

To the Commissioners:

The Internet is an international community. It is a gift to the world. It is a gift that will, sooner or later, touch the life of every citizen of every country. It will likely be the greatest force for freedom the world has ever seen. Where there is freedom of speech, no other freedom can be far behind.

Gentlemen, what would be your reaction if I were to suggest that you institute the following rule?

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

THESE STANDARDS.

It is obvious that the courts would not allow you to make such a rule. If the courts did not intervene, the Congress would. And if the congress did not, there would be a major revolt among the general internet population.

But you may be making exactly such a rule - not by mandating it, but by failing to prohibit it - because, of course, the hypothetical, and ridiculous, rule is merely the current standard of Time Warner. And I believe, or at least hope, that my comment is the beginning of that internet revolution.

There was a time when you believed that market forces would sufficiently protect the internet; and the internet community applauded your action. If there is anything the internet community despises more than rules, it is only the loss of freedom to speak one's mind.

But the internet community has recognized that there are now no market forces at work. There is only the AOL - Time Warner megalith. They, in high speed access, are the only game in town. We, the internet community, must recognize that it is only the rules we so despise that will protect our freedom.

There has been much discussion that AOL and Time Warner are merely protecting their customers by institutions such restrictive regulations. Our founding fathers long ago wisely decided that the only thing worse than freedom of speech was the lack of it. Would that there were some way to outlaw only BAD speech -

but experience has shown that it is impossible to keep from throwing the baby out with the bathwater.

Consider this; AOL and Time Warner are aptly called gatekeepers. They have the power, now, today, to terminate my account for posting this message. And they may do just that. Both Time Warner and AOL have the sole and unreviewable right to determine whether content OF THIS COMMENT violates THEIR - not your - standards. Does a criticism of Time Warner violate their standards? Do you know? More to the point, do you CARE?

Worse, they have the power to keep me from accessing the United States Government computers, including your site. Do you want them to have that power? Yes, they would NEVER do that. Today. How about tomorrow? Do you REALLY want Time Warner and AOL to control the gateway to the United States Government? If they do, ask yourself this - who will be the government, and who will be the governed?

Gentlemen, there is no way to outlaw only bad speech; so you must insure that no speech is outlawed.

Thank you for your attention to my comments.

Nathan Smith