

TO THE COMMISSIONERS:

Is it ever in the public interest for a private corporation to control what the average citizen can say? Is it ever in the public interest for a private corporation to determine what speech the private citizen can access?

It is often said that "The freedom of the press is limited to he who owns one." What we have here is a more diabolical situation. The Internet gatekeeper not only owns the press, he owns the newsstand. While any citizen can conceivably purchase a press and distribute his opinions, no citizen can distribute his speech online if the gatekeeper simply refuses to allow it to propagate to the Internet at all.

Please understand exactly what we are talking about. AOL institutes a "teen filter." At this instant, AOL determines that the Republican National Committee Web site is suitable for teens, but the Democratic National Committee Web site is not.

Do you REALLY want the President of AOL to have veto power on which Government information is suitable for their customers? Today it is merely teens -- tomorrow, who knows? There is no doubt that the result will be that the President of AOL, whether or not he chooses to use it, will have more power in formulating public opinion than the President of the United States. And as history tells us, if he has the power to use it, sooner or later he will.

Time Warner's current policy is as follows:

IF TIME WARNER DETERMINES THAT THE SUBSCRIBER HAS FAILED TO COMPLY WITH THE SERVICE'S STANDARDS OF CONDUCT OR LIMITS ON BANDWIDTH UTILIZATION, TIME WARNER MAY SUSPEND SUBSCRIBER'S ACCOUNT. TIME WARNER COMMUNICATIONS SHALL HAVE THE SOLE AND UNREVIEWABLE RIGHT TO DETERMINE WHETHER CONTENT VIOLATES THESE STANDARDS.

Time Warner and AOL -- which has an even more restrictive policy -- claim to have the right to terminate anyone, at any time, for any reason.

Commissioners, at this moment you are depending on the "good faith" of AOL and Time Warner to protect our most valuable heritage, our freedom of speech. Have you asked the City of Daytona Beach (Florida) what their opinion is of Time Warner's good faith? Are you really willing to let your heritage depend on this good faith? Also remember how Time Warner's "good faith" affected 3.5 million cable homes last May when it abruptly dropped Disney-owned ABC stations over a simple dispute. At that time, Arnold Kleiner, president and general manager of KABC in Los Angeles, warned "This blackout is a frightening foreshadowing of the implications of the Time Warner-AOL merger."

I do not accept that AOL and Time Warner close that gate only on "bad" speech, the pornographers, the hate-mongers, the "spammers," and gives the rest of us "nice" people

free reign to post "acceptable" messages. It is well known what these companies find unacceptable -- anything whatsoever that rubs them, or anyone else, the wrong way. I have been online for twenty years, and have seen the results of private networks -- including AOL and its predecessor, QuantumLink -- censoring users' posts seemingly at will. If that behavior is allowed of a company as gargantuan as the merged AOL, with their resulting control over so many subscribers, everyone will suffer.

You cannot give a private corporation the power to prohibit only "bad" speech; you can only give it the power to prohibit ALL speech. And history tells us most definitely that if they have that power, sooner or later they will certainly use it.

The FCC cannot simply leave the problem to "market forces." You can only, by your action, prohibit this danger, or by your inaction, insure that, sooner or later, all speech on the Internet will be at the mercy of the President of AOL. Including, of course, yours.

Is this REALLY what you want to do?

Thank you for your attention.

Sincerely,
C. Lavin