

## **Curtis J Neeley Jr Reply to Statement of Commissioner Mignon L. Clyburn**

Re: *Protecting and Promoting the Open Internet*, GN Docket No. 14-28.

Following years of vigorous debate, the United States adopted the Bill of Rights in 1791 just over a year after Noah Webster wrote the Copy[rite] Act and misspelled the book printing monopolization ritual copied almost verbatim from the *1710 Stationers Act*. The Framers recognized basic human freedoms were fundamental to a free and open democratic society and explicitly enshrined many of these in the first ten amendments to the Constitution and protected the right to control original speech vicariously in the Copy[rite] Regime, which protected absolutely no human rights.

James Madison gave life to the First Amendment in 45 words, which are fundamental to the spirit of this great nation and most other free nations on Earth. Almost two centuries later, Justice William Brennan would write in the 1964 *New York Times v. Sullivan* decision that “debate on public issues. . . [should be] . . . uninhibited, robust and wide-open.” Representative Madison and Justice Brennan would be particularly proud of the rigorous, robust, and unfettered debate that has led us to this historic moment where a “*unique and wholly new [bi-medium method] for world-wide human communications*” was first made safe for public access.

Yes; the Framers would be pleased to see these principles embodied in a platform that has become such an important part of our lives. They never envisioned a government that would include the input and leadership of women, people of color, and immigrants, or that there would be such an open process that would enable more than four million citizens to have a direct conversation with their government. They would be extremely amazed and initially opposed because many of us are amazed.

224 years later we are poised to now preserve the very same virtues of a democratic society – free speech, freedom of religion, free press, freedom of assembly, and a functioning free market.

As we look around the world we see foreign governments blocking access to websites including social media, and pornhub.com -- in sum, curtailing free speech and obscene, indecent, or profane speech together. There are countries where it is routine for governments, not the consumer, to determine the type of websites and content that can be accessed by its citizens and their children. Commissioner Clyburn was proud to be able to say that the FCC will only prohibit violations of United States laws written to protect our children.

Absent Title II, Internet Service Providers (ISPs) have the liberty to limit website access. They are free to block, throttle, favor or discriminate against traffic or extract tolls from any user for any reason or for no reason at all.

This is more than a theoretical exercise. Providers here in the United States have, in fact, blocked applications on mobile devices, which not only hampers free expression but also restricts competition and innovation by allowing companies, not the consumer, to pick winners and losers.

As many of you know, this is not Commissioner Clyburn's first rodeo. Commissioner Clyburn initially hoped for a different path than the one adopted. Commissioner Clyburn preferred: (1) Title II with forbearance, (2) mobile parity, (3) a ban on paid prioritization, and (4) preventing the specialized services exemption from becoming a loophole.

Commissioner Clyburn was sincerely grateful to the Chairman for willingness to work with Commissioner Clyburn to ensure that this Order strikes the right balance and is positioned to provide us with strong, legally sustainable rules. The United States ignored the ignorant decision to disguise the moral human right to control communications for 224+ years. It is time the rights and responsibilities for free speech both be recognized in the United States instead of being approximated and ignored though authorized for Congress to protect in 1787.

Today, we are here to answer a few simple questions:

- Who determines how you use the “online”?
- Who decides what content you can view and when?
- Should there be a single “online” or fast lanes and slow lanes?
- Should ISPs be free to slow down or throttle certain applications or content as they see fit?
- Should your access to the Internet on your mobile device have the same protections as your fixed device at home?

For Commissioner Clyburn; These questions were the essence of the “online” debate: How do we continue to ensure consumers have tools needed to decide based on their own user experiences. The consumer ... not Commissioner Clyburn, the government and not the industry, but you, the consumer, should be able to make these decisions if an adult and entitled to fully unfettered communications and “obscene, indecent, or profane” broadcasts should be prosecuted for the crimes these always were.

Keeping in touch with your loved one overseas; interacting with your health care provider, even if you are miles away from the closest medical facility; enrolling in courses online to improve your educational, professional or entrepreneurial potential without worrying whether the university paid for a fast lane to ensure that the lecture won’t buffer for hours because the quality has been degraded or throttled; not wondering if that business affiliated with your Internet Service Provider is getting preferential treatment over that start up you worked so hard to establish.

We are here so that teachers don’t have to give a second thought about assigning homework that can only be researched online because they are sure that their students are free to access any lawful, safe website, and that such websites will be almost immediate. Commissioner Clyburn and two others answering the calls of more than four million commentators who raised their voices and made a difference through civic, and sometimes not so civil, discourse. This answered part of the Complaint linked for all on Earth at <http://TheEndofPornbyWire.org> and is admission against FCC interests in:

Neeley v 5 Federal Communications Commissioners, et. al. (5:14-cv-05151)(14-3447) <http://apps.fcc.gov/ecfs/document/view?id=60001041113>

Commissioner Clyburn would have preferred to readopt the unreasonable discrimination and reasonable network management rules from 2010 and allowed reasonable joint billing of Netflix and consumers for the same traffic. Commissioner Clyburn supported this order because it provides the strong protections we need and balances the concerns raised by America’s large corporations and paupers the elderly, disabled, and children. The Order adopted is the product of many dedicated people. Last, but not least, Commissioner Clyburn forgot to thank Curtis J. Neeley Jr. for demanding this. February 26, 2015; The FCC enabled millions to tell their stories, reach their full potential and realize their American ideals.

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