

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neglected to: protect Americans and minors from online crimes and harms; provide normal policy oversight; and update outdated Internet policy, as other major nations have.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.)

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