are worth unpacking.

But I think one of the most terrifying parts of

it involves a suggestion that the government

should be setting ground rules for what speech is

or is not allowed on a platform.

That suggestion was first explored in the 1996

Communications Decency Act aimed at curtailing

the presence of pornography and illicit activity

on the Internet. The entire Communications

Decency Act was found to violate the First

Amendment, except for Section 230.

Those two important provisions.

One, it makes clear what is called conduit

immunity, which basically says if you are just

the intermediary, you are not responsible for the

content that is transmitted.

Good example that would be in a library.

But the more important provision is the second

section which made clear that platforms

could moderate content that could remove lewd,

lascivious or otherwise objectionable content

without assuming liability or either the removal

of that content or the failure to catch any

content that they didn't remove.

Section 230 empowers somebody who's setting up a

social media Web site for cat lovers to remove

any dog related content.

In effect, President Trump's executive order would

change how social media platforms are treated

under the law and consider them publishers, which

could make them liable for all content written on

their sites. Just like media organizations like

CNBC. The DOJ has been working on this for about

a year. But it does dovetail with the president's

recent executive order, which require the FCC or

would at least ask the FCC to promulgate new

regulations in this space as well.

It wants Congress to rewrite Section 230 of the

Communications Decency Act to remove the

liability shield for civil action if platforms

are found to facilitate or solicit federal

criminal activity, such as fraud or scams.

All of these changes could upend the business

model for tech's biggest companies.

Industry groups are against it.

And the big caveat here is that the DOJ cannot do

this alone. It would need Congress to act.

We have don't have a regulatory chief that really

can look at the Internet in its 21st century

form, let alone the extent to which is equitably

available to everybody.

There are those who have and those who don't have

adequate connectivity in their workplace, their

home, and now those two combined or in the

equipment to hand in the laptops, to have in and

the service they have.

In many respects, the digital divide is really

leading to digital invisibility, which has

foreclose on the opportunities that technology

has for people to participate and engage in our

society. The FCC estimates that 19 million

Americans don't have access to fixed broadband

service at threshold speeds.

Some would suggest that they're actually 40 to 100

million people that are not online.

And if you think about that, that probably is not

too off. If you count rural Americans, you count

large low income communities.

People who are older, people with disabilities

and people who are foreign born.

The Internet saw lots of successes through private

research, funded in partnership with the

government and eventually handed over to private

companies. While there have been some reports of

governments attempting to create their own

Internet service providers, private organizations

are taking the lead in developing the

infrastructure to bring the world's online.

Facebook has launched partnerships with South

Asian countries like Bangladesh to provide free

connectivity to those in need.

However, the platform provided by companies like

Facebook could, without proper regulations and

guidance, do more harm than good.

For example, some blame Facebook for its role in

the persecution of the Rohingya people in

Myanmar. With the public square continuing to

move outside of downtown and online, digital

stakeholders will have increasing power over the

global conversation.

I think we get caught up in this us versus them

argument around the private sector and who

regulates the Internet.

And I think what COVID 19 has actually revealed

is that it's not about who owns the Internet.

It's about can it get to everyone who needs it.