

A Productive Farewell from the Restore Us Institute

Restore Us Institute (RUI) has officially dissolved and ceased operations. This last RUI communication explains why.

On a shoestring budget, in two years, RUI has productively fulfilled the doable part of its 501(c)(3) nonprofit mission: “*Restore Internet accountability to protect people from online harm.*”

RUI was the only entity to date, dedicated to restoring Internet accountability in U.S. policy and law, via research and education.

This enabled RUI to produce the independent research, analysis, and proof necessary, for the public and the U.S. Government to restore Internet accountability in the future, when conditions are better than the current chaos.

The relevant proverb here is true, “you can lead a horse to water, but you can’t make it drink.”

That said, horses eventually get thirsty and need a drink in the future.

That’s why RUI has ensured its unique Internet accountability research will remain available to the public and the Government going forward with no rights reserved, at this online address, RestoreUsInstitute.org.

This way RUI’s research, analysis, and proof, can continue to be productive in the future.

RUI’s legacy is twofold.

First, it is the only entity that has researched, documented, and proved that U.S. Internet unaccountability policy/law has largely caused the evident degradation of: America’s Constitution, rule of law, civil justice, and democracy; individuals’ liberty, equality, rights, and privacy; America’s national security and public safety; and the health and honesty of America’s economy, commerce, markets, and society.

Second, it recommends the only holistic solution that could resolve all the above degradations of America and Americans, so others can fix it in the future when conditions warrant it.

None of this could have been possible without the great support of our board, donors, advisors, allies, and readers. Thank you everyone. We are very grateful for your support and ongoing interest.

With gratitude and goodwill,

Scott Cleland,
Executive Director
scleland@restoreusinstitute.org

RUI's 15-Part Internet Accountability Research Series in PDFs

1. Summary Evidence of Out-of-control U.S. Internet Harms & Crimes -- 1-10-23
2. Summary Evidence of Americans' Support for Internet Accountability -- 1-13-23
3. The Cause of America's Self-defeating Internet-Insecurity -- 1-19-23
4. The Cause of America's Moral/Ethical Decline Online -- 1-23-23
5. The Cause of America's Widespread Worsening -- 1-27-23
6. The Evidence Internet Injustices Are Mass Victimized Americans. -- 1-31-23
7. The Evidence Americans Are Losing Their Liberties and Rights. -- 2-3-23
8. The Case America Overall is Worse Off since Section 230. -- 2-6-23
9. The Policymaker Case for Section 230 Repeal -- 2-28-23
10. The Case Section 230 Makes America Worse Economically, Financially, Socially. -- 3-7-23
11. The Evidence & Analysis Exposing America's Internet Injustice System. -- 3-21-23
12. The Case that What Makes AI Most Dangerous Makes It Most Fixable. -- 4-25-23
13. The Evidence Section 230's Key Precedent is Fraudulent Not Congress' Intent. -- 5-23-23
14. The Case that Section 230 is the U.S. Constitution's Worst Enemy. -- 7-25-23
15. The Evidence Section 230's Uncivil War Is Destroying Democracy in America. -- 10-17-23

**SUMMARY EVIDENCE OF OUT-OF-CONTROL INTERNET HARMS & CRIMES
WHEN BIPARTISAN U.S. INTERNET UNACCOUNTABILITY POLICY
BANS INTERNET POLICE, PUBLIC SAFETY, & BORDERS FOR 27 YEARS.**

Scott Cleland,
Executive Director, Restore Us Institute.
January 10, 2023

Cyberbullying/Online Harassment:

70% of young people experience cyberbullying before they hit the age of 18, per November 2021 First Site Guide cyberbullying [statistics](#)¹.

64% of Americans under 30 have been personally harassed online, [per Pew Research](#).²

53% of US adults personally experienced cyberbullying online harassment with 37% reporting severe online harassment, 22%, physical threats, and 18% sexual harassment, and 17% stalking and sustained harassment, per November 2021 First Site Guide cyberbullying [statistics](#).³

51% of revenge porn victims indicated they had considered committing suicide, per the [Cyberbullying Research Center](#)⁴.

41% of Americans have personally experienced online harassment, 25% severe online harassment per [Pew Research](#).⁵

Cybercrime:

64% of Americans have experienced some form of data theft, [per Pew Research](#).⁶

47% of U.S. consumers surveyed experienced identity theft; 37% experienced application fraud, and 38% of consumers experienced [account takeover](#) in 2020-2021, per Aite-Novarica Group's [U.S. Identity Theft: The Stark Reality](#).⁷

47% of Bitcoin transactions from 2009-2017 were for illegal activity, per the [WSJ](#).⁸

23% of Americans have suffered from cybercrime per [Gallup 2018 survey](#).⁹

0.05% is the chance of being successfully investigated and prosecuted for a cybercrime when the equivalent chance for violent crime is 46%," per the [World Economic Forum](#).¹⁰

Cyberattacks:

[90%](#) of U.S. organizations have been compromised by a cyberattack within a 12-month period, per the CyberEdge Group’s [2020 Cyberthreat Defense Report](#).¹¹

[78%](#) of U.S. organizations were affected by [ransomware](#) per CyberEdge Group’s 2022 [Cyberthreat Defense Report](#).¹²

[75%](#) of U.S. organizations dealt with a successful phishing attack attempt in 2020, per cybersecurity firm Proofpoint’s [2021 State of the Phish](#) report.¹³

[71%](#) of surveyed U.S. organizations have had a distributed denial of service (DDoS) extortion threat, per [Corero](#).¹⁴

[59%](#) of U.S. organizations were hit by a ransomware attack in 2020, per Cybersecurity leader Sophos’ 2020 [State of Ransomware Report](#).¹⁵

[40%](#) of small and medium businesses (SMBs) have fallen victim to ransomware attacks per [Datto](#).¹⁶

[37%](#) of global organizations were victims of some form of ransomware attack in 2021, according to IDC’s “[2021 Ransomware Study](#)” per [TechTarget](#).¹⁷

Cyber-Corruption:

[85%](#) of teens and young adults, and [71%](#) of adults, who have viewed pornography have done so using online videos, per Barna Group, “*The P0rn Phenomenon*,” April 2016, [The P0rn Phenomenon](#).¹⁸

[93%](#) of pastors and [94%](#) of youth pastors say pornography use in the Church community is a bigger problem than it was in the past, per Barna Group, “*The P0rn Phenomenon*,” April 2016, [The P0rn Phenomenon](#).¹⁹

[75%](#) of parents believe their children have not seen pornography online, but [53%](#) of the children said that they had seen pornography online; and [78%](#) of 16-17 year-olds, [65%](#) of 14-15-year-olds, and [50%](#) of 11-13-year-olds, report having seen pornography in some way,” per Barna Group, “*The P0rn Phenomenon*,” April 2016, [The P0rn Phenomenon](#).²⁰

[56%](#) of American divorces involve one party having an “obsessive interest” in pornographic websites and [47%](#) of families in the U.S. reported that pornography is a problem in their home; per Barna Group, “*The P0rn Phenomenon*,” April 2016, [The P0rn Phenomenon](#).²¹

[30%](#) of sex-trafficking victims recruited in federal sex trafficking cases between 2000 and 2020 were on the Internet and most victims were recruited on Facebook; per The [Federal Human Trafficking Report](#).²²

- ¹ First Site Guide, Ogi Djuraskovic, *Cyberbullying Statistics, Facts, and Trends (2021) with Charts*, November 2021, www.firstsiteguide.com/cyberbullying-stats/
- ² Pew Research, “*The State of Online harassment*,” January 2021, [The State of Online Harassment | Pew Research Center](https://www.pewresearch.org/internet/2021/01/20/state-of-online-harassment/)
- ³ First Site Guide, Cyberbullying [statistics](https://www.firstsiteguide.com/cyberbullying-stats/), November 2021, [Cyberbullying Statistics 2022 \(with Charts\): 36 "Key" Facts \(firstsiteguide.com\)](https://www.firstsiteguide.com/cyberbullying-statistics-2022/)
- ⁴ Cyberbullying Research Center, *Revenge Porn Research, Laws, and Help for Victims*, Sameer Hinduja, www.cyberbullying.org/revenge-porn-research-laws-help-victims
- ⁵ Pew Research, “*The State of Online harassment*,” January 2021, [The State of Online Harassment | Pew Research Center](https://www.pewresearch.org/internet/2021/01/20/state-of-online-harassment/)
- ⁶ Pew Research, “*Americans’ Experiences with Data Security*,” 2017, [Americans’ experiences with data security | Pew Research Center](https://www.pewresearch.org/internet/2017/01/18/americans-experiences-with-data-security/)
- ⁷ Aite-Novarica Group’s *U.S. Identity Theft: The Stark Reality*, 2022, [U.S. Identity Theft: The Stark Reality – GIACT](https://www.aite-Novarica.com/identity-theft-the-stark-reality/)
- ⁸ The Wall Street Journal, Justin Lahart and Telis Demos, *Why Crime Could Kill Crypto*, June 2018, www.wsj.com/articles/why-crime-could-kill-crypto-11624008655
- ⁹ Gallup, 2018, “*One in Four Americans Have Experienced Cybercrime*,” [One in Four Americans Have Experienced Cybercrime \(gallup.com\)](https://www.gallup.com/187111/one-in-four-americans-have-experienced-cybercrime.aspx)
- ¹⁰ World Economic Forum, William Dixon, *Fighting cybercrime – what happens to the law when the law cannot be enforced?*, February 2019, www.weforum.org/agenda/2019/02/fighting-cybercrime-what-happens-to-the-law-when-the-law-cannot-be-enforced/
- ¹¹ CyberEdge Group’s, “*Cyberthreat Defense Report.*” 2020, [Cyberthreat Defense Report.](https://www.cyberedge.com/cyberthreat-defense-report-2020/)
- ¹² CyberEdge Group’s, “*Cyberthreat Defense Report.*” 2020, [Cyberthreat Defense Report.](https://www.cyberedge.com/cyberthreat-defense-report-2020/)
- ¹³ Proofpoint’s, “*2021 State of the Phish Report.*” 2021 [2021 State of the Phish report. Proofpoint 2021 State of the Phish](https://www.proofpoint.com/us/press-room/2021-state-of-the-phish-report)
- ¹⁴ Corero, *Impact of DDoS on Enterprise Organizations*, www.go.corero.com/hubfs/3.%20Website%20Content/1.%20Asset%20Downloads/5.%20Infographics/Impact-DDoS-On-Enterprise-Infographic.pdf
- ¹⁵ Cybersecurity leader Sophos’, “*State of Ransomware Report.*” 2020 [Sophos State of Ransomware Report 2020.](https://www.sophos.com/usa/press-room/2020-state-of-ransomware-report)
- ¹⁶ Datto, *Datto’s ANZ State of the Channel Ransomware Report*, 2019, www.datto.com/resource-downloads/Datto2019_StateOfTheChannel_RansomwareReport_NL-8.pdf
- ¹⁷ IDC’s “*2021 Ransomware Study*” per [Techtarget](https://www.techtarget.com/Security/2021-Ransomware-Study), 2021 [Ransomware Trends, Statistics and Facts in 2022 \(techtarget.com\)](https://www.techtarget.com/Security/2021-Ransomware-Study)
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- ¹⁹ Barna Group, “*The P0rn Phenomenon*, 2016, [The P0rn Phenomenon – Barna Resources](https://www.barna.com/research/the-p0rn-phenomenon/)
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AMERICANS SUPPORT INTERNET ACCOUNTABILITY POLICIES

AMERICANS ARE CONCERNED ABOUT INTERNET UNACCOUNTABILITY AND SUPPORT MORE INTERNET ACCOUNTABILITY POLICIES

Scott Cleland, Executive Director of Restore Us Institute
January 13, 2023

Summary:

1. Nine in ten Americans are concerned about cybercrime, and data privacy and social media harms.
2. Eight in ten Americans are concerned about Big Tech's unchecked power and influence.
3. Seven in ten Americans, a **Mindful Many**, support government Internet accountability policies.

1. **Nine in ten Americans are concerned about cybercrime, and data privacy and social media harms.**

Cybercrime: [95%](#) of Americans say online harassment is a problem and [55%](#) say it's a major problem, [per Pew Research](#).¹ [91%](#) of Americans worry about having their personal, credit card, or financial information hacked or robbed online per Gallup in 2019.² [88%](#) of Americans worry about being a victim of identity theft per Gallup in 2019.³ [71%](#) of Americans are concerned about cybercrime per [Gallup 2018 survey](#).⁴ ("Gallup has previously *found* that Americans are more concerned about falling victim to cybercrime or identity theft than any other forms of criminal activity.")⁵ [63%](#) of American voters believe ransomware is a major problem, per a July 2021 [Morning Consult Poll](#).⁶

Privacy: [94%](#) of Americans are concerned about privacy of personal data online, per 2020 [Knight/Gallup](#).⁷ [89%](#) of American voters want privacy legislation prioritized to protect their Social Security number and banking information, and [88%](#) their biometric data and driver's license number, per 2021 [Morning Consult](#).⁸ [85%](#) of Americans are concerned about the amount of data online platforms store about them; [81%](#) of Americans are concerned that platforms are collecting and holding private consumer data to build comprehensive consumer profiles, per 2020 [Consumer Reports](#).⁹

Social Media: Americans believe social media makes it easier for people to: say things that they would not say in person [95%](#); harass or threaten others [92%](#); spread extreme viewpoints [89%](#); and interfere with elections [76%](#); per 2022 [Pew Research](#).¹⁰ [92%](#) of Americans are concerned about the spread of misinformation online; and [77%](#) about hate speech and abusive/threatening language online; per 2020 [Knight/Gallup](#).¹¹ [76%](#) of Americans distrust what they see on social media; and [70%](#) of Black Americans are the most likely to be concerned about online hate speech and abusive content; per 2022 [Pew Research](#).¹²

2. **Eight in ten Americans are concerned about Big Tech’s unchecked power and influence.**

Online Platform Power: [85%](#) of Americans are concerned about the size and power of large technology companies; per 2020 [Knight/Gallup](#).¹³ [79%](#) of Americans say Big Tech mergers and acquisitions unfairly undermine competition and consumer choice, per 2020 [Consumer Reports](#).¹⁴ [74%](#) believe companies should be required to take more responsibility for evaluating information before it’s shared on their platforms, per 2020 [Consumer Reports](#).¹⁵ [72%](#) of U.S. adults say social media companies have too much power and influence in politics today, per 2020 [Pew Research](#).¹⁶ [68%](#) of U.S. adults believe major technology companies have too much power and influence in the economy, per 2021 [Pew Research](#).¹⁷ [65%](#) say platforms should be held accountable for the products and services sold on their platforms per 2020 [Consumer Reports](#).¹⁸

3. **Seven in ten Americans, a Mindful Many, support government Internet accountability policies.**

Internet Policy/Designs Concerns: [78%](#) of U.S. adults support stronger child protections online; [77%](#) of voters support a ban on targeted ads toward children; and [70%](#) support raising the age of eligibility for a social media account, per [Morning Consult](#).¹⁹ [72%](#) of Americans in 2022 are dissatisfied with America’s policies to reduce or control crime, up 38% from 52% dissatisfied in 2001, per 2020 [Gallup Crime Survey](#).²⁰ [72%](#) of Americans think major technology companies can only be trusted to do the right thing some of the time or hardly ever per [Pew Research](#).²¹ [71%](#) of Americans think the Internet does more to divide us than bring us together, per 2022 [Knight/Pew Research](#).²² [64%](#) of U.S. adults say social media have a mostly negative effect on the way things are going in America today, per 2020 [Pew Research](#).²³ [62%](#) of Americans believe elected officials pay too little attention to tech issues per [Pew Research](#).²⁴ [56%](#) of U.S. Adults believe major technology companies should be regulated more than they are now per 2021 [Pew Research](#).²⁵ Only [30%](#) of Americans are satisfied with how America’s system of government works, and only [28%](#) are satisfied with the Government’s regulation of businesses and industries, per [Gallup](#) in 2022.²⁶

¹ Pew Research, “*The State of Online harassment*,” January 2021, [The State of Online Harassment | Pew Research Center](#)

² Gallup, “*Crime Survey*.” 2022, [Crime | Gallup Historical Trends](#)

³ Gallup, “*Crime Survey*,” 2022, [Crime | Gallup Historical Trends](#)

⁴ Gallup, 2018, “*One in Four Americans Have Experienced Cybercrime*,” [One in Four Americans Have Experienced Cybercrime \(gallup.com\)](#)

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⁶ Morning Consult/Politico Poll, “*4 in 5 Voters Back Law that Would Make Online Terms of Service Agreements easier to understand*,” [4 in 5 Voters Back Law That Would Make Online Terms of Service Agreements Easier to Understand \(morningconsult.com\)](#)

- ⁷ Knight Foundation/Gallup, “*Techlash: America’s growing concerns with major technology companies*; p. 10.” [Gallup-Knight-Report-Techlash-Americas-Growing-Concern-with-Major-Tech-Companies-Final.pdf \(knightfoundation.org\)](#)
- ⁸ Morning Consult, “*States Are Moving on Privacy Bills. Over 4 in 5 Voters Want Congress to Prioritize Protection of Online Data*,” April 2021, [States Are Moving on Privacy Bills. Over 4 in 5 Voters Want Congress to Prioritize Protection of Online Data – Morning Consult](#)
- ⁹ Consumer Reports, “*Consumer Reports survey finds that most Americans support government regulation of online platforms*,” September 2020, [Consumer Reports survey finds that most Americans support government regulation of online platforms.](#)
- ¹⁰ Pew Research for the Knight Foundation, “*Media and Democracy: Unpacking America’s Complex Views on the Digital Square*,” March 2022, [Media and Democracy: Unpacking America’s Complex Views on the Digital Public Square – Knight Foundation](#)
- ¹¹ Knight Foundation/Gallup, “*Techlash: America’s growing concerns with major technology companies*; p. 10.” [Gallup-Knight-Report-Techlash-Americas-Growing-Concern-with-Major-Tech-Companies-Final.pdf \(knightfoundation.org\)](#)
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- ¹³ Knight Foundation/Gallup, “*Techlash: America’s growing concerns with major technology companies*; p. 10.” [Gallup-Knight-Report-Techlash-Americas-Growing-Concern-with-Major-Tech-Companies-Final.pdf \(knightfoundation.org\)](#)
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- ¹⁶ Pew Research, “*How Americans see U.S. tech companies as government scrutiny increases*,” October 2020, [How Americans view U.S. tech companies in 2020 | Pew Research Center](#)
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What's Causing America's Self-Defeating Internet Insecurity?

By **Scott Cleland**

How did America and Americans regress to being much less secure than before the Internet?

Everyone knows the many amazing conveniences, benefits, and advances the Internet has enabled.

What everyone doesn't know is how irrational the Internet's utopian founding premises have proven to be concerning America's and Americans' security over the last quarter century.

The first irrational security-related premise is that U.S. Government policymakers decided in the 1990s to [promote](#) inherently insecure, nascent Internet technology to be the world's primary global information infrastructure for all the world's communications, content, and commerce.

Unfortunately, the Internet was never designed to operate at that scale, or with the necessary authentication, security, and privacy capabilities essential for such an infrastructure. Utopia meet reality.

The Internet's co-designer, Vint Cerf, in a 2008 Guardian [interview](#), explained how the Internet's 1974, essential enabling Internet-protocol had a design flaw in not enabling packet authentication, security, or privacy at scale.

"The idea of a virtual private network was not part of the original design," says Cerf, with a grin. "It was actually an oversight. It didn't occur to me that it would be useful until afterwards." "In the end, it seems every machine has to defend itself. The internet was designed that way."

For twenty-five years, an ever-behind, cybersecurity industry has struggled to secure an un-securable, "[fragile infrastructure](#)," that was "[built vulnerable](#)," and where "[the scale of cyberattacks grow steadily](#)."

The second irrational security-related premise was the de facto, bipartisan, U.S. foreign policy [decision](#), without a Senate approved treaty, that de facto promoted virtual global surrender of "[Westphalian sovereignty](#)" that for 350 years facilitated international law and order, peaceful diplomacy to deter wars, and reciprocally-beneficial travel, trade, commerce, and law enforcement.

America's de facto virtual sovereign suicide irrationally surrendered its virtual sovereignty over all things America, to a non-sovereign, autonomous Internet technology, with "[no controlling authority](#)," organization, leader, accountable governance, rule-of-law, dispute resolution, recourse, or legal tender.

As a result, America has de facto aided and abetted our leading adversaries -- [China](#), [Russia](#), and [cybercriminals](#) -- with [impunity](#). [China](#) has specialized in cyberattacking, [hacking](#), and [stealing](#)

much of America’s valuable government and corporate secrets, intelligence, [security clearances](#), and data. [Russia](#) has [specialized](#) in out-of-control facilitation of rampant ransomware, serial cybercrime, and political disruption.

A recent Council on Foreign Relations [report](#) confronts this irrational Internet utopianism. “*The utopian vision of an open, reliable, and secure global network has not been achieved and is unlikely ever to be realized. Today, the internet is less free, more fragmented, and less secure.*” The [authors](#) are right that “*its time for a new foreign policy for cyberspace.*”

The third irrational security-related premise is that U.S. Government policymakers decided in the 1990s to de facto nationally abdicate governing online.

Specifically, how is U.S. Internet [unaccountability](#) policy a root cause of Internet [insecurity](#)?

It has subverted most of America’s foundational security essentials, i.e., surrendering sovereignty; banning borders; denying defenses; prohibiting police and public safety; abdicating authority; cancelling the Constitution; rejecting rule-of-law and rights; and denying a duty-of-care.

At the time, there was bipartisan policy consensus to encourage, not impede, rapid adoption and buildout of the Internet and its enabling infrastructure. It succeeded at that goal.

America’s 1996 Internet unaccountability policy in [Section 230](#) of the Communications Decency [Act](#) stated: [Internet and Internet services](#) be “*unfettered by Federal and State regulation.*” An executive order [stated](#) ecommerce should be “*global,*” “*self-regulated,*” and “*minimalist*” government; and the Supreme Court ruled de facto that all Internet speech has been [presumed](#) free speech never illegal conduct.

Apparently, few have considered or cared about the predictable negative repercussions of permanently granting Internet technology and its corporate leaders’ impunity via Internet unaccountability policy.

Now it is easier to see how America and Americans have regressed to being much less secure than before the Internet. It doesn’t have to remain that way.

America’s existential problem here is the U.S. Government de facto imposing Americans’ dependence on inherently insecure Internet technology and foreign and U.S. policy, that all endanger and do not protect Americans. This self-defeating Internet [Insecurity](#) is mindless madness and a form of tyranny in government irrationally dictating Americans’ dependence on undependability.

Scott Cleland is Executive Director of the Restore Us Institute, an Internet policy think tank and non-partisan, faith-based non-profit with a mission to restore Internet accountability to protect people from online harm. Cleland was Deputy U.S. Coordinator for International Communication and Information Policy in the H.W. Bush Administration. To learn more, visit www.RestoreUsInstitute.org.

What's Causing Christianity's Decline in America?

By **Scott Cleland**

Christianity is declining in America. Its leading cause is outdated U.S. Internet unaccountability policy in [Section 230](#) of the 1996 Communications Decency [Act](#), that imposes [amoralism](#), a doctrine of not caring about right and wrong.

One cause-effect dynamic is as universal, purposeful, time and trajectory coincident, and scale, scope, and reach similar as U.S. Internet unaccountability policy's demoralization of Christianity in the 21st century. It also is [scriptural](#) that anarchy's amorality demoralizes Christians.

It's no coincidence that during the Internet era U.S. adult church membership has fallen 33% from 70% 1940-2000 to 47% in 2020, [per Gallup](#). And Americans' confidence in the church and organized religion fell 25% from 56% to 42% from 2000-2020 [per Gallup](#).

A recent Pew Research [survey projects](#) that Americans who identify as Christians could fall under 50% by 2070. That prompted a Christianity Today [headline](#) "Decline of Christianity Shows No Signs of Stopping."

America's founders feared today's anarchic amorality online. President George Washington warned "...morality is a necessary spring of popular government." President John Adams warned "Our Constitution was made only for a moral and religious people. It is wholly inadequate to the government of any other." Founder Ben Franklin warned "laws without morals are in vain."

How can Internet technology design and U.S. policy cause Christianity to decline in America? Both are systemically amoralist and antithetical to Christianity's purposes, priorities, and principles. And both systemically promote, incent, and reward, anarchic amoral, behaviors and outcomes.

By [design](#) the Internet is a peer-to-peer (P2P) system that has proliferated many other P2P networks that have proven [prone](#) to cybercrime and corruption.

P2P technologies are inherently [nonreciprocal](#), i.e., self-oriented by design, self-governing, self-executing, autonomous, and [permissionless](#). Self-oriented inputs yield [selfism](#) and a 'for self alone' creed. Christianity is inherently reciprocal and others-oriented in every way.

P2P design and U.S. Internet unaccountability policy inherently rejects principles existential to Christianity, e.g., [sovereignty](#), [authority](#), [accountability](#), and [responsibility](#).

Online, the imposed [amoralism](#) inherent in U.S. Internet unaccountability policy abdicates authority to legislate, administrate, and adjudicate right vs. wrong, legal vs. illegal, and good vs. evil. For example, Congress' 1996 policy is [Internet and Internet services](#) be "*unfettered by Federal and State regulation*." The Executive Branch's 1997 policy is [ecommerce](#) is "*global*," "*self-regulated*," and "*minimalist*" government. The Supreme Court's 1997 lone Internet [precedent](#) put adult's rights over minors well-being.

Specifically, anarchic amorality by design and policy subverts Christianity’s purposes, priorities, and principles.

1. Anarchic amorality subverts Christians’ belief in God, His sovereignty and first commandment to love your God. Instead, they idolize the Internet, technology, and innovators as gods and idols to worship -- all-knowing, all-seeing, saviors that claim technological answers and solutions to satisfy all the world’s problems, needs, and wants.
2. Anarchic amorality subverts God’s Second Commandment “love your neighbor as yourself” and the Golden Rule [Ethic of Reciprocity](#) of ‘treat others as one wants to be treated’ that every major religion and ethical tradition believes in some form. Anarchic amorality de facto promotes a ‘neglect your neighbor as a nobody’ policy and a ‘Rotten Rule’ of ‘do whatever you want to others.’
3. Anarchic amorality dehumanizes, devalues, and neglects people, who are preciously created in the [image](#) of God. Five Administrations, fourteen congresses, and seventeen Supreme Court Justices, together, have neglected to protect people and minors from harms and crimes online for twenty-six years. Sadly, this appears to be an American ‘[Ezekiel 34](#) period’ where shepherds do not protect, but plunder, their flock – the American people -- to God’s dismay.
4. Anarchic amorality empowers evil to overcome good by ensuring that every person is not subject to the governing authorities that God [instituted](#) to punish wrongdoing, encourage good, and provide people with a conscience.
5. Anarchic amorality rejection of right vs. wrong or good vs. evil, imagines no sinful nature and therefore no government need for a constitution, rule-of-law, rights, or duty-of-care, and no human need for truth, justice, repentance, mercy, or forgiveness.

This decline is not inevitable, but only His Church can keep the Holy Spirit in America.

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What's Causing America's Widespread Worsening?

By Scott Cleland

How can so many things be going more wrong in America at the same time?

Only one cause-effect dynamic is as universal, purposeful, time and technology coincident, and scale, scope, and reach similar. That cause-effect is 1990's U.S. Internet unaccountability policy in [Section 230](#) of the 1996 Communications Decency [Act](#), its Internet intermediary immunity law, and its evident outcomes.

It causes worsening because approved anarchy online empowers bad actors with impunity. It's widespread because everyone uses the Internet for everything everywhere for life, work, and play. It's lasting given five Administrations, fourteen Congresses, and seventeen Supreme Court Justices, together, have neglected to protect people from harms and crimes online since 1996.

America's approved anarchy online has worsened the national outcomes of all six purposes of the U.S. Constitution: "... *form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty ...*"

America has become less united, just, peaceful, secure, flourishing, and blessed since the imposition of 1996 U.S. Internet unaccountability policy without consent of the governed.

1. **Less united.** Social media increasingly [polarizes](#) Americans. From 2000 to 2020, republican and democrat partisanship has skyrocketed 160% per [Pew Research](#).
2. **Less just.** There is no justice online because there is no rule-of-law, rights, duty of care, or access to justice online. Approved anarchy online regresses America to primitivism, where people and [minors](#) are defenseless prey for predators. Cybercrime is out-of-control. Only [.3%](#) is prosecuted.
3. **Less peaceful.** Social media [facilitated](#) America's only unpeaceful transfer of power. Algorithms [promote](#) 'anger' five times more than 'likes.' Social media fame has incited a 300% increase in U.S. mass shootings from thirty-three 1982-2002 to a hundred 2002-2022 [per Statista](#).
4. **Less Secure:** Most Americans [are victims](#) of cyberattacks, cyberbullying, or cybercrime. Surrendering sovereignty online aids and abets our adversaries, [China](#), [Russia](#), and [cybercriminals](#), with [impunity](#). [China](#) has [hacked](#) and [stolen](#) many of America's most valuable secrets. [Russia disrupts](#) America with impunity via ransomware, cybercrime, and interference.
5. **Less Flourishing:** Offline a person is a living citizen with humanity and rights; online a person is a non-living thing, a product or data without humanity or rights. Social media is [causing](#) teen depression and suicides. 100,000 Americans were murdered last year from fentanyl poisoning because 97% of pharmacies online are

illegal. From 2000-2020, U.S. GDP's average annual growth rate ~halved, compared to 1960-2000. 1996 communications law to promote competition over monopoly has perversely promoted much more monopolization.

6. **Less Blessed:** There is no liberty, equality, or justice in anarchy. U.S. Internet unaccountability policy rejects the Golden Rule of 'treat others as you want to be treated,' that most religions and ethical traditions believe in some form. It has been replaced with a Rotten Rule of 'do what you want to others.' This approved amorality demoralizes. From 2000 to 2020, U.S. adult church membership fell 33% from ~70% 1940-2000 to 47% in 2020, per Gallup.

Knowing the cause of America's chaos quo, is knowing the cure for America's chaos quo.

The solutions are either restoring constitutional authority over the U.S. Internet in U.S. policy, or repeal of Section 230. Both deliver same rules and rights offline-online, illegal offline is illegal online. Equal protection under the law.

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Why Are Internet Injustices Mass-Victimizing Americans?

By Scott Cleland

What is Internet injustice?

It's today's rotten reality of [minimal justice](#) online. It's the out-of-control, mass-victimization of Americans via cybercrime, attacks, harassment, and fentanyl-deaths enabled by U.S. Internet unaccountability policy in [Section 230](#) in the 1996 Communications Decency Act. It's also what goaded the Supreme Court to hear [two Section 230 cases](#) concerning Big Tech's criminal liability for hosting illegal activity.

Justice requires accountability. However, in 1996, a [utopian](#) U.S. Internet policy [experiment](#) of [minimal accountability](#) online disestablished justice online and thwarted the Constitution's first [purpose](#) to “*establish justice.*”

In 1996, Congress [declared](#) the Internet, and its services be “*unfettered by Federal and State regulation.*” In 1997, an executive order [declared](#) ecommerce “*self-regulated*” with “*minimal government*” and the Supreme Court effectively [ruled](#) for unlimited Internet free speech online.

What are today's main Internet injustices?

1. *Unjust legal Double Standard.* Offline, people are accountable to rule-of-law. Online, Internet technology and services are not accountable for the same conduct. This unfair double standard enables bad actors to game and arbitrage opposing accountability standards with impunity causing ‘*unequal justice under law.*’
2. *Unequal access to Justice.* Offline the Constitution [guarantees](#) a citizen's access to justice. However online, Section 230 court precedents [regularly result](#) in plaintiffs' cases being immediately denied access to justice by losing via summary judgment before discovery.
3. *Unfair civil duty of care Double Standard.* Offline, all Americans have a civil duty of care to reasonably protect others from foreseeable harm. Online, Internet technology and Internet services are de facto above the law and privileged with no civil duty of care.
4. *Unequal Justice under the law.* U.S. policy inhumanely values and protects technology over humanity and profit over people. It unsafely grants technology [impunity](#) to harm people. It unjustly disenfranchises people without their consent by empowering technology to govern and control people sans rights, due process, or access to justice.
5. *Unjust Constitutional free speech Double Standard of limited speech offline but unlimited speech online.* To protect people from harm, offline the Supreme Court has [ruled](#) which types of speech are harmful and not protected by the First Amendment, e.g., obscenity, fighting words, defamation, child pornography, perjury, blackmail, incitement to imminent lawless action, true threats, and criminal solicitations. Online, the Supreme Court is not protecting

people from harm in enabling online speech ruled harmful offline. In addition, its Section 230 precedent, [Reno v. ACLU](#) sends mixed messages. It overturned the Communications Decency Act (CDA) for too broadly abridging adults’ free speech to access pornography online. It ‘threw out the baby with the bathwater’ when it also overturned CDA [Section 508](#). In 1996, 508 criminalized the “Coercion and Enticement of Minors” for sex or prostitution. This unanimous Supreme Court decision inexplicably implied that coercive speech to minors for sex or prostitution is somehow constitutionally protected free speech. If true, the Supreme Court implies freedom of speech may be anarchically and amorally absolute online.

What Internet Injustice most Mass-Victimizes Americans?

U.S. Internet unaccountability policy has many imagining and advancing the dangerous notion that America’s digital borders must allow an absolutist free flow of info into the U.S. akin to U.S. citizens freedom of speech. This naïve sovereignty surrender online unnecessarily enables out-of-control mass victimization of Americans by bad actors.

America’s adversaries and foreign-sponsored cybercriminals and terrorists are not U.S. citizens and have no First Amendment Rights, to kill, steal, exploit, defraud, or harm Americans.

Cybercrime victimization is [out-of-control](#). Only .05% of cybercrime is [prosecuted](#). Americans [worry](#) most about cybercrimes. Most of the 100,000 Americans killed last year by Fentanyl poisoning died as a result of [illegal](#) online pharmacies. [23%](#) of Americans have suffered from cybercrime, [33%](#) from identity theft, and [64%](#) from theft of their data.

Cyberattack and cyber-harassment victimization is out-of-control. [53%](#) of US adults have been cyberbullied or harassed. [90%](#) of U.S. organizations have been compromised by a cyberattack. [78%](#) of U.S. organizations have suffered from [ransomware](#).

What are the solutions for Internet injustices?

Restore constitutional authority, rule of law, rights, and a duty of care over the U.S. Internet in U.S. policy, or repeal Section 230. Both solutions keep the Internet good (legal conduct) and fix the Internet bad (illegal conduct.) What would change? Americans would go from not having, to having, rights, recourse, and access to justice online. U.S. policy would flip from protecting technology from people, to protecting people from technology. Big tech would go from not being subject, to being subject, to rule-of-law, rights, and a duty-of-care like everyone else.

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Why are Americans losing liberties and rights?

By Scott Cleland

In 2013, Americans considered individual freedoms America's top virtue, per [Gallup](#). Today, most Americans are concerned they are losing, and will continue to lose, their individual freedoms and rights, per surveys by [APM](#) and [PBS](#).

A leading cause of Americans losing their liberties and rights is U.S. Internet unaccountability [policy](#) of [minimal government](#) online in [Section 230](#) of the 1996 Communications Decency [Act](#).

This 'Wild West' Internet policy approves [anarchism](#) in abandoning rule-of-law, rights, and a duty-of-care online. It also approves [amoralism](#) in not legislating or adjudicating right vs. wrong, or legal vs. illegal, online.

This abdication of government authority unwittingly subverts the virtuous essence of American freedom -- the righteous [reciprocity](#) of the Golden Rule of 'treat others as one wants to be treated,' that every major religion and ethical tradition believes in some form and that [92%](#) of Americans support per [Marist](#).

Government reversing its purpose from promoting accountability to unaccountability in [1996](#) has ultimately [proved](#) a [radical](#), reckless policy [experiment](#) on autopilot. The existential threat to Americans' freedoms and rights here is the U.S. government embraced an untested, Internet Experiment of anarchism and amoralism over the exceptionally successful American Experiment of [constitutionalism](#), [religious liberty](#), and [virtue](#).

Philosopher Isaiah Berlin's [Two Concepts of Liberty](#) is instructive here; they are negative liberty (freedom *from* harm) versus positive liberty (freedom *to* harm).

The American Experiment constitutionally governs based on accountable liberty's freedom *from* harm, i.e., individual freedom *with* responsibility (rule-of-law, duty of care), and government power *with* accountability (separation of powers, checks and balances, rule-of-law, and rights.)

The Internet [Experiment](#) de-governs via anarchism and amoralism, so it subverts Americans' equal and inalienable rights. It is based on unaccountable liberty's perverse freedom *to* harm others, i.e., individual freedom *without* responsibility and government power *without* accountability.

Reason and the evidence show 1996, U.S. Internet unaccountability policy, has resulted in Americans losing liberties and rights. They are Americans' God-given inalienable rights of being "created equal" and "life, liberty, and the pursuit of happiness," per our founders' in the 1776 [Declaration of Independence](#).

Lost Equal Rights. U.S. Internet unaccountability [policy](#) took away your equal rights in protecting Internet technology by prohibiting protection of people from technology. This unequally values protecting technology over humanity and profit over people. It unsafely grants technology

impunity over people. And it unjustly empowers technology to govern people without their consent, rights, recourse, or access to justice.

Lost Life Security. Prior to 1996, Americans had a well-established, offline right to privacy based on the Fourth Amendment and federal privacy statutes passed in [1974](#), [1974](#), [1978](#), [1984](#), [1986](#), [1988](#), [1994](#), and [1996](#).

Now most know they have lost all their privacy online and want it back per [Pew Research](#). Lose your privacy, lose your inalienable right to security to stay alive. Why? Privacy is integral to the natural human need for self-preservation. Privacy is akin to being able to hide from potential predatory harm. Without privacy, one can't protect one's security, identity, reputation, or dignity.

Lost Liberty. Humans enjoy liberty and rights, things do not. Offline a person is a living being: human, individual, citizen, voter, customer, or adult/minor with liberty. However, online a person tellingly is not a living thing: they are data, a user, a product, or an avatar without liberty.

Tragically, people have lost their humanity online. Online we're dehumanized inanimate data products, commercial chattel that's bought and sold with impunity by [data brokers](#), without meaningful consent, rights, or recourse. We're indentured servants online, disenfranchised commercial captives of unfair, [one-sided](#), legal terms, indentures, and market power. Minors are prey for predators of all kinds, neglected and devalued with minimal age-appropriate protections.

Lost Personal Sovereignty. Lose your [privacy](#). Lose your personal sovereignty to choose and [control](#) how you live your life. Online we no longer control our own destinies because [others](#) can largely control our virtual value, private data, and identity. And unfettered Big Tech [monopolies](#) largely control what we find, believe, see, say, and share online. U.S. Internet unaccountability policy also unnecessarily preempts citizens' State rights making Americans second-class citizens online via unnecessary Federal preemption of States' authority to protect their citizens from harm.

The [Restore Us Institute](#)'s solutions to losing liberties and rights online, and to most other Internet unaccountability problems, is either to restore Constitutional authority over the U.S. Internet in U.S. policy, or repeal Section 230 to restore constitutional authority online. Both deliver same rules and rights offline and online. Illegal offline illegal online. And they both enable Internet good (legal conduct) while disabling Internet bad (illegal conduct.)

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Are we better off now than before Section 230's unaccountability policy/law?

By Scott Cleland

Are Americans and America better off now than before Section 230 of the 1996 Communications Decency Act? In today's trying times, it's a fair and necessary question to ask.

In 1996, Section 230 made it U.S. policy that the Internet and its services be “*unfettered by Federal and State regulation*” and made it law that Internet services (like Big-Tech and social media today), have immunity from liability for however they intermediate others' interactions online.

Reason and evidence reveal the answer.

The Case for Better Off Now.

U.S. Internet policy/law succeeded at accelerating Internet adoption and buildout of broadband infrastructure. Now in America, everyone everywhere can conduct everything over the Internet. It makes most things and tasks in life, work, and play, more convenient, efficient, accessible, useful, and lower cost.

We now can communicate and stay connected with more people in more ways, more efficiently and economically than ever before. Everyone now has immediate and exceptional access to much of the world's information, improving research, learning, education, science, and innovation. We also can enjoy the greatest variety of entertainment ever.

Ecommerce, transactions, payments, donations, online services, delivery, hiring, job searching, travel, and remote learning/work, now are more convenient, efficient, and lower cost. The Internet also has yielded many transformative innovations.

The Case for Not Better Off Now.

Today, the Internet and its unaccountability policy is an ongoing 1996 utopian, experiment of minimal accountability online. This ‘Wild West’ Internet policy approves anarchism in abandoning rule-of-law, rights, and duty-of-care online. It also approves amoralism in not legislating, administrating, or adjudicating right vs. wrong, or legal vs. illegal, online.

For twenty-seven years, five administrations, thirteen congresses, and seventeen Supreme Court Justices, together, have neglected to: protect Americans and minors from online crimes and harms; provide normal policy oversight; and update outdated Internet policy, as other major nations have.

America and Americans have become dangerously less secure, safe, and defended.

In 1996, U.S. Internet policy surrendered America's sovereignty and government authority online. Since then, this reckless policy of absolutist free flow of data into the U.S. has continuously and unwittingly aided and abetted the attacks of our top adversaries China, Russia, and cybercriminals, with impunity. As a result, at will, China has stolen countless U.S. national security and trade secrets. And Russia has disrupted America at will via rampant ransomware, cybercrime, and election interference.

A hundred thousand Americans have been killed in the last year by out-of-control fentanyl poisoning coming from fake and illegal foreign pharmacies and the unfettered fentanyl flowing from China through Mexican cartels.

By now most Americans have been [victims](#) of cyberattacks, cyberbullying, or [cybercrime](#), because only [.3%](#) of cybercrimes are prosecuted. Warren Buffet [calls cybercrime](#) mankind's #1 problem and cyberattacks a bigger threat than nuclear weapons. Of all crimes, Americans most worry about cybercrimes per [Gallup](#).

Online, no one and nothing in America is safe or secure because there are minimal market forces or government requirements to be safe and secure. That's why the [NSA](#), [CIA](#), [DOD](#), [DOJ](#), [DHS](#), [OPM](#), [White House](#), [Google](#), [Facebook](#), [Amazon](#), [Apple](#), [Microsoft](#), [et al](#) have all been hacked; and hackers can hack [planes](#) in flight, [vehicles](#) on the road, and [ships](#) at sea. U.S. unilateral surrender of its sovereign authority online has made America its own worst enemy for a quarter century.

America's economy, commerce, and markets have become less healthy, stable, and honest.

Internet [unaccountability](#) policy has slowed US. economic growth and lessened U.S. prosperity via parasitic accountability arbitrage business models. Comparing the pre-Internet period of 1960-2000 to the 2000-2020 Internet period, U.S. GDP's average annual growth has [halved](#).

Internet [unaccountable](#) parasitic business models have also yielded extremely disproportionate commercial prosperity. From 2012-2021, the revenue [growth](#) of Amazon, Google, and Facebook, outpaced the other 497 companies in the Fortune 500, by 2,160%. The accountability arbitrage of the parasitic three enabled a massive revenue transfer from their parasite hosts. Specifically, the parasitic three companies outgrew USGDP by 1,200%, which largely came at the expense of the other Fortune 497 companies that lagged the U.S. economy by -42%, per [BEA](#) and [Fortune 500](#) data.

Internet [unaccountability](#) policy tolerates, incents and rewards dishonesty and corruption online and serially has favored, fostered, and fomented a ~\$10 trillion, systemic fraud factory, crime wave, and accountability-arbitrage racket: [Enron fraud](#), [WorldCom fraud](#), [Dotcom crash](#), [fiber fraud](#), [Napster piracy](#), [Grokster piracy](#), [financial crisis fraud](#), [cryptocurrency fraud](#), [unicorn fraud](#), [blockchain fraud](#), [Non-Fungible Token fraud](#) [Robinhood fraud](#), [Decentralized Finance fraud](#), [Cryptocurrency crash](#), [FTX fraud contagion](#), and [FTX crypto-crash](#). Internet policymakers can no longer ignore that [unaccountable](#) commerce/finance cause out-of-control, crime, fraud, and theft.

American society has become less healthy and increasingly dysfunctional.

Americans [trust](#) in honesty, truth, and elections has declined in the Internet era. Americans average confidence in major U.S. institutions has fallen 33% from 2000-2021, [per](#) Gallup. Social media [polarizes](#) people, making Americans more politically [polarized](#) than ever. From 2000-2020, U.S. political partisanship has grown 160% [per](#) Pew Research. And the U.S. Constitution's [objectives](#) are [not flourishing](#).

America's legal double standard of accountability offline, but none online, has proved to be a democracy [destroyer](#) and an extreme machine that [incites polarization, division, hate, rage, and violence](#). Profit over people algorithms [promote](#) 'anger' five times more than 'likes.' These [anger algorithms](#) aided and abetted the [incitement](#) of America's unpeaceful 2021 transfer of power. Social media fame also has incited a 300% increase in U.S. mass shootings from thirty-three 1982-2002 to a hundred 2002-2022 [per](#) Statista. [Mob morality](#) now rules online.

Adult church membership has [plummeted](#) by a third. Confidence in organized religion has [plummeted](#) by a quarter. Americans are [addicted](#) to Internet technology, and becoming more [depressed](#), [lonely](#), and [manipulated](#). The [moral health](#) of the family, marriage, parenting, and children is not flourishing. There's less cultural concern for what is age-inappropriate online -- [confounding parents](#). Social media is [addictive](#) and [causing](#) teen depression, self-harm and suicides.

Americans and minors have lost humanity, individual freedoms, and rights online.

U.S. Internet [unaccountability policy](#) dehumanizes and [tyrannizes](#) Americans. It protects technology from harms, by prohibiting protection of people from harms. It grants technology impunity -- freedom to harm people. And it empowers technology to control and govern people with no rights, recourse, or access to justice.

Online people are not humans, citizens, or customers, they are dehumanized [addicted](#) 'users.' They are inanimate 'data' and '[products](#),' commercial chattel bought and sold with impunity by [data brokers](#), without meaningful human consent, rights, protections, privacy, or security. They also are indentured Americans online abandoned by their government, disenfranchised commercial captives of [one-sided](#) legal terms and indentures.

They are no longer citizens with [rights, privacy](#), or control of their [identity, dignity, reputation](#), and [security](#) online. [Minors](#) are defenseless prey fed to online predators, and minimally protected as [lab rats](#) to surveil, [test, addict](#), and [depress](#), and lambs to abuse and [traffic](#) with impunity.

Conclusion: Reason and the evidence reveal **Americans and America are not better off now than before Section 230's** Internet [unaccountability policy](#) and Internet intermediary impunity law. While the Internet helps substantially, its Section 230 policy and law harm overwhelmingly.

Solution: The solutions restores what Congress unwittingly took away in [1996](#) Internet policy -- constitutional authority over the U.S. Internet. Court cases in [1991](#) and [1995](#) established that the Constitution applied to the Internet. Thus, the solution is to either explicitly restore the U.S. Constitution's authority, rule-of-law, rights, and duty-of-care over the U.S. Internet, in U.S. policy or repeal Section 230 to restore Constitutional authority online. Practically that means: Same rules and rights offline/online. Illegal offline is illegal online. Equal justice under law.

These solutions would make a difference in some crucial ways. Americans would go from not having, to having, rights, recourse, and access to justice online. U.S. policy would flip from protecting technology from people, to protecting people from technology, people primacy policy. Big tech and Internet technology would go from not being subject, to being subject, to rule-of-law and a duty-of-care like everyone else. These are the only solutions that keep the Internet good (legal conduct) and fix the Internet bad (illegal conduct.)

—Scott Cleland is Executive Director of the Restore Us Institute, an internet policy think tank and nonpartisan, faith-based nonprofit with a mission to restore internet accountability to protect people from online harm. Cleland was Deputy U.S. Coordinator for International Communication and Information Policy in the H.W. Bush Administration. To learn more, visit www.RestoreUsInstitute.org.

The Policymaker Case for Section 230 Repeal

Section 230 is the counter-productive U.S. policy and law, that makes the U.S. Internet, Big-Tech, social media, and online bad actors unaccountable.

by [Scott Cleland](#)

What is Section 230 and why should Americans care?

In a nutshell, Section 230 of the 1996 Communications Decency Act is America's only policy and [law governing conduct on the Internet](#).

When Congress [established](#) “the policy of the United States” that the Internet and its services be “unfettered from Federal and State regulation,” the Internet was a bulletin board with dialup speed that was used by early adopters [30 minutes](#) a month.

Section 230 policymaking was designed to encourage the buildout and adoption of the nascent Internet and it accomplished that objective. However, as the Internet matured to be an [all-purpose platform](#), there has been minimal government oversight of this broad de-governing policy experiment. This unaccountable policy experiment of Internet unaccountability has spawned many unintended consequences, including [lost privacy](#), [dishonest dealings](#), [abuse of minors](#), [extreme polarization](#), [monopolizations](#), [cyberattacks](#), [cybercrime](#), and more.

Indeed, what some characterize as a ‘[Wild West](#)’ Internet policy has morphed way beyond simply minimizing regulation and a “hands-off” approach by government. Indeed, it is no rule of law, no policing to protect the public, and no accountability online. This policy has resulted in a form of government-approved anarchism, on autopilot since 1996. One could argue it also has resulted in government-approved amorality, which not only has minimal concern for right and wrong, but which denies the legal [duty of care](#) online that every American can expect offline.

Is Section 230 an ‘extreme machine’ of unintended consequences?

Yes! Most know one gets the behavior one tolerates and encourages. Inputs cause outputs, and the inaction permitted by Section 230 has created a swelling monsoon of unregulated and often illegal activity online. Section 230's [intent](#) was:

- To “*ensure vigorous enforcement of criminal laws*” – the reality is less than .05% of cybercrime is [prosecuted](#).
- To promote decency online through the “*Communications Decency Act*” – the reality is indecent materials are [rife online](#).
- To have “*no effect on communications privacy law*”— the reality is [privacy is lost online](#).
- To create “*a forum for a true diversity of political discourse*,” – the reality is lies, fakery, censorship, disinformation, polarization, [hate](#), and [violence](#), are rampant online.
- To “*empower parents to restrict their children’s access to inappropriate online material*” – the reality is there are minimal [age-appropriate](#) protections and there are more out-of-control indecent materials than one can imagine.
- To “*promote competition and reduce regulation*” – the reality is many [monopolizations](#) and drastic de-governing.

Why repeal Section 230?

As the Internet evolves, so must the law and policy regarding it. Keeping Section 230 in place only paves the way for Big Tech to steamroll over elected officials, our judicial system, and any source of accountability. Here, I have identified the “Big 8” reasons why Section 230 must be repealed:

1. *Unnecessary.* Internet companies are free to buy private liability insurance or operate with reasonable care like everyone else has a legal duty to do. And they can innovate and compete based on reason, care, and integrity.
2. *Antiquated.* The U.S. has gone from being the world’s leader in setting Internet policy and law, to being the world’s laggard in 2023. America is the only major nation yet to modernize its policy on Internet conduct.
3. *National Neglect.* Section 230 addresses only one type of misconduct on the Internet – defamation liability for false statements – neglecting all other harms. As a result, five administrations, fourteen congresses, and seventeen Supreme Court justices, together, have neglected to protect America, Americans, and minors from all other online harms and [crimes](#) for 27 years!
4. *Makes Big-Tech Accountable.* Section 230’s anarchic Internet policy is the Houdini superpower that enables Big-Tech to routinely escape responsibility for their actions and anticompetitive abuses. Over time, Section 230’s unfettered intermediary impunity has in fact established an online regime of Big-Tech, by Big-Tech, for Big-Tech with impunity to censor, spread disinformation, and turn a blind eye to incitement, hate, and violence. Privileged treatment causes polarization that undermines democracy and divides the nation.
5. *Depolarizing.* Repeal is the only constitutional, fair, and accountable solution for Big-Tech/social media’s unfettered intermediary impunity. A rewrite of Section 230 would put Congress in the untenable position of adjudicating the Bill of Rights. Only repeal prevents Congress from facilitating censorship and the spread of disinformation.
6. *Willful Blindness.* Most of Big Tech and its paid proponents plead Section 230 is an Internet essential that harms no one. Their scripted silence about Section 230’s many harms hiding in plain sight is, at best, a collective half-truth, and at worst, widespread [willful blindness](#). Research and evidence by the [Restore Us Institute](#) actually reveals that America and Americans are [worse off now](#) than before Section 230’s unfettered intermediary impunity. The fact is Section 230 has subverted the [Constitution](#), [public safety](#), [national security](#), [justice](#), [religion](#), and [liberties/rights](#).
7. *Internet Injustice.* Today, Congress’ Section 230 [precedents](#) disenfranchise the civil judiciary’s adjudication of Internet illegal conduct cases to legitimately determine truth vs. lies, fake vs. authentic, fair vs. unfair, and legal vs. illegal. That’s because it preempts normal testimony under oath at risk of perjury, “*to tell the truth, the whole truth and*

nothing but the truth.” Congress has unreasonably empowered random unvetted private actors with unfettered intermediary impunity to mediate and meddle with all of Americans’ online interactions and interrelationships arbitrarily and self-servingly for profit, politics, power, surveillance, influence, and dominance.

8. *Existential Enemy.* Government officials have sworn to “*defend the Constitution...against all enemies...*” Section 230 is an existential enemy of the Constitution because its de facto de-governing subverts the government’s sovereignty, authority, and purposes.

Does Section 230 repeal, produce intended consequences?

Yes. The repeal ends any notion that the U.S. Internet is separate from America, and it will intentionally restore the ideal that no one or nothing is above the law or outside governing authorities and a civil duty of care.

Repeal purposefully restores America’s government “of the people, by the people, for the people,” in intentionally restoring an American people primacy principle. It will help prioritize humanity over technology, people over profit and the need to protect minors over adults.

Conclusion

Repeal is not regulation it is restoration of Constitution-limited government. Repeal of Section 230 removes the U.S. Internet as a space free from U.S. Constitutional sovereignty, Bill of Rights, rule of law, and a duty of care. It allows the laws of the nation to apply to the U.S. Internet, thus subjecting all players to the appropriate governing authorities.

Repeal ends special treatment online. Repeal will pave the way for the same rules and rights everyone holds offline to be upheld online. Those acting illegally online are held accountable just as those acting illegally offline are. Unprotected speech offline is unprotected speech online.

Repeal of Section 230 is the only way to restore offline online “[*Equal justice under law.*](#)”

Scott Cleland is Executive Director of the Restore Us Institute (RUI), an Internet policy think tank and nonpartisan, faith-based nonprofit with a mission to restore Internet accountability to protect people from online harm. Cleland was Deputy U.S. Coordinator for International Communications and information Policy in the H.W. Bush Administration. To learn more, visit www.RestoreUsInstitute.org and www.ScottCleland.com

NOTE: Section 230 and its infamous “[*Twenty-Six Words*](#)” did not create the Internet in 1996. In 1974, [*Vint Cerf*](#) and [*Bob Kahn*](#) created the Internet’s enabling TCP/IP communications protocols. In 1989, [*Sir Timothy John Berners-Lee*](#) created the Internet’s enabling [*World Wide Web*](#). In 1996, Section 230 did create the “Six Words That Made the Internet Unaccountable” -- “*unfettered by Federal and State regulation.*”

Are we better off now than before Section 230? If not repeal it.

By Scott Cleland

Are America, Americans, and minors better off now than before [Section 230](#) of the 1996 Communications Decency Act? In today's trying times, it's a fair and necessary question to ask.

In 1996, Section 230 made it U.S. policy that the Internet and its services be “*unfettered by Federal and State regulation*” and made it law that Internet services (like Big-Tech and social media today), have immunity from civil liability for how they intermediate others' interactions online.

Reason and evidence will reveal whether Section 230 has made us better or worse off.

The Case For Better Off Now.

U.S. Internet policy/law succeeded at accelerating Internet adoption and buildout of broadband infrastructure. Now in America, everyone everywhere can conduct everything over the Internet. It makes most things and tasks in life, work, and play, more convenient, efficient, and lower cost.

We now can communicate and stay connected with more people in more ways, more efficiently and economically than ever before. Everyone now has immediate and exceptional access to much of the world's information, improving research, learning, education, science, and innovation. We also can enjoy the greatest variety of entertainment ever.

Ecommerce, transactions, payments, donations, online services, delivery, hiring, job searching, travel, remote learning/work, and more, now are more convenient, efficient, and lower cost. The Internet also has yielded many transformative innovations.

The Case Against Better Off Now.

Today, the Internet and its unaccountability [policy](#) is an ongoing 1996 [utopian](#), [experiment](#) of [minimal accountability](#) online. This ‘[Wild West](#)’ Internet policy approves [anarchism](#) in abandoning the Constitution, rights, rule-of-law, and duty-of-care online. It approves [amoralism](#) also in not legislating, administrating, or adjudicating right vs. wrong, or legal vs. illegal, online.

For twenty-seven years, five administrations, fourteen congresses, and seventeen Supreme Court Justices, together, have neglected to: protect Americans and minors from online crimes and harms; provide normal policy oversight; or update outdated Internet policy, as other major nations have.

America, Americans, and minors are much less secure, safe, and protected than before.

In 1996, U.S. Internet policy surrendered America's [sovereignty](#) and [government authority](#) online. Since then, this reckless policy of absolutist free flow of data into the U.S. has continuously and unwittingly aided and abetted the attacks of our top adversaries [China](#), [Russia](#), and [cybercriminals](#), with [impunity](#). As a result, at will, [China](#) has [stolen](#) countless U.S. national [security](#) and trade [secrets](#). And Russia has [disrupted](#) America at will via rampant [ransomware](#), [cybercrime](#), and election [interference](#).

[Per the CDC](#), seventy thousand Americans have been killed annually by out-of-control fentanyl poisoning coming from [rampant](#) illegal foreign pharmacies online, via an unfettered fentanyl [supply chain](#) flowing from China through Mexican cartels who then sell [through](#) U.S. social media.

By now most Americans have been [victims](#) of cyberattacks, cyberbullying, or [cybercrime](#), because only [.3%](#) of cybercrimes are prosecuted. Warren Buffet [calls cybercrime](#) mankind's #1 problem and cyberattacks a bigger threat than nuclear weapons. Americans [most worry](#) about cybercrimes.

Online, no one and nothing in America is safe or secure because there are minimal market forces or government requirements to be safe and secure. That's why the [NSA](#), [CIA](#), [DOD](#), [DOJ](#), [DHS](#), [OPM](#), [White House](#), [Google](#), [Facebook](#), [Amazon](#), [Apple](#), [Microsoft](#), [et al](#) have all been hacked; and hackers can hack [planes](#) in flight, [vehicles](#) on the road, and [ships](#) at sea. U.S. unilateral surrender of its sovereign authority online has made America its own worst enemy for 27 years.

America's economy, commerce, and markets are more unhealthy, unfair, dishonest, unstable, and anti-competitive than before.

At first, Congress expected Internet [unaccountability](#) policy to spur growth of Internet adoption and broadband infrastructure, which it did. However, it quickly descended to slower U.S. economic growth and less U.S. prosperity via parasitic [accountability arbitrage](#) business models. Comparing the pre-Internet period of 1960-2000 to the 2000-2020 Internet period, U.S. GDP's average annual growth has fallen by [~half](#). An online/offline accountability double standard is an unfair playing field that has manifested many [monopolizations](#) of what otherwise would be competitive markets.

Internet [unaccountable](#) parasitic business models have also yielded extremely disproportionate commercial prosperity. From 2012-2021, the revenue [growth](#) of Amazon, Google, and Facebook, outpaced the other 497 companies in the Fortune 500, by 2,160%. The accountability arbitrage of the parasitic three enabled a massive revenue transfer from their parasite hosts. The parasitic three companies outgrew USGDP by 1,200%, which largely came at the expense of the other Fortune 497 companies that lagged the U.S. economy by -42%, per [BEA](#) and [Fortune 500](#) data.

Internet [unaccountability](#) policy tolerates and encourages dishonesty and corruption online and serially has favored, fostered, and fomented a ~\$10 trillion, systemic fraud factory, crime wave, and accountability-arbitrage racket: [Enron fraud](#), [WorldCom fraud](#), [Dotcom crash](#), [fiber fraud](#), [Napster piracy](#), [Grokster piracy](#), [financial crisis fraud](#), [cryptocurrency fraud](#), [unicorn fraud](#), [blockchain fraud](#), [Non-Fungible Token fraud](#), [Robinhood fraud](#), [Decentralized Finance fraud](#), [Cryptocurrency crash](#), [FTX fraud contagion](#), [FTX crypto-crash](#), [AI voice scams](#), etc. Internet policymakers can no longer ignore that [unaccountable](#) commerce/finance cause out-of-control, crime, fraud, and theft.

America's society is much less healthy and more dysfunctional and dystopian than before.

Americans' [trust](#) in honesty, truth, and elections has declined in this 'Internet Upset Era.' Americans' average confidence in major U.S. institutions has fallen 33% from 2000-2021, [per](#) Gallup. Social media [polarizes](#) people, making Americans more politically [polarized](#) than ever. From 2000-2020, U.S. political partisanship has grown 160% [per](#) Pew Research. And the U.S. Constitution's [objectives](#) are [not flourishing](#) as they did before.

America's legal double standard of accountability offline, but none online, has proved to be a democracy [destroyer](#) and an extreme machine that [incites polarization](#), [division](#), [hate](#), [rage](#), and [violence](#). Profit over people algorithms [promote](#) 'anger' five times more than 'likes.' These [anger algorithms](#) aided and abetted the [incitement](#) of America's unpeaceful 2021 transfer of power. Social media fame also has incited a 300% increase in U.S. mass shootings from thirty-three 1982-2002 to a hundred 2002-2022 [per](#) Statista. [Mob morality](#) now rules online.

Adult church membership has [plummeted](#) by a third. Confidence in organized religion has [plummeted](#) by a quarter. Americans are [addicted](#) to Internet technology, and becoming more [depressed](#), [lonely](#), and [manipulated](#). The [moral health](#) of the family, marriage, parenting, and children is no longer flourishing. Now there is much less cultural concern for what is age-inappropriate online -- [confounding parents](#). Social media is [addictive](#) and [causing](#) teen depression, self-harm and suicides, especially for teenage girls per [CDC data](#).

Americans/minors live dehumanized with fewer rights, freedoms, and morals than before.

U.S. Internet [unaccountability policy](#) dehumanizes Americans. It protects technology from harms, by prohibiting protection of people from technology harms. It grants technology impunity -- freedom to harm, control, and rule over people with no rights, recourse, or access to justice.

Online people are not humans, citizens, or customers, they are dehumanized [addicted](#) 'users.' They are inanimate 'data' and '[products](#),' commercial chattel bought and sold with impunity by [data brokers](#), without meaningful human consent, rights, protections, privacy, or security. They also are indentured Americans online, abandoned by their government as disenfranchised commercial captives of [one-sided](#) legal terms and indentures.

They are no longer citizens with [rights](#), [privacy](#), or control of their [identity](#), [dignity](#), [reputation](#), and [security](#) online. [Minors](#) are defenseless prey fed to online predators, and minimally protected as [lab rats](#) to surveil, [test](#), [addict](#), and [depress](#), and lambs to abuse and [traffic](#) with impunity.

The most corrupting, and endangering effect of U.S. Internet [unaccountability policy](#) may be how it holistically overturns how we all should interact with one another. Offline [92%](#) of us embrace and follow the [Golden Rule](#) of 'Treat others as you want to be treated' that every major religion and ethical tradition believes in some form. Internet [unaccountability policy](#) is like a 'Rotten Rule' of 'do whatever you want to others' online, i.e., the unfettered freedom/impunity to harm others.

Conclusions:

1. Section 230 is an unmitigated National Nightmare and Digital Disaster, requiring repeal.

Reason, and the evidence sample above, reveal Americans, minors, and America are much worse off than before Section 230 became law and official U.S. Internet policy in 1996.

That's because: America, Americans, and minors are much less secure, safe, and protected; our economy, commerce, and markets are more unhealthy, unfair, dishonest, unstable, and anti-competitive; our society is much less healthy and more dysfunctional and dystopian; and individually we live more dehumanized with fewer rights, freedoms, and morals.

This rotten reality requires repeal to mitigate the problems and harms Section 230 has caused.

2. Section 230's extreme anti-government policy is extremely bad government.

In 1996, Congress overwhelmingly made it U.S. policy that a new universal technology, and all its applications and companies should forever be “*unfettered by Federal and State regulation,*” i.e., above the law and not subject to the Constitution, governing authorities, rule-of-law, a duty of care, and other normal societal responsibilities/accountabilities.

This has the government endorsing and modeling extreme governmental assumptions.

It effectively asserts there is no good in government and never will be, in de facto assuming people have no sin nature, and that there are no enemies, criminals, attackers, terrorists, threats, or risks that warrant government protections, defenses, deterrents, and rights.

It teaches the public to see the Government as the #1 problem facing America, as they do today, per a [2023 Gallup poll](#).

It essentially teaches the American public to distrust our Federal, State, and local governments. No surprise U.S. public trust in Government has been consistently lower in the Internet Era than any other extended period in the last sixty years [per Pew Research](#).

It also puts all elected/appointed government officials and employees in the untenable position of ignoring their sworn [oath of office](#) ... “*to support and defend the Constitution of the United States against all enemies foreign and domestic...*”

Repealing Section 230 is the best way to restore good U.S. Internet policy and good government.

3. Holistic technology/policy causes holistic problems, requiring a holistic solution -- repeal.

A holistic [all-purpose](#) technology ungoverned by a holistic Internet [unaccountability policy](#), naturally causes holistic Internet harms like those catalogued above, that in turn naturally require a symmetrical holistic solution to the problems/harms Section 230 has been causing broadly for 27 years. The only symmetrical holistic solution is repeal of Section 230.

Only repeal can restore what Congress unwittingly took away in [1996](#) Internet policy – sovereignty, constitutional authority, rule-of-law, duty of care, and access to justice over the U.S. Internet. Practically going forward that means: Same rules and rights offline/online. Illegal offline is illegal online. Equal justice under law.

Only repeal enables Americans to go from not having, to having, rights, recourse, and access to justice online. U.S. policy would flip from protecting technology from people, to protecting people from technology, i.e., people primacy policy. Big tech and Internet technology would go from not being subject, to being subject, to rule-of-law and a duty-of-care like everyone else. Repeal keeps the Internet good (legal conduct) and fixes the Internet bad (illegal conduct.)

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The six words that created America's Internet injustice system.

By [Scott Cleland](#)

How could our constitution-premised country, that has [prioritized](#), [cherished](#), and [established](#) justice from its creation, two centuries later unwittingly create, justify, and sustain the exact opposite -- a universal anti-constitution Internet injustice system for the 21st century?

In 1996, Congress never intended to create a permanent 21st Century America, Internet injustice system, but it has since 1997, via [six words](#): “*unfettered by Federal and State regulation.*”

A. How could this happen?

In 1996, the Internet had bulletin board functionality, dial-up speed, and was [used](#) by early adopters 30 minutes a *month*. Nevertheless, based on that non-expertise and inexperience, Congress passed [Section 230](#) of the 1996 [Communications Decency Act](#), which today's Internet interests idolize as “*The 26 words that created the Internet*” and the “*Digital Magna Carta.*”

In 1996, Congress [declared](#) in Section 230: “*It is the policy of the United States... to preserve the vibrant and competitive free market that presently exists for the [Internet](#) and other [interactive computer services](#), unfettered by Federal or [State](#) regulation.*”

‘[Unfettered](#)’ means “*not controlled or restricted.*” It is the most extreme adjective for how good government should not govern. Government's primary reason and purpose for being is to protect people from what they can't protect against themselves, i.e., control and restrict the outcomes of security threats and risks like attacks, terrorism, crime, fire, natural disasters, etc.

‘Unfettered’ in this context means prohibiting sovereignty, government, the Constitution, borders, courts, police, public safety, i.e., [anarchism](#); ‘unfettered’ also means the injustice of courts not adjudicating right/wrong, truth/lies, good/evil, and legal/illegal i.e., [amoralism](#). There is no justice in anarchism or amoralism, only injustice.

How could Section 230's U.S. Internet policy [six words](#): “*unfettered by Federal and State regulation,*” create America's Internet Injustice system? In 1997, the Fourth Circuit Court of Appeals' watershed [Zeran v. AOL Inc.](#) precedent explained: “*...Congress' desire to promote unfettered speech on the Internet must supersede conflicting common law causes of action.*”

Given that every other federal circuit has adopted [Zeran's](#) rationale for blanket immunity, Section 230 has become a universal judge-made-law for the 21st Century. Practically, the judicial branch has legislated ‘unfettered immunity’ i.e., impunity, for most online misdeeds for a quarter of a century. Over time, Federal courts have systemically universalized Section 230 as a judge-made law and procedure that grants negligent corporations a de facto [get-out-of-court-free-card](#) via routine dismissal of Section 230 cases before discovery.

B. What makes Section 230 America's Internet injustice system?

1. Section 230's primary premises create an Internet injustice system by default.

- a) **An ethos of Internet above all:** Internet special interests, elites, and Big-Tech have long idolized Section 230, e.g., “*The 26 words that created the Internet,*” The primary premise

presumption, and conceit of [Internet special interests](#) and [elites](#) concerning Section 230 is ‘Internet first.’ Practically, that means whatever is good for the Internet is good for the world, America, Americans, and the future. Unfortunately, the [evidence proves](#) otherwise.

- b) **Unfair and unjust by design.** [Section 230](#) is inherently a narcissistically, one-sided and one-way premise with extreme partiality and favoritism for Internet special interests’ above and before the well-being and safety interests of others. Simply, it perversely protects platforms from people by prohibiting protection of people from platforms online. Thus, best for technology isn’t best for humanity and best for profit isn’t best for people.
- c) **A fraudulent massive moral hazard?** Internet interests have long branded what Section 230 does for Internet platforms and services as ‘intermediary immunity’ even though those words are not found in Section 230. In addition, drafters of Section 230 benevolently named the provision “*Protection for “Good Samaritan” blocking and screening of offensive material.*” This signaled Congress’ virtuous intent and hope that under Section 230’s ‘intended incentives,’ there would be no “civil liability” for how an Internet service blocks or screens offensive material online, because they don’t risk liability. The problem with this thinking can be two-fold.

First, ‘intermediary immunity’ law intertwined with “*unfettered by Federal and State regulation*” policy transmogrifies into ‘unfettered intermediary impunity’ -- a very different and much more dangerous animal than ‘intermediary immunity’ for “Good Samaritans.” It is telling that the [Zeran v. AOL](#) precedent followed by all Federal Circuits sided with the notion that Section 230 proffered expansive or blanket immunity/impunity as Congress’ intent.

Second, a big red flag here is potential Section 230 misrepresentation. Those who represented Section 230 as only eliciting good Samaritan conduct and never bad Samaritan conduct because Section 230 titling and its proponents say so, may be potential willful blindness to bad Samaritans, people’s sin nature, and the clear moral hazard of Section 230’s premise of promoting good/justice, not bad and injustice in return for ‘unfettered intermediary impunity.’

A moral hazard is “*anytime a party in an agreement [like a platform relying on Section 230 ‘intermediary immunity]’ does not have to suffer the potential consequences of a risk, the likelihood of a moral hazard increases.*” In [other words](#), *a moral hazard can exist when a party to a contract [Section 230] can take risks without having to suffer consequences.*”

2. Section 230 has unjustly changed the Internet, America, and the U.S. Government.

As Section 230 increasingly changed into America’s default minimalist Internet legal system, the Internet, America, and Government, also increasingly changed in adverse ways that the 1996 Congress could never have imagined.

- a) *Internet’s change:* Today’ unfettered Internet enables everyone to conduct everything everywhere for life, work, and play empowered by platforms with billions of users, millions of applications, trillion-dollar valuations, and unfettered intermediary impunity to control others’ interactions, interrelations, and data for profit, power, and politics.

- b) *America's change:* The [evidence](#) shows that Section 230's policy of no Federal or State government online has made America, Americans, and minors worse off than before Section 230, i.e., endangered with minimal online responsibility, privacy, humanity, security, safety, stability, unity, civility, truth, integrity, justice, fairness, and decency.
- c) *U.S. Government change:* 5 Administrations, 14 Congresses and 17 Supreme Court Justices together have ignored their oaths to support the Constitution in neglecting to protect America, Americans, and minors from online attacks, crimes, and harms for 27 years! That's the opposite outcome expected of the U.S. Constitution and government.

3. Section 230 empowers mass-victimizations of Americans.

- a) **U.S. Internet unaccountability policy** has many imagining and advancing the dangerous notion that America's digital borders must allow an absolutist free flow of info into the U.S. akin to U.S. citizens freedom of speech. This reckless sovereignty surrender online unnecessarily enables out-of-control mass victimization of Americans by bad actors.
- b) **America's adversaries** and foreign-sponsored cybercriminals and terrorists are not U.S. citizens and have no First Amendment Rights, to kill, steal, exploit, defraud, or harm Americans or minors.
- c) **Cybercrime victimization is out-of-control.** Only .05% of cybercrime is [prosecuted](#). Americans [worry](#) most about cybercrimes. Most of the 100,000 Americans killed last year by Fentanyl poisoning died as a result of [illegal](#) online pharmacies. [23%](#) of Americans have suffered from cybercrime, [33%](#) from identity theft, and [64%](#) from theft of their data.
- d) **Cyberattack and cyber-harassment victimization is out-of-control.** [53%](#) of US adults have been cyberbullied or harassed. [90%](#) of U.S. organizations have been compromised by a cyberattack. [78%](#) of U.S. organizations have suffered from [ransomware](#).

4. Section 230 empowers misappropriation of others' liberties and rights.

- a) **Life security.** Prior to 1996, Americans had a well-established, offline right to privacy based on the Fourth Amendment and federal privacy statutes passed in [1974](#), [1974](#), [1978](#), [1984](#), [1986](#), [1988](#), [1994](#), and [1996](#).

Now most know they have lost all their privacy online and want it back per [Pew Research](#). Lose your privacy, lose your inalienable right to security to stay alive. Why? Privacy is integral to the natural human need for self-preservation. Privacy is akin to being able to hide from potential predatory harm. Without privacy, one can't protect one's security, identity, reputation, or dignity.

- b) **Lost liberty.** Humans enjoy liberty and rights, things do not. Offline a person is a living being: human, individual, citizen, voter, customer, or adult/minor with liberty. However, online a person tellingly is not a living thing: they are data, a user, a product, or an avatar without liberty.

People have lost their humanity online. Online we're dehumanized inanimate data products, commercial chattel that's bought and sold with impunity by [data brokers](#), without meaningful consent, rights, or recourse. We're indentured servants online, disenfranchised commercial captives of unfair, [one-sided](#), legal terms, indentures, and market power. Minors are prey for predators of all kinds, neglected and devalued with minimal age-appropriate protections.



- c) **Lost personal sovereignty.** Lose your [privacy](#). Lose your personal sovereignty to choose and [control](#) how you live your life. Online we no longer control our own destinies because [others](#) can largely control our virtual value, private data, and identity. And unfettered Big Tech [monopolies](#) largely control what we find, believe, see, say, and share online. U.S. Internet unaccountability policy also unnecessarily preempts citizens' State rights making Americans second-class citizens online via unnecessary Federal preemption of States' authority to protect their citizens from harm.

5. Section 230 spawns unjust standards.

- a) *Unjust legal Double Standard.* Offline, people are accountable to rule-of-law. Online, Internet technology and services are not accountable for the same conduct. This unfair double standard enables bad actors to game and arbitrage opposing accountability standards with impunity causing '*unequal justice under law.*'
- b) *Unequal access to Justice.* Offline the Constitution [guarantees](#) a citizen's access to justice. However online, Section 230 court precedents [regularly result](#) in plaintiffs' cases being immediately denied access to justice by losing via summary judgment before discovery.
- c) *Unfair civil duty of care Double Standard.* Offline, all Americans have a civil duty of care to reasonably protect others from foreseeable harm. Online, Internet technology and Internet services are de facto above the law and privileged with no civil duty of care.
- d) *Unequal Justice under the law.* U.S. policy inhumanely values and protects technology over humanity and profit over people. It unsafely grants technology [impunity](#) to harm people. It unjustly disenfranchises people without their consent by empowering technology to govern and control people sans rights, due process, or access to justice.
- e) *Unjust Constitutional free speech Double Standard of limited speech offline but unlimited speech online.* To protect people from harm, offline the Supreme Court [rules](#) which types of speech are harmful and not protected by the First Amendment. Online, the Supreme Court isn't protecting people from harm in enabling online speech ruled harmful offline.

CONCLUSION: What solves Section 230's U.S. Internet injustice system?

Section 230 is ancient in Internet years. Section 230's injustice system is regress to a primitive, pre-justice time when might was right, and people did not have rights, freedom, or equality.

[Reason](#) and the [evidence](#) expose Section 230 as indefensible, irreformable, and unsustainable.

Repeal of Section 230 is the only way to end Section 230's reign of error, injustice, and Rotten Rule of "Do whatever you want to others." Repeal is the only proven, time-tested, constitutional solution that most can readily understand and support, and the only way to restore sovereignty, the Constitution/Bill of Rights, rule-of-law, a duty of care, and justice. Repeal is same rules and right offline-online. Illegal offline, illegal online. Equal justice under law. Only repeal keeps the good (legality) and rids the bad (illegality). Forewarned is forearmed.

Scott Cleland is Executive Director of the Restore Us Institute, an internet policy think tank and nonpartisan, faith-based nonprofit with a mission to restore internet accountability to protect people from online harm. Cleland was Deputy U.S. Coordinator for International Communication and Information Policy in the H.W. Bush Administration. To learn more, visit www.RestoreUsInstitute.org.

What makes AI most dangerous makes it most fixable.

By Scott Cleland

[Many fear](#) the latest unaccountable generation of artificial intelligence (AI), [generative AI](#) or [ChatGPT](#), and its [accelerated](#) deployment to the public, could make AI humanity's [biggest existential threat](#).

Unaccountable generative AI warrants s existential concern because already it has proven to be [unexplainable](#), [unpredictable](#), and [uncontrollable](#).

Key Context for evaluating the existential need for AI accountability.

Fortunately for humanity, the [Center for Humane Technology](#) (CHT), which exposed how social media harms the mental health and wellbeing of people and minors in the 2020 documentary [The Social Dilemma](#), is now reprising that needed responsibility role in exposing how generative AI unaccountably threatens humanity's health and existence, in its 2023 podcast [The AI Dilemma](#).

To create a “*shared frame of reference*,” CHT [educates](#) that Generative AI is growing in speed and power at unprecedented, exponentially-exponential, rates. They flag there is no content verification to detect or protect against ubiquitous [deepfake](#) misrepresentations and disinformation. They also warn there is no AI research on how to make AI aligned with humanity's survival and best interests long-term.

CHT wisely warns us to not repeat the damaging mistake of self-policed social media on autopilot again with self-policed, existential-threat AI on autopilot.

CHT's co-founders, Tristan Harris and Aza Raskin, are also [wisely asking](#) everyone this time the same AI humanity protection question: “*what should be happening that's not happening and needs to happen to protect humanity from AI harms?*”

Their wise warning and essential existential question inspired this piece and contribution to the cause of Internet/AI accountability, because Restore Us Institute's (RUI) tagline and purpose is to “*restore humanity online*,” and its mission is “*Restore Internet accountability to protect people from online harm*. RUI is weighing in because AI may be the most enabling, empowering, accelerating, augmenting, and generating Internet service that benefits and harms users warranting accountability.

Fears that unaccountable AI existentially threatens humans are warranted.

Unaccountable experimentation on Americans/minors: In December, one unaccountable AI leader, OpenAI CEO [Sam Altman](#), unilaterally, prematurely, and knowingly, [unleashed](#) a potentially dangerous [ChatGPT AI experiment](#) on the public and children. He [bragged](#) “*People talk about AI as a technological revolution. It's even bigger than that, it's going to be this whole thing that touches all aspects of society.*”

AI Experts Urge ChatGPT Caution: AI experts and leaders ([>27,000 signers](#)) found Altman's accelerated public experiment reckless, and publicly pushed back via an [open letter](#) calling for a six-month pause in giant generative AI experiments on the public.

AI can already replicate and outperform humans: AI already can [write code](#), [create another AI](#), [create a better AI than humans can create](#), and is growing [multi-exponentially](#), more powerful than before.

Existential Risk: The more one learns about generative AI risks, the more one fears AI [unaccountability](#). “*More than 3 in 5 adults and 7 in 10 regular AI users are concerned AI tools pose an existential threat to humans.*” Morning Consult [survey](#).

The AI Dilemma: The Center for Humane Technology, in its tour spotlighting “[The AI Dilemma](#),” is wisely warning: “*50% of AI researchers [believe](#) there is a 10% or greater chance that humans go extinct from our inability to control AI.*”

A Big Tech ‘AI Harms Race’ of profit over people: Rather than pausing giant AI experiments that can endanger the public, America’s largest ChatGPT-AI social media platforms, -- Google’s [Bard AI](#) and Microsoft’s [ChatGPT-4Bing AI](#) – have accelerated a [potential](#) ‘AI Harms Race.’

What makes AI most dangerous?

U.S. policy that makes AI unfettered by Federal/State Government makes AI most dangerous.

In 1996, Congress [declared](#) in Section 230: “*It is the policy of the United States to preserve the vibrant and competitive free market that presently exists for the [Internet](#) and other [interactive computer services](#), [i.e., AI, algorithms, cloud, apps, etc.] unfettered by Federal or [State](#) regulation.*”

Nothing is more dangerous than making potentially the biggest [existential threat to humanity](#) unfettered by government with impunity to threaten humanity for perpetuity.

Merriam Webster defines “[unfettered](#)” as “*not controlled or restricted.*”

Unfettered AI is:

Reckless endangerment and gross negligence, because AI is not only ‘unfettered’ but also [unexplainable](#), [unpredictable](#), and [uncontrollable](#).

Dangerously above the law and not subject to U.S. Government essentials: sovereignty, Constitutional authority, limited government, rights, rule of law, and civil duty of care.

Subversion of Government’s existential purpose -- to protect people from what they can’t protect against themselves, i.e., attacks, terrorism, crime, disinformation, fire, disasters, etc.

Amoral anarchism – in ignoring sovereignty, limited government, the Constitution, borders, police, public safety, i.e., [anarchism](#); and denying rights, rule-of-law, duty of care, access to justice, and adjudication of truth/lies, legal/illegal, & right/wrong, i.e., [amoralism](#).

CHT: *What should be happening that’s not happening and needs to happen to protect humanity?*

The Commerce Department now is [seeking](#) public input on “*what policies should shape the AI accountability ecosystem.*” Congress is [learning](#) that trusting self-policed social media was a mistake and a national mental health disaster, and perpetuating self-policed-AI only worsens a bad situation. Congress [heard](#) the FTC Chairman say ChatGPT could “*turbocharge online fraud.*”

CONCLUSION: Section 230 makes AI most dangerous and 230 repeal makes AI most fixable.

CHT AI Accountability question: “*what should be happening that’s not happening and needs to happen to protect humanity from AI harms?*” -- **Facilitate Section 230 repeal!**

Artificial intelligence (AI) can both existentially threaten and benefit humanity. This duality reality means humanity faces a holistic, 21st Century existential challenge *and* opportunity.

Thus, the questions and tasks here are how America can both deter and protect against bad and dangerous AI, while encouraging beneficial and safe AI?

In other words, how can humanity accountably prioritize protection of its existence and wellbeing from AI, while also accountably keeping the substantial benefits AI can provide humanity along the way?

Today’s AI unaccountability baseline is set by America’s only Internet conduct policy/law [Section 230](#) of the 1996 Communications Decency Act. By default, Section 230 Internet *conduct* policy/law is the only AI *conduct* policy/law.

The Internet & AI are integrated and interdependent. New generative AI could not exist and perform without: internet-enabled [cloud computing](#); [Internet-accessible content](#) for AI’s machine learning; and Internet demand/[Internet users/consumers](#) (ChatGPT’s 100 million monthly users make it the [fastest growing](#) consumer app in history.)

AI complements and turbocharges Internet services. AI may be the most enabling, empowering, accelerating, augmenting, and generating Internet service that benefits and harms Internet users, warranting accountability.

Interdependent offline-online worlds. The physical world and the online Internet/AI world are *not* separate and independent spaces as 1990’s [utopians](#) first imagined. Today the offline and online worlds are now fully integrated and interdependent systems that enable everyone to conduct everything everywhere online for life, work, and play.

Simply, we need a holistic AI accountability system that can block bad and guard good AI.

The great news is it already exists. It is a proven, time-tested, and emulated system. It hides in plain sight. It is Constitutional. It’s one of the best innovations in modern world history.

It is designed to deliver fair and reasonable outcomes: e.g., help over harm, truth over lies, legal over illegal, right over wrong. Most can support it because it is familiar and easy to understand.

That great news is America can restore U.S. sovereignty, Constitution & Bill of Rights authority, Constitution limited government, rule-of-law, civil duty of care, justice, & law enforcement, by repealing Section 230.

In 1996, Section 230 abdicated U.S. sovereignty, constitution-authority & rule of law online; repeal of 230 restores fidelity and defense of the U.S. Constitution, while simultaneously:

Checking AI’s out-of-control, existential threats to humanity; *and*

Balancing in control benefits to continue to provide AI’s many benefits to humanity.

Repeal of Section 230 is the only way to control generative AI by blocking bad AI and guarding good AI via restored rule of law and duty of care online.

Repeal is the only proven, time-tested, constitutional solution that most can readily understand and support.

Repeal means same rules and rights offline-online. Illegal offline, illegal online. Equal justice under law.

Only repeal and the restoration of Constitutional limited government rule of law and duty of care check and balance keeping the good legal and safe AI and ridding the bad illegal and dangerous AI.

Forewarned is forearmed.

Scott Cleland is Executive Director of the Restore Us Institute, an internet policy think tank and nonpartisan, faith-based nonprofit with a mission to restore internet accountability to protect people from online harm. Cleland was Deputy U.S. Coordinator for International Communication and Information Policy in the H.W. Bush Administration. To learn more, visit www.RestoreUsInstitute.org.

Section 230 precedent is Trojan Horse tech-tort reform not Congress' intent.

By [Scott Cleland](#)

America and Americans have been badly deceived and cheated for a quarter century.

Section 230's U.S. Fourth Circuit Court of Appeals precedent, [Zeran v. AOL](#), adopted by most federal circuit courts to [justify](#) denying online victims/plaintiffs access to justice, turns out to be a **modern-day, tragic Trojan Horse trick**.

When *Zeran v. AOL* misrepresented Section 230's intent in 1997, it was assumed and heralded to be a legitimate representation of Congress' intent and scope for Section 230 and a faithful defense of the Constitution. The evidence indicates it is not, but is **de facto judge-made, absolutist, tech-tort reform law**, e.g., "...Congress' desire to promote unfettered speech on the Internet must supersede conflicting common law causes of action."

As it turns out, [Zeran v. AOL](#) has de facto unconstitutionally legislated: a bogus absolutist problem that common law justice threatens free speech online; a bogus purpose of ensuring absolutist "unfettered speech" online;" the bogus absolutist "immediate comprehensive effect" and scope of Section 230 online, and the bogus task of imposing absolutist tech-tort reform.

This autocratic abuse of power, denial of democracy, corruption of the Constitution, and deception of the people it governs, **calls for a rethink of Section 230, and its purpose, problems, and solutions** by each branch of the U.S. Government, the trial bar, and the public.

This misrepresentation and power grab, strengthens [the case for repeal](#) of Section 230 and its suspect precedent progeny, and it encourages court challenges of *Zeran v. AOL* from all quarters.

It is no coincidence or surprise that the [inputs](#) of such extremes, fraud, and half-truths have yielded the [outputs](#) of an [Internet rife](#) with so many extremes, fraud, lies, and mistrust. Fraud in is fraud out.

This piece and its evidence will shed light on how *Zeran v. AOL* has been and is a misrepresentation of Congress' Section 230 intent and a corruption of the Constitution's separation of powers and checks and balances.

Why is this tragic trick critically relevant today?

- **Congress is struggling** to [legislate accountability](#) for Big-Tech/social media problems caused by judge-made, absolutist, tech-tort reform that it never considered, wrote, passed, or intended.
- **The Supreme Court is struggling** in [serially punting](#) ruling on the scope of Section 230 since no entity has yet to challenge the legitimacy or constitutionality of *Zeran v. AOL* precedent.
- **The Judiciary is struggling** to ensure citizens' [constitutional right](#) to a jury trial because judge-made, absolutist, tech-tort reform [broadly impedes](#) online victims' access to justice.
- **The Executive Branch is struggling** to clean up the Big-Tech/social-media unaccountability mess caused by absolutist [executive](#) and [judicial](#) activism and Congress' legislative inaction.
- **People are struggling** from [mass-victimizations](#) of online harms without protection or recourse.
- **Plaintiff Trial lawyers are struggling** to beat Section 230's "[Big-tech get-out-of-court-free card](#)," because they have yet to challenge the legitimacy and constitutionality of [Zeran v. AOL](#).

How is Zeran v. AOL precedent not Congress' intent?

1. Congress' statutory intent *in text* is not anything like what *Zeran v. AOL* represents it to be.

Section 230: In 1996, Congress named its intent: “*Protection for ‘Good Samaritan’ blocking and screening of offensive material.*”

The Communications Decency Act as passed was: “*To protect the public from the misuse of the telecommunications network and telecommunications devices and facilities.*”

The Telecommunications Act of 1996: intent was: “*To promote competition and reduce regulation ... and encourage rapid deployment of new telecommunications technologies.*”

Zeran v. AOL: imagined Congress' Section 230's intent to be: “*Congress' desire to promote unfettered speech on the Internet must supersede conflicting common law causes of action.*”
 “...“*The purpose of this statutory immunity is not difficult to discern. Congress recognized the threat that tort-based lawsuits pose to freedom of speech in the new and burgeoning Internet medium. The imposition of tort liability on service providers for the communications of others represented, for Congress, [is] simply another form of intrusive government regulation of speech.*”

2. By self-acclamation, Zeran v. AOL misdirects Congress' intent ~20 times:

“Congress clearly expressed its intent...” (2 times) “Congress immunized...” “Congress acted...” “Congress recognized...” (2 times) “Congress further stated...” “Congress made a policy choice...” “Congress' purpose...” “Congress considered...” (2 times) “Congress enacted Section 230 to...” “Congress enacted § 230's broad immunity...” “Congress intended...” “Congress speaks directly to the issue ...” “Congress has indeed spoken directly...” “Congress allowed for...” “Congress' desire to promote...” “Congress has ‘unmistakably ordained...’ “Congress' command is explicitly stated...” (2 times) “Congress has expressly prescribed...” “Congress' intent that...” “Congress decided...”

A. *Zeran v. AOL* misrepresents Congress thinks common law threatens free speech.

“Congress recognized **the threat that tort-based lawsuits pose to freedom of speech** in the new and burgeoning Internet medium.”

“**The specter of tort liability** in an area of such prolific speech would have an obvious chilling effect.”

“**The imposition of tort liability**... is “another form of intrusive government regulation of speech.”

“Congress made a policy choice, however, not to deter harmful online speech through the separate route of **imposing tort liability** on companies that serve as intermediaries for other parties' potentially injurious messages.”

B. *Zeran v. AOL*'s hijacks Congress' intent to protect people from offensive material.

*"...Congress' desire to promote **unfettered speech** on the Internet must supersede conflicting common law causes of action."*

C. Court misrepresented congress wanted "*immediate comprehensive effect*," & scope.

*"Here, Congress decided that free speech on the Internet and self-regulation of offensive speech were so important that **Section 230 should be given immediate, comprehensive effect.**"*

"Congress enacted Section 230's broad immunity."

D. Court made up a rationale for absolutist tech tort reform – absolutist free speech.

*"...Congress' desire to promote **unfettered speech** on the Internet must supersede conflicting common law causes of action."*

*"The purpose of this **statutory immunity** is not difficult to discern."*

*"**Section 230 creates a federal immunity to any cause of action** that would make service providers liable for information originating with a third-party user of the service."*

*"... **Specifically, Section 230 precludes courts from entertaining claims** that would place a computer service provider in a publisher's role."*

*"**Congress clearly expressed its intent that Section 230 apply to lawsuits.**"*

*"... **Thus, lawsuits** seeking to hold a service provider liable for its exercise of a publisher's traditional editorial functions — such as deciding whether to publish, withdraw, postpone or alter content — **are barred.**"*

3. If *Zeran v. AOL* truly represents Congress' intent and not the courts intent...

Why did Congress in the Telecom Act, CDA, or Section 230 never use these terms!

"speech," "freedom," "freedom of speech," "freedom of expression," "First Amendment," "Internet speech," "immunity," "immunize," "intermediary," "tort," "tort liability," "[tort reform](#)," "lawsuit," "common law," or "self-regulation."

Why did *Zeran v. AOL* use these terms repeatedly when Congress did not use them!

"speech" 17 times, "immunity" 8 times, "immunize" 4 times, "tort" 13 times, "lawsuits" 5 times, "common law" 6 times, "self-regulated" 4 times, "freedom of Internet speech" once, and "unfettered speech" once.

The obvious answer is *Zeran v. AOL* is judge-made law not Congress' intent.

4. **If Congress intended Section 230 to be tort reform**, it would have said so in the law like it did in the [Telecommunications Act of 1996](#): “*Cable Act reform*” and “*Regulatory reform.*” It did not.
5. **If Congress’ aim was to “*promote unfettered speech on the Internet*” Why does 230 fetter it?**

Why does a central provision of [Section 230](#) that encourages ‘*Good Samaritan*’ *blocking and screening of offensive material*,” Section 230(c)(2)(A), encourage the fettering of “*obscene, lewd, lascivious, filthy, excessively violent, harassing, or otherwise objectionable*” material online when *Zeran v. AOL*’s purpose is to “*promote unfettered speech on the Internet?*”

6. **If Congress’ true purpose is to promote unfettered speech, why did the CDA fetter speech?**

The provision of the Communications Decency Act (CDA) that directly precedes Section 230 in [the law as passed](#) is “*Section 508 Coercion and Enticement of Minors,*” which rules that “*Whoever... knowingly persuades, induces, entices, or coerces any individual who has not attained the age of 18 years to engage in prostitution or any sexual act for which any person may be criminally prosecuted, or attempts to do so, shall be fined under this title or imprisoned not more than 10 years, or both.*” This CDA speech-relevant provision survived the Supreme Court’s 1997 precedent [Reno v. ACLU](#) and it remains law in [18 USC 2422](#).

Congress intended in Section 230 that some speech like speech integral to criminal conduct is fettered because in Section 230 it made it U.S. policy “*to ensure vigorous enforcement of Federal criminal laws to deter and punish trafficking in obscenity, stalking, and harassment by means of computer.*” The Supreme Court [made](#) obscenity unprotected speech in 1973.

7. **[Zeran v. AOL](#) offends the U.S. Constitution’s separation of powers & checks and balances.**

Abuse of power. The U.S. Constitution’s first sentence makes it clear congress legislates not the judiciary. “*All legislative powers herein granted shall be vested in a Congress of the United States.*”

There is much evidence above that indicates that *Zeran v. AOL*, the judicial precedent that most affects the Internet that everyone uses to do everything everywhere for life, work, and play, is constitutionally suspect precedent and judge-made law affecting everyone’s speech and conduct. This gross abuse of power has helped disrupt and corrupt [much](#) of American government, business, work, and life.

A judge autocratically legislating, doing what 535 members of congress do under the constitution, deny democracy and violate the Constitution’s separation of powers.

Sweeping subversion of the Seventh Amendment. *Zeran v. AOL* does one thing near universally, it is obeyed by most courts to [routinely deny](#) complaints in summary judgment before discovery. This assaults and offends the Seventh Amendment by denying American Citizens’ Constitutional right to trial by jury.

Seventh Amendment Text: *“In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise reexamined in any Court of the United States, than according to the rules of the common law.”*

Sweeping subversion of “the rules of common law” respected in the 7th Amendment.

Zeran v. AOL’s judge-made, absolutist, tech-tort reform corrupts the rules of common law by making everything online “unfettered speech” which generally ignores and condones vast swaths of illegal conduct online.

Subversion of Supreme Court’s authority. *Zeran v. AOL*’s operative precedent for most things Internet is de facto promoting and enforcing “unfettered speech” which broadly subverts rule of law, law and order, and justice, in confusing everyone about whether *Zeran v. AOL* is the last word on online speech or are SCOTUS precedents on protected and unprotected speech the last word?

In touting and enforcing the promotion of “unfettered speech,” throughout the Federal and State judicial systems it muddies, confuses, and subverts the Supreme Court’s precedents that make some types of speech unprotected by the First Amendment.

It is no coincidence that much of the worst conduct and disruptive behaviors, like the ones directly below routinely occur on the Internet because people think there is no accountability online, encouraged, and advanced by *Zeran v. AOL*’s “promotion of *unfettered speech*” via judicial absolutist activism.

Consider the eight types of speech the Supreme Court has ruled in precedents that are unprotected speech, i.e., not free speech: [obscenity](#), [defamation](#), [fraud](#), [incitement](#), [fighting words](#), [true threats](#), [speech integral to criminal conduct](#), and [child pornography](#).

How could this happen?

Context matters.

Chief Judge J. Harvie Wilkinson III of the Fourth Circuit Court of Appeals wrote the 1997 *Zeran v. AOL* opinion, in which Judge Russell and Chief Judge Boyle joined. This Federal Appeals court is headquartered in Richmond Virginia. [Chief Judge Wilkerson](#), a Reagan appointee, was raised in Richmond and was Chief Judge from 1996-2003. He was Editorial page editor, Norfolk Virginian-Pilot, 1978-1981.

Nationally, and especially locally in Richmond, tort reform was a very big issue in 1997 given that the national [tobacco settlement](#) was being negotiated in 1997 and was settled in 1998 for [\\$206 billion dollars](#) over 20 years. Then Richmond was known as the Tobacco Capital of the United States, as it was the headquarters for the top four tobacco companies.

In 1997 the U.S. Chamber of Commerce was [launching](#) a \$40m national public relations, media, and lobbying campaign to demonize plaintiff trial lawyers for high lawyer fees, and to call for major tort reforms, especially concerning product liability.

The campaign was strongly backed and funded by two powerful groups, the [tobacco companies](#) based in Richmond and [TechNet/Silicon Valley interests](#).

Conclusion:

The evidence here has exposed Section 230's domineering precedent, [Zeran v. AOL](#), as **de facto judge-made, absolutist, tech-tort reform law** that subverted Congress' intent in 1996 and still subverts congress' bipartisan intent for delivering Big-Tech/social-media accountability, rule of law, and duty of care today.

This audacious autocratic abuse of power, corruption of the Constitution, denial of democracy, and deception of Americans, **calls for a rethink of Section 230, and its purpose, problems, and solutions** by each branch of the U.S. Government, the trial bar, and the public.

This unfettered fraud strengthens [the case for repeal](#) of Section 230 and its corrupted precedents, and it encourages court challenges of [Zeran v. AOL](#) from all quarters.

The Supreme Court, after neglecting to oversee/review Section 230 cases from 1997-2022, and after punting on two cases that implicate Section 230's scope in 2023, the Supreme Court must step up and decide if [Zeran v. AOL](#) meets their "Equal Justice Under Law" standard or not.

Forewarned is forearmed.

Scott Cleland is Executive Director of the Restore Us Institute, an internet policy think tank and nonpartisan, faith-based nonprofit with a mission to restore internet accountability to protect people from online harm. Cleland was Deputy U.S. Coordinator for International Communication and Information Policy in the H.W. Bush Administration. To learn more, visit www.RestoreUsInstitute.org.

Defend the U.S. Constitution from its worst enemy – Section 230.

I. Abstract:

Section 230 is a colossal con that's corrupted and defrauded our Constitutional system. Reason, and the analysis and evidence below, expose the many Section 230 disruptions and corruptions that collectively are the U.S. Constitution's worst enemy, and that make America, Americans, and minors, much worse off than before Section 230 became official in 1996.

This analysis exposes what Section 230 disruptions/corruptions are the Constitution's worst enemy. The evidence that the 'Internet industrial complex' captures public policy is overwhelming. It spotlights how Section 230 enabled America's virtual-sovereign suicide that corrupted the Constitution. It illuminates how Section 230's promotion of a profit-over-people premise corrupts the Constitution. It exposes how Cryptocurrencies and crypto coins are unconstitutional fraud. It explains how Section 230's domineering fraudulent precedent corrupts the U.S. Constitution, via abuse of power; and subversion of: the Seventh Amendment, "*the rules of Common law*" in the Seventh Amendment, the Supreme Court's Supreme legal authority, and the Tenth Amendment.

Section 230's many disruptions and corruptions of the U.S. Constitution and Bill of Rights mean our overall constitutional system has been subjected to a colossal con and corruption that the Internet and Section 230 are all about one thing only, unfettered speech. As a result, America, Americans, and minors are much worse off than before Section 230, i.e., much less secure, safe, and protected; America's economy, commerce, and markets are more unhealthy, unfair, dishonest, unstable, and anti-competitive; our society is much less healthy and more dysfunctional and dystopian; and individually we live more dehumanized with lost security, liberties, and personal sovereignty.

II. Dedication:

This defense of the U.S. Constitution is written for the benefit of all Americans and especially for the roughly one in ten Americans who have sworn an [oath](#) to "*support and defend the Constitution of the United States from all enemies foreign and domestic,*" who are unaware of how disruptive, corruptive, and defrauding Section 230's Internet [policy/law](#) and [fraudulent precedent](#) has become to the [Constitution](#)'s authority, function, legitimacy, and purposes.

U.S., State, and local government officers and employees' oath to defend the Constitution is [required](#) in the Constitution for the President in Article II Section I, for Senators, Representatives; members of the State legislatures, and all executive and judicial officers of the United States and the States, in Article IV and in Section 3 of the Fourteenth Amendment; and for all former and current government employees, including all lawyers, law enforcement, public safety, military, and veterans under Federal [law](#).

This defense of our constitution also is written to alert, inform, and encourage all current, former, and future, government elected and appointed officials, and employees to stay true to their sworn oath and oppose Section 230's disruption and corruption of the Constitution and its authority.

III. Introduction:

First, this analysis illuminates how America’s Internet Revolution policy and law in [Section 230](#) of the 1996 Communications Decency Act has effectively disrupted, corrupted, [defrauded](#), and de-constituted much of the U.S. Constitutional system.

Second, this piece illuminates and documents how those disruptions, corruptions, and [misrepresentations](#) of Section 230 and the Constitution have manifested and proliferated the antithesis of the Constitution [preamble](#)’s six purposes: “*to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty...*”

Section 230 is a colossal con that’s corrupted and defrauded our Constitutional system. The whole Section 230 narrative story of Internet platforms as poor needy victims bullied by rule of law, duty of care, lawyers, and the court system; as oppressed people in dire need of rescue via special government legal aid and the special privilege of impunity over others; as the true heroes and guardians of free speech, not the Constitution, the First Amendment, lawyers, or the court system. This colossal con is a fairy tale story that bad is the new good, and foxes best guard chicken coops.

The truth is trillionaire tech platforms and social media are not the oppressed, but the oppressors. Section 230’s domineering [fraudulent precedent](#), [Zeran v. AOL](#), has transmogrified Section 230 into Trojan Horse, [tech tort reform](#), which unjustly and partially deprives victims of their rights, day in court, and justice, and which unjustly acquits the guilty and denies justice to the innocent.

The following analysis looks at Section 230 through the lens of the U.S. Constitutional system. It will expose and document how Section 230 corrupts the Constitution as its worst enemy, and how that constitutional corruption in turn corrupts America, Americans, and minors.

IV. What Sect. 230 disruptions/corruptions are the Constitution’s worst enemy?

America’s founders feared enemies of the Constitution and included many provisions to protect America’s Constitutional republic and democracy. Two centuries later, President Dwight Eisenhower in his 1961 [farewell address](#) presciently warned us of one of the greatest domestic threats to our Constitutional government – unwarranted industry influence, power of money, and technological elites capturing public policymaking.

*“In the councils of government, **we must guard against the acquisition of unwarranted influence, whether sought or unsought, by the military-industrial complex. The potential for the disastrous rise of misplaced power exists and will persist. We must never let the weight of this combination endanger our liberties or democratic processes. ... The prospect of domination of the nation’s scholars by Federal employment, project allocations, and the power of money is ever present and is gravely to be regarded. Yet, in holding scientific research and discovery in respect, as we should, we must also be alert to the equal and opposite danger that public policy could itself become the captive of a scientific-technological elite.**” [Bold added for emphasis.]*

President Eisenhower’s ‘*military industrial complex*’ warning to America is eerily like today’s Section 230-enabled and empowered ‘**Internet industrial complex**,’ AKA ‘Big-Tech,’ ‘Social Media,’ ‘Silicon Valley.’ Remember the Internet’s core enabling Internet protocols were created in the 1970s ‘military industrial complex’ i.e., The Defense Advanced Research Projects Agency

(DARPA), a research and development agency of the U.S. Department of Defense responsible for the development of emerging technologies for use by the military, [per](#) Britannica.

Tech public policy has become captive to the Internet industrial complex’s “*scientific-technological elite*,” AKA America’s ‘aristocracy’ anointed with Section 230 government privileges and protections that only [Section 230](#)’s “*interactive computer services*’ [elites](#) “*unfettered by Federal and State regulation*,” enjoy and exploit, unlike everyday Americans and small businesses, that are not privileged or protected by the government.

A. The overwhelming evidence the Internet industrial complex captures public policy.

The Senate Judiciary recently [complained](#) that Big-Tech’s money and lobbyists, control Congress, making passage of tech accountability legislation near impossible. Big Tech has huge hidden [influence](#) over the Defense Department. Big tech does [backchannel diplomacy](#) for the State Department. Big Tech has long had a special [backdoor](#) to the FTC to get its way. Big Tech [stacks](#) FTC tech hearings with tech-funded speakers. Big-tech has [special access](#) to policymakers.

Big-Tech’s revolving door raised ethical concerns. Big-Tech has [unrivaled](#) White House [access](#) that violates ethics rules. Big Tech [buys influence](#) in DC, [funds](#) the [most](#) third party organizations, [funds](#) politization of Supreme Court cases, and [funds](#) ads to mislead voters in elections. Big Tech’s media [funding](#) tracks its regulatory threats. Big-Tech [funds](#) undisclosed speakers at public policy conferences.

The crypto industry [writes](#) its own state laws, and [amasses](#) revolving door, govt-insiders as lobbyists. Crypto interests [scam](#) special tax incentives giving little in return. Big-Tech [creates](#) pages for terrorists and extremists. Big-tech [spent](#) many tens of millions of dollars to block antitrust reform legislation. Social media [embeds](#) in political campaigns.

B. Section 230 enabled and accelerated America’s virtual-sovereign suicide.

Sans sovereignty online, America is digitally defenseless from our worst foreign enemies.

Until nine states ratified the U.S. Constitution in September of 1787 per its Article VII authority, the United States of America was not an official sovereign nation. A ratified 1787 Constitution created America’s full sovereignty and sustained it for over 200 years, until the Internet Revolution in the mid-nineties.

In 1996, [Section 230](#) of the Communication Decency Act made it U.S. policy that the Internet and its services be “*unfettered by Federal and State regulation*.” This sweeping abdication of U.S. government authority over the Internet in the U.S. effectively established the groundwork for an unprecedented, asymmetric and counter-productive, bipartisan, American Internet foreign [policy](#) that a 1997 [executive order](#) enhanced and implemented without a Senate approved treaty required by the Constitution.

Offline, 350-year-old ‘[Westphalian sovereignty](#)’ operates near universally. It is the reciprocal principle in international law that each state has exclusive sovereignty over its own territory. It is a diplomatic version of the Golden Rule, i.e., one does not interfere in the internal affairs of another nation, to ensure other nations do not interfere with theirs. This proven paradigm generally has facilitated international law and order, peaceful diplomacy to deter wars, and enabled reciprocally beneficial international relations, diplomacy, travel, trade, commerce, and law enforcement norms.

Constitutional chaos. Online, America’s de facto virtual sovereign suicide irrationally surrendered its virtual sovereignty over all things America, to a [non-sovereign](#), [non-reciprocal](#), autonomous, self-executing, Internet technology, with “[no controlling authority](#),” no organization, no leader, no sovereign government, no reciprocity, no rule-of-law, no dispute resolution, no rights/court system, and no legal tender.

In addition, America’s de facto virtual-sovereign suicide has subverted and corrupted most of America’s foundational security essentials, i.e., surrendering sovereignty; banning borders; denying defenses; prohibiting police and public safety; abdicating authority; cancelling the Constitution; rejecting rule-of-law and rights; and denying a duty-of-care.

As a result, Section 230’s policy of approved anarchy on autopilot has become our Constitution’s and America’s worst domestic enemy by de facto aiding and abetting our Constitution’s leading foreign adversaries -- [China](#), [Russia](#), and [cybercriminals](#) -- with [impunity](#). [China](#) has specialized in cyberattacking, [hacking](#), and [stealing](#) much of America’s valuable government and corporate secrets, intelligence, [security clearances](#), and data. [Russia](#) has [specialized](#) in out-of-control facilitation of rampant ransomware, serial cybercrime, and political disruption and corruption.

A 2022 Council on Foreign Relations [report](#) confronted this irrational cyber-sovereign-suicide. “*The utopian vision of an open, reliable, and secure global network has not been achieved and is unlikely ever to be realized. Today, the internet is less free, more fragmented, and less secure. ...it’s time for a new foreign policy for cyberspace.*”

C. Section 230’s promotion of a profit-over-people premise.

“*We the people of the United States*” are the first words of the Constitution. A century later President Lincoln in His Gettysburg Address eloquently [encapsulated](#) our “*we the people*” centered constitutional republic as “*Government of the people, by the people, for the people.*” From 1934 to 1996 the Constitution-based [purpose](#) of communications law was people-centric in promoting the “*national defense*” and the “*safety of life and property.*”

However, from 1996 to present, Section 230 commercialized U.S. Internet law/policy, making the Internet’s purpose money-centric about commerce, corporations, and profit in protecting platforms by prohibiting protection of people online. This money-centric purpose endangers [national security](#) and the [safety](#) of life and property.

In 1996, Section 230 first commercialized communications and the Internet in characterizing the Internet as a “*free market... unfettered by Federal and State regulation.*” The 1997 follow-on [executive order](#) further ensured the Internet would be commercial first, communications/content second, in ensuring the Internet would be “*electronic commerce*” based, “*global,*” “*self-regulated,*” and “*minimalist,*” government. This [Framework for Global Electronic Commerce](#) was implemented and sustained without hearings, authorization, oversight, or a Senate approval.

Section 230’s money-first purpose subverts the U.S. Constitution in three ways.

1. It subverts the Constitution’s separation of powers doctrine when the executive branch made a de facto treaty to regulate ecommerce, when under Article I Section 8 it is Congress’ [power](#) to “*to regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes*” not the President’s power.

2. In addition, in making the Internet and its services “*unfettered from Federal and State regulation,*” the opposite of the Constitution’s power to “*regulate commerce*” effectively has Congress rejecting the Constitution’s authority.
3. It subverts the Constitution it again in the President making a de facto ecommerce global treaty without the Constitution’s required advice and consent of two-thirds of the Senate as required in Article II of Section 2.

D. Cryptocurrencies and crypto coins are unconstitutional fraud.

The U.S. Constitution’s Article I Congress Section 8 states “*The Congress shall have the power... to coin money, regulate the value thereof, and of foreign coin, and fix the standards weights and measures.*” The U.S. Constitution’s Article I Congress Section 10 state “*Powers denied to the States... coin money... make any thing but gold and silver coin a tender in payment of debts...*”

To be a legitimate, official, real, and honest form of ‘legal tender,’ it must be “money that is legally valid for the payment of debts and that must be accepted for that purpose when offered” [per](#) Merriam Webster.

Arguably no industry has flouted, [corrupted](#), [defrauded](#), the U.S. Constitution’s notion, authority, control, and legitimacy, over most all things, money, finance, commerce, trade, commodities, securities, bonds, debts, taxation, law enforcement than the [fraud](#) and [bubble](#) prone, U.S. cryptocurrency/coin industry.

Thus arguably, no industry has more misrepresented their authority, legitimacy, value, security, safety, and integrity in misrepresenting the name, term, label, brand of their product, service, model, value proposition, and category, than cryptocurrencies and coins. Wikipedia’s [list](#) has ~forty cryptocurrencies, the [UK Financial Conduct Authority](#)’s list has ~20,000. Congress authorized none of these coins as required by the Constitution.

E. Section 230’s Fraudulent Precedent [Zeran v. AOL](#) corrupts the U.S. Constitution.

Section 230 is a colossal con; its corrupted & [defrauded](#) much of our Constitutional system.

When [Zeran v. AOL](#) misrepresented Section 230’s intent in 1997, it was assumed and heralded to be a legitimate representation of Congress’ intent and scope for Section 230 and a faithful defense of the Constitution. The evidence indicates it is not, but is **de facto judge-made, absolutist, tech-tort reform law**, e.g., “...*Congress’ desire to promote unfettered speech on the Internet must supersede conflicting common law causes of action.*”

As it turns out, [Zeran v. AOL](#) has de facto unconstitutionally legislated: a bogus absolutist problem that common law justice threatens free speech online; a bogus purpose of ensuring absolutist “*unfettered speech*” online;” the bogus absolutist “*immediate comprehensive effect*” and scope of Section 230 online, and the bogus task of imposing absolutist tech-tort reform.

This autocratic abuse of power, denial of democracy, corruption of the Constitution, and deception of the people it governs, **calls for a rethink of Section 230, and its purpose, problems, and solutions** by each branch of the U.S. Government, the trial bar, and the public.

This misrepresentation and power grab, strengthens [the case for repeal](#) of Section 230 and its suspect precedent progeny, and it encourages court challenges of *Zeran v. AOL* from all quarters.

It is no coincidence or surprise that the [inputs](#) of such extremes, fraud, and half-truths have yielded the [outputs](#) of an [Internet rife](#) with so many extremes, fraud, lies, and mistrust. Fraud in is fraud out. No surprise U.S. Internet unaccountability policy is a fraud farm and fakery factory.

This [piece](#) and its evidence will shed light on how *Zeran v. AOL* has been and is a misrepresentation of Congress' Section 230 intent and a corruption of the Constitution's separation of powers and checks and balances.

F. Abuse of power.

The U.S. Constitution's first sentence makes it clear Congress legislates not the judiciary. "*All legislative powers herein granted shall be vested in a Congress of the United States.*"

There is much [evidence](#) that indicates that *Zeran v. AOL*, the judicial precedent that most affects the Internet that everyone uses to do everything everywhere for life, work, and play, is constitutionally suspect precedent and judge-made law affecting everyone's speech and conduct. This gross abuse of power has helped disrupt and corrupt [much](#) of American government, business, work, and life.

A judge autocratically legislating, doing what 535 members of congress do under the Constitution, deny democracy, and violate the Constitution's separation of powers.

G. Sweeping subversion of the Seventh Amendment.

Zeran v. AOL does one thing near universally, it is obeyed by most courts to [routinely deny](#) complaints in summary judgment before discovery. This soulless fraud to deny everyday Americans and victims their day in in court so the richest in the world enjoy government legal aid subsidies, assaults and offends the Seventh Amendment by denying American Citizens' Constitutional right to trial by jury.

Seventh Amendment Text: "*In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise reexamined in any Court of the United States, than according to the rules of the common law.*"

H. Sweeping subversion of "the rules of common law" respected in the 7th Amendment.

Zeran v. AOL's judge-made, absolutist, tech-tort reform corrupts the rules of common law by making everything online "unfettered speech" which generally ignores and condones vast swaths of illegal conduct online.

I. Subversion of the Supreme Court's Supreme legal authority.

Zeran v. AOL's operative precedent for most things Internet is de facto promoting/enforcing "unfettered speech" which broadly subverts rule of law, law and order, and justice. It confuses everyone about whether *Zeran v. AOL* is the last word on online speech or are SCOTUS precedents on protected/unprotected speech the last word?

In touting and enforcing the promotion of "unfettered speech," throughout the Federal and State judicial systems it muddies, confuses, and subverts the Supreme Court's precedents that make some types of speech unprotected by the First Amendment.

It is no coincidence that much of the worst conduct and disruptive behaviors, like the ones directly below routinely occur on the Internet because people think there is no

accountability online, its [trojan horse tort reform](#), a notion encouraged and advanced by *Zeran v. AOL*'s “*promotion of unfettered speech*” via judicial absolutist activism.

Consider the eight types of speech the Supreme Court has ruled in precedents that are unprotected speech, i.e., not free speech: [obscenity](#), [defamation](#), [fraud](#), [incitement](#), [fighting words](#), [true threats](#), [speech integral to criminal conduct](#), and [child pornography](#).

J. Section 230's Internet preemption of the States subverts the 10th Amendment.

U.S. Internet unaccountability policy also unnecessarily preempts citizens' State rights making Americans second-class citizens online via unnecessary Federal preemption of States' authority to protect their citizens from harm.

V. How Section 230 has subverted the U.S. Constitution's purposes since 1996.

Section 230's subversions and corruptions of the U.S. Constitution have worsened the national outcomes of all six purposes of the U.S. Constitution: “... *to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty ...*” Sadly, Section 230 apparently has made America less united, just, peaceful, secure, flourishing, and blessed.

1. From *form a more perfect union* to polarization, division, distrust = Internet incivility.

Section 230 imposes a divisive double standard for legal/illegal conduct, i.e., government authority and accountability offline, but ~none online. This is a self-defeating and counter-productive, chaotic policy of constant rule-of-law vs. rule-of-code disputes and disunion.

Section 230's unaccountability policy has facilitated an Internet extreme machine that wrongfully and needlessly [incites polarization](#), [division](#), [hate](#), [rage](#), and [violence](#). President Lincoln warned against double standards. “*A house divided against itself cannot stand.*”

Consider the results of this disunion law and policy. Social media [polarizes](#) Americans. From 2000 to 2020, republican and democrat partisanship has skyrocketed 160% [per](#) Pew Research. Americans' [trust](#) in honesty, truth, and elections has declined [per](#) Pew Research. Americans' average confidence in major U.S. institutions has fallen 33% from 2000-2021, [per](#) Gallup.

Americans' trust in the branches of Government has fallen during the smartphone/social media era 2009-2022. Trust in the judiciary is down 40% from 76% to 47%; the executive branch is down 30% from 61% to 43%; and Congress is down 15% from 45% to 38% [per](#) Gallup 2022.

2. From *establish justice* to no rule-of-law, rights, or access to justice = Internet injustice.

There is no justice online. That's because 230's “*unfettered by Federal and State regulation*” means there is no rule-of-law, rights, duty of care, or access to justice online. Approved anarchy online regresses America to primitivism's law of the jungle, where might is right, and people and [minors](#) are defenseless prey for predators. Out-of-control cybercrime is [rarely](#) prosecuted.

Section 230 is unjust and unfair by design. [Section 230](#) is inherently a narcissistically, one-sided, and a one-way parasitic premise that perversely protects platforms from people by prohibiting protection of people from platforms. This promotion of a parasitic policy fosters extreme partiality and favoritism for Internet special interests' above and before the well-being and safety interests of others.

Section 230 spawns unjust standards and Internet injustice.

Unjust legal Double Standard. Offline, people are accountable to rule-of-law. Online, Internet technology and services are not accountable for the same conduct. This unfair double standard enables bad actors to game and arbitrage opposing accountability standards with impunity causing ‘*unequal justice under law.*’

Unequal access to Justice. Offline the Constitution [guarantees](#) a citizen’s access to justice. However online, Section 230 court precedents [regularly result](#) in plaintiffs’ cases being immediately denied access to justice by losing via summary judgment before discovery.

Unequal Justice under the law. U.S. policy inhumanely values and protects technology over humanity and profit over people. It unsafely grants technology [impunity](#) to harm people. It unjustly disenfranchises people without their consent by empowering technology to govern and control people sans rights, due process, or access to justice.

3. From *insure domestic tranquility* to incitement, attacks, chaos = Internet instability.

Section 230 has spawned the opposite of domestic tranquility. Social media [facilitated](#) America’s only unpeaceful transfer of power. Profit-over-people algorithms [promote](#) ‘anger’ five times more than ‘likes.’ Social media fame has incited a 300% increase in U.S. mass shootings from thirty-three 1982-2002 to a hundred 2002-2022 [per Statista](#).

Section 230’s disruptive double standard of accountability offline, but none online, has **proved to be a democracy [destroyer](#) and an extreme machine** that [incites polarization, division, hate, rage, and violence.](#)’ [Mob morality](#) now rules online.

Cyberattack and cyber-harassment victimization is out-of-control. [53%](#) of US adults have been cyberbullied or harassed. [90%](#) of U.S. organizations have been compromised by a cyberattack. [78%](#) of U.S. organizations have suffered from [ransomware](#).

4. From *provide for the common defence* to out-of-control cyberattacks = Internet insecurity.

America, Americans, and minors are much less secure, safe, and protected than before Section 230. Now most Americans have become [victims](#) of **foreign-based and sponsored**, cyberattacks, cyberbullying, or cybercrime.

In 1996, Section 230 surrendered America’s [sovereignty](#) and [government authority](#) online. Since then, this reckless policy of absolutist free flow of data into the U.S. has de facto aided and abetted the attacks of our top adversaries [China](#), [Russia](#), and [cybercriminals](#), with [impunity](#). At will, [China](#) has [stolen](#) countless U.S. national [security](#) and trade [secrets](#). And Russia has [disrupted](#) America at will via rampant [ransomware](#), [cybercrime](#), and election [interference](#).

Online, no one and nothing in America is safe or secure because there are minimal market forces or government requirements to be safe and secure. That’s why the [NSA](#), [CIA](#), [DOD](#), [DOJ](#), [DHS](#), [OPM](#), [White House](#), [Google](#), [Facebook](#), [Amazon](#), [Apple](#), [Microsoft](#), [et al](#) have all been hacked; and hackers can hack [planes](#) in flight, [vehicles](#) on the road, and [ships](#) at sea.

5. From “*promote the general welfare*” to cybercrime, death, depression = Internet ill-being.

The crimes Americans most [worry](#) about are cybercrimes. Cybercrime victimization is [out-of-control](#) and [prosecuted](#) <1% of the time. About [70,000](#) Americans died from illicit Fentanyl poisoning in 2021 as a result of rampant [illegal](#) online pharmacies and/or Section 230 impunity for social media aiding and abetting illegal conduct online. [23%](#) of Americans have suffered from cybercrime, [33%](#) from identity theft, and [64%](#) from theft of their data.

Consider ~\$10 trillion of personal, commercial, and financial losses since 2000. Major examples of this out-of-control Section 230 enabled fraud, fakery, cybercrime, and accountability-arbitrage abuse, include: [Enron fraud](#), [WorldCom fraud](#), [\\$5t Dotcom crash](#), [\\$1t Fiber fraud](#), [Napster piracy](#), [Grokster piracy](#), [financial crisis fraud](#), [cryptocurrency fraud](#), [unicorn fraud](#), [blockchain fraud](#), [\\$1tBitcoincrash](#), [NFT fraud](#), [Robinhood fraud](#), [Decentralized Finance fraud](#), [\\$3t Cryptocurrency crashes](#), [NTF crash](#), [FTX fraud contagion](#), [FTX crypto-crash](#), [\\$1t Covid e-grift](#), [AI voice scams](#), etc. Policymakers can't deny unaccountable ecommerce and crypto causes rampant crime, fraud, theft, and harm.

At first Congress expected Internet unaccountability policy to spur growth of Internet adoption and broadband infrastructure; it did. However, it quickly descended into much slower overall US. economic growth and less U.S. prosperity Comparing the pre-Internet period of 1960-2000 to the 2000-2020 Internet period, U.S. GDP's average annual growth rate has fallen by ~[half](#). An online/offline accountability double standard is an unfair playing field that's manifested many [monopolizations](#) in otherwise competitive markets.

Parasitic Section 230 business models yield extremely disproportionate commercial prosperity. From 2012-2022, the revenue [growth](#) rate of the three parasitic business models of Amazon, Google, and Meta, outpaced the revenue growth rate of the other 497 companies in the Fortune 500, by +1,490%. In perspective, the Parasitic Three's growth rate outpaced the USGDP growth rate by +1,250% while the Fortune 497 lagged by -15%.

Section 230's unlevel playing field and Google, Amazon, and Meta's massive asymmetric accountability arbitrage has enabled the parasitic business models to suck about \$1 trillion ill-gotten dollars from their Fortune 497 hosts; estimate based on [BEA/ Fortune 500](#) data.

6. From “*secure the blessings of liberty*” to the curses of liberty = Internet inhumanity.

Lost life security. Prior to 1996, Americans had a well-established, offline right to privacy based on the Fourth Amendment and federal privacy statutes passed in [1974](#), [1974](#), [1978](#), [1984](#), [1986](#), [1988](#), [1994](#), and [1996](#).

Now most know they have lost all their privacy online and want it back per [Pew Research](#). Lose your privacy, lose your inalienable right to security to stay alive. Why? Privacy is integral to the natural human need for self-preservation. Privacy is akin to being able to hide from potential predatory harm. Without privacy, one can't protect one's security, identity, reputation, or dignity.

Lost liberty. Humans enjoy liberty and rights, things do not. Offline a person is a living being: human, individual, citizen, voter, customer, or adult/minor with liberty. However, online a person tellingly is not a living thing: they are data, a user, a product, or an avatar without liberty.

People have lost their humanity online. Online we're dehumanized inanimate data products, commercial chattel that's bought and sold with impunity by [data brokers](#), without meaningful consent, rights, or recourse. We're indentured servants online, disenfranchised commercial captives of unfair, [one-sided](#), legal terms, indentures, and market power. Minors are prey for predators of all kinds, neglected and devalued with minimal age-appropriate protections.

Lost personal sovereignty. Lose your [privacy](#). Lose your personal sovereignty to choose and [control](#) how you live your life. Online we no longer control our own destinies because

[others](#) can largely control our virtual value, private data, and identity. And unfettered Big Tech [monopolies](#) largely control what we find, believe, see, say, and share online.

VI. Conclusion:

Section 230 is a colossal con that's corrupted and defrauded our U.S. Constitutional system.

Reason, and the analysis and evidence above, expose the many Section 230 disruptions and corruptions that collectively are the U.S. Constitution's worst enemy, and that make America, Americans, and minors, much worse off than before Section 230 became official in 1996.

Section 230's many disruptions and corruptions of the U.S. Constitution and Bill of Rights means our overall constitutional system has been subjected to a colossal con and corruption that the Internet and Section 230 are all about one thing only, '[unfettered speech](#).' As a result, America, Americans, and minors are much worse off than before Section 230, i.e., much less secure, safe, and protected; America's economy, commerce, and markets are more unhealthy, unfair, dishonest, unstable, and anti-competitive; our society is much less healthy and more dysfunctional and dystopian; and individually we live more dehumanized with lost security, liberties, and personal sovereignty.

This rotten reality requires repeal to mitigate the problems and harms Section 230 has caused.

Only repeal can restore what Congress unwittingly took away in [1996](#) Internet policy and law -- sovereignty, constitutional authority, rule-of-law, duty of care, and access to justice over the U.S. Internet. Practically repeal would mean: Same rules and rights offline/online. Illegal offline is illegal online. Equal justice under law.

Only repeal enables Americans to go from not having, to having, rights, recourse, and access to justice online. U.S. policy would flip from protecting technology from people, to protecting people from technology, i.e., people primacy policy. Big tech and Internet technology would go from not being subject, to being subject, to rule-of-law and a duty-of-care like everyone else. Repeal keeps the Internet good (legal conduct) and fixes the Internet bad (illegal conduct.)

All who take their past or potential future [oath](#) "*to support and defend the United States Constitution from all enemies foreign and domestic*" seriously, should support repeal of Section 230 soonest because reason, evidence, and conscience expose Section as a colossal con and the worst enemy of the U.S. Constitution. Taking, honoring, and sharing this solemn oath to the U.S. Constitution could serve as a good public integrity test in this upcoming election cycle. Forewarned is forearmed.

Scott Cleland is Executive Director of the Restore Us Institute, an internet policy think tank and nonpartisan, faith-based nonprofit with a mission to restore internet accountability to protect people from online harm. Cleland was Deputy U.S. Coordinator for International Communication and Information Policy in the H.W. Bush Administration. To learn more, visit www.RestoreUsInstitute.org.

Stop Section 230's Uncivil War destroying democracy in America.

By [Scott Cleland](#)

I. Introduction.

Wild West U.S. Internet policy and law incites Uncivil War, social media [oligarchy](#), and minority rule.

This first-of-its-kind analysis spotlights how [Section 230](#)'s self-defeating and counterproductive, U.S. Internet unaccountability policy/law has incited a protracted, U.S. **Uncivil War of lawless social media oligarchy predations vs. lawful government protections.**

In protecting technology from people by prohibiting protections of people from technology, **Section 230 instigates an Uncivil War of unfettered technology interests vs. unprotected people interests.**

This government imposed, above the law, inequality on autopilot, is destroying individual liberty, equality, and rights, and America's democracy, justice, and national security. In addition, it causes countless casualties; and makes U.S. Wild West Internet policy/law America's worst enemy.

Skeptical? The U.S. Government elevated a holistic, Internet technology with [no controlling authority](#), and empowered it with a holistic, uncivilized, and out-of-control, U.S. Wild West Internet policy/law.

Inputs drive outputs. The U.S. Government's out-of-control technology, policy and law [inputs](#) have caused exactly the holistic, out-of-control [outputs](#) that it tolerates, incentivizes, and incites. What's encouraging here is a symmetric, holistic technology, policy/law, and problem causer, naturally has a symmetric, holistic, '[We the people](#)' Constitutional solution to the problem. It is repealing Section 230.

Enough is enough. America heal thyself. Repeal Section 230's Uncivil War. For 28 years, five Administrations, thirteen Congresses, and seventeen Supreme Court Justices together have neglected to protect America, Americans, and minors from attacks, harms, and crimes online. Evidently, they have missed the forest for the trees here and failed to connect the dots here, that hide in plain sight.

Will the U.S. Government ever:

Stop neglecting to protect people/minors from out-of-control attacks, harms, & crimes online?

Defend its Constitution and democracy from its [worst enemy](#) -- Section 230?

Civilize the U.S. Wild West Internet and its out-of-control, unfettered Internet services?

Stop U.S. social media from operating above-the-law and over everyone with impunity?

Expect Internet platforms, devices, data, software, content, and companies to be safe, private, and honest, like products, food, drugs, vehicles, planes, health care, transportation, financial services, and communications are expected to be offline?

Preview. *This analysis based on reason, evidence, and a holistic perspective, has four parts. First it explains, coheres, and proves Section 230's Uncivil War. Second, it summarizes Section 230's Uncivil War; identifies the opposing sides; spotlights the main general harms and ideological causes inciting Uncivil War; sheds light on how the Uncivil War uncivilly changes America and democracy; and spotlights its main fights and battlefields. Third, it summarizes, enumerates, and documents this Uncivil War's many serious casualties. The conclusion defends and recommends Section 230's repeal.*

II. The Uncivil War Destroying America's Democracy.

A. What is it?

[Section 230](#), of the 1996 Communications Decency Act has been America's *only* broad Internet policy and law for speech and conduct for the last 28 years.

Briefly, Section 230 law makes Internet services above civil law, i.e., not civilly liable for their actions or inactions online. Its U.S. policy makes Internet services not civilly subject to U.S. Federal or State government authorities. It exempts them from civil common law and U.S. civil courts, which denies deterrence and accountability for civil illegality and wrongdoing online.

Simply, Section 230 uncivilly allows U.S. social media to operate above the law with impunity.

Section 230's Uncivil War empowers unvetted, unlicensed, and unaccountable, Social Media middleman meddlers with intermediary impunity to disintermediate democracy broadly at will as arbitrary arbiters of truth, biased brokers, partial powerbrokers, and the ultimate kingmakers.

B. What de facto divides the opposing sides in this Uncivil War?

In 1996, The Internet and its Section 230 U.S. Internet policy/law de facto divided America into:

1. **Opposite worlds:** offline/online, physical/virtual, real/artificial, analog/digital, lawful/lawless, civilized/Wild West, civil/uncivil, and reciprocal/nonreciprocal.
2. **Opposite authorities:** Sovereign/non-sovereign, Constitution-based government/no central authority; majority rule/minority rule, rule of law/no rules or laws, The [Golden Rule](#) "*Treat others as you want to be treated.*" / Rotten Rule "*Do whatever you want to others.*"
3. **Opposite classes:** humanity/technology, noncoders/coders, Americans/aristocracy elites, unprivileged/privileged, fettered/unfettered, protected/unprotected, losers/winner-take-all.
4. **Opposite duties:** Freedom with/without responsibility, power with/without accountability, harm with/without liability, crime with/without culpability, and profit with/without honesty.

C. What general harms to America's democracy incite Section 230's Uncivil War?

Section 230's one-sided empowerment of commercial technology interests above and before everyone else's government protections, rights, and interests, has de facto instigated and incited an Uncivil War on America's democracy in at least four big ways.

1. Empowering no government for Internet technology over [government by the people](#).
2. Enthroning oligarchic Internet elite minority rule over democracy's [majority rule](#).
3. [Arbitrarily privileging](#) an oligarchic Internet class as **more equal & free than everyone**.
4. [Denying direct](#) democracy via **social media bias impunity to disintermediate democracy**.

D. What Anti-America ideological causes incite Section 230's Uncivil War against democracy?

1. [Anarchism](#): i.e., governmental authority is unnecessary and undesirable. It subverts U.S. officials' [sworn oath](#) to "*support or defend the Constitution from enemies foreign and domestic.*" It surrenders sovereignty; cancels constitution; disrupts democracy; empowers extremism; pushes polarization; incites incivility; rejects reciprocity; ruins rule of law; denies duty of care; abdicates access to justice; implements impunity; sabotages security; prohibits police, public safety, and privacy; and tolerates terrorism and tyranny.

2. **Amoralism**: i.e., does not care about right/wrong. It abdicates government’s adjudication and determination of truth/lies, right/wrong, innocent/guilty, legal/illegal, fair/unfair, just/unjust, civil/uncivil; and denies a duty of care, due process, personhood, dignity, access to justice, and a trial by a jury of one’s peers. Democracy depends on right over wrong.

Section 230’s de facto amoral Rotten Rule of ‘*Do whatever you want to others;*’ empowers freedom without responsibility, power without accountability, harm without liability, crime without culpability, profit without honesty, and democracy without integrity.

This anarchic amoralism corrupts conduct, contracts, and commerce; causes conflict, chaos, crime, and corruption; enables evil over good; raises wrong over right; puts profit over people; licenses lying; trashes truth; stokes stealing; charters cheating; furthers fraud and fakery; and masses mad mobs who rob.

3. **Commercialism**: Changes U.S. communications law’s purpose from “*national defense and promoting safety of life and property*” to preserve a “*free market... unfettered by Federal and State regulation.*” This anti-constitution, subversion breeds a greed creed of profit over people, predation over protection, and corruption over the Constitution.
4. **Selfism**: Internet P2P technologies are [nonreciprocal](#), [permissionless](#), autonomous, one-sided, and self-executing, which asymmetrically advantages attackers, predators, enemies, terrorists, criminals, thieves, liars, fraudsters, and some selfish Representatives & a Senator.

P2P empowered selfism guts the Golden Rule and imposes P2P’s Rotten Rule: “*Do whatever you want to others.*” P2P nonreciprocity can subvert and corrupt everything reciprocal in the offline world, e.g., authority, government, democracy, elections, law, rights, duty, responsibility, liability, accountability, culpability, security, safety, stability, privacy, property, secrecy, civility, society, culture, capitalism, commerce, legal tender, economy, investing, markets, etc.

Section 230’s inherent Internet imbuing of selfism in America, endangers everyone online. It sabotages security; bans borders; prohibits police, public safety, and privacy; tolerates terrorism; codifies cowardice; rises Russia; champions China; furthers fentanyl-fatalities; attracts attackers; protects predators; mistreats minors’ mental health; incents injustice; injures inevitably; victimizes vastly; and miscreates meddler middleman monopolies.

5. **Extremism**: Section 230’s [fraudulent precedent](#) of “*unfettered speech on the Internet must supersede conflicting common law causes of action*” destroys democracy, embroils elections, pushes polarization, corrupts candidates, empowers extremism, incites incivility, licenses lying, trashes truth, tramples trust, masses mobs, and makes militant minority rule.
6. **Nihilism**: Section 230’s Internet unaccountability policy/law for 28 years has surrendered America’s sovereignty, constitution authority, democracy, limited government, rights, rule-of-law, duty of care, citizenship, and Golden Rule reciprocity online. That abject abdication of legitimate government online is apparently anti-America, and quintessentially [nihilistic](#), i.e., “*a viewpoint that traditional values and beliefs are unfounded and that existence is senseless and useless; a condition in which all ultimate values lose their value; a doctrine that denies any objective ground of truth and especially of moral truths; and a doctrine or belief that conditions in the social organization are so bad as to make destruction desirable for its own sake independent of any constructive program or possibility.*”

**E. How has Section 230's Uncivil War uncivilly changed America and disrupted democracy?**

1. **It uncivilly ended civil court liability online**, encouraging reckless endangerment conduct and subverting access to justice and the constitutional right to a jury trial. Section 230's single Internet law made only *interactive computer services* not subject to civil liability for what others publish. That created a broad legal double standard favoring Internet interests (a few percent of Americans) over everyone else's interests. It also unfairly exempted them from any duty-of-care responsibility to which everyone other citizen/voter is subject.

In sidelining the civil court system and centuries of common law recourse, Section 230 has de facto legalized civil illegality online, and subverted the U.S. civil court system's purposes to – determine truth, settle civil disputes peacefully, and provide equal justice under law – all policy and legal goals that are necessary to democracy.

2. **It uncivilly ended accountability for online activities, creating a massive moral hazard.** Section 230 subverted U.S. policy norms in making it U.S. policy that the Internet and *interactive computer services* be “*unfettered by Federal and State regulation.*” That created a policy double standard where only Internet interests have impunity and are de facto above the law because online they are not subject to U.S. governing authorities, the Constitution, civil court authorities, rule of law, and a duty of care.
3. **U.S. Internet policy uncivilly put profit over people in commercializing the Internet**, not as a republic and democracy, but as a marketplace, i.e., “*...to preserve the vibrant and competitive free market that presently exists for the Internet and other interactive computer services, unfettered by Federal or State regulation.*”
4. **U.S. policy is uncivilly partial in favoring technology interests over people's interests** in protecting technology from people by prohibiting protection of people from technology.
5. **It uncivilly creates a legal double standard that undermines equality and liberty**, in privileging a special class with impunity to exploit everyone else and take away their rights and recourse with impunity.
6. **It uncivilly chose a lawless over a lawful Internet** for the American people, minors, and culture, needlessly subjecting people to continuous out-of-control conflict, chaos, crime, and corruption.

F. What are the fights and battlefields in Section 230's Uncivil War?

1. **Democracy:** Government by people vs. no government for tech; majority vs. minority rule; authority vs. anarchy; liberty vs. tyranny; equality vs. partiality; unity vs. polarization; civility vs. incivility; limits vs. extremes; compromise vs. fighting; respect vs. ravaging.
2. **People:** Humanity vs. technology; people vs. profit; love vs. hate; comity vs. conflict; mercy vs. vengeance; compassion vs. cancel culture.
3. **Duty:** responsibility vs. irresponsibility; accountability vs. unaccountability; liability vs. harm; and culpability vs. crime; courage vs. cowardice; leadership vs. subordination.
4. **Ethics:** truth vs. lies; trust vs. fraud; conscience vs. corruption; liability vs. impunity.
5. **Justice:** good vs. evil, right vs. wrong, legal vs. illegal, justice vs. injustice, fair vs. unfair.
6. **Safety:** Peace vs. violence; protection vs. predation; law and order vs. lawless disorder.
7. **Asymmetry:** rejects reciprocity; sabotages security; prohibits police, public safety, privacy.

III. Section 230's Uncivil War Casualties.

Section 230's Uncivil War on America hides in plain sight. Connect the casualty dots to see it better.

A. High-Level Summary of Section 230's Uncivil War Casualties.

1. **Insecurity.** America, Americans, and minors are now much less secure, safe, and protected. Nothing is safe/secure online with no government duty or market incentive to be safe/secure.
2. **Insanity.** Unilateral surrender of U.S. sovereignty bans borders, sabotages America's security.
3. **Irrationality.** Enables enemies to attack, hack, steal, ransom, poison, and disorder Americans.
4. **Instability.** America's economy is now much less healthy, fair, honest, stable, and competitive.
5. **Iniquity.** America's society is now much less healthy and more dysfunctional and dystopian.
6. **Incivility.** Commercializing everything democracy corrupts public discourse and elections.
7. **Infighting.** January 6 insurrection and House Speaker minority-rule puts selfism over country.
8. **Inhumanity.** Americans live dehumanized with no rights, and less freedom, equality & morals.
9. **Injustice.** Online Americans have less access to justice & suffer out-of-control victimizations.
10. **Insolence.** Cancel culture trashes truth, bullies with impunity and no mercy, and masses mobs.

B. Large loss of American lives.

1. Tens of thousands of Americans/minors are dying annually from social media enabled fentanyl poisoning per [NIH](#). This death rate growth tracks usage growth of Section 230-unfettered mobile social media apps. Specifically, about [70,000](#) Americans died from illicit Fentanyl poisoning in 2021 alone as a result of rampant [illegal](#) online pharmacies and/or Section 230 impunity for social media aiding and abetting illegal conduct online.
2. Suicide by young Americans 10-24 is their second leading cause of death, as suicidal thoughts increased 40% from 2010-2020 coincident with mobile social media's rapid growth, per [CDC](#).

C. Mass injurious victimizations of Americans from Section 230's moral hazard endangerment.

1. The crimes Americans most [worry](#) about are cybercrimes. Cybercrime victimization is [out-of-control](#) and [prosecuted](#) <1% of the time. [23%](#) of Americans have suffered from cybercrime, [33%](#) from identity theft, and [64%](#) from theft of their data.
2. Cyberattack and cyber-harassment victimization is out-of-control. [53%](#) of US adults have been cyberbullied or harassed. [90%](#) of U.S. organizations have been compromised by a cyberattack. [78%](#) of U.S. organizations have suffered from [ransomware](#).

D. Unilateral cyber-surrender of America's sovereign borders is an epic national security failure.

1. America, Americans, and minors are less secure, safe, and protected. Now many Americans are [victimized](#) by **foreign-based and sponsored**, cyberattacks, cyberbullying, or cybercrime.
2. In 1996, Section 230 surrendered America's [sovereignty](#) and [government authority](#) online. Since then, this reckless policy of absolutist free flow of data into the U.S. has de facto aided and abetted the attacks of our top adversaries [China](#), [Russia](#), and [cybercriminals](#), with [impunity](#). At will, [China](#) has [stolen](#) countless U.S. national [security](#) and trade [secrets](#). And Russia has [disrupted](#) America at will via rampant [ransomware](#), [cybercrime](#), and election [interference](#).
3. Online, no one and nothing in America is safe or secure because there are minimal market forces or government requirements to be safe and secure. That's why the [NSA](#), [CIA](#), [DOD](#), [DOJ](#), [DHS](#), [OPM](#), [White House](#), [Google](#), [Facebook](#), [Amazon](#), [Apple](#), [Microsoft](#), [et al](#) have all been hacked; and hackers can hack [planes](#) in flight, [vehicles](#) on the road, and [ships](#) at sea.



- E. Forfeited United States of America unity** to Section 230’s Divided States of America disunity.
1. [Section 230](#) imposes a divisive double standard for legal/illegal conduct, i.e., government authority and accountability offline, but ~none online. This is a self-defeating and counter-productive, chaotic policy of constant rule-of-law vs. rule-of-code disputes and disunion.
 2. Section 230’s unaccountability policy has facilitated an Internet extreme machine that wrongfully and needlessly [incites polarization, division, hate, rage, and violence](#).
 3. Consider the results of this disunion law and policy. Social media [polarizes](#) Americans. From 2000 to 2020, republican and democrat partisanship skyrocketed 160% [per](#) Pew Research.
- F. Denies direct democracy** so Section 230 can empower oligarchic social media minority rule.
1. **Unreasonable empowerment.** Congress has [unreasonably empowered](#) random unvetted private actors with unfettered intermediary impunity to mediate and meddle with all of Americans’ online interactions and interrelationships arbitrarily and self-servingly for profit, politics, power, surveillance, influence, and dominance, with no responsibility, accountability, or liability.
 2. **Commercial disintermediation.** Section 230’s commercial disintermediation of democracy, empowers social media to dominate, commercialize, corrupt, and control most voter outreach, public discourse, advertising, fundraising, campaigns, primaries, and elections.
 3. **Indirection impunity.** Section 230’s de facto indirection impunity empowers a social media oligarchy to operate above the law, as black-box biased brokers, meddling middlemen, extreme eavesdroppers, gatekeeper grifters, and tollkeeper troublemakers.
 4. **Interception, interference, interjection, and interruption Impunity.** Unreasonable, commercial disintermediation, and indirection impunity, allow a black box, oligarchic social media minority rule and deny direct democracy and its many interrelationships, interrelations, interactions, and intercessions. With Section 230 inter-impunity social media could:
 - Intercept personal info and campaign secrets, lists, itineraries, intelligence, proprietary data.
 - Interfere with direct campaign organizing, messaging, and candidate-voter relations.
 - Interject their partial influence over fake news/deepfakes, negative ads & viral vilifications.
 - Interrupt what they disagree with, and rallies, debates, candidates, parties, and positions.
 - Intercede with interest groups, influencers, government, congress, officials, and courts.
- G. Subverts defense of U.S. Constitution from all enemies**, an existential threat to U.S. democracy.
1. Section 230’s main [precedent, Zeran v. AOL](#), is a fraudulent precedent that has [defrauded](#) and weakened much of the U.S. Constitutional system online. It has de facto [unconstitutionally](#) legislated: a bogus absolutist problem that common law justice threatens free speech online; a bogus purpose of ensuring absolutist “*unfettered speech*” online;” the bogus absolutist “*immediate comprehensive effect*” and scope of Section 230 online, and the bogus task of imposing absolutist [tech-tort reform](#).
 2. Section 230 has also [subverted](#) the Constitution preamble’s six purposes: “*to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty...*”
- H. America has forfeited Truth in America** to Section 230’s liars license of “unfettered speech.”
1. Section 230’s main [precedent, Zeran v. AOL](#), has [proved a fraudulent precedent](#) and a ‘liars license’ that has severely damages any ‘truth’ online. It is grossly misrepresenting Congress’ intent and purpose as promoting “*unfettered speech*” when the Telecommunications Act of

1996 that made Section 230 law never used these words: “speech,” “freedom,” “freedom of speech,” “freedom of expression,” “First Amendment,” “Internet speech,” “immunity,” “immunize,” or “intermediary.”

2. Today, Congress’ Section 230 [precedents](#) disenfranchise the civil judiciary’s adjudication of Internet illegal conduct cases to legitimately determine truth vs. lies, fake vs. authentic, fair vs. unfair, and legal vs. illegal. That’s because it preempts normal testimony under oath at risk of perjury, “*to tell the truth, the whole truth and nothing but the truth.*”
3. U.S. Internet unaccountability policy is a liars license of no truth, facts, trust, belief, faith, values, mores, or standards, which corrupts trust, honesty, integrity, sworn oaths, morals, and ethics.

I. Americans have lost trust in America and institutions.

1. Americans’ [trust](#) in honesty, truth, and elections has declined [per](#) Pew Research. Americans’ average confidence in major U.S. institutions has fallen 33% from 2000-2021, [per](#) Gallup.
2. Americans’ trust in the branches of Government has fallen during the smartphone/social media era 2009-2022. Trust in the judiciary is down 40% from 76% to 47%; the executive branch is down 30% from 61% to 43%; and Congress is down 15% from 45% to 38% [per](#) Gallup 2022.

J. Americans have lost their inalienable rights to liberty/equality to anti-democracy usurpations.

1. [Less free](#) with [no rights](#), no freedom from harm, no recourse or access to justice online.
2. [Less equal](#) as some Internet elites have the privilege/power of impunity over everyone else.

K. Americans lost all their privacy to Section 230 enabling consentless advertising surveillances.

1. Prior to 1996, Americans had a well-established, offline right to privacy based on the Fourth Amendment and federal privacy statutes passed in [1974](#), [1974](#), [1978](#), [1984](#), [1986](#), [1988](#), [1994](#), and [1996](#). Now most know they have lost their privacy online and want it back [per Pew Research](#).
2. Lose your privacy, lose your inalienable right to security to stay alive. Why? Privacy is integral to the natural human need for self-preservation. Privacy is akin to being able to hide from potential predatory harm. Without privacy, one can’t protect one’s security, identity, reputation, or dignity. No privacy makes people vulnerable prey to predators.

L. Americans lost ‘we the people’ humanity to Section 230’s demeaning intermediary impunity.

1. Humans enjoy liberty and rights, things do not. Offline a person is a living being: human, individual, citizen, voter, customer, or adult/minor with liberty. However, online a person tellingly is not a living thing: they are data, a user, a product, or an avatar without liberty.
2. People have lost their humanity online. Online we’re dehumanized inanimate data products, commercial chattel that’s bought and sold with impunity by [data brokers](#), without meaningful consent, rights, or recourse.
3. Americans are consentless indentured servants online, disenfranchised commercial captives of unfair, [one-sided](#), legal terms, indentures, and market power. And minors are prey for predators of all kinds, neglected and devalued with shamefully minimal age-appropriate protections.

M. Americans have lost control of their destinies to Section 230’s special interest impunity destiny.

Lose your liberty, equality, [privacy](#), and humanity you lose your personal sovereignty to choose and [control](#) how you live your life. Online we no longer control our own destinies because [others](#) can largely control our virtual value, private data, and identity. And unfettered social media [monopolies](#) largely control what we find, believe, see, say, and share online.

IV. Forewarned is forearmed, conclusion and recommendation.

A. U.S. democracy can't survive if U.S. Internet policy/law can subvert it with impunity.

1. **Causation:** The Uncivil War problem isn't caused by the Internet. It's caused by out-of-control Section 230, U.S. Internet policy/law. Public policy's purpose is promoting outcomes. No other causal factor is as similar in purpose, time, technology, ubiquity, scale, scope, and reach.
2. **Repeal is not regulation.** It is restoration of Constitution-limited government. Repeal of Section 230 removes the U.S. Internet as a space free from U.S. Constitutional sovereignty, Bill of Rights, rule of law, and a duty of care. It allows the laws of the nation to apply to the U.S. Internet, thus subjecting all players to the appropriate governing and civil authorities.
3. **Repeal ends special partial treatment online.** Repeal will pave the way for the same rules and rights everyone holds offline to be upheld online. Those acting illegally online are held accountable just as those acting illegally offline are. Unprotected speech offline is unprotected speech online. Repeal is the only way to restore offline online "[*Equal justice under law.*](#)"
4. **Repeal restores government** "*of the people, by the people, for the people,*" and majority rule.

B. Repeal promotes purposeful and intentional consequences.

1. **No one or nothing is above the law.** Repeal ends any notion that the U.S. Internet is separate from America. It will intentionally restore the ideal that no one or nothing is above the law or outside governing authorities and a civil duty of care in America.

Only repeal is symmetric and holistic. [Repeal](#) is the only holistic solution that ends the harms promoted and incited by Section 230's unaccountabilities and impunity. Only [repeal](#) can symmetrically resolve all Section 230-caused problems. Without repeal, no one gets any relief from [all the problems](#) that Section 230 causes.

Restores what's been taken away. Only repeal can restore what Congress unwittingly took away in [1996](#) Internet policy and law -- sovereignty, constitutional authority, rule-of-law, duty of care, and access to justice over the U.S. Internet.

Goes from not having to having rights. Only repeal enables Americans to go from not having, to having, rights, recourse, and access to justice online. U.S. policy would flip from protecting technology from people, to protecting people from technology; and social media and Internet technology would go from not being subject, to being subject, to rule-of-law and a duty-of-care like everyone else.

Keeps good fixes bad. Only repeal keeps the Internet good (legal conduct) and fixes the Internet bad (illegal conduct.)

Practically repeal would mean: Same rules and rights offline/online. Illegal offline is illegal online. Equal justice under law.

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